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STATUTORY INSTRUMENTS

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**2003 No. 908**

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

**Amendment of the principal Order**

7. In article 9 (charges for expenses)—

(a) there shall be substituted for paragraph (1) the following paragraph—

“(1) For the purposes of enabling it to meet its expenses in the exercise of its functions and its administrative expenses the Council may, with the approval of the Ministers and subject to paragraphs (2), (3) and (3A), impose—

(a) on each grower, other than an apple or pear grower or a mushroom grower, a charge for any levy period at a rate not exceeding 0.5 per cent of the value (excluding Value Added Tax) of his sales of horticultural produce during his relevant accounting year;

(b) on each apple or pear grower either—

(i) a charge for any levy period at a rate not exceeding £35 in respect of each hectare of land occupied by him during all or any part of that period for the purpose of business in the industry and planted with apple or pear trees, or

(ii) where the average density of planting on any land so occupied is less than 125 trees per hectare and the grower so elects, a charge for any levy period in respect of every 50 trees at the rate of two-fifths of the charge which would otherwise be imposed under paragraph (i) of this sub-paragraph; and

(c) on each mushroom grower a charge for any levy period at a rate not exceeding 15 pence per litre of spawn purchased for use in compost during his relevant accounting year.”;

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) For the purpose of calculating a charge imposed under paragraph (1)(b), headlands shall be included but fractions of less than one-tenth of a hectare or any remainder after the number of trees has been divided by 50 shall be ignored.”