

1989 No. 2276

INDUSTRIAL ORGANISATION AND DEVELOPMENT

**The Apple and Pear Development Council (Dissolution)
Order 1989**

Made - - - - 1st December 1989

Coming into force in accordance with article 1

Whereas the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly have consulted the development council known as the Apple and Pear Development Council and the organisations appearing to them to be representative of substantial numbers of persons carrying on business in the industry of the growing of apples and pears in England and Wales for sale or for processing into an apple or pear product with a view to its sale by way of trade or business and the organisation representative of persons employed in those industries appearing to them to be appropriate:

Now, therefore, the Minister and the Secretary of State, acting jointly, in the exercise of the powers conferred by section 8 of the Industrial Organisation and Development Act 1947(a) and now vested in them(b) and all other powers enabling them in that behalf, hereby make the following Order a draft of which has been laid before and approved by resolution of each House of Parliament:-

Title and commencement

1. This Order may be cited as the Apple and Pear Development Council (Dissolution) Order 1989 and shall come into force on the seventh day after the day on which it is made.

Interpretation

2. In this Order, unless the context otherwise requires-

- “the Act” means the Industrial Organisation and Development Act 1947;
- “the Council” means the Apple and Pear Development Council established under the provisions of the principal Order;
- “the dissolution date” has the meaning given to it by article 3(1) of this Order;
- “the industry” has the meaning given to it in article 2 of the principal Order;
- “the Minister” means the Minister of Agriculture, Fisheries and Food; and
- “the principal Order” means the Apple and Pear Development Council Order 1986(c).

(a) 1947 c.40, which is to be read with section 40 of the Criminal Justice Act 1982 (c.48) and S.I. 1984/447.
(b) By virtue of S.I. 1978/272.
(c) S.I. 1986/1372.

Winding up of the Apple and Pear Development Council

3.—(1) On the day on which this Order comes into force (hereinafter referred to as “the dissolution date”), the property, rights and liabilities which immediately before that date were property, rights and liabilities of the Council shall, by virtue of this article, vest in the Minister of Agriculture, Fisheries and Food and the Council shall be dissolved.

(2) Any legal proceedings to which the Council are a party immediately before the dissolution of the Council may be continued after the dissolution by or in relation to the Minister.

(3) A requirement imposed by the Council under article 8 or 11(2) of the principal Order which remains unfulfilled on the dissolution date shall, as from that date, have effect as if the reference to the Council or any officer in relation to that requirement were a reference to the Minister.

Final accounts of the Council

4.—(1) The accounts of the Council shall be prepared for the period commencing on 1st August 1988 and terminating on 30th September 1989, which shall be the Council's last financial year, and shall be delivered to the Minister not later than the dissolution date.

(2) Special liquidation accounts, in such form as the Minister may direct, relating to the financial transactions of the Council between 30th September 1989 and the dissolution date shall be separately prepared by the Council and delivered to the Minister on the dissolution date.

Power to impose and recover charges and powers of the Minister

5.—(1) If the assets of the Council are insufficient to meet their liabilities and the expenses of the winding up, the Minister shall, for the purpose of making good the deficiency, have power to impose a charge or charges on those persons upon whom a charge may be imposed in the year 1st August 1988 to 31st July 1989 under article 9(1) of the principal Order.

(2) The provisions of articles 9, 11 and 12 of the principal Order shall apply in relation to any such charge, subject to the omission of paragraphs (1) and (4) of article 9 and the substitution for references in that article to the provisions of those paragraphs, of references to paragraph (1) of this article and the substitution for references in those articles to the Council, of references to the Minister.

(3) Charges imposed under paragraph (1) of this article shall be computed to yield, as near as possible, a sum equal to the amount by which the liabilities of the Council and the expenses of the winding up exceed the assets of the Council.

Surplus moneys and property

6. The Minister shall have power after the Council's dissolution to pay or give as the case may be any moneys or property which he is satisfied are not, and will not be, required for the purposes of meeting the liabilities of the Council and the expenses of the winding up for the purposes of establishing a new development council for the industry or for other purposes being purposes falling within Schedule 2 to the principal Order.

Settlement of the Council's debts and liabilities

7.—(1) Subject to paragraph (2) below every creditor shall notify the Minister of each of his debts or claims against the Council within three months of the dissolution date and shall give the Minister such further information relating thereto as he may reasonably require.

(2) Paragraph (1) above shall not apply to any debt or claim which is the subject of any legal proceedings which have been commenced against the Council prior to the dissolution date.

(3) Every creditor shall state in the notification given to the Minister in accordance with paragraph (1) above the amount of the debt or claim or, where the debt or claim is subject to a contingency or sounds in damages or bears no specific value, shall include in it as far as possible a just estimate of the debt or claim.

(4) The Minister may admit or reject each debt or claim notified to him in accordance with paragraph (1) above and shall notify the creditor in writing whether he admits or rejects it in whole or in part, and if he rejects it, shall state in the notification the grounds of the rejection.

Revocations

8. The Apple and Pear Development Council Order 1986 is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st December 1989.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Peter Walker
Secretary of State for Wales

30th November 1989

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the winding up and dissolution of the Apple and Pear Development Council (article 3), the preparation of final accounts of the Council (article 4) and the imposition and recovery of charges to meet the Council's liabilities and the expenses of the winding up (article 5). It further provides for the application of surplus moneys and property of the Council for specified purposes (article 6) and the revocation of the Apple and Pear Development Council Order 1986.

90p net

ISBN 0 11 098276 2

Printed in the United Kingdom for Her Majesty's Stationery Office

845/WO 1969 C13 12/89 452/1 9385/8351/6683 46341