Draft Order laid before Parliament under section 24(9) of the Legislative and Regulatory Reform Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

REGULATORY REFORM

The Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009

Made - - - -	*2009*
Coming into force - -	*1st October 2009*

The Minister for Communications, Technology and Broadcasting makes the following Order in exercise of the power conferred by section 24(2) of the Legislative and Regulatory Reform Act 2006(**1**).

In accordance with section 24(6) of that Act, the Minister has consulted the persons whose functions are specified in this Order and such other persons as the Minister considered appropriate.

In accordance with section 24(9) of that Act, a draft of this instrument was laid before Parliament and approved by resolution of each House of Parliament.

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009 and comes into force on 1st October 2009.

(2) In this Order, "the 2007 Order" means the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(**2**).

Amendment of the 2007 Order

2. The 2007 Order is amended as set out in the following articles.

3. In article 1(2), omit "and" at the end of paragraph (h) and at the end insert—

a county or county borough council in Wales;

(i) a fire and rescue authority in Wales (not being a county or county borough council); and

(j) a port health authority in Wales (not being a county or county borough council);

(**1**) 2006 (c.51).
(**2**) S.I. 2007/3544.

"local authority in Scotland" means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994(**3**);

"local authority in Northern Ireland" means a district council constituted under section 1 of the Local Government Act (Northern Ireland) 1972(**4**);

"private sector bodies" means bodies or persons other than the following bodies or persons—

(a) any Minister of the Crown, Government department or other emanation of the Crown;

(b) any local authority;

(c) the Greater London Authority;

(d) any body corporate whose members are appointed by a Minister of the Crown, a Government department, a local authority, the Greater London Authority, or by a body corporate whose members are so appointed;

(e) a company—

(i) a majority of whose issued shares are held by or on behalf of any of the bodies or persons falling within paragraphs (a) to (d) above;

(ii) in which the majority of the voting rights are held by or on behalf of any of those bodies or persons;

(iii) a majority of whose board of directors can be appointed or removed by any of those bodies or persons; or

(iv) in which the majority of the voting rights are controlled by any of those bodies or persons, pursuant to an agreement with other persons;

(f) a subsidiary of a company falling within paragraph (e) above;

"third sector bodies" means any organisations that exist wholly or mainly to provide benefits for society or the environment."

4.—(1) In Part 1 of the Schedule, omit the entry "A person authorised by the Secretary of State under section 245C of the Companies Act 1985 for the purposes of section 245B of that Act" and insert the following entries at the appropriate place—

"British Hallmarking Council(**5**)

"Coal Authority(**6**)

"Criminal Records Bureau(**7**)

"Guardians of the Standard of Wrought Plate in Birmingham (the Birmingham Assay Office)" and "Guardians of the Standard of Wrought Plate within the town of Sheffield (the Sheffield Assay Office)(**8**)

"Her Majesty's Revenue and Customs, so far as they relate to functions conferred by the Money Laundering Regulations 2007(**9**)

"Incorporation of Goldsmiths of the City of Edinburgh (the Edinburgh Assay Office)(**10**)

(**3**) 1994 (c.39).
(**4**) 1972 (c.9).
(**5**) see section 13 Hallmarking Act 1973 (c.43).
(**6**) see section 1 Coal Industry Act 1994 (c.21).
(**7**) see Part 5 Police Act 1997 (c.50).
(**8**) see section 22 Hallmarking Act 1973.
(**9**) S.I. 2007/2157.
(**10**) see section 22 Hallmarking Act 1973.

"Information Centre for Health and Social Care(**11**)

"Legal Services Board(**12**)

"Office for Tenants and Social Landlords(**13**)

"Office of the Renewable Fuels Agency(**14**)

"Postgraduate Medical Education and Training Board(**15**)

"Traffic Commissioners(**16**)

"Wardens and Commonalty of the Mystery of Goldsmiths of the City of London (the London Assay Office)(**17**)

"A professional body listed in Schedule 3 to the Money Laundering Regulations 2007",

"A person authorised by the Office for Tenants and Social Landlords to carry out functions pursuant to sections 201, 202, and 203 of the Housing and Regeneration Act 2008".

(2) After the last entry in Part 1 of the Schedule, insert—

"PART 1A

All the regulatory functions exercisable by the following bodies so far as relating to the regulation of private sector bodies or third sector bodies—

The Care Council for Wales, or Cygnor Gofal Cymru(**18**)

The Care Quality Commission(**19**)

The General Social Care Council(**20**)

The Office for Standards in Education, Children's Services and Skills(**21**)

(3) In Part 2 of the Schedule—

(a) under the heading "Agricultural wages" after the entry "Agricultural Wages Act 1948" insert "Hill Farm Allowance Regulations 2008(**22**)";

(b) under the heading "Agriculture"—

(i) omit the following entries—

"Beef Labelling (Enforcement) (England) Regulations 2000"

"Sheep and Goats (Records, Identification and Movement) (England) Order 2005"

"Council Regulation (EC) No. 1255/1999 on the common organisation of the market in milk and milk products"

"Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers"

(**11**) see regulation 3 of the Health and Social Care Information Centre (Establishment and Constitution) Order 2005 S.I. 2005/499.
(**12**) see section 2 Legal Services Act 2007 (c.29).
(**13**) see section 81 Housing and Regeneration Act 2008 (c.17).
(**14**) see article 6 of the Renewable Transport Fuel Obligations Order 2007 S.I. 2007/3072.
(**15**) see article 3 of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 S.I. 2003/1250.
(**16**) see section 120(1) of the Public Passenger Vehicles Act 1981 (c.14).
(**17**) see section 22 Hallmarking Act 1973.
(**18**) see section 54 Care Standards Act 2000 (c.14).
(**19**) see section 1 Health and Social Care Act 2008 (c.14).
(**20**) see section 54 Care Standards Act 2000.
(**21**) see section 112 of the Education and Inspections Act 2006 (c.40).
(**22**) S.I. 2008/51.

"Council Regulation (EC) No. 1788/2003 establishing a levy in the milk and milk products sector"

"Commission Regulation ECNo. 817/2004 laying down detailed rules for the application of Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)";

(ii) after the entry "Hill Farm Allowance Regulations 2007" insert—

"Sheep and Goats (Records, Identification and Movements) (England) Order 2007(**23**)

Beef and Veal Labelling Regulations 2008(**24**)

(iii) after the last entry insert—

"Commission Regulation (EC) No. 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(**25**)

Council Regulation (EC) No. 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No. 1290/2005, (EC) No. 247/2006, (EC) No. 378/2007 and repealing Regulation (EC) No. 1782/2003(**26**)

(c) under the heading "Animal health and welfare"—

(i) omit the following entries—

"Protection of Animals Act 1911"

"BSE Monitoring (England) (Amendment) Regulations 2001"

"Bovine Products (Restriction on Placing on the Market) (England) (No. 2) Regulations 2005"

"Transmissible Spongiform Encephalopathies (No. 2) Regulations 2006"

"Eggs and Chicks (England) Regulations 2007"

"Veterinary Medicines Regulations 2007"

"Council Regulation (EEC) No. 2782/75 on the production and marketing of eggs for hatching and of farmyard poultry chicks"

"Commission Regulation (EEC) No. 1868/77 laying down detailed rules of application for Regulation (EEC) No. 2782/75"

"Council Regulation (EEC) No. 1907/90 on certain marketing standards of eggs"

"Commission Regulation (EC) No. 1084/2003 (concerning the examination of variations to the terms of a marketing authorisation for medicinal products for human use and veterinary medicinal products granted by a competent authority of a member State)"

"Commission Regulation (EC) No. 2295/2003 introducing detailed rules for implementing Council Regulation (EEC) No. 1907/90";

(**23**) S.I. 2007/3494.
(**24**) S.I. 2008/3252.
(**25**) OJ L 368, 23.12.2006, p.15.
(**26**) OJ L 30, 31.1.2009, p.16.

(ii) after the entry "Avian Influenza (Fees for the Licensed Vaccination of Birds) (England) Regulations 2007" insert—

"Bluetongue Regulations 2008(**27**)

Eggs and Chicks (England) Regulations 2008(**28**)

Transmissible Spongiform Encephalopathies (England) Regulations 2008(**29**)

Veterinary Medicines Regulations 2008(**30**)

(iii) after the entry "Council Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs" insert "Council Regulation (EC) No. 1028/2006 of 19 June 2006 on marketing standards for eggs(**31**)";

(iv) after the last entry insert—

"Commission Regulation (EC) No. 557/2007 of 23 May 2007 laying down detailed rules for implementing Council Regulation (EC) No. 1028/2006 on marketing standards for eggs(**32**)

Commission Regulation (EC) No. 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No. 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks(**33**)

Common Regulation (EC) No. 1234/2008 of 24 November 2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products (Text with EEA relevance)(**34**)

(d) in the heading "Companies", after the word "Companies", insert "and other businesses";

(e) under the heading "Companies" in the entry "Part 42 Companies Act 2006" for "Part" substitute "Parts 5, 41 and";

(f) under the heading "Fish and fisheries" omit the entry "Sea Fisheries Act 1868";

(g) under the heading "Food standards and safety" omit the entry "Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (England and Wales) Regulations 2005";

(h) under the heading "Horticulture"—

(i) omit the following entries—

"Regulation (EEC) No. 234/68 of the Council on the establishment of a common organisation of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage"

"Council Regulation (EC) No. 2200/96 on the common organization of the market in fruit and vegetables"

"Commission Regulation (EC) No. 1148/2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables"

(**27**) S.I. 2008/962.
(**28**) S.I. 2008/1718.
(**29**) S.I. 2008/1881.
(**30**) S.I. 2008/2297.
(**31**) OJ L 186 7.7.2006, p.1.
(**32**) OJ L 132, 24.5.2007, p.5.
(**33**) OJ L 168, 28.6.2008, p.5.
(**34**) OJ L 334, 12.12.2008, p.7.