

SCHEDULE 1 U.K.

Article 3(2)(d)

Functions of the Agriculture and Horticulture Development Board

1. Promoting or undertaking scientific research.
- 2.—(1) Promoting or undertaking inquiry—
  - (a) as to materials and equipment, and
  - (b) as to methods of production, management and labour utilisation.(2) Promoting or undertaking inquiry under sub-paragraph (1) includes promoting or undertaking—
  - (a) the discovery and development of—
    - (i) new materials, equipment and methods, and
    - (ii) improvements in those already in use,
  - (b) the assessment of the advantages of different alternatives, and
  - (c) the conduct of experimental establishments and of tests on a commercial scale.
3. Promoting the production and marketing of standard products.
4. Promoting the better definition of trade descriptions and consistency in the use of trade descriptions.
5. Developing, promoting, marketing or operating—
  - (a) standards relating to the quality of products, or
  - (b) systems for the classification of products.
6. Developing, reviewing or operating schemes for the certification of products or of operations connected with production or supply of products.
7. Undertaking the certification of products, the registration of certification trade marks, and the functions of proprietors of such marks.
8. Providing or promoting the provision of—
  - (a) training for persons engaged in or proposing to be engaged in the industry, and
  - (b) their education in subjects relevant to the industry.
- 9.—(1) Promoting—
  - (a) the adoption of measures for securing safer and better working conditions, and
  - (b) the provision and improvement of amenities for persons employed.(2) Promoting or undertaking inquiry as to measures for securing safer and better working conditions.
10. Promoting or undertaking research for improving arrangements for marketing and distributing products.
11. Promoting or undertaking research into matters relating to the consumption or use of goods and services supplied by the industry.
12. Promoting arrangements—
  - (a) for co-operative organisations,
  - (b) for supplying materials and equipment, and
  - (c) for marketing and distributing products.

**Changes to legislation:** There are currently no known outstanding effects for the The Agriculture and Horticulture Development Board Order 2008. (See end of Document for details)

13. Promoting the development of export trade, including promoting or undertaking arrangements for publicity overseas.

14. Promoting or undertaking arrangements for better acquainting the public in the United Kingdom with the goods and services supplied by the industry and methods of using them.

15. Promoting or undertaking the collection and formulation of statistics.

16. Advising on any matters relating to the industry (other than remuneration or conditions of employment) as to which the appropriate authority may request the Board to advise, and undertaking inquiry for the purpose of enabling it to advise on such matters.

17. Undertaking arrangements for making available information obtained, and for advising, on matters with which the Board is concerned in the exercise of any of its functions.

18. Engaging in any form of collaboration or co-operation with other persons in performing any of their functions.

19. Promoting or undertaking research into the incidence, prevention and cure of industrial diseases.

20. Promoting or undertaking arrangements for encouraging the entry of persons into the industry.

[<sup>F1</sup>21. Collecting, managing and making available information regarding the identification, movement and health of animals.

**Textual Amendments**

F1 Sch. 1 paras. 21, 22 inserted (12.1.2021) by [The Agriculture and Horticulture Development Board \(Amendment\) Order 2021 \(S.I. 2021/23\)](#), arts. 1(2), 2(2)

22. Allocating unique identification codes to the means of identifying animals in England and Wales.]

**Textual Amendments**

F1 Sch. 1 paras. 21, 22 inserted (12.1.2021) by [The Agriculture and Horticulture Development Board \(Amendment\) Order 2021 \(S.I. 2021/23\)](#), arts. 1(2), 2(2)

SCHEDULE 2 **U.K.**

Article 4

Constitution and proceedings of the Agriculture and Horticulture Development Board

**Procedure** **U.K.**

1.—(1) The Agriculture and Horticulture Development Board may determine its own procedure, and in particular it may—

- (a) determine a quorum;
- (b) appoint committees to advise it in the exercise of any of its functions; and
- (c) determine the quorum and procedure of those committees.

(2) Any committee may include members who are not members of the Board.

## Members' terms of office and removal from office **U.K.**

2.—(1) The term of office [<sup>F2</sup>of a Board member, including the chair,] may not exceed four years.

(2) A member may resign by giving written notice to the appropriate authority.

(3) The appropriate authority may remove a member who—

- (a) has been absent from meetings of the Board for a period of longer than 6 months without the permission of the Board,
- (b) becomes bankrupt or makes an arrangement with his creditors or (in Scotland) has his estate sequestrated, or
- (c) in the opinion of the appropriate authority has become unable, unfit or unsuitable to carry out his duties.

[<sup>F3</sup>(4) A person may be reappointed to a particular position on the Board once only (and subparagraph (1) applies in relation to that reappointment).]

(5) A member of the Board must immediately disclose any direct or indirect interest in any contract or other matter proposed or discussed by the Board.

(6) The disclosure must be recorded in the minutes of the Board, and that member shall not take part after the disclosure in any discussion or decision of the Board on that contract, but the member may, nevertheless, be taken into account for the purpose of constituting a quorum of the board.

### Textual Amendments

**F2** Words in Sch. 2 para. 2(1) substituted (14.10.2023) by [The Agriculture and Horticulture Development Board \(Amendment\) Order 2023 \(S.I. 2023/1055\)](#), arts. 1(1), **6(2)(a)**

**F3** Sch. 2 para. 2(4) substituted (14.10.2023) by [The Agriculture and Horticulture Development Board \(Amendment\) Order 2023 \(S.I. 2023/1055\)](#), arts. 1(1), **6(2)(b)**

## Voting etc. **U.K.**

3. Each member (including the chair) has one vote, and if a vote is tied the person who is chair of the meeting has a casting vote.

## Remuneration and allowances **U.K.**

4.—(1) The Board may pay to its members any expenses properly incurred by them in carrying out its business, and such remuneration and allowances as the appropriate authority determines.

(2) If—

- (a) a person ceases to be a member, and
- (b) it appears to the appropriate authority that there are special circumstances which make it appropriate for the person to receive compensation,

the appropriate authority may direct the board to pay the person such amount as the appropriate authority determines.

(3) The Board may pay to committee members any expenses properly incurred by them in carrying out its business, and such remuneration and allowances as may be determined by the appropriate authority.

**Changes to legislation:** There are currently no known outstanding effects for the The Agriculture and Horticulture Development Board Order 2008. (See end of Document for details)

**Employees U.K.**

5. The Board may appoint such employees as it determines, and may pay to them such remuneration and other allowances, and make such provision for pensions, as it determines.

SCHEDULE 3 U.K.

Article 6(1)

Levies

**PART 1 U.K.**

Introduction

**Subsidiary companies U.K.**

1. Where the Agriculture and Horticulture Development Board has established a subsidiary company for any of the activities specified in this Schedule, references to the Agriculture and Horticulture Development Board are references to that subsidiary company.

**Partnerships U.K.**

2. In this Schedule “person” includes a partnership.

**PART 2 U.K.**

Cattle, sheep and pigs

**Levy on cattle, sheep and pigs U.K.**

3.—(1) A person who is the occupier of a slaughterhouse (“the slaughterer”) must pay a levy on all cattle, sheep and pigs slaughtered.

(2) Any person who exports live cattle, sheep or pigs (“an exporter”) must pay a levy.

(3) The levy is based on the number of animals slaughtered or exported.

(4) The levy consists of two parts, the producer levy and the slaughter or export levy.

<sup>F4</sup>(5) .....

(6) If a slaughterer or exporter buys an animal for slaughter or export, he must deduct the producer levy from the price he pays, and hold it on trust for [<sup>F5</sup>the Agriculture and Horticulture Development Board].

(7) If a slaughterer slaughters an animal without buying it, he must charge the owner both the producer levy and the slaughter levy, and hold it on trust for the Board.

[<sup>F6</sup>(7A) The Board may reduce the levy that the slaughterer or exporter would otherwise be required to pay to the Board to cover the administrative costs of the slaughterer or exporter in administering the levy.]

(8) The maximum rate of levy is in accordance with the following table.

### Maximum levy for cattle, sheep and pigs

<i>Levy category</i>		<i>Maximum rate of levy per head (£)</i>
Cattle (except calves):	producer	5.25
	slaughterer	1.75
	exporter	1.75
Calves(a):	producer	0.50
	slaughterer	0.50
	exporter	0.50
Pigs:	producer	1.075
	slaughterer	0.275
	exporter	0.275
Sheep:	producer	[ <sup>F7</sup> 0.75]
	slaughterer	[ <sup>F8</sup> 0.25]
	exporter	[ <sup>F9</sup> 0.25]

(a) For these purposes a calf is an animal under six months old (in the case of an exported animal) or an animal with a dressed slaughter weight of less than 68 kg (in the case of slaughtered animal).

#### Textual Amendments

- F4** Sch. 3 para. 3(5) omitted (14.10.2023) by virtue of The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(2)(a)** (with art. 8(1))
- F5** Words in Sch. 3 para. 3(6) substituted (14.10.2023) by The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(2)(b)** (with art. 8(1))
- F6** Sch. 3 para. 3(7A) inserted (14.10.2023) by The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(2)(c)** (with art. 8(1))
- F7** Word in Sch. 3 para. 3(8) table substituted (14.10.2023) by The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(2)(d)(i)** (with art. 8(1))
- F8** Word in Sch. 3 para. 3(8) table substituted (14.10.2023) by The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(2)(d)(ii)** (with art. 8(1))
- F9** Word in Sch. 3 para. 3(8) table substituted (14.10.2023) by The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(2)(d)(iii)** (with art. 8(1))

#### Exceptions **U.K.**

4.—(1) Levy is not payable for animals imported [<sup>F10</sup>into the United Kingdom] and slaughtered within 3 months in the case of cattle and 2 months in the case of pigs or sheep.

(2) Levy is not payable if an animal is subject to compulsory slaughter or the entire carcass is declared unfit for human consumption by the official veterinarian.

#### Textual Amendments

**F10** Words in Sch. 3 para. 4(1) substituted (31.12.2020) by [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, **3(a)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Returns by a slaughterhouse occupier **U.K.**

5.—(1) An occupier of a slaughterhouse must notify the Agriculture and Horticulture Development Board, by the end of each Wednesday, of the number of animals subject to levy slaughtered in the previous week up to the end of Sunday, broken down into types of animal.

(2) If an occupier estimates that the total number of animals that will be slaughtered will be fewer than 25 each week, he may apply to the Board to be registered as a small operator; and if the Board agrees to so register him, he must notify the Board on or before the 15th day of each month of the number of animals subject to levy slaughtered in the previous month broken down into types of animal.

(3) Failure to notify in accordance with this paragraph is an offence.

#### Payment of the levy by slaughterhouse occupiers **U.K.**

6. An occupier must pay the levy due for animals slaughtered in any month within [<sup>F11</sup>the period of 30 days beginning with the date on which the invoice for the levy is issued].

#### Textual Amendments

**F11** Words in Sch. 3 para. 6 substituted (14.10.2023) by [The Agriculture and Horticulture Development Board \(Amendment\) Order 2023 \(S.I. 2023/1055\)](#), arts. 1(1), **7(3)** (with art. 8(2))

#### Returns and payment of the levy by exporters **U.K.**

7.—(1) An exporter must notify the Agriculture and Horticulture Development Board, within 30 days of the end of the month, of the number of animals exported in the previous month, and failure to do so is an offence.

(2) He must pay the levy [<sup>F12</sup>due for animals exported in that month within the period of 30 days beginning with the date on which the invoice for the levy is issued].

#### Textual Amendments

**F12** Words in Sch. 3 para. 7(2) substituted (14.10.2023) by [The Agriculture and Horticulture Development Board \(Amendment\) Order 2023 \(S.I. 2023/1055\)](#), arts. 1(1), **7(4)** (with art. 8(2))

#### Enforcement **U.K.**

8.—(1) A person appointed by the Agriculture and Horticulture Development Board may, on producing a duly authenticated document showing his authority if required, enter any slaughterhouse at any reasonable hour to check any records to ensure that the correct levy has been paid.

(2) It is an offence to obstruct any person acting under this paragraph or to fail to produce records on demand.

## PART 3 U.K.

### Cereal and oilseed

#### Levy on cereal and oilseed payable by buyers U.K.

**9.**—(1) Any person who buys cereal or oilseed grown in the United Kingdom from the grower must pay a levy.

(2) The levy is based on the weight bought.

[<sup>F13</sup>(3) In the case of cereal—

- (a) the levy consists of two parts, the cereal grower levy and the cereal buyer levy;
- (b) the buyer must deduct the cereal grower levy from the price paid and hold it on trust for the Agriculture and Horticulture Development Board; and
- (c) the Board may reduce the levy that the buyer would otherwise be required to pay to the Board to cover the administrative costs of the buyer in administering the levy.

(4) In the case of oilseed—

- (a) the levy consists of the oilseed grower levy;
- (b) the buyer must deduct the oilseed grower levy from the price paid and hold it on trust for the Board; and
- (c) the Board may reduce the levy that the buyer would otherwise be required to pay to the Board to cover the administrative costs of the buyer in administering the levy.]

(5) If the buyer is—

- (a) the appropriate authority; or
- (b) outside the United Kingdom (or, in the case of a company, registered outside the United Kingdom),

the grower must pay the levy to the Board himself, based on the weight sold.

#### Textual Amendments

**F13** Sch. 3 para. 9(3)(4) substituted (14.10.2023) by [The Agriculture and Horticulture Development Board \(Amendment\) Order 2023 \(S.I. 2023/1055\)](#), arts. 1(1), **7(5)** (with art. 8(3))

#### Levy on cereal payable by a processor U.K.

**10.**—(1) Any person who by way of business carries out an industrial process to cereal grown in the United Kingdom must pay a levy to the Agriculture and Horticulture Development Board.

(2) The levy is based on the weight of cereal to be processed.

(3) This paragraph does not apply in relation to cereal processed by or for the person who grew them.

#### Maximum rate of levy U.K.

**11.** The maximum rate of levy is in accordance with the following table.

### Maximum levy for cereal and oilseed

<i>Levy category</i>	<i>Maximum rate of levy (pence per tonne)</i>
Cereal grower	60
Cereal buyer	5
Cereal processor (feedingstuffs)(a)	6
Cereal processor (non-feedingstuffs)	12
Oilseed (grower)	98

(a) The feedingstuffs rate is payable in relation to cereal processed into animal feedingstuffs.

### Returns <sup>F14</sup> and payment of the levy] U.K.

12.—(1) Any person liable to pay <sup>F15</sup>a levy] relating to cereal to the Agriculture and Horticulture Development Board must notify it of the amount of cereal bought, processed or sold on which <sup>F15</sup>a levy] is due in each three month period ending 31st December, 31st March, 30th June and 30th September.

(2) Any person who has bought less than 250 tonnes of cereal in any year ending 30th June, or processed less than 1,000 tonnes in any year, may instead notify once a year the amount bought in that year.

(3) Any person liable to pay <sup>F16</sup>a levy] relating to oilseed must notify the Board of the amount of oilseed bought in the six month period ending 31st December and 30th June each year.

(4) That person must notify within 28 days of the end of any period referred to in subparagraph (1), (2) or (3), and failure to so is an offence.

<sup>F17</sup>(5) In each case, the levy is payable to the Board within the period of 30 days beginning with the date on which the invoice for the levy is issued.]

#### Textual Amendments

- F14** Words in Sch. 3 para. 12 heading inserted (14.10.2023) by The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(6)(a)** (with art. 8(4)(7))
- F15** Words in Sch. 3 para. 12(1) substituted (14.10.2023) by The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(6)(b)** (with art. 8(4)(7))
- F16** Words in Sch. 3 para. 12(3) substituted (14.10.2023) by The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(6)(b)** (with art. 8(4)(7))
- F17** Sch. 3 para. 12(5) substituted (14.10.2023) by The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(6)(c)** (with art. 8(4)(7))

### Weekly returns U.K.

13.—(1) If any person buys more than 1,000 tonnes of cereal grown in the United Kingdom in any year ending 30th June, he must in the following year make a written weekly return to the Agriculture and Horticulture Development Board in accordance with this paragraph, and failure to do so is an offence.

(2) Each return must show—

- (a) the amount in tonnes of cereal grown in the United Kingdom and bought by him in the previous week (ending on Friday), broken down by type of cereal; and



- (b) the prices paid.
- (3) The return must be submitted by the end of Thursday in the following week.
- (4) The Board must publish the mean average price of each type of cereal on a weekly, monthly and annual basis.

## <sup>F18</sup>**PART 4** **U.K.**

### Horticulture

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#### **Textual Amendments**

**F18** Sch. 3 Pt. 4 omitted (26.5.2022) by virtue of [The Agriculture and Horticulture Development Board \(Amendment\) Order 2022 \(S.I. 2022/577\)](#), arts. 1(1), 2(7)

## **PART 5** **U.K.**

### Milk

#### **Levies on milk** **U.K.**

- [<sup>F19</sup>21.—(1) A person who buys milk from a producer or is a direct seller of milk must pay a levy.
- (2) The levy consists of the milk producer levy.
  - (3) The levy is based on volume and the maximum levy is 0.08 pence per litre.
  - (4) In the case of a person who buys milk from a producer—
    - (a) the buyer must deduct the milk producer levy from the price paid and hold it on trust for the Agriculture and Horticulture Development Board; and
    - (b) the Board may reduce the levy that the buyer would otherwise be required to pay to the Board to cover the administrative costs of the buyer in administering the levy.
  - (5) In sub-paragraph (1), “direct seller of milk” means a milk producer who sells milk products or packaged milk made from milk produced on their own holding.]

#### **Textual Amendments**

**F19** Sch. 3 para. 21 substituted (14.10.2023) by [The Agriculture and Horticulture Development Board \(Amendment\) Order 2023 \(S.I. 2023/1055\)](#), arts. 1(1), 7(7) (with art. 8(5))

#### **Payment of the levy** **U.K.**

- 22.**—(1) At the end of every month a buyer of milk must notify to the Agriculture and Horticulture Development Board the amount of milk bought that month, and failure to do so is an offence.
- (2) A direct seller of milk must notify to the Board by 14th May each year the amount of milk produced on his holding in the previous year ending 1st April, and failure to do so is an offence.
  - (3) In both cases the levy is payable to the Board [<sup>F20</sup>within the period of 30 days beginning with the date on which the invoice for the levy is issued].

**Changes to legislation:** There are currently no known outstanding effects for the The Agriculture and Horticulture Development Board Order 2008. (See end of Document for details)

**Textual Amendments**

**F20** Words in Sch. 3 para. 22(3) substituted (14.10.2023) by The Agriculture and Horticulture Development Board (Amendment) Order 2023 (S.I. 2023/1055), arts. 1(1), **7(8)** (with art. 8(6))

**F21** **PART 6** **U.K.**

Potatoes

**Textual Amendments**

**F21** Sch. 3 Pt. 6 omitted (26.5.2022) by virtue of The Agriculture and Horticulture Development Board (Amendment) Order 2022 (S.I. 2022/577), arts. 1(1), **2(7)**

SCHEDULE 4 **U.K.**

Article 17

Provisions relating to the transfer

**Transfer of undertakings** **U.K.**

1.—(1) The whole of the undertakings of the dissolved bodies are transferred to the Agriculture and Horticulture Development Board.

(2) The Board has all rights and is subject to all liabilities that the dissolved body had or to which it was subject immediately before the transfer.

**Transfer of property, rights and undertakings** **U.K.**

2.—(1) All the property of the dissolved bodies is transferred to the Agriculture and Horticulture Development Board.

(2) For the avoidance of doubt it is declared that the transfer of an interest in land by virtue of this Order does not constitute either—

- (a) a purchase or creation of that interest for the purposes of section 30(2) of the Landlord and Tenant Act 1954 <sup>M1</sup> (which restricts a landlord's right to oppose an application for a new tenancy of business premises in certain cases); or
- (b) an assignment, transfer, devolution, parting with possession or other disposition of that interest for the purposes of any provision relating to assignment, transfer, devolution, parting with possession or other disposition contained in any instrument concerning that interest.

**Marginal Citations**

**M1** 1954 c. 56.

### Existing agreements **U.K.**

3.—(1) Every agreement, trust deed and other instrument to which the dissolved body was a party, whether in writing or not and whether or not of such nature that rights and liabilities under it could be assigned by the body, has effect as if—

- (a) the Agriculture and Horticulture Development Board had been a party to the agreement, trust deed or other instrument;
- (b) a reference to the dissolved body were a reference to the Agriculture and Horticulture Development Board;
- (c) a reference to an officer or employee of the body were, as respects anything falling to be done on or after the transfer, a reference to such person as the Agriculture and Horticulture Development Board may appoint or, in default of appointment, to the officer or employee of the Agriculture and Horticulture Development Board who corresponds as nearly as may be to the officer or employee of the dissolved body; and
- (d) any other reference to the undertaking of the dissolved body were a reference to so much of the undertaking of the Agriculture and Horticulture Development Board as corresponds to the undertaking of the body.

### Use of surplus **U.K.**

4. The Agriculture and Horticulture Development Board must use the surplus from each dissolved body for the purposes for which the body was established or for connected purposes; and “surplus” means the amount by which immediately before the transfer the assets of the body exceed its liabilities.

### Pension schemes **U.K.**

5.—(1) In this paragraph “existing scheme” means any pension scheme in relation to which a dissolved body is an employer or one of a number of employers.

(2) For the purposes of the Pension Schemes Act 1993<sup>M2</sup>, the Pensions Act 1995<sup>M3</sup>, Part 1 or section 33 of the Welfare Reform and Pensions Act 1999<sup>M4</sup> and the Pensions Act 2004<sup>M5</sup> and subordinate legislation made under those Acts the Agriculture and Horticulture Development Board shall be treated on and after the transfer as if it had at all material times been the employer in relation to any pension scheme in relation to which the dissolved body was an employer so that no employment cessation event shall occur or be deemed to occur on the transfer, and for the purpose of calculating the right to benefits under the pension scheme, service or employment with the dissolved body prior to the transfer shall be taken into account as if it were service or employment with the Agriculture and Horticulture Development Board, but the coming into force of this Order does not of itself give rise to any claim to benefit under any such scheme or operate to cause a member of it to become a member of another pension scheme.

(3) For the purpose of any provisions contained in any instrument affecting an existing scheme which has the effect of prohibiting or invalidating amendments of such instrument which would vary or conflict with the main objects or purposes of the scheme, any such admission, transfer of assets or assumption of liability as is referred to in this Schedule, whether effected by the powers conferred by this Schedule or otherwise, shall be deemed to be one of the main objects or purposes of such existing scheme.

#### Marginal Citations

**M2** 1993 c. 48.

**M3** 1995 c. 26.

**M4** 1999 c. 30.

**M5** 2004 c. 35.

### Contracts of employment **U.K.**

6.—(1) Except where objection is made under the following paragraph, the transfer does not operate so as to terminate the contract of employment of any person employed by a dissolved body and assigned to the Agriculture and Horticulture Development Board that would otherwise be terminated by the transfer, but the contract has effect after the transfer as if originally made between the employee and the Agriculture and Horticulture Development Board.

(2) In respect of a contract of employment that is transferred by this Order, any purported variation of the contract is void if the sole or principal reason for the variation is—

- (a) the transfer itself; or
- (b) a reason connected with the transfer that is not an economic, technical or organisational reason entailing changes in the workforce.

(3) This does not prevent the employer and employee from agreeing a variation of that contract if the sole or principal reason for the variation is—

- (a) a reason connected with the transfer that is an economic, technical or organisational reason entailing changes in the workforce; or
- (b) a reason unconnected with the transfer.

### Objection to transfer **U.K.**

7.—(1) This Schedule does not operate to transfer the contract of employment and the rights, powers, duties and liabilities under or in connection with it of an employee who informs a dissolved body that he objects to becoming employed by the Agriculture and Horticulture Development Board.

(2) Where an employee so objects, the transfer operates so as to terminate his contract of employment with the dissolved body but he shall not be treated, for any purpose, as having been dismissed by the dissolved body.

(3) Where the transfer involves or would involve a substantial change in working conditions to the material detriment of a person whose contract of employment is or would be transferred by this Schedule, the employee may treat the contract of employment as having been terminated, and the employee shall be treated for any purpose as having been dismissed by the dissolved body

(4) No damages are payable as a result of a dismissal falling within this paragraph in respect of any failure to pay wages to an employee in respect of a notice period which the employee has failed to work.

(5) This paragraph is without prejudice to any right of an employee arising apart from this Schedule to terminate his contract of employment without notice in acceptance of a repudiatory breach of contract by his employer

### Collective agreements **U.K.**

8. Where at the time of a relevant transfer there exists a collective agreement made by or on behalf of a dissolved body with a trade union recognised by that dissolved body in respect of any employee whose contract of employment is transferred by this Schedule, then—

- (a) that agreement, in its application in relation to the employee, shall, after the transfer, have effect as if made by the Agriculture and Horticulture Development Board or on behalf of the Agriculture and Horticulture Development Board with that trade union, and accordingly anything done under or in connection with it, in its application in relation to

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the employee, by or in relation to the dissolved body before the transfer, shall, after the transfer, be deemed to have been done by or in relation to the Agriculture and Horticulture Development Board; and

- (b) any order made in respect of that agreement, in its application in relation to the employee, shall, after the transfer, have effect as if the Agriculture and Horticulture Development Board were a party to the agreement.

**Legal proceedings and the payment of levy** U.K.

9.—(1) Where any right or liability becomes a right or liability of the Agriculture and Horticulture Development Board, the Agriculture and Horticulture Development Board has the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting, enforcing or resisting that right or liability as it would have had if it had been at all times a right or liability of the Agriculture and Horticulture Development Board, and any legal proceedings or applications to any authority pending immediately before the transfer by or against the body shall be continued by or against the Agriculture and Horticulture Development Board.

(2) All levy payable under legislation repealed or revoked by this Order and due immediately before the transfer is payable to the Agriculture and Horticulture Development Board, and the Agriculture and Horticulture Development Board may bring proceedings to recover that levy.

**Prosecutions** U.K.

10. The Agriculture and Horticulture Development Board may bring prosecutions under any enactments repealed or revoked by this Order for offences committed before the transfer, and in particular may bring prosecutions for matters arising out of the Cereals Marketing Act 1965 <sup>M6</sup> notwithstanding the restrictions on bringing prosecutions in section 22 of that Act.

<p><b>Marginal Citations</b></p> <p>M6 1965 c. 14.</p>
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SCHEDULE 5 U.K.

Article 18

Consequential amendments, transitional provisions, repeals and revocations

**Consequential amendments** U.K.

1. In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments etc subject to investigation), at the appropriate place insert— “Agriculture and Horticulture Development Board.”

2. In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), at the appropriate place insert—

“The Agriculture and Horticulture Development Board.”

3. In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), at the appropriate place insert—

“The Agriculture and Horticulture Development Board.”

<sup>F22</sup>4. ....

**Changes to legislation:** There are currently no known outstanding effects for the The Agriculture and Horticulture Development Board Order 2008. (See end of Document for details)

### Textual Amendments

**F22** Sch. 5 para. 4 repealed by 2010 c. 15 Sch. 27 Pt. 3 (as inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 3(3)(b), **Sch. 4**)

**5.** In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices: general), at the appropriate place insert—

“The Agriculture and Horticulture Development Board.”

### Transitional rates of levy on cereal **U.K.**

**6.** Notwithstanding the repeal of the Cereals Marketing Act 1965, the rate of levy payable until 30th June 2008 is in accordance with the following table.

<i>Levy category</i>	<i>Rate of levy (pence per tonne)</i>
Cereal grower	47
Cereal buyer	3.8775
Cereal processor (non-feedingstuffs)	9.6937
Cereal processor (feedingstuffs)	4.7
Oilseed (grower)	76.375

### Repeals and revocations **U.K.**

**7.** The following are repealed to the extent specified.

<i>Title</i>	<i>Extent of repeal</i>
Corn Returns Act 1882 (c.37)	The whole Act.
Corn Sales Act 1921 (c.35)	Section 2.
Agriculture (Miscellaneous Provisions) Act 1943 (c.16)	Schedule 3.
Cereals Marketing Act 1965 (c.14)	The whole Act.
Parliamentary Commissioner Act 1967 (c.13)	In Schedule 2, the entries relating to the British Potato Council, the Home-Grown Cereals Authority, the Horticultural Development Council, the Meat and Livestock Commission and the Milk Development Council.
Agriculture Act 1967 (c.22)	Sections 1 to 25. Schedules 1 and 2.
Agriculture Act 1970 (c.40)	Section 106(6). Section 108.
Superannuation Act 1972 (c.11)	In Schedule 4, the entry relating to the Meat and Livestock Commission.
Agriculture (Miscellaneous Provisions) Act 1972 (c.62)	Section 16.

House of Commons Disqualification Act 1975 (c.24)	In Schedule 1, in Part 2, the entry relating to the Meat and Livestock Commission, and, in Part 3, the entry relating to the chairman of the Home-Grown Cereals Authority.
Northern Ireland Assembly Disqualification Act 1975 (c.25)	In Part 2 of Schedule 1, the entry relating to the Home-Grown Cereals Authority.
Agriculture (Miscellaneous Provisions) Act 1976 (c.55)	Section 3. Schedule 1.
Race Relations Act 1976 (c.74)	In Part 2 of Schedule 1A, the entries relating to the British Potato Council, the Home-Grown Cereals Authority, the Meat and Livestock Commission and the Milk Development Council.
Animal Health Act 1981 (c.22)	In Schedule 5, paragraph 7.
Weights and Measures Act 1985(c.72)	In Schedule 12, paragraph 2.
Agriculture Act 1986 (c.49)	Sections 4 to 7. In Schedule 3, paragraph 2.
Trustee Act 2000 (c.29)	In Schedule 2, paragraphs 35 and 36.
Freedom of Information Act 2000 (c.36)	In Part 6 of Schedule 1, the entries relating to the British Potato Council, the Home-Grown Cereals Authority, the Horticultural Development Council, the Meat and Livestock Commission and the Milk Development Council.
Criminal Justice Act 2003 (c. 44)	In Schedule 26, paragraph 19. In Schedule 27, paragraph 2.

8. The following are revoked to the extent specified.

<i>Instrument revoked</i>	<i>Extent of revocation</i>
The Cereals Marketing Act 1965 (Amendment) Regulations 1977 (SI 1977/181)	The whole Regulations.
The Cereals Marketing Act 1965 (Amendment) Regulations 1979 (S. I. 1979/26)	The whole Regulations.
The Horticultural Development Council Order 1986 (S. I. 1986/1110)	The whole Order.
The Cereals Marketing Act (Application to Oilseeds) Order 1989 (SI 1989/1200)	The whole Order.
The Horticultural Development Council (Amendment) Order 1990 (S. I. 1990/454)	The whole Order.
The Companies Act 1989 (Eligibility for Appointment as Company Auditor) (Consequential Amendments) Regulations 1991 (S. I. 1991/1997)	Paragraphs 13 and 16 of the Schedule.
The Beef Carcase (Classification) Regulations 1991 (S. I. 1991/2242)	Regulation 10(12).

**Changes to legislation:** There are currently no known outstanding effects for the The Agriculture and Horticulture Development Board Order 2008. (See end of Document for details)

The Horticultural Development Council (Amendment) Order 1992 (S. I. 1992/1836)	The whole Order.
[ <sup>F23</sup> The Pig Carcase (Grading) Regulations 1994, [ <sup>F23</sup> Regulation 7(12).] (S. I. 1994/2155)]	
The Milk Development Council Order 1995 (S. I. 1995/356)	The whole Order.
The Deregulation (Corn Returns Act 1882) Order 1996 (S. I. 1996/848)	The whole Order.
The Potato Industry Development Council Order 1997 (S. I. 1997/266)	The whole Order.
The Potato Industry Development Council (Amendment) Order 1999 (S. I. 1999/1413)	The whole Order.
The Milk Development Council (Amendment) Order 2000 (S. I. 2000/878)	The whole Order.
The Horticultural Development Council (Amendment) Order 2000 (S. I. 2000/1975)	The whole Order.
The Race Relations Act 1976 (General Statutory Duty) Order 2001 (S. I. 2001/3457)	In the Schedule the entries for the British Potato Council, the Home-Grown Cereals Authority, the Meat and Livestock Commission and the Milk Development Council.
The Intervention Board for Agricultural Produce (Abolition) Regulations 2001 (S. I. 2001/3686)	Regulation 6(1).
The Horticultural Development Council (Amendment) Order 2002 (S. I. 2002/1676)	The whole Order.
The Potato Industry Development Council (Amendment) Order 2002 (S. I. 2002/3062)	The whole Order.
The Horticultural Development Council (Amendment) Order 2003 (S. I. 2003/908)	The whole Order.
The Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2003 (S. I. 2003/1326)	Articles 5 and 6.
The Milk Development Council (Amendment) Order 2004 (S. I. 2004/964)	The whole Order.
The Parliamentary Commissioner (No. 2) Order 2005 (S. I. 2005/3430)	In Schedule 2 the entries for the British Potato Council, the Home-Grown Cereals Authority, the Horticultural Development Council, the Meat and Livestock Commission and the Milk Development Council.

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**Changes to legislation:** There are currently no known outstanding effects for the *The Agriculture and Horticulture Development Board Order 2008*. (See end of Document for details)

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### Textual Amendments

- F23** Words in Sch. 5 para. 8 revoked (E.) (1.6.2010) by [The Beef and Pig Carcase Classification \(England\) Regulations 2010 \(S.I. 2010/1090\)](#), regs. 1, **4(f)(i)** and (W.) (1.9.2011) by virtue of [The Beef and Pig Carcase Classification \(Wales\) Regulations 2011 \(S.I. 2011/1826\)](#), regs. 1(2), **4(e)(i)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Agriculture and Horticulture Development Board Order 2008.