Draft Order laid before Parliament under section 1(6) of the Industrial Organisation and Development Act 1947, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2003 No.

INDUSTRIAL ORGANISATION AND DEVELOPMENT

The Apple and Pear Research Council (Dissolution) Order 2003

Made - - - - 2003

Coming into force in accordance with article 1

The Secretary of State and the National Assembly for Wales, acting concurrently, in exercise of the powers conferred by section 8 of the Industrial Organisation and Development Act 1947(**1**), and now vested in them(**2**), after consultation with the Apple and Pear Research Council and organisations appearing to them to be representative of substantial numbers of persons carrying on business in the industry of growing apples and pears in England and Wales for sale or for processing into an apple or pear product with a view to its sale by way of trade or business and with such organisations representative of persons employed in that industry as appear to them to be appropriate, make the following Order a draft of which has been laid before and approved by a resolution of each House of Parliament—

Title and commencement

1. This Order may be cited as the Apple and Pear Research Council (Dissolution) Order 2003 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"the Act" means the Industrial Organisation and Development Act 1947;

(**1**) 1947 c. 40.

(**2**) In respect of the Secretary of State, by virtue of S.I.1955/554, 1978/272, 1999/672, 1999/3141 and 2002/794; in respect of the National Assembly for Wales, by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) ("the 1999 Order"), in so far as they are exercisable in relation to Wales. The Apple and Pear Research Council is a cross-border body as defined in Schedule 3, paragraph 3(2), to the Government of Wales Act 1998 (c. 38). By virtue of article 2(c) of the 1999 Order, functions under the Industrial Organisation and Development Act 1947 which are exercisable in relation to a cross-border body, and which cannot be specifically exercised in relation to Wales, are exercisable by the National Assembly for Wales in relation to that body concurrently with the specified Minister of the Crown.

"the Council" means the Apple and Pear Research Council established under the provisions of the principal Order;

"the dissolution date" means 31st March 2003;

"the industry" has the meaning given to it by article 2(1) of the principal Order; and

"the principal Order" means the Apple and Pear Research Council Order 1989(**3**).

Winding up of the Apple and Pear Research Council

3.—(1) On the dissolution date, the property, rights and liabilities which immediately before that date were property, rights and liabilities of the Council shall, by virtue of this article, vest in the Secretary of State and the Council shall be dissolved.

(2) Any legal proceedings to which the Council was a party immediately before the dissolution of the Council may be continued after the dissolution by or in relation to the Secretary of State.

(3) A requirement imposed by the Council under article 8 or 11(2) of the principal Order which remains unfulfilled on the dissolution date shall, as from that date, have effect as if the reference to the Council or any officer in relation to that requirement were a reference to the Secretary of State.

Final Accounts of the Council

4. The Council shall prepare a statement of accounts for the period commencing on 1st April 2002 and ending on 30th March 2003 and shall deliver it to the Secretary of State on the dissolution date.

Power to impose and recover charges and powers of the Secretary of State

5.—(1) If the assets of the Council are insufficient to meet its liabilities and the expenses of the winding up, the Secretary of State shall, for the purpose of making good the deficiency, have power after the Council's dissolution to impose a charge or charges on those persons upon whom the Council immediately before its dissolution was entitled to impose a charge under article 9(1) of the principal Order.

(2) The provisions of articles 9, 11 and 12 of the principal Order shall apply in relation to any such charge, subject to the omission of paragraph (1) of article 9 and the substitution for the reference in that article to the provisions of that paragraph, of a reference to paragraph (1) of this article and the substitution for references in that article to the Council, of references to the Secretary of State.

(3) Charges imposed under paragraph (1) of this article shall be computed to yield, as near as possible, a sum equal to the amount by which the liabilities of the Council and the expenses of the winding up exceed the assets of the Council.

Surplus moneys and property

6. The Secretary of State shall have power after the Council's dissolution to pay or give, as the case may be, any moneys or property which she is satisfied are not, and will not be, required for the purposes of meeting the liabilities of the Council and the expenses of the winding up, to the Horticultural Development Council(**4**), provided that those moneys or property are used solely for purposes connected with the industry.

(**3**) S.I. 1989/2277.
(**4**) The Horticultural Development Council was established under the Horticultural Development Council Order 1986 (S.I. 1986/1110).