

1999 No. 3141

MINISTERS OF THE CROWN

**The Transfer of Functions (Agriculture and Food)
Order 1999**

Made - - - 24th November 1999
Laid before Parliament 6th December 1999
Coming into force 27th December 1999

At the Court at Buckingham Palace, the 24th day of November 1999

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(a), 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 Transfer of Functions (Agriculture and Food) Order 1999.

(2) This Order shall come into force on 27th December 1999.

(3) In this Order—

“the transferor” means, in relation to anything transferred by this Order, the Minister or Ministers from whom it is transferred,

“the transferee” means, in relation to anything transferred by this Order, the Minister or Ministers to whom it is transferred,

and any reference to a function of a Minister shall, in the case of a function which is exercisable by him jointly with another person or is otherwise shared by him with another person, be construed as a reference to his share in that function.

Transfer of certain functions involving territorial Secretaries of State

2.—(1) Any function of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales under an enactment mentioned in the Schedule is hereby transferred to the Minister of Agriculture, Fisheries and Food.

(2) Any function of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales under the Industrial Organisation and Development Act 1947(b) which is exercisable by him by virtue of the Transfer of Functions (Wales) (No. 1) Order 1978 or the proviso to section 1(2) of the Act of 1947 is hereby transferred to the Minister of Agriculture, Fisheries and Food.

(a) 1975 c. 26.

(b) 1947 c. 40. Relevant amendments made by the Transfer of Functions (Ministry of Food) Order 1955 (S.I. 1955/554) (“the 1955 Order”), art. 3(3), the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272) (“the 1978 Order”), art. 9, the Scotland Act 1998 (c. 46) (“the Scotland Act”), the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747) (“the CBPA Order”), art. 3 and Schs. 4, 14 and 17, the Government of Wales Act 1998 (c. 38) (“the Wales Act”) and the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the Assembly Order”).

(3) Any function of the Secretary of State or the Secretary of State for Wales which is exercisable by him under section 34(2) or 61 of the Agriculture Act 1967^(a) by virtue of the Transfer of Functions (Wales) Order 1969 or the Transfer of Functions (Wales) (No. 1) Order 1978 is hereby transferred to the Minister of Agriculture, Fisheries and Food.

(4) Any function of the Secretary of State for Scotland under paragraph 1(2) of Schedule 9 to the Deregulation and Contracting Out Act 1994^(b) is hereby transferred to the Minister of Agriculture, Fisheries and Food.

(5) For the purposes of paragraphs (1) to (4)–

(a) the references to any function of the Secretary of State do not include any function of a named Secretary of State (however described), and

(b) the references to the Secretary of State for Scotland and the Secretary of State for Wales include references to the Secretary of State concerned with agriculture in Scotland and the Secretary of State concerned with agriculture in Wales respectively.

(6) Any function under the Food Safety Act 1990^(c) which is exercisable by the Minister of Agriculture, Fisheries and Food jointly with the Secretaries of State respectively concerned with health in England and food and health in Wales is hereby transferred to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly.

(7) This article is subject to article 3.

Exception from article 2 for EC functions

3. Article 2 shall not apply in relation to any function of a Minister which is exercisable by him by virtue of paragraph 5 of Schedule 3 to the Government of Wales Act 1998 or section 57(1) of the Scotland Act 1998.

Transfer of property, rights and liabilities

4. All property, rights and liabilities to which the transferor is entitled or subject at the coming into force of this Order in connection with any function transferred by this Order are hereby transferred to the transferee.

Supplementary and consequential

5.—(1) Any reference in this Order to a function of a Minister under an enactment includes a reference to the functions of that Minister under any scheme, regulations, Order in Council, order, bye-laws or similar instrument having effect under or in relation to that enactment.

(2) This Order shall not affect the validity of anything done (or having effect as if done) by or in relation to the transferor before the coming into force of this Order.

(3) Anything (including any legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the transferor may, so far as it relates to anything transferred by this Order, be continued by or in relation to the transferee.

(4) Anything done (or having effect as if done) by or in relation to the transferor for the purposes of or in connection with anything transferred by this Order shall, if in force at the coming into force of this Order, have effect as if done by or in relation to the transferee in so far as that is required for continuing its effect after the coming into force of this Order.

(5) Subject to paragraph (6), any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of any transfer effected by this Order, as if any references (including references which are to be construed as such references) to the transferor or his department or officers were references to the transferee or his department or officers, as the context may require.

(6) Any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of any transfer effected by this Order of, or in connection with, a share of any function which is exercisable jointly with the transferee (with or without others) or is otherwise shared with the transferee (with or without others), as if any references (including references which are to be construed as such references) to the transferor and the transferee or to their departments or officers were references to the transferee or to his department or officers, as the context may require.

^(a) 1967 c. 22. Relevant amendments made by the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388) (“the 1969 Order”), art. 3 and Sch. 2, the 1978 Order, art. 2 and Sch. 1, the Scotland Act, the Wales Act and the Assembly Order.

^(b) 1994 c. 40. Relevant amendments made by the Scotland Act.

^(c) 1990 c. 16. Relevant amendments made by the Deregulation and Contracting Out Act 1994, Sch. 9, para. 6, the Wales Act and the Assembly Order.

(7) In this article “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.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

Article 2(1)

ENACTMENTS CONFERRING FUNCTIONS TRANSFERRED BY ARTICLE 2(1)

Corn Returns Act 1882**(a)**.

Section 5(2) of the Corn Sales Act 1921**(b)**.

Sections 1, 2 and 10 of the Destructive Imported Animals Act 1932**(c)**.

Sections 1(4) and 32 of the Hill Farming Act 1946**(d)**.

Sections 13 and 16 of, and Schedule 1 to, the Agricultural Wages Act 1948**(e)**.

Protection of Animals (Anaesthetics) Act 1954**(f)**.

Agriculture Act 1957**(g)**.

Part I of the Agricultural Marketing Act 1958**(h)**.

Horticulture Act 1960**(i)**.

Plant Varieties and Seeds Act 1964**(j)**.

Agriculture and Horticulture Act 1964**(k)**.

Cereals Marketing Act 1965**(l)**.

Part I, and sections 58, 60 and 65, of the Agriculture Act 1967**(m)** (except for paragraph 9(2)**(n)** of Part II of Schedule 1 so far as it relates to any function originally exercisable by the Minister of Labour).

Slaughter of Poultry Act 1967**(o)**.

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- (a)** 1882 c. 37. Relevant amendments made by an Order in Council of 30.7.1891 (SR&O/SI Rev 1948), the Ministry of Agriculture and Fisheries Act 1919 (c. 91), s. 1, the 1955 Order, art. 3(3), the 1978 Order, art. 4 and Sch. 2, the Deregulation (Corn Returns Act 1882) Order 1996 (S.I. 1996/848), art. 2, the Scotland Act, the Wales Act and the Assembly Order.
- (b)** 1921 c. 35. Relevant amendments made by the 1955 Order, art. 3(3), the 1978 Order, art. 2 and Sch. 1, the Scotland Act, the Wales Act and the Assembly Order.
- (c)** 1932 c. 12. Relevant amendments made by the 1955 Order, art. 3(3), the 1969 Order, art. 3 and Sch. 2, the Scotland Act, the Wales Act and the Assembly Order.
- (d)** 1946 c. 73. Relevant amendments made by the 1955 Order, art. 3(3), the 1969 Order, art. 3 and Sch. 2, the 1978 Order, arts. 2 and 11 and Schs. 1 and 5, the Scotland Act, the Wales Act and the Assembly Order.
- (e)** 1948 c. 47. Relevant amendments made by the 1978 Order, art. 4 and Sch. 2, the Wales Act and the Assembly Order.
- (f)** 1954 c. 46. Relevant amendments made by the 1955 Order, art. 3(3), the 1978 Order, art. 2 and Sch. 1, the Scotland Act, the Wales Act and the Assembly Order.
- (g)** 1957 c. 57. Relevant amendments made by the 1969 Order, art. 3 and Sch. 2, the 1978 Order, art. 2 and Sch. 1, the Scotland Act, the Wales Act and the Assembly Order.
- (h)** 1958 c. 47. Relevant amendments made by the 1969 Order, art. 3 and Sch. 2, the 1978 Order, art. 2 and Sch. 1, the Scotland Act, the CBPA Order, art. 3 and Schs. 5 and 7, the Wales Act and the Assembly Order.
- (i)** 1960 c. 22. Relevant amendments made by the Scotland Act.
- (j)** 1964 c. 14. Relevant amendments made by the 1978 Order, art. 2 and Sch. 1, the Scotland Act, the Wales Act and the Assembly Order.
- (k)** 1964 c. 28. Relevant amendments made by the 1978 Order, arts. 2, 4 and 11 and Schs. 1, 2 and 5, the Scotland Act, the Wales Act and the Assembly Order.
- (l)** 1965 c. 14. Relevant amendments made by the 1969 Order, art. 3 and Sch. 2, the 1978 Order, art. 2 and Sch. 1, the Scotland Act, the CBPA Order, art. 3 and Sch. 13, the Wales Act and the Assembly Order.
- (m)** 1967 c. 22. Relevant amendments made by the 1969 Order, art. 3 and Sch. 2, the Agriculture (Miscellaneous Provisions) Act 1976 (c. 55), s. 3 and Sch. 1, para. 3, the 1978 Order, art. 2 and Sch. 1, the Secretary of State for Trade Order 1979 (S.I. 1979/578), art. 3(5), the Transfer of Functions (Trade and Industry) Order 1983 (S.I. 1983/1127), art. 2, the Scotland Act, the CBPA Order, art. 3 and Schs. 11 and 16, the Wales Act and the Assembly Order.
- (n)** Relevant amendment also made by the Secretary of State for Employment and Productivity Order 1968 (S.I. 1968/729), arts. 2 and 3(2).
- (o)** 1967 c. 24. Relevant amendments made by the 1978 Order, arts. 4 and 11 and Schs. 2 and 5, the Scotland Act, the Wales Act and the Assembly Order.

Sections 2, 3 and 5 of the Agriculture (Miscellaneous Provisions) Act 1968**(a)**.
 Part IV (except for section 78(10)), and section 108, of the Agriculture Act 1970**(b)**.
 Sections 17(2) and 19 of the Agriculture (Miscellaneous Provisions) Act 1972**(c)**.
 Section 6 of the European Communities Act 1972**(d)**.
 Sections 29 to 31 of the Rent (Agriculture) Act 1976**(e)**.
 Bees Act 1980**(f)**.
 Animal Health Act 1981 (except for section 57(1))**(g)**.
 Agricultural Marketing Act 1983**(h)** (except for sections 6(3)(a) and 7 and paragraphs 10 and 11 of Schedule 1).
 Pig Industry Levy Act 1983**(i)**.
 Sections 68, 69 and 69A of the Food Act 1984**(j)**.
 Section 3 of the Horticultural Produce Act 1986**(k)**.
 Sections 1(4), 6 and 9 of the Agriculture Act 1986**(l)**.
 Farm Land and Rural Development Act 1988**(m)**.
 Parts I and III of the Agriculture Act 1993**(n)**.
 Plant Varieties Act 1997**(o)**.

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- (a)** 1968 c. 34. Relevant amendments made by the 1978 Order, art. 2 and Sch. 1, the Scotland Act, the Wales Act and the Assembly Order.
- (b)** 1970 c. 40. Relevant amendments made by the 1978 Order, arts. 2, 4 and 11 and Schs. 1, 2 and 5, the Scotland Act, the CBPA Order, art. 3 and Sch. 13, the Wales Act and the Assembly Order.
- (c)** 1972 c. 62. Relevant amendments made by the 1978 Order, arts. 2 and 4 and Schs. 1 and 2, the Scotland Act, the Wales Act and the Assembly Order.
- (d)** 1972 c. 68. Relevant amendments made by the 1978 Order, art. 4 and Sch. 2, the Scotland Act, the CBPA Order, art. 3 and Sch. 15, the Wales Act and the Assembly Order.
- (e)** 1976 c. 80. Relevant amendments made by the 1978 Order, art. 2 and Sch. 1, the Wales Act and the Assembly Order.
- (f)** 1980 c. 12. Relevant amendments made by the Scotland Act, the Wales Act and the Assembly Order.
- (g)** 1981 c. 22. Relevant amendments made by the Scotland Act, the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592), art. 3 and Sch. 1, the Wales Act and the Assembly Order.
- (h)** 1983 c. 3. Relevant amendments made by the Scotland Act, the CBPA Order, art. 3 and Sch. 11, the Wales Act and the Assembly Order.
- (i)** 1983 c. 4. Relevant amendments made by the Scotland Act, the CBPA Order, art. 3 and Sch. 16, the Wales Act and the Assembly Order.
- (j)** 1984 c. 30. Relevant amendments made by the Food Safety Act 1990, Sch. 2, para. 15, the Scotland Act, the Wales Act and the Assembly Order.
- (k)** 1986 c. 20. Relevant amendments made by the Wales Act and the Assembly Order.
- (l)** 1986 c. 49. Relevant amendments made by the Scotland Act, the CBPA Order, art. 3 and Sch. 13, the Wales Act and the Assembly Order.
- (m)** 1988 c. 16. Relevant amendments made by the Scotland Act, the Wales Act and the Assembly Order.
- (n)** 1993 c. 37. Relevant amendments made by the Scotland Act, the Wales Act and the Assembly Order.
- (o)** 1997 c. 66. Relevant amendments made by the Scotland Act, the CBPA Order, art. 3 and Sch. 8, the Wales Act and the Assembly Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers the roles of the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State in the exercise of certain functions relating to agriculture and food to the Minister of Agriculture, Fisheries and Food. Its purpose is to transfer functions which are in practice exercised by the Secretary of State for Scotland or the Secretary of State for Wales and which have become unnecessary following the devolution of functions to the Scottish Parliament and Executive and to the National Assembly for Wales.

Articles 4 and 5 contain provisions which are supplementary to, or consequential on, the main provisions of the Order.

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