

*Draft Order laid before Parliament under section 1(6) of the Industrial Organisation and  
Development Act 1947, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**INDUSTRIAL ORGANISATION  
AND DEVELOPMENT**

**The Horticultural Development  
Council (Amendment) Order 2003**

*Made* - - - - *2003*  
*Coming into force* - - *1st April 2003*

The Secretary of State and the National Assembly for Wales, acting concurrently, in exercise of the powers conferred by sections 1 to 4, 6, 8(1) and 14(2) of the Industrial Organisation and Development Act 1947(1), and now vested in them(2), and with the consent of the Scottish Ministers(3), and after consultation, in accordance with section 8(1) of the said Act, with the Horticultural Development Council and with organisations appearing to them to be representative of substantial numbers of persons carrying on business in the horticultural industry and with such organisations representative of persons employed in that industry as appear to them to be appropriate, and having satisfied themselves (as required by section 4(3) of the said Act) that the incidence of charges as between different classes of undertakings in that industry will be in accordance with a fair principle, make the following Order a draft of which has been laid before and approved by a resolution of each House of Parliament—

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- (1) 1947 c. 40: section 4 was modified, in the case of any development council order relating to agriculture, by section 60 of the Agriculture Act 1993 (c. 37).
- (2) In respect of the Secretary of State, by virtue of S.I.1955/554, 1978/272, 1999/672, 1999/3141 and 2002/794; in respect of the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the 1999 Order”), in so far as they are exercisable in relation to Wales. The Horticultural Development Council is a cross-border body as defined in Schedule 3, paragraph 3(2), to the Government of Wales Act 1998 (c. 38). By virtue of article 2(c) of the 1999 Order, functions under the Industrial Organisation and Development Act 1947 which are exercisable in relation to a cross-border body, and which cannot be specifically exercised in relation to Wales, are exercisable by the National Assembly for Wales in relation to that body concurrently with the specified Minister of the Crown.
- (3) By the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319), made under section 88(5) of the Scotland Act 1998 (c. 46), the Horticultural Development Council was specified as a cross-border public authority for the purposes of that Act. By article 3 of, and paragraph 3 of Schedule 14 to, the Scotland Act 1998 (Cross-Border Public Authorities)(Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747) it was provided, in respect of any function exercisable by a Minister of the Crown under the Industrial Organisation and Development Act 1947 to modify the Horticultural Development Council Order 1986 (S.I. 1986/1110), that the Secretary of State for Scotland should cease to be such a Minister of the Crown, and that any such function should now be exercisable only with the consent of the Scottish Ministers.