Draft Order laid before Parliament under section 97(8)(a) of the Natural Environment and Rural Communities Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No. 0000

AGRICULTURE

The Agriculture and Horticulture Development Board (Amendment) Order 2022

Made - - - -	***
Coming into force - -	***

The Secretary of State makes the following Order in exercise of the powers conferred by sections 87(1)(a), 88 and 97(1) of, and paragraphs 5 and 6 of Schedule 10 to, the Natural Environment and Rural Communities Act 2006(**1**).

As required by section 97(5) of that Act, the Secretary of State has consulted with such organisations as appear to the Secretary of State to be representative of interests substantially affected by this Order.

As required by section 96(1)(e) of that Act, the Secretary of State makes this Order with the approval of the relevant Northern Ireland Department(**2**); the Scottish Ministers (as required by section 96(4) of that Act, a draft of the Order has been laid before, and approved by a resolution of, the Scottish Parliament before the Scottish Ministers gave their approval); and the Welsh Ministers(**3**).

In accordance with section 97(8)(a) of that Act, a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Agriculture and Horticulture Development Board (Amendment) Order 2022 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

(**1**) 2006 c. 16 ("the Act"). The "appropriate authority" empowered to make an Order is defined in section 96(1) and in particular in paragraph (e) of that subsection. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers.

(**2**) The relevant Northern Ireland Department is the Department of Agriculture, Environment and Rural Affairs as renamed by section 1(2) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

(**3**) The functions of the National Assembly for Wales in section 96(1) are transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Amendment of the Agriculture and Horticulture Development Board Order 2008

2.—(1) The Agriculture and Horticulture Development Board Order 2008(**4**) is amended as follows.

(2) In article 2(2) (scope), for the definition of "horticulture industry" substitute—

""horticulture industry" means the growing by way of business of—

(a) protected vegetables, herbs and leafy salads grown in glasshouse systems and indoors;

(b) field vegetables grown outdoors, including vegetables, herbs, leafy salads but not including potatoes;

(c) soft fruit grown outdoors or under cover and indoors;

(d) trees that bear fruit;

(e) vines and bines;

(f) mushrooms;

(g) bulbs and cut flowers grown outdoors and indoors;

(h) pot plants, including seasonal bedding plants;

(i) hardy ornamental nursery stock, including Christmas trees; and

(j) trees and saplings in tree and forest nurseries;".

(3) In article 6(1) (levies), for "this Order" substitute "article 2(1)(a), (b), (d) and (e)".

(4) For article 8 (charges for services) substitute—

"**Charges for services**

8.—(1) Subject to paragraph (2), the Agriculture and Horticulture Development Board ("the Board"), or any subsidiary company, may make such charges for the services provided in the exercise of its functions specified in Schedule 1 to any industry covered by this Order as appear to the Board or subsidiary company to be reasonable.

(2) Any charges made under paragraph (1) must relate to costs of services provided in the exercise of functions specified in Schedule 1 which are—

(a) incurred by the Board or any subsidiary company; and

(b) not met from a levy imposed under article 6(1).".

(5) In article 11 (ballots)—

(a) for paragraph (1) substitute—

"(1) For each industry for which there is a levy in place under article 6, the Agriculture and Horticulture Development Board—

(a) must hold a vote at least once every five years on proposals as to how the levy will be spent;

(b) may hold a ballot at any time on whether or not a levy should continue ("levy continuation ballot").";

(b) in paragraph (2), for "do so" substitute "hold a levy continuation ballot";

(c) for paragraph (3) substitute—

"(3) It must hold a levy continuation ballot if, within a three month period, it receives from 5% or more of persons entitled to vote in such a ballot a signed request or requests for such a ballot";

(**4**) S.I. 2008/576 to which there are amendments not relevant to this Order.