Order made by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Northern Ireland acting jointly, and by the National Assembly for Wales, acting concurrently, and with the consent of the Scottish Ministers, to be laid before Parliament under section 16(5) of the Cereals Marketing Act 1965, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No.

AGRICULTURE

CEREALS, MARKETING

The Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 2001

Made - - - -	*8th May 2001*
Laid before Parliament	*2001*
Coming into force - -	*1st August 2001*

Whereas the Home-Grown Cereals Authority, established under Part I of the Cereals Marketing Act 1965(**1**) ("the 1965 Act"), have prepared, pursuant to sections 16 and 23(1) of the 1965 Act, and, after consultation in accordance with section 16(1A) of the 1965 Act(**2**) with such persons or organisations as appear to them to represent the interests concerned, have submitted to the Minister of Agriculture, Fisheries and Food, the Secretary of State for Northern Ireland, the Scottish Ministers and the National Assembly for Wales(**3**), a Scheme which varies the levy Scheme ("the principal Scheme") approved by the Home-Grown Cereals Authority Levy Scheme (Approval) Order 1987(**4**), as varied by the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1990(**5**), the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1991(**6**) and the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1996(**7**), for imposing levy on persons specified in the principal Scheme who are growers or processors of, or dealers in, home-

(**1**) 1965 c. 14; Part I was amended by sections 4 and 24(4) and (5) of, and Schedules 3 and 4 to, the Agriculture Act 1986 (c. 49).
(**2**) Section 16 was amended by section 16(1) and (2) of the Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), by the Cereals Marketing Act 1965 (Amendment) Regulations 1979 (S.I. 1979/26) and by section 5 of the Agriculture Act 1986.
(**3**) In respect of the National Assembly for Wales, all functions of a Minister of the Crown under section 16 of the Cereals Marketing Act 1965 (c. 14) ("the 1965 Act") were transferred to it 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 Home-Grown Cereals Authority 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 section 16 of the 1965 Act which are exercisable in relation to a cross-border body, and which are not exercisable by the National Assembly for Wales jointly with a Minister of the Crown and 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.
(**4**) S.I. 1987/671.
(**5**) S.I. 1990/1316.
(**6**) S.I. 1991/1302.
(**7**) S.I. 1996/2843.

grown cereals of a kind so specified, or who act as intermediaries in the selling and buying of such cereals:

Now therefore, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Northern Ireland, acting jointly, concurrently with the National Assembly for Wales, in exercise of the powers conferred by sections 16(4), 23(1) and 24(1)(**8**) of the 1965 Act, and now vested in them, and of all other powers enabling them in that behalf, and with the consent of the Scottish Ministers(**9**), after consultation in accordance with section 16(4) of the 1965 Act with such other persons or organisations as appear to them to represent the interests concerned, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 2001 and shall come into force on 1st August 2001.

Approval of Scheme under section 16 of the Cereals Marketing Act 1965

2. The Scheme set out in the Schedule to this Order is approved.

Joyce Quin
Minister of State, Ministry of Agriculture,
30th April 2001 Fisheries and Food

John Reid
1st May 2001 Secretary of State for Northern Ireland

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (**10**):

Elis Thomas
8th May 2001 Presiding Officer

(**8**) See the definition of "the Ministers" in section 24(1).
(**9**) 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 Home-Grown Cereals Authority was specified as a cross-border public authority for the purposes of that Act. By article 3 of, and paragraph 3 of Schedule 13 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 a function exercisable, inter alia, under section 16 of the Cereals Marketing Act 1965 (c. 14) by a Minister of the Crown to make an Order making or varying a levy scheme made under that section, that the Secretary of State for Scotland should cease to be a Minister of the Crown by whom the function is exercisable, and that any such function should be exercisable only with the consent of the Scottish Ministers.
(**10**) 1998 c. 38.