
STATUTORY INSTRUMENTS

2000 No. 1975

**INDUSTRIAL ORGANISATION
AND DEVELOPMENT**

**The Horticultural Development
Council (Amendment) Order 2000**

Approved by both Houses of Parliament

Made - - - - 19th July 2000

Coming into force - - 1st October 2000

The Minister of Agriculture, Fisheries and Food and the National Assembly for Wales, acting concurrently, in exercise of the powers conferred by sections 1, 4 and 8 of the Industrial Organisation and Development Act 1947⁽¹⁾, and now vested in them⁽²⁾, and of all other powers enabling them in that behalf, 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, in accordance with sections 1(3) and 8(1) of the said Act, 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 the charges as between different classes of undertakings in that industry will be in accordance with a fair principle, hereby 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 Minister of Agriculture, Fisheries and Food, by virtue of S.I. 1955/554, 1978/272, 1999/672, 3141; 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 s. 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.

Title and commencement

1. This Order may be cited as the Horticultural Development Council (Amendment) Order 2000 and shall come into force on 1st October 2000.

Amendment of the Horticultural Development Council Order 1986

2. In the Horticultural Development Council Order 1986(4), in article 9 (charges for expenses)—
- (a) in paragraph (1), in sub-paragraph (b), for the number “7” there shall be substituted the number “15”;
 - (b) in paragraph (3), for the amount “£25,000” there shall be substituted the amount “£50,000”.

23rd June 2000

Joyce Quin
Minister of State, Ministry of Agriculture,
Fisheries and Food

Signed on behalf of the National Assembly for Wales:

19th July 2000

Elis-Thomas
Presiding Officer

We consent,

29th June 2000

Ross Finnie
A member of the Scottish Executive

(4) [S.I. 1986/1110](#); relevant amendment is [S.I. 1990/454](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 1st October 2000, further amends the Horticultural Development Council Order 1986 ([S.I. 1986/1110](#)) (“the principal Order”), by raising—

- (a) to 15 pence (formerly 7 pence) per litre of spawn purchased for use in compost during his relevant accounting year the maximum rate of levy capable of being charged on any mushroom grower under article 9(1)(b) of the principal Order (*article 2(a)*);
- (b) to £50,000 (formerly £25,000) the monetary threshold (in terms of sales in the relevant accounting year) below which any other grower is exempt from the charge levied by the Horticultural Development Council under article 9(1)(a) of the principal Order (*article 2(b)*).

A Regulatory Impact Assessment has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from the Horticulture and Potatoes Division of the Ministry of Agriculture, Fisheries and Food, Room 907, Eastbury House, 30-34 Albert Embankment, London SE1 7TL.