

2000 No. 878

**INDUSTRIAL ORGANISATION AND
DEVELOPMENT**

The Milk Development Council (Amendment) Order 2000

Approved by both Houses of Parliament

Made - - - - 27th March 2000

Coming into force 1st April 2000

The Minister of Agriculture, Fisheries and Food and the National Assembly for Wales, acting concurrently, in exercise of the powers conferred by sections 1, 4 and 8 of the Industrial Organisation and Development Act 1947(a), and now vested in them(b), and of all other powers enabling them in that behalf, with the consent of the Scottish Ministers(c), and after consultation in accordance with section 8(1) of the said Act with the Milk 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 milk-producing 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—

Title and commencement

1. This Order may be cited as the Milk Development Council (Amendment) Order 2000 and shall come into force on 1st April 2000.

Amendment of the Milk Development Council Order 1995

2. The Milk Development Council Order 1995(d) shall be amended in accordance with articles 3 and 4 of this Order.

3. In article 9 (charges for expenses), in paragraph (1), for the words “ (not exceeding 0.05 pence per litre)” there shall be substituted the words “ (not exceeding the sum, exclusive of any Value Added Tax that may be payable thereon, of 0.08 pence per litre)”.

4. In Schedule 1 (functions of the milk development council), after function number 7 there shall be added the following function—

(a) 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).

(b) In respect of the Minister of Agriculture, Fisheries and Food, by virtue of S.I. 1955/554, 1978/272, 1999/672, 3141; 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 Milk 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.

(c) By the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319), made under s.88(5) of the Scotland Act 1998 (c. 46), the Milk 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 17 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 Milk Development Council Order 1995 (S.I. 1995/356), 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.

(d) S.I. 1995/356.

“8. Promoting or undertaking arrangements for better acquainting the public in the United Kingdom with the goods and services supplied by the industry and methods of using them.”.

21st March 2000

Joyce Quin
Minister of State,
Ministry of Agriculture, Fisheries and Food

Signed on behalf of the National Assembly for Wales

27th March 2000

Dafydd Elis-Thomas
Presiding Officer

We consent,

22nd March 2000

Ross Finnie
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 1st April 2000, amends the Milk Development Council Order 1995 (S.I. 1995/356).

This Order—

- (a) increases the specified maximum rate at which the Milk Development Council may charge producers for the expenses it incurs in the exercise of its functions, from 0.05 pence per litre to 0.08 pence, and makes it clear that such a rate is exclusive of any Value Added Tax that may be payable thereon (article 3), and
- (b) adds to the Milk Development Council's functions that of promoting or undertaking arrangements for better acquainting the public in the United Kingdom with the goods and services supplied by the industry and methods of using them (article 4).

A Regulatory Impact Assessment, which involves a compliance cost assessment of the effect which this Order would have on business costs, has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from the Milk, Pigs, Eggs and Poultry Division of the Ministry of Agriculture, Fisheries and Food, Room 501, 10 Whitehall Place, London SW1A 2HH.

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