Draft Order in Council laid before Parliament under section 5(1) of the Ministers of the Crown Act 1975 for an address to Her Majesty from each House praying that the Order be made.

DRAFT STATUTORY INSTRUMENTS

2002 No.

MINISTERS OF THE CROWN

The Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002

Made - - - -	*0000*
Coming into force - -	*0000*

At the Court at , the day of

Present,

The Queen's Most Excellent Majesty in Council

Whereas copies of the draft of this Order have been laid before Parliament in pursuance of section 5(1) of the Ministers of the Crown Act 1975(**1**), and each House has presented an Address to Her Majesty praying that the Order be made:

Now, therefore, Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002.

(2) This Order shall come into force on the day after the day on which it is made.

(3) Any provision of this Order for the transfer of functions of the Minister of Agriculture, Fisheries and Food acting alone to the Secretary of State or a named Secretary of State (however described) shall be construed, in relation to any of those functions so far as they are already exercisable concurrently with the Minister of Agriculture, Fisheries and Food by the Secretary of State acting alone or (as the case may be) the named Secretary of State acting alone, as providing that the functions shall cease to be exercisable by the Minister of Agriculture, Fisheries and Food; and references in this Order to functions transferred or to a transfer by the Order shall be construed accordingly.

(**1**) 1975 c. 26.

(4) In determining for the purposes of this Order whether a share of a joint function is held by the Secretary of State or a named Secretary of State (however described), any transfer under the Transfer of Functions (Wales) Order 1969(**2**) or the Transfer of Functions (Wales) (No. 1) Order 1978(**3**) which was expressed to be a transfer to the Secretary of State, or to the Secretary of State and another person jointly, shall, irrespective of any supplementary provision in the Order, be treated as a transfer to, or (as the case may be) including a transfer to, the Secretary of State (and not a named Secretary of State).

(5) In this Order, unless the context otherwise requires, any reference to a function of, or exercisable by, a Minister or Ministers shall, in the case of a function which is exercisable by the Minister or Ministers jointly with another person or is otherwise shared by the Minister or Ministers with another person, be construed as a reference to the share of the Minister or Ministers in that function.

(6) In this Order any description in article 2(3) or (4)(c) or article 3(4), (6), (9)(c) or (10)(c) of a function to be transferred does not, so far as it refers to a function of, or exercisable by, the Secretary of State, include a reference to a function of, or exercisable by, a named Secretary of State (however described); and article 6(6), (7) and (8) do not apply in relation to a transfer to a named Secretary of State and the other references in article 6(7) and (8) to the Secretary of State also do not include references to a named Secretary of State.

(7) In this Order "instrument", without prejudice to the generality of that expression, includes in particular Royal Charters, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts and other agreements, memoranda and articles of association, warrants, certificates and other documents.

(8) In this Order—

"the transferor" means—

(a) in relation to anything transferred by article 2(3), (4)(c) or (d) or (5) or article 3(4), (5), (6), (7), (8), (9)(c), (10)(c) or (11), the Minister of Agriculture, Fisheries and Food and the Minister or Ministers concerned, or any of them;

(b) in relation to anything transferred by article 2(4)(b), 3(9)(b) or (10)(b) or 4(2), the Minister concerned; and

(c) in any other case, the Minister of Agriculture, Fisheries and Food; and

"the transferee" means—

(a) in relation to anything transferred by article 2(5) or 3(4) or (11)(a) or (c), the Secretary of State for Environment, Food and Rural Affairs and the Minister or Ministers concerned, or (as the case may be) the Secretary of State for Environment, Food and Rural Affairs or the Minister or Ministers concerned;

(b) in relation to anything transferred by article 3(3), each Secretary of State having responsibility for any matters connected with the regulation of veterinary products;

(c) in relation to anything transferred by article 4(2), the Secretary of State to whom the transferred function is entrusted on the coming into force of this Order; and

(d) in any other case, the Secretary of State or (as the case may be) the Secretary of State for Environment, Food and Rural Affairs.

Dissolution of Ministry and general transfer of functions

2.—(1) The Ministry of Agriculture, Fisheries and Food is hereby dissolved.

(**2**) S.I. 1969/388.
(**3**) S.I. 1978/272 ("the 1978 Order").

(2) Subject as follows, the functions of the Minister of Agriculture, Fisheries and Food are hereby transferred to the Secretary of State.

(3) Any function which is exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly is hereby transferred to the Secretary of State.

(4) Any function of—

(a) the Minister of Agriculture, Fisheries and Food;

(b) a named Secretary of State (however described);

(c) the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly; or

(d) the Minister of Agriculture, Fisheries and Food and one or more named Secretaries of State (however described) acting jointly;

under any scheme, regulations, Order in Council, order, bye-laws or similar instrument made (or having effect as if made) in the exercise of, or in relation to, any function which is transferred (whether wholly or partly) by paragraph (3) is, so far as is consistent with the transfer effected by that paragraph, hereby transferred to the Secretary of State.

(5) Subject to paragraphs (3) and (4), any function which is exercisable by the Minister of Agriculture, Fisheries and Food and one or more named Secretaries of State (however described) acting jointly is hereby transferred to the Secretary of State for Environment, Food and Rural Affairs and the one or more named Secretaries of State acting jointly.

(6) Any function of the Minister of Agriculture, Fisheries and Food under any scheme, regulations, Order in Council, order, bye-laws or similar instrument made (or having effect as if made) in the exercise of, or in relation to, any function which is transferred (whether wholly or partly) by paragraph (5) is, so far as is consistent with the transfer effected by that paragraph, hereby transferred to the Secretary of State for Environment, Food and Rural Affairs.

(7) Paragraphs (2) to (6) do not apply so far as article 3 does apply.

Specific transfers of functions

3.—(1) Subject to paragraphs (4) and (7), any function of the Minister of Agriculture, Fisheries and Food—

(a) under the New Forest Act 1949(**4**), the New Forest Act 1964(**5**) or the New Forest Act 1970(**6**);

(b) under section 19 of the Veterinary Surgeons Act 1966(**7**);

(c) under the Medicines Act 1968(**8**) or the Medicines Act 1971(**9**) (other than any function of laying a copy of a report under section 5(2) of the Act of 1968 and any function under section 108 of that Act);

(d) under paragraph 3 of Schedule 1 to the Poisons Act 1972(**10**);

(e) under section 51 of the Fair Trading Act 1973(**11**) or any related provision of that Act;

(**4**) 1949 c. 69.
(**5**) 1964 c. 83.
(**6**) 1970 c. 21.
(**7**) 1966 c. 36. Functions under this Act have been transferred by the 1978 Order, art. 4 and Sch. 2.
(**8**) 1968 c. 67. The definitions of "the Health Ministers" and "the Agriculture Ministers" in section 1(1) were modified by the Transfer of Functions (Medicines and Poisons) Order 1999 (S.I. 1999/3142), arts. 2 and 5 and para. 1 of the Schedule. They were also modified by the effect of paragraph 10 of Schedule 12 to the Northern Ireland Act 1998 (c. 47) and the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)), art. 3.
(**9**) 1971 c. 69.
(**10**) 1972 c. 66.
(**11**) 1973 c. 41.

(f) as "the Minister" under section 7 of the Agricultural Marketing Act 1983(**12**); or

(g) which is exercisable by virtue of section 265(3)(a) or (4) of the Town and Country Planning Act 1990(**13**);

is hereby transferred to the Secretary of State for Environment, Food and Rural Affairs.

(2) Any function of the Minister of Agriculture, Fisheries and Food under any scheme, regulations, Order in Council, order, bye-laws or similar instrument made (or having effect as if made) in the exercise of, or in relation to, any function which is transferred (whether wholly or partly) by paragraph (1) is, so far as is consistent with the transfer effected by that paragraph, hereby transferred to the Secretary of State for Environment, Food and Rural Affairs.

(3) Any function of the Minister of Agriculture, Fisheries and Food under section 29 of the Food Standards Act 1999(**14**) is hereby transferred to each Secretary of State having responsibility for any matters connected with the regulation of veterinary products.

(4) Any function under the New Forest Act 1949, the New Forest Act 1964 or the New Forest Act 1970(**15**) which is exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly is hereby transferred to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport, Local Government and the Regions acting jointly.

(5) Any function under Schedule 1 to the Forestry Act 1967(**16**) which is exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly is hereby transferred to the Secretary of State.

(6) Any function under section 2, 3 or 5 of the Agriculture (Miscellaneous Provisions) Act 1968(**17**) which is exercisable by the Minister of Agriculture, Fisheries and Food, the Secretary of State and the Secretary of State for Wales acting jointly is hereby transferred to the Secretary of State.

(7) Any function under the Medicines Act 1968 or the Medicines Act 1971 which is exercisable, by the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with health in England acting jointly, by virtue of the definition of "the Ministers" in section 1(1) of the Act of 1968 (including any function so exercisable by virtue of the definition of "the appropriate Ministers" in section 1(2) of that Act) is hereby transferred to the Secretary of State.

(8) Any function under the Dairy Produce Quotas Regulations 1997(**18**) which is exercisable by—

(a) the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly; or

(b) the Minister of Agriculture, Fisheries and Food, the Secretary of State for Wales and the Secretary of State for Scotland acting jointly;

is hereby transferred to the Secretary of State.

(9) Any function of—

(**12**) 1983 c. 3. Functions under section 7(2) were transferred by section 53 of the Scotland Act 1998 (c. 46) and are exercisable concurrently by the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) ("the Assembly Order"), art. 2 and Sch. 1.

(**13**) 1990 c. 8. Section 265(3)(a) was amended by the Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593), reg. 2 and Sch. 1. Functions exercisable by virtue of section 265(3)(a) and (4) were transferred by the Assembly Order, art. 2 and Sch. 1.

(**14**) 1999 c. 28.

(**15**) The functions of the Minister of Transport under these Acts were transferred to the Secretary of State by the Transfer of Functions (Transport) Order 1981 (S.I. 1981/238), art. 2.

(**16**) 1967 c. 10. Schedule 1 was amended by the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747), art. 3 and Sch. 12. Functions were also transferred by the Assembly Order, art. 2 and Sch. 1.

(**17**) 1968 c. 34. Functions under sections 2, 3 and 5 have been transferred by the 1978 Order, art. 2 and Sch. 1, section 53 of the Scotland Act 1998 and the Assembly Order, art. 2 and Sch. 1. Section 3 was amended by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), art. 4 and Sch. 2, para. 46.

(**18**) S.I. 1997/733. Functions under the regulations have been transferred by section 53 of the Scotland Act 1998 and the Assembly Order, art. 2 and Sch. 1.

(a) the Minister of Agriculture, Fisheries and Food;

(b) a named Secretary of State (however described); or

(c) the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, the Secretary of State for Scotland or the Secretary of State, or more than one of them, acting jointly;

under any scheme, regulations, Order in Council, order, bye-laws or similar instrument made (or having effect as if made) in the exercise of, or in relation to, any function which is transferred (whether wholly or partly) by paragraph (5), (6) or (8) is, so far as is consistent with the transfer effected by that paragraph, hereby transferred to the Secretary of State.

(10) Any function of—

(a) the Minister of Agriculture, Fisheries and Food;

(b) a named Secretary of State (however described); or

(c) the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with health in England acting jointly or the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;

under any scheme, regulations, Order in Council, order, bye-laws or similar instrument made (or having effect as if made) in the exercise of, or in relation to, any function which is transferred (whether wholly or partly) by paragraph (7) is, so far as is consistent with the transfer effected by that paragraph, hereby transferred to the Secretary of State.

(11) Any function of making regulations under section 2(2) of the European Communities Act 1972(**19**) which is exercisable by the Minister of Agriculture, Fisheries and Food and one or more Secretaries of State acting jointly is hereby transferred—

(a) in a case where the Secretary of State for Environment, Food and Rural Affairs is not the Secretary of State concerned or one of the Secretaries of State concerned, to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State, or (as the case may be) Secretaries of State, concerned acting jointly;

(b) in a case where the Secretary of State for Environment, Food and Rural Affairs is the Secretary of State concerned, to the Secretary of State; and

(c) in a case where the Secretary of State for Environment, Food and Rural Affairs is one of the Secretaries of State concerned, to those Secretaries of State acting jointly.

Transfer of property, rights and liabilities

4.—(1) Subject to paragraphs (2) to (5), all property, rights and liabilities to which the Minister of Agriculture, Fisheries and Food is entitled or subject immediately before the coming into force of this Order are hereby transferred to the Secretary of State for Environment, Food and Rural Affairs.

(2) Subject to paragraphs (3) and (5), all property, rights and liabilities to which the Minister of Agriculture, Fisheries and Food or a Secretary of State is entitled or subject immediately before the coming into force of this Order in connection with any functions transferred by article 2(3) or (4) or article 3(5), (6), (7), (8), (9) or (10) of this Order are hereby transferred to the Secretary of State to whom the transferred function is entrusted on the coming into force of this Order.

(3) Paragraphs (1) and (2) do not apply in relation to—

(a) any property outside the United Kingdom which is not capable of transfer by this Order; and

(**19**) 1972 c. 68.