

1972 No. 1578

AGRICULTURE

**The Intervention Board for Agricultural Produce
Order 1972**
Made - - - - 23rd October 1972*Laid before Parliament* 31st October 1972*Coming into Operation* 22nd November 1972

At the Court at Windsor Castle, the 23rd day of October 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas section 6(1) of the European Communities Act 1972(a) provides that there shall be a Board in charge of a government department, by the name of the Intervention Board for Agricultural Produce, and that the Board (in addition to any other functions that may be entrusted to it) shall be charged, subject to the direction and control of the Minister of Agriculture, Fisheries and Food, the Secretary of State for Wales and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly, with such functions as those Ministers (who are hereinafter referred to as the Ministers) may from time to time determine in connection with the carrying out of the obligations of the United Kingdom under the common agricultural policy of the European Economic Community:

And Whereas section 6(2) of the said Act enables Her Majesty by Order in Council to make further provision as to the constitution and membership of the Board, and the remuneration (including pensions) of members of the Board or any committee thereof, and for regulating or facilitating the discharge of the Board's functions, including provision for the Board to arrange for its functions to be performed by other bodies on its behalf and any such provision as was made by Schedule 1 to the Ministers of the Crown Act 1964(b) in relation to a Minister to whom that Schedule applied:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 6(2) of the European Communities Act 1972, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Intervention Board for Agricultural Produce Order 1972.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 22nd November 1972.

(a) 1972 c. 68.
(c) 1889 c. 63.

(b) 1964 c. 98.

2. The provisions of the Schedule to this Order shall have effect with respect to the Intervention Board for Agricultural Produce and its committees and the other matters there mentioned.

W. G. Agnew.

SCHEDULE

MEMBERS, COMMITTEES AND STAFF

1.—(1) The Intervention Board for Agricultural Produce shall consist of such number of members, appointed by the Ministers, as the Ministers may from time to time determine.

(2) The Ministers may appoint one member of the Board to be chairman, and another to be deputy chairman.

(3) Subject to the following sub-paragraphs and to paragraph 2 below, a member of the Board and the chairman and deputy chairman shall each hold and vacate office as such in accordance with the terms of his appointment.

(4) If the chairman or deputy chairman ceases to be a member of the Board, he shall also cease to be chairman or deputy chairman.

(5) A member of the Board may at any time, by notice in writing addressed to the Ministers or any of them, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.

2.—(1) Where a member of the Board has been appointed for a fixed term, and the Ministers are satisfied—

(a) that he has become bankrupt or made an arrangement with his creditors; or

(b) that he is incapacitated by physical or mental illness; or

(c) that he is otherwise unable or unfit to discharge the functions of a member;

the Ministers may declare his office as a member of the Board to be vacant, and shall notify the fact in such manner as the Ministers think fit; and thereupon the office shall become vacant.

(2) In the application of this paragraph to Scotland, for the references in head (a) of sub-paragraph (1) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

3.—(1) The Ministers may after consultation with the Board by direction establish one or more committees of the Board for the purpose of performing any of the functions of the Board specified in the direction or of advising the Board on any matters so specified.

(2) Any such committee shall consist of such number of members, appointed by the Ministers from among the members of the Board or otherwise, as the Ministers may from time to time determine.

(3) In relation to any such committee sub-paragraphs (2) to (5) of paragraph 1 above and paragraph 2 above shall apply as they apply in relation to the Board.

4.—(1) The Board shall pay to the members of the Board or any committee thereof such salaries or fees and allowances as may be determined by the Ministers with the approval of the Minister for the Civil Service.

(2) In the case of any such person who is or has been a member of the Board or any committee thereof as may be determined by the Ministers with the approval of the Minister for the Civil Service, the Board shall pay such pension,

allowance or gratuity to or in respect of him, or make such payments towards the provision of such a pension, allowance or gratuity, as may be so determined.

(3) Where a person ceases to be a member of the Board or any committee thereof otherwise than on the expiry of his term of office and it appears to the Ministers that there are special circumstances which make it right for that person to receive compensation, the Ministers may, with the approval of the Minister for the Civil Service, direct the Board to make to that person a payment of such amount as the Ministers may with that approval determine.

(4) As soon as practicable after the making of any determination under sub-paragraph (2) or (3) above, the Ministers shall lay a statement thereof before each House of Parliament.

5.—(1) The Ministers shall appoint a person to be Chief Executive of the Board, and the Board may appoint such other officers and servants as it may with the approval of the Ministers and the Minister for the Civil Service determine.

(2) The Chief Executive may be a member of the Board, but shall not also be chairman nor be paid as a member of the Board.

PROCEEDINGS

6.—(1) In the event of an equality of votes at any meeting of the Board or a committee thereof, the person who is chairman at that meeting shall have a second or casting vote.

(2) A member of the Board or of a committee thereof shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, disclose the nature of his interest at a meeting of the Board or committee as soon as possible after the relevant circumstances have come to his knowledge; and any disclosure made under this sub-paragraph shall be recorded in the minutes of the Board or committee, and the member shall not take part after the disclosure in any deliberation or decision of the Board or committee with respect to the contract (but may, nevertheless, be taken into account for the purpose of constituting a quorum of the Board or committee).

(3) Subject to sub-paragraphs (1) and (2) above, the Board may determine its own quorum and procedure and the quorum and procedure of any committee of the Board.

EXECUTION AND PROOF OF DOCUMENTS

7.—(1) The application of the seal of the Board shall be authenticated by the signature of a member of the Board, or of the Chief Executive or some person authorised by the Board to act on behalf of the Chief Executive.

(2) The seal of the Board shall be officially and judicially noticed and every document purporting to be an instrument made or issued by the Board and to be sealed with the seal of the Board authenticated as mentioned above, or signed by the Chief Executive or a person authorised by the Board to act on behalf of the Chief Executive, shall be received in evidence and be deemed to be such an instrument without further proof, unless the contrary is shown.

(3) The Documentary Evidence Act 1868(a), as amended by the Documentary Evidence Act 1882(b), shall apply to the Board as if the Board were included in the first column of the Schedule to the Documentary Evidence Act 1868, and any member of the Board or the Chief Executive or a person authorised by the Board to act on behalf of the Chief Executive were mentioned in the second column of the Schedule, and as if the regulations referred to in those Acts included any documents issued by the Board.

(a) 1868 c. 37.

(b) 1882 c. 9.

SUPPLEMENTARY

8. The Board may with the approval of the Ministers arrange for the performance of any of its functions by another body created by a statutory provision and concerned with agriculture or agricultural produce.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes further provision for the Intervention Board for Agricultural Produce set up by section 6 of the European Communities Act 1972. The detailed provisions are contained in the Schedule to the Order, paragraph 1 of which regulates the appointment of the chairman, deputy chairman and members of the Board. Paragraph 2 deals with the vacation of office of members of the Board in certain circumstances. Paragraph 3 provides for the establishment of committees of the Board.

The payment of salaries or fees and of allowances to Board and committee members is dealt with under paragraph 4, which also enables provision to be made for pensions, allowances and gratuities, and, in special circumstances, for compensation for loss of office.

Under paragraph 5 provision is made for a person to be appointed as Chief Executive of the Board.

Paragraph 6 regulates the proceedings of the Board and its committees, paragraph 7 makes provision for the execution and proof of documents issued by the Board, and paragraph 8 deals with the delegation of the Board's functions.

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