Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2004 No. (N.I.)

NORTHERN IRELAND

The Agriculture (Northern Ireland) Order 2004

Made - - - - 2004
Coming into operation in accordance with Article 1(2) and (3)

At the Court at Buckingham Palace, the ** day of ** 2004

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Agriculture (Northern Ireland) Order 2004.

(2) The following provisions of this Order come into operation one month after the date on which this Order is made—

(a) this Part;

(b) Article 8 and Schedule 2;

(c) Part III;

(d) Article 12;

(e) paragraphs 1, 2 and 3 of Schedule 3, and Article 10(2) so far as relating thereto; and

(f) Article 13 and Schedule 4, so far as relating to the Queen's University of Belfast Act (Northern Ireland) 1928 (c. 21) and the Horticulture Act (Northern Ireland) 1966 (c. 15).

(3) The remaining provisions of this Order come into operation on such day or days as the Department may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

"agriculture" has the same meaning as in the Agriculture Act (Northern Ireland) 1949 (c. 2);

"the appointed day" means the day appointed under Article 1(3) for the coming into operation of Article 4;

"the Department" means the Department of Agriculture and Rural Development;

"government department" means a Northern Ireland department or a department of the Government of the United Kingdom;

"the Institute" has the meaning given by Article 3(1);

"statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

(3) Any power of giving directions or making determinations conferred by any provision of this Order includes power to vary or revoke any direction or determination given or made under that provision.

PART II

THE AGRI-FOOD AND BIOSCIENCES INSTITUTE

The Agri-food and Biosciences Institute

3.—(1) There shall be a body corporate to be known as the Agri-food and Biosciences Institute (in this Order referred to as "the Institute").

(2) The function of the Institute is to undertake scientific work in the fields of—

(a) agriculture;

(b) animal health and welfare;

(c) food;

(d) fisheries;

(e) forestry;

(f) the natural environment; and

(g) rural development and enterprise.

(3) In this Part references to scientific work are references to scientific work in any of those fields; and "scientific work" includes—

(a) research and development;

(b) the testing or analysis of any matter;

(c) the provision of advice and information on scientific matters; and

(d) the dissemination or application of the results of scientific research.

(4) The Department may by order amend paragraphs (2) and (3).

(5) Schedule 1 (which makes provision about the Institute) shall have effect.

Scientific work assigned by the Department

4.—(1) The Institute shall carry out such scientific work as may be assigned to it by the Department.

(2) Any scientific work carried out by the Institute by virtue of this Article is referred to in this Part as its "assigned work".

Commercial activities

5.—(1) In addition to its assigned work, the Institute may carry out any scientific work for any person (including the Department or any other government department) on such terms and conditions as may be agreed between the Institute and that person.

(2) Anything done by the Institute by virtue of this Article is referred to in this Part as its "commercial activities".

Programme of work and directions

6.—(1) The Institute and the Department—

(a) shall for each financial year agree a programme of the Institute's proposed activities in that year in carrying out its assigned work; and

(b) may by agreement at any time amend that programme;

and references below to the Institute's work programme for a financial year are references to the programme for that year as for the time being in force.

(2) As respects each financial year, it shall be the duty of the Institute—

(a) to carry out the assigned work in its work programme for that year in accordance with that programme; and

(b) not to undertake any commercial activities which would prejudice the carrying out of its work programme for that year.

(3) The functions of the Institute shall be exercised in accordance with such directions of a general or specific nature as the Department may give to the Institute in writing.

(4) But directions shall not be given in relation to any commercial activity of the Institute which would require the Institute to act in breach of any obligation owed to a person by virtue of an agreement under Article 5(1).

(5) Before giving any directions under paragraph (3), the Department shall consult the Institute.

(6) A transaction between a person and the Institute acting in purported exercise of its powers under this Order shall not be void by reason only that it was carried out in contravention of paragraph (2) or a direction given under paragraph (3), and such a person shall not be concerned to see or enquire whether—

(a) the Institute is complying with paragraph (2); or

(b) a direction under paragraph (3) has been given or complied with.

General powers of the Institute

7.—(1) The Institute may do anything which it thinks is—

(a) appropriate for facilitating; or

(b) incidental or conducive to,

the exercise of any of its functions.

(2) In particular the Institute may—

(a) acquire by agreement or dispose of land and other property;

(b) form or participate in the formation of companies;

(c) enter into arrangements with any other person for the carrying out by that other person of any assigned work of the Institute;

(d) co-operate and enter into arrangements with other persons or bodies engaged in scientific work (whether in Northern Ireland or elsewhere); and

(e) accept gifts, grants or other financial assistance in connection with its scientific work.

(3) But the Institute may not, except with the approval of the Department and the Department of Finance and Personnel—

(a) borrow money;

(b) dispose of land; or

(c) form or participate in the formation of companies.

(4) The Institute may not enter into any such arrangement as is mentioned in paragraph (2)(c) without the approval of the Department.

(5) An approval under this Article may be given subject to such terms and conditions as the Department or, as the case may be, the Department of Finance and Personnel thinks appropriate.

Transfer to the Institute of certain property, rights, liabilities and staff of Department

8. Schedule 2 (which makes provision for the transfer to the Institute of certain property, rights, liabilities and staff of the Department) shall have effect.

Power to dissolve the Institute

9.—(1) The Department may, by order made with the approval of the Department of Finance and Personnel, make provision for, and in connection with, the dissolution of the Institute.

(2) An order under paragraph (1) may—

(a) provide for the transfer of the functions, property, rights, liabilities and staff of the Institute to any other body or person;

(b) make such amendments or repeals in any statutory provision (including this Order) as appear to the Department to be necessary or expedient for giving full effect to the provisions of the order.

Dissolution of Agricultural Research Institute

10.—(1) On the appointed day the Agricultural Research Institute of Northern Ireland is dissolved.

(2) Schedule 3 (which makes provision for the transfer of the property, rights, liabilities and staff of the Agricultural Research Institute of Northern Ireland and contains other transitional provisions relating to the Institute) shall have effect.

PART III

EDUCATION AND RESEARCH IN AGRICULTURE AND RELATED SUBJECTS

Education and research in agriculture and related subjects

11.—(1) Section 2 of the Queen's University of Belfast Act (Northern Ireland) 1928 (c. 21) (which requires the payment to the governing body of the Queen's University of Belfast in respect of each financial year of sums for defraying certain costs of the Agricultural Faculty in that year) shall cease to have effect in relation to any financial year beginning after the coming into operation of this Article.

(2) Section 5 of the Agriculture Act (Northern Ireland) 1949 (c. 2) (provision for education and instruction and undertaking of research) is amended as follows.

(3) For subsections (1) to (2A) substitute—

"(1) The Department may provide, equip and maintain colleges and other institutions for the purpose of instructing persons in agriculture and related subjects.

(2) The Department may—

(a) provide instruction in agriculture and related subjects;

(b) arrange for the provision by others of such instruction;

and arrangements under paragraph (b) may include the provision by the Department of financial or other assistance.".

(4) For subsection (4) substitute—

"(4) The Department may—

(a) undertake research in agriculture and related subjects for such purposes as the Department thinks appropriate;

(b) assist such research in any manner it thinks fit, including by the provision of financial assistance.".

(5) At the end add—

"(5) In this section—

"financial assistance" means assistance by way of grants or loans on such conditions (including conditions as to repayment) as the Department may, with the approval of the Department of Finance and Personnel determine;

"related subjects" includes (in so far as they do not fall within the definition of agriculture)—

(a) the manufacture, processing, packaging, marketing and supply of food;

(b) veterinary science and the keeping and care of animals;

(c) the use of equipment, technology and business practices in the carrying on of agricultural activities;

(d) the protection of the natural rural environment;

(e) rural development and enterprise;

(f) forestry;

(g) fisheries;

(h) any science or applied science relating to any of the above; and

(i) any other subject appearing to the Department to conduce to a knowledge of the science and practice of agriculture.".