

Amendment of the Agriculture and Horticulture Development Board Order 2008

2.—(1) The Agriculture and Horticulture Development Board Order 2008(a) is amended as follows.

- (2) In article 2(2) (scope), for the definition of “horticulture industry” substitute—
- ““horticulture industry” means the growing by way of business of—
- (a) protected vegetables, herbs and leafy salads grown in glasshouse systems and indoors;
 - (b) field vegetables grown outdoors, including vegetables, herbs, leafy salads but not including potatoes;
 - (c) soft fruit grown outdoors or under cover and indoors;
 - (d) trees that bear fruit;
 - (e) vines and bines;
 - (f) mushrooms;
 - (g) bulbs and cut flowers grown outdoors and indoors;
 - (h) pot plants, including seasonal bedding plants;
 - (i) hardy ornamental nursery stock, including Christmas trees; and
 - (j) trees and saplings in tree and forest nurseries;”.
- (3) In article 6(1) (levies), for “this Order” substitute “article 2(1)(a), (b), (d) and (e)”.
- (4) For article 8 (charges for services) substitute—

“Charges for services

8.—(1) Subject to paragraph (2), the Agriculture and Horticulture Development Board (“the Board”), or any subsidiary company, may make such charges for the services provided in the exercise of its functions specified in Schedule 1 to any industry covered by this Order as appear to the Board or subsidiary company to be reasonable.

(2) Any charges made under paragraph (1) must relate to costs of services provided in the exercise of functions specified in Schedule 1 which are—

- (a) incurred by the Board or any subsidiary company; and
- (b) not met from a levy imposed under article 6(1).”.

- (5) In article 11 (ballots)—
- (a) for paragraph (1) substitute—

“(1) For each industry for which there is a levy in place under article 6, the Agriculture and Horticulture Development Board—

 - (a) must hold a vote at least once every five years on proposals as to how the levy will be spent;
 - (b) may hold a ballot at any time on whether or not a levy should continue (“levy continuation ballot”).”;
 - (b) in paragraph (2), for “do so” substitute “hold a levy continuation ballot”;
 - (c) for paragraph (3) substitute—

“(3) It must hold a levy continuation ballot if, within a three month period, it receives from 5% or more of persons entitled to vote in such a ballot a signed request or requests for such a ballot”;
 - (d) in paragraph (5), for “ballots” substitute “a levy continuation ballot”;
 - (e) omit paragraph (6);

(a) S.I. 2008/576 to which there are amendments not relevant to this Order.

(f) in paragraph (7), for “ballot” substitute “levy continuation ballot”.

(6) In the table in article 12(1) (who can vote), omit the entries relating to “horticulture” and “potato”.

(7) In Schedule 3 (levies), omit Parts 4 (horticulture) and 6 (potatoes).

	<i>Name</i>
	Secretary of State
Date	Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends the Agriculture and Horticulture Development Board Order 2008 (S.I. 2008/576) (“the Order”) which establishes the Agriculture and Horticulture Development Board (“the Board”).

Paragraphs (3) and (7) remove the ability of the Board to impose levies on the horticulture and potato industries in Great Britain. As a consequence, paragraph (2) prescribes a new definition of “horticulture industry” for the purposes of the functions of the Board under the Order apart from the function of imposing levies. Paragraph (6) makes a consequential amendment.

Paragraph (4) allows the Board to make charges for the services specified in Schedule 1 to the Order but not for services the cost of which is met from levies under article 6 of the Order.

Paragraph (5) requires the Board to hold a vote at least once every 5 years on proposals as to how any levy is to be spent. It also makes consequential amendments about ballots on the continuation of levies imposed by virtue of the Order.

A full impact assessment has not been produced for this instrument as it is not required under the regulatory provisions of the Small Business, Enterprise and Employment Act 2015.

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