
STATUTORY INSTRUMENTS

2002 No. 794

**The Ministry of Agriculture, Fisheries
and Food (Dissolution) Order 2002**

Specific transfers of functions

3.—(1) Subject to paragraphs (4) and (7), any function of the Minister of Agriculture, Fisheries and Food—

- (a) under the New Forest Act 1949(1), the New Forest Act 1964(2) or the New Forest Act 1970(3);
- (b) under section 19 of the Veterinary Surgeons Act 1966(4);
- (c) under the Medicines Act 1968(5) or the Medicines Act 1971(6) (other than any function of laying a copy of a report under section 5(2) of the Act of 1968 and any function under section 108 of that Act);
- (d) under paragraph 3 of Schedule 1 to the Poisons Act 1972(7);
- (e) under section 51 of the Fair Trading Act 1973(8) or any related provision of that Act;
- (f) as “the Minister” under section 7 of the Agricultural Marketing Act 1983(9); or
- (g) which is exercisable by virtue of section 265(3)(a) or (4) of the Town and Country Planning Act 1990(10);

is hereby transferred to the Secretary of State for Environment, Food and Rural Affairs.

(2) Any function of the Minister of Agriculture, Fisheries and Food under any scheme, regulations, Order in Council, order, bye-laws or similar instrument made (or having effect as if made) in the exercise of, or in relation to, any function which is transferred (whether wholly or partly) by paragraph (1) is, so far as is consistent with the transfer effected by that paragraph, hereby transferred to the Secretary of State for Environment, Food and Rural Affairs.

(3) Any function of the Minister of Agriculture, Fisheries and Food under section 29 of the Food Standards Act 1999(11) is hereby transferred to each Secretary of State having responsibility for any matters connected with the regulation of veterinary products.

-
- (1) 1949 c. 69.
 - (2) 1964 c. 83.
 - (3) 1970 c. 21.
 - (4) 1966 c. 36. Functions under this Act have been transferred by the 1978 Order, art. 4 and Sch. 2.
 - (5) 1968 c. 67. The definitions of “the Health Ministers” and “the Agriculture Ministers” in section 1(1) were modified by the Transfer of Functions (Medicines and Poisons) Order 1999 (S.I. 1999/3142), arts. 2 and 5 and para. 1 of the Schedule. They were also modified by the effect of paragraph 10 of Schedule 12 to the Northern Ireland Act 1998 (c. 47) and the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)), art. 3.
 - (6) 1971 c. 69.
 - (7) 1972 c. 66.
 - (8) 1973 c. 41.
 - (9) 1983 c. 3. Functions under section 7(2) were transferred by section 53 of the Scotland Act 1998 (c. 46) and are exercisable concurrently by the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the Assembly Order”), art. 2 and Sch. 1.
 - (10) 1990 c. 8. Section 265(3)(a) was amended by the Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593), reg. 2 and Sch. 1. Functions exercisable by virtue of section 265(3)(a) and (4) were transferred by the Assembly Order, art. 2 and Sch. 1.
 - (11) 1999 c. 28.

(4) Any function under the New Forest Act 1949, the New Forest Act 1964 or the New Forest Act 1970(12) which is exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly is hereby transferred to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport, Local Government and the Regions acting jointly.

(5) Any function under Schedule 1 to the Forestry Act 1967(13) which is exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly is hereby transferred to the Secretary of State.

(6) Any function under section 2, 3 or 5 of the Agriculture (Miscellaneous Provisions) Act 1968(14) which is exercisable by the Minister of Agriculture, Fisheries and Food, the Secretary of State and the Secretary of State for Wales acting jointly is hereby transferred to the Secretary of State.

(7) Any function under the Medicines Act 1968 or the Medicines Act 1971 which is exercisable, by the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with health in England acting jointly, by virtue of the definition of “the Ministers” in section 1(1) of the Act of 1968 (including any function so exercisable by virtue of the definition of “the appropriate Ministers” in section 1(2) of that Act) is hereby transferred to the Secretary of State.

(8) Any function under the Dairy Produce Quotas Regulations 1997(15) which is exercisable by—

- (a) the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly; or
- (b) the Minister of Agriculture, Fisheries and Food, the Secretary of State for Wales and the Secretary of State for Scotland acting jointly;

is hereby transferred to the Secretary of State.

(9) Any function of—

- (a) the Minister of Agriculture, Fisheries and Food;
- (b) a named Secretary of State (however described); or
- (c) the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, the Secretary of State for Scotland or the Secretary of State, or more than one of them, acting jointly;

under any scheme, regulations, Order in Council, order, bye-laws or similar instrument made (or having effect as if made) in the exercise of, or in relation to, any function which is transferred (whether wholly or partly) by paragraph (5), (6) or (8) is, so far as is consistent with the transfer effected by that paragraph, hereby transferred to the Secretary of State.

(10) Any function of—

- (a) the Minister of Agriculture, Fisheries and Food;
- (b) a named Secretary of State (however described); or
- (c) the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with health in England acting jointly or the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;

(12) The functions of the Minister of Transport under these Acts were transferred to the Secretary of State by the Transfer of Functions (Transport) Order 1981 (S.I. 1981/238), art. 2.

(13) 1967 c. 10. Schedule 1 was amended by the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747), art. 3 and Sch. 12. Functions were also transferred by the Assembly Order, art. 2 and Sch. 1.

(14) 1968 c. 34. Functions under sections 2, 3 and 5 have been transferred by the 1978 Order, art. 2 and Sch. 1, section 53 of the Scotland Act 1998 and the Assembly Order, art. 2 and Sch. 1. Section 3 was amended by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), art. 4 and Sch. 2, para. 46.

(15) S.I. 1997/733. Functions under the regulations have been transferred by section 53 of the Scotland Act 1998 and the Assembly Order, art. 2 and Sch. 1.

under any scheme, regulations, Order in Council, order, bye-laws or similar instrument made (or having effect as if made) in the exercise of, or in relation to, any function which is transferred (whether wholly or partly) by paragraph (7) is, so far as is consistent with the transfer effected by that paragraph, hereby transferred to the Secretary of State.

(11) Any function of making regulations under section 2(2) of the European Communities Act 1972⁽¹⁶⁾ which is exercisable by the Minister of Agriculture, Fisheries and Food and one or more Secretaries of State acting jointly is hereby transferred—

- (a) in a case where the Secretary of State for Environment, Food and Rural Affairs is not the Secretary of State concerned or one of the Secretaries of State concerned, to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State, or (as the case may be) Secretaries of State, concerned acting jointly;
- (b) in a case where the Secretary of State for Environment, Food and Rural Affairs is the Secretary of State concerned, to the Secretary of State; and
- (c) in a case where the Secretary of State for Environment, Food and Rural Affairs is one of the Secretaries of State concerned, to those Secretaries of State acting jointly.

⁽¹⁶⁾ 1972 c. 68.