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

2002 No.

INDUSTRIAL ORGANISATION AND DEVELOPMENT

The Horticultural Development Council (Amendment) Order 2002

Made - - - -	*2002*
Coming into force - -	*1st October 2002*

The Secretary of State and the National Assembly for Wales, acting concurrently, in exercise of the powers conferred by sections 1, 4, 8 and 14(2) of the Industrial Organisation and Development Act 1947(**1**), and now vested in them(**2**), and of all other powers enabling them in that behalf, with the consent of the Scottish Ministers(**3**), and after consultation in accordance with section 8(1) of the said Act with the Horticultural Development Council and, in accordance with sections 1(3) and 8(1) of the said Act, with organisations appearing to them to be representative of substantial numbers of persons carrying on business in the horticultural industry and with such organisations representative of persons employed in that industry as appear to them to be appropriate, and having satisfied themselves (as required by section 4(3) of the said Act) that the incidence of the charges as between different classes of undertakings in that industry will be in accordance with a fair principle, hereby make the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament—

(**1**) 1947 c. 40; section 4 was modified, in the case of any development council order relating to agriculture, by section 60 of the Agriculture Act 1993 (c. 37).

(**2**) In respect of the Secretary of State, by virtue of S.I. 1955/554, 1978/272, 1999/672, 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 Horticultural Development 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.

(**3**) By the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319), made under section 88(5) of the Scotland Act 1998 (c. 46), the Horticultural Development Council was specified as a cross-border public authority for the purposes of that Act. By article 3 of, and paragraph 3 of Schedule 14 to, the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747) it was provided, in respect of any function exercisable by a Minister of the Crown under the Industrial Organisation and Development Act 1947 to modify the Horticultural Development Council Order 1986 (S.I. 1986/1110), that the Secretary of State for Scotland should cease to be such a Minister of the Crown, and that any such function should now be exercisable only with the consent of the Scottish Ministers.

Title and commencement

1. This Order may be cited as the Horticultural Development Council (Amendment) Order 2002 and shall come into force on 1st October 2002.

Interpretation

2. In this Order—

"levy period" shall have the same meaning as in the principal Order; and

"the principal Order" shall mean the Horticultural Development Council Order 1986(**4**).

Amendment of the principal Order

3. The principal Order shall be amended in accordance with the following provisions of this Order.

4. In article 2(1) of the principal Order—

(a) in the definition of "grower", there shall be substituted for the words "costs associated with such preparation" the words "any rates levied in respect of such packhouses";

(b) there shall be substituted for the definition of "processing" the following definition—

> ""processing" means an operation carried out upon harvested horticultural produce, such produce not being subject to any further cultivation, by means of canning, freezing, drying, juicing or any other similar process which substantially alters the raw product;"; and

(c) in the definition of "relevant accounting year", there shall be substituted for paragraph (b) the following paragraph—

> "(b) in the case of a mushroom grower in respect of the levy period specified in column (1) of Part B of the table in paragraph (2) of this article, the period specified in respect thereof in column (2) of that Part.".

5. For article 2(2) of the principal Order there shall be substituted the following paragraph—

"(2) Part A

Column (1)	Column (2)
The period commencing on 1st October 2002 and ending on 31st March 2003	The accounting year ending during the calendar year 2001
The period commencing on 1st April 2003 and ending on 31st March 2004	The accounting year ending during the calendar year 2002
Any subsequent period of 12 months commencing on 1st April in any year	The accounting year ending during the calendar year preceding the calendar year during which the levy period commences

Part B

Column (1)	*Column (2)*
The period commencing on 1st October 2002 and ending on 31st March 2003	The period of six months ending on 31st March 2002

(**4**) S.I. 1986/1110, as amended by S.I. 1990/454, 1992/1836 and 2000/1975.