Draft regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No.

AGRICULTURE

The Intervention Board for Agricultural Produce (Abolition) Regulations 2001

Made - - - - 2001

Coming into force in accordance with regulation 1(1)

The Secretary of State, being a Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations, a draft of which has been laid before and approved by a resolution of each House of Parliament—

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Intervention Board for Agricultural Produce (Abolition) Regulations 2001, and shall come into force on the day after the date on which they are made.

(2) In these Regulations—

"the Board" means the Intervention Board for Agricultural Produce, established by section 6(1) of the European Communities Act 1972;

"relevant function" means any function which has been exercisable by the Board but which has ceased to be so exercisable at any time before the coming into force of these Regulations.

Abolition of the Board

2. The Board is hereby abolished.

(**1**) S.I.1972/1811; the continued power of the Secretary of State to make regulations for Scotland is confirmed by section 57(1) of the Scotland Act 1998 (c. 46), for Wales by article 3(4) of S.I. 1999/2788, and for Northern Ireland by article 3(2) of S.I. 2000/2812.

(**2**) 1972 c. 68.

Part-repeal and amendment of s.6 of the European Communities Act 1972

3. In the European Communities Act 1972, in section 6—

(a) subsections (1) and (2) are hereby repealed;

(b) in subsection (3), for the words "the Board and as if in section 5(1)(d) the reference to the Minister included the Board.", there shall be substituted the words—

"the relevant Minister and as if for every reference in section 5 to the Minister there were substituted a reference to the relevant Minister.";

(c) in subsection (4)—

(i) for the words "the Board" there shall be substituted the words "the relevant Minister";

(ii) for the words "the Ministers", in the first place where they appear, there shall be substituted the words "the relevant Minister";

(iii) for the words "the Ministers consider" there shall be substituted the words "the relevant Minister considers";

(d) after subsection (4) there shall be inserted the following subsections—

"(4A) Section 9 of the Agriculture Act 1957 shall apply in relation to an order made under section 5 of that Act as extended by this section as if—

(a) in the case of an order made by the Scottish Ministers—

(i) for the references in subsection (3) of section 9 to Parliament and each House of Parliament there were substituted references to the Scottish Parliament; and

(ii) for the reference in that subsection to section 7(1) of the Statutory Instruments Act 1946 there were substituted a reference to article 13(1) of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999(**3**);

(b) in the case of an order made by the National Assembly for Wales, subsection (3) of section 9 were omitted;

(c) in the case of an order made by the Department of Agriculture and Rural Development, for subsection (3) of section 9 there were substituted the following subsection—

"(3) Any order under any provision of this Part of this Act shall be laid before the Northern Ireland Assembly as soon as may be after it is made, and shall cease to have effect (without prejudice to anything previously done thereunder or to the making of a new order) on the expiration of the period of forty days beginning with the day on which it comes into force unless within that period it has been approved by resolution passed by the Northern Ireland Assembly."; and

(d) in subsection (4) of section 9 for the reference to the Minister there were substituted a reference to the relevant Minister.

(4B) Section 35(2) of the Agriculture Act 1957 shall not apply in relation to an order made by the Department of Agriculture and Rural Development under section 5 of that Act as extended by this section.

(4C) Section 3(2) of the Agriculture Act 1967(**4**) shall apply in relation to section 5(1)(d) of the Agriculture Act 1957 as extended by this section as if the

(**3**) S.I. 1999/1096.
(**4**) 1967 c. 22.

references in section 3(2) of the Act of 1967 to the Minister were references to the relevant Minister.";

(e) in subsection (5)—

(i) after the word "charged", in the second place where it appears, there shall be inserted the words "or entrusted"; and

(ii) the words ", on behalf of the Board or otherwise," are hereby repealed.

(f) after subsection (8) there shall be inserted the following subsection—

"(9) In this section "the relevant Minister" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Scotland, the Scottish Ministers;

(c) in relation to Wales, the National Assembly for Wales; and

(d) in relation to Northern Ireland, the Department of Agriculture and Rural Development;

and, in the case of goods exported or to be exported from the United Kingdom or shipped or to be shipped as stores, the identity of the relevant Minister is determined by reference to the territory from which the goods are, or are to be, exported or shipped.".

Transfer of property, rights and liabilities

4.—(1) All the property, rights and liabilities (other than the rights and liabilities transferred by paragraphs (2) and (4)) to which the Board was entitled or subject immediately before the coming into force of these Regulations shall be transferred to the Secretary of State for Environment, Food and Rural Affairs.

(2) The rights and liabilities to which, immediately before the coming into force of these Regulations, the Board was entitled or subject in relation to any functions entrusted to it under section 6(1) of the European Communities Act 1972 or by any other enactment, other than the rights and liabilities transferred by paragraph (4), shall—

(a) in so far as relating to such functions as are exercisable in relation to Scotland, be transferred to the Scottish Ministers;

(b) in so far as relating to such functions as are exercisable in relation to Wales, be transferred to the National Assembly for Wales; and

(c) in so far as relating to such functions as are exercisable in relation to Northern Ireland, be transferred to the Department of Agriculture and Rural Development.

(3) For the purposes of paragraph (2)(a), any functions referred to in paragraph (4) shall be treated as exercisable in relation to Scotland if, for the purposes of the exercise of any functions of a competent authority in relation to a holding, the Scottish Ministers are the relevant competent authority in relation to that holding, and for this purpose "competent authority", "holding" and "relevant competent authority" shall have the meaning they have in the Integrated Administration and Control System Regulations 1993(**5**).

(4) The rights and liabilities to which, immediately before the coming into force of these Regulations, the Board was entitled or subject, and which arise in relation to the exercise by the Board of functions in relation to the payment of slaughter premium under Article 11 of Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal(**6**), shall be transferred—

(**5**) S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820, 2000/2573.
(**6**) OJ No. L160, 26.6.1999, p.21.

(a) so far as they arise in relation to functions under the Slaughter Premium (Wales) Regulations 2001(**7**), to the National Assembly for Wales;

(b) so far as they arise in relation to functions under the Slaughter Premium Regulations (Northern Ireland) 2001(**8**), to the Department of Agriculture and Rural Development.

(5) All the rights and liabilities to which, immediately before the coming into force of these Regulations, the Minister was or the Ministers were entitled or subject and which arose under, or in relation to the making of, an order made under section 5 of the Agriculture Act 1957 as extended by section 6(3) or (4) of the European Communities Act 1972 shall be transferred—

(a) so far as arising in connection with the application of the order to England, to the Secretary of State for Environment, Food and Rural Affairs;

(b) so far as arising in connection with the application of the order to Scotland, to the Scottish Ministers;

(c) so far as arising in connection with the application of the order to Wales, to the National Assembly for Wales; and

(d) so far as arising in connection with the application of the order to Northern Ireland, to the Department of Agriculture and Rural Development.

(6) All the rights and liabilities to which, immediately before the coming into force of these Regulations, the Minister of Agriculture, Fisheries and Food was entitled or subject, in so far as relating to the functions of that Minister transferred by virtue of these Regulations, shall be transferred (where not already transferred by paragraph (5)) to the Secretary of State for Environment, Food and Rural Affairs.

(7) This regulation shall have effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by this regulation.

Agency arrangements

5.—(1) The Secretary of State may, with the agreement of the Scottish Ministers, enter into an arrangement for the exercise by him on behalf of the Scottish Ministers of—

(a) any function in connection with the carrying out of the obligations of the United Kingdom under the common agricultural policy; or

(b) any other relevant function;

other than a power to legislate by means of orders, rules, regulations or other subordinate instrument.

(2) Any such arrangement shall be in writing and be signed by or on behalf of the Secretary of State and the Scottish Ministers, and may be subject to such conditions (including conditions as to the costs) as may be agreed.

(3) Subject to paragraph (4), in relation to the exercise by the Secretary of State, whether on his own behalf or (by virtue of an arrangement under, as the case may be, paragraph (1), section 41 of the Government of Wales Act 1998(**9**) or section 28 of the Northern Ireland Act 1998(**10**)) on behalf of the Scottish Ministers, the National Assembly for Wales or (in Northern Ireland) the Department of Agriculture and Rural Development, of—

(a) any function in connection with the carrying out of the obligations of the United Kingdom under the common agricultural policy; or

(b) any other relevant function,

(**7**) S.I. 2001/1332 (W.82).
(**8**) S.R. (N.I.) 2001/199.
(**9**) 1998 c. 38.
(**10**) 1998 c. 47.

other than a power to legislate by means of orders, rules, regulations or other subordinate instrument, the relevant Ministers may, irrespective of the part of the United Kingdom in relation to which that function is exercisable, monitor, review and make recommendations to the Secretary of State in relation to the extent to which the objectives of the Secretary of State in exercising any such function have been met and the strategy and specific action required to meet any such objectives.

(4) Where a function referred to in paragraph (3) is that of the Secretary of State, paragraph (3) shall apply only in so far as the Secretary of State shall have consented to the exercise of the power conferred by that paragraph.

(5) Any Minister exercising a relevant function or a function transferred by virtue of these Regulations, being a function exercisable in relation to any part of Great Britain with respect to livestock or livestock products (other than a power to make an order under section 5 of the Agriculture Act 1957 as extended by section 6(3) or (4) of the European Communities Act 1972), may, with the agreement of the Commission, delegate that function to the Commission, and the Commission may carry out any function so delegated.

(6) In this regulation—

"the Commission" means the Meat and Livestock Commission;

"livestock" means cattle, sheep and pigs;

"livestock product" means any product for human consumption which is derived to any substantial extent, with or without any process of manufacture, from livestock, but excluding milk and milk products;

"any Minister" means—

(a) the Secretary of State,

(b) the Scottish Ministers,

(c) the National Assembly for Wales, or

(d) (in Northern Ireland) the Department of Agriculture and Rural Development,

and "the relevant Ministers" means all of these persons, acting jointly.

Consequential repeals, revocations and amendments: United Kingdom

6.—(1) In the Cereals Marketing Act 1965(**11**), in section 20(2), after the words "Intervention Board for Agricultural Produce" there shall be inserted the words "(or, in the exercise of functions previously exercisable by the Intervention Board for Agricultural Produce, by any person entitled to exercise such functions)".

(2) In the Parliamentary Commissioner Act 1967(**12**), in Schedule 2, the words "Intervention Board for Agricultural Produce." shall be repealed.

(3) The Intervention Board for Agricultural Produce Order 1972(**13**) shall be revoked, save that such revocation shall not affect the continued operation of paragraph 7 of the Schedule to that Order in relation to any document purporting to be made or issued by the Board before the coming into force of these Regulations.

(4) The Intervention Functions (Delegation) Regulations 1972(**14**) shall be revoked.

(**11**) 1965 c. 14; section 20(2) was substituted by section 5(5) of the Agriculture Act 1986 (c. 49).
(**12**) 1967 c. 13; Schedule 2 was substituted by section 1(2) of, and Schedule 1 to, the Parliamentary and Health Services Commissioners Act 1987 (c. 39).
(**13**) S.I. 1972/1578.
(**14**) S.I. 1972/1679, amended by S.I. 1988/1000.