

*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.*

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DRAFT STATUTORY INSTRUMENTS

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**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<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> 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.

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(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- (a) subsections (1) and (2) are hereby repealed;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<sup>(3)</sup>;
    - (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<sup>(4)</sup> shall apply in relation to section 5(1)(d) of the Agriculture Act 1957 as extended by this section as if the references in section 3(2) of the Act of 1967 to the Minister were references to the relevant Minister.”;

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<sup>(3)</sup> S.I. 1999/1096.

<sup>(4)</sup> 1967 c. 22.

- (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<sup>(5)</sup>.

(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<sup>(6)</sup>, shall be transferred—

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

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<sup>(5)</sup> S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820, 2000/2573.

<sup>(6)</sup> OJ No. L160, 26.6.1999, p.21.

<sup>(7)</sup> S.I. 2001/1332 (W.82).

(b) so far as they arise in relation to functions under the Slaughter Premium Regulations (Northern Ireland) 2001<sup>(8)</sup>, 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<sup>(9)</sup> or section 28 of the Northern Ireland Act 1998<sup>(10)</sup>) 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,

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

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<sup>(8)</sup> S.R. (N.I.) 2001/199.

<sup>(9)</sup> 1998 c. 38.

<sup>(10)</sup> 1998 c. 47.

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.

(5) In the Northern Ireland Assembly Disqualification Act 1975(**15**), in Schedule 1, in Part II, the words “The Intervention Board for Agricultural Produce and every committee of the Board performing functions of the Board.” shall be repealed.

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(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.

(15) 1975 c. 25.

(6) In the Finance Act 1977<sup>(16)</sup>, in section 11(2), for the words “the Intervention Board for Agricultural Produce may” there shall be substituted the words—

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

(7) In the Customs and Excise Management Act 1979<sup>(17)</sup>—

- (a) in section 68A(4), for the words “the Intervention Board for Agricultural Produce” there shall be substituted the words “the Secretary of State, the Scottish Ministers, the National Assembly for Wales or (in relation to Northern Ireland) the Department of Agriculture and Rural Development, as the case may be”;

(b) in section 136, for subsection (6) there shall be substituted the following subsection—

“(6) Without prejudice to section 6(5) of the European Communities Act 1972 (which provides for the application of certain enactments, including this section, if the Commissioners are charged or entrusted with the performance of certain duties in relation to the payment of refunds or allowances on goods exported or to be exported from the United Kingdom)—

- (a) references in this section to amounts by way of drawback include amounts payable by or on behalf of the Secretary of State, the Scottish Ministers, the National Assembly for Wales or (in relation to Northern Ireland) the Department of Agriculture and Rural Development by virtue of Community arrangements to which section 6(3) of the European Communities Act 1972 applies; and
- (b) in relation to such amounts, subsection (3) above shall have effect with the omission of the words from “but in the case” onwards.”.

(8) In the Customs and Excise (Positive Monetary Compensatory Amounts) Regulations 1980<sup>(18)</sup>, for regulation 2 there shall be substituted the following regulations—

“2. Of the amounts standing to the credit of the General Account of the Commissioners there shall be paid by them, from time to time as they shall decide, to the account of—

- (a) the Secretary of State, in relation to England;
- (b) the Scottish Ministers, in relation to Scotland;
- (c) the National Assembly for Wales, in relation to Wales;
- (d) the Department of Agriculture and Rural Development, in relation to Northern Ireland,

such sums as they determine are equivalent to the amounts paid to them as monetary compensatory amounts charged on—

- (i) goods imported into England, Scotland, Wales or Northern Ireland, as the case may be, from another member State of the European Community on or after the relevant date; and
- (ii) goods imported into England, Scotland, Wales or Northern Ireland, as the case may be, from another member State of the European Community on or after 1st August 1980 but before the relevant date in a case where

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<sup>(16)</sup> 1977 c. 36.

<sup>(17)</sup> 1979 c. 2; section 68A was inserted by section 11(2), and section 136(6) by section 11(3), of the Finance Act 1982 (c. 39).

<sup>(18)</sup> S.I. 1980/927.

no such equivalent sum has been paid to the Intervention Board for Agricultural Produce under these Regulations prior to the relevant date.

3. For the purposes of regulation 2, “the relevant date” means the date on which the Intervention Board for Agricultural Produce (Abolition) Regulations 2001 come into force.”.

(9) In the Finance Act 1982(**19**)—

(a) in section 11(1)—

(i) in paragraph (a), for the words “Intervention Board for Agricultural Produce” there shall be substituted the words “relevant Minister (within the meaning given by subsection (9) of that section)”;

(ii) in paragraph (b), for the word “Board” there shall be substituted the words “Minister (within the meaning so given)”;

(b) section 11(3) shall be repealed.

(10) The Intervention Functions (Delegation) (Amendment) Regulations 1988(**20**) shall be revoked.

(11) In the Deregulation and Contracting Out Act 1994(**21**)—

(a) in section 79(3)(a)—

(i) for the word “references” there shall be substituted the words “a reference”;

(ii) the words “and the Intervention Board for Agricultural Produce” shall be repealed;

(b) in section 79(4), the words “or that Board” and the words “; and any order under section 69 above which relates to a function of that Board shall be made by the Ministers (within the meaning of Part I of the Agriculture Act 1957)” shall be repealed;

(c) in section 80(1)(a), for the words “, the Forestry Commissioners or the Intervention Board for Agricultural Produce” there shall be substituted the words “or the Forestry Commissioners”.

(12) In the Scottish Parliament (Disqualification) Order 1999(**22**), in the Schedule thereto, in Part I, the entry “Any member of the Intervention Board for Agricultural Produce and of every committee of the Board performing functions of the Board” shall be deleted.

(13) In the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999(**23**), in the Schedule thereto, the entry relating to the Intervention Board for Agricultural Produce shall be deleted.

(14) In the Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Order 1999(**24**), in Schedule 2, the entry “Intervention Board for Agricultural Produce” shall be deleted.

(15) In the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999(**25**)—

(a) in Schedule 1, the entry “Intervention Board for Agricultural Produce” shall be deleted;

(b) Schedule 15 shall be deleted.

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(19) 1982 c. 39.

(20) S.I. 1988/1000.

(21) 1994 c. 40.

(22) S.I. 1999/680.

(23) S.I. 1999/1319.

(24) S.I. 1999/1351.

(25) S.I. 1999/1747.

(16) In the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999(26), in Schedule 2, in paragraph 52, sub-paragraphs (1) and (2) shall be deleted.

(17) In the Regulation of Investigatory Powers Act 2000(27)—

- (a) in section 31(2), paragraph (b) shall be repealed;
- (b) in Schedule 1, in Part I, entry no. 21 shall be repealed.

(18) In the Whole of Government Accounts (Designation of Bodies) Order 2000(28), in the Schedule, the entry “Intervention Board” shall be deleted.

(19) In the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000(29)—

- (a) in article 4(2), the words “and the Intervention Board for Agricultural Produce” shall be deleted;
- (b) in the Schedule, in Part I—
  - (i) in the entry relating to the Ministry of Agriculture, Fisheries and Food, in column (2), after the entry relating to the Senior Investigation Officer in MAFF Investigation Branch there shall be inserted the following entry—

“Senior Executive Officer in the Rural Payments Agency Counter-Fraud and Compliance Unit”;

- (ii) the entry relating to the Intervention Board for Agricultural Produce shall be deleted.

(20) In the Capital Allowances Act 2001(30), in section 41(5), for the definitions of “agriculture” and “agricultural produce” there shall be substituted the following definitions—

““agricultural produce” has the same meaning as in section 6 of the European Communities Act 1972 (c. 68),

“agriculture” has the same meaning as in the Agriculture Act 1947 (c. 48),”.

### **Consequential repeals, revocations and amendments: England, Wales, Northern Ireland**

7.—(1) The enactments specified in paragraphs (2) to (17), in so far as they extend to England and Wales or Northern Ireland, shall be amended as prescribed in those paragraphs.

(2) In the Foot-and-Mouth Disease Order 1983(31), in article 3(1), in the definition of “certification centre”, for the words “Intervention Board for Agricultural Produce” there shall be substituted the words “Secretary of State (in relation to England), the National Assembly for Wales (in relation to Wales) or the Department of Agriculture and Rural Development (in relation to Northern Ireland)”.

(3) In the Local Authorities (Expenditure Powers) Order 1984(32), in article 3, after the words “Intervention Board for Agricultural Produce” there shall be inserted the words “or, after the coming into force of the Intervention Board for Agricultural Produce (Abolition) Regulations 2001, by the Secretary of State or the National Assembly for Wales”.

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(26) S.I. 1999/1820.

(27) 2000 c. 23.

(28) S.I. 2000/3357.

(29) S.I. 2000/2417.

(30) 2001 c. 2.

(31) S.I. 1983/1950, amended by S.I. 1993/1847, 3119, 1995/2922; and as regards England, by S.I. 2001/571, 680, 974; as regards Wales, by S.I. 2001/572 (W.26), 658 (W.33), 968 (W.46), 1033 (W.47), 1406 (W.93); and as regards Scotland, by Scottish S.I. 2001/49, 52, 55, 56, 59, 60, 101, 165.

(32) S.I. 1984/197.



(4) In the Home-Grown Cereals Authority Levy Scheme (Approval) Order 1987<sup>(33)</sup>, in the Scheme set out in the Schedule to that Order, the definition of “Intervention Board” in paragraph 2(1) shall be deleted and for any other reference to “the Intervention Board” there shall be substituted “, as the case may be, the Secretary of State, the National Assembly for Wales or the Department of Agriculture and Rural Development”.

(5) In the Agricultural Levies (Export Control) Regulations 1988<sup>(34)</sup>—

(a) in regulation 1(2), for the definition of “the Board” there shall be substituted the following definition—

““the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the National Assembly for Wales;
- (c) in relation to Northern Ireland, the Department of Agriculture and Rural Development;”;

(b) in regulation 3(1), for the words “the Board” there shall be substituted, in both places where they appear, the words “the appropriate authority”.

(6) In the Beef Special Premium (Protection of Payments) Order 1989<sup>(35)</sup>—

(a) the definition of “the Board” in article 2(1) shall be deleted, and for any other reference to “the Board” there shall be substituted “the appropriate authority”;

(b) in article 2(1)—

(i) after the definition of “animal” there shall be inserted the following definition—

““the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the National Assembly for Wales;”;

(ii) the definition of “the Ministers” shall be deleted;

(c) for article 2(2) there shall be substituted the following paragraph—

“(2) Any reference in this Order to the appropriate authority other than in this paragraph or in article 9 shall include a reference to the Meat and Livestock Commission when acting for the appropriate authority in question.”;

(d) in article 9(1) the words “or of one of the Ministers” shall be deleted.

(7) In the Beef Special Premium (Recovery Powers) Regulations 1989<sup>(36)</sup> for any reference to “the Board” there shall be substituted “the appropriate authority”.

(8) In the Agricultural Levies (Terms of Payment) Regulations 1990<sup>(37)</sup>—

(a) in regulation 1(2), for the definition of “the Board” there shall be substituted the following definition—

““the appropriate authority” means—

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

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<sup>(33)</sup> S.I. 1987/671 approved (with modifications) the Home-Grown Cereals Authority Levy Scheme. That Scheme was varied by the Home-Grown Cereals Authority Levy (Variation) Scheme 1990 which was approved (with a modification) by the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1990 (S.I. 1990/1316), the Home-Grown Cereals Authority Levy (Variation) Scheme 1991 which was approved by the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1991 (S.I. 1991/1302) and the Home-Grown Cereals Authority Levy (Variation) Scheme 1996 which was approved (with modifications) by the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1996 (S.I. 1996/2843).

<sup>(34)</sup> S.I. 1988/2135.

<sup>(35)</sup> S.I. 1989/574.

<sup>(36)</sup> S.I. 1989/575.

<sup>(37)</sup> S.I. 1990/1185.

- (b) in relation to Wales, the National Assembly for Wales;
  - (c) in relation to Northern Ireland, the Department of Agriculture and Rural Development;”;
- (b) in regulations 2, 3, 4 and 5 for the words “the Board”, in all places where they appear, there shall be substituted the words “the appropriate authority”;
- (c) in regulation 5, after the word “due” there shall be inserted the words “to it”.
- (9) In the Home-Grown Cereals Authority Oilseeds Levy Scheme (Approval) Order 1990<sup>(38)</sup>, in the Scheme set out in the Schedule to that Order, the definition of “Intervention Board” in paragraph 2(1) shall be deleted and for any other reference to “the Intervention Board” there shall be substituted “, as the case may be, the Secretary of State, the National Assembly for Wales, or the Department of Agriculture and Rural Development”.
- (10) In the Common Agricultural Policy (Protection of Community Arrangements) Regulations 1992<sup>(39)</sup>—
- (a) the definitions of “the Board” and “the enforcement authority” in regulation 2(1), shall be deleted, and for any other reference to “the Board” or to “the enforcement authority” there shall be substituted “the appropriate authority”;
  - (b) in regulation 2(1), for the definition of “authorised officer” there shall be substituted the following definitions—
    - ““the appropriate authority” means
      - (a) in relation to England, the Secretary of State;
      - (b) in relation to Wales, the National Assembly for Wales; and
      - (c) in relation to Northern Ireland, the Department of Agriculture and Rural Development;
    - “authorised officer” means any person (whether or not an officer of that authority) who is authorised by the appropriate authority in writing, either generally or specially, to act in matters arising under these Regulations or, for the purposes of any action taken under these Regulations in relation to a Community debt, so authorised by the appropriate authority by which that Community debt was paid or to which it is payable;”;
  - (c) in regulation 3, for the words “the London, Edinburgh and Belfast Gazettes” there shall be substituted the words “the London Gazette (in relation to a person in England or Wales) or the Belfast Gazette (in relation to a person in Northern Ireland)”;
  - (d) in regulation 11, after the word “owed” there shall be inserted the words “to it”.
- (11) In the Surplus Foods Regulations 1995<sup>(40)</sup>, in regulation 2(1)—
- (a) the definition of “the Board” shall be deleted;
  - (b) for the definition of “enforcement authority” there shall be substituted the following definition—
    - ““enforcement authority” means—
      - (a) in relation to England, the Secretary of State;
      - (b) in relation to Wales, the National Assembly for Wales;
      - (c) in relation to Northern Ireland, the Department of Agriculture and Rural Development;”.

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<sup>(38)</sup> S.I. 1990/1317.

<sup>(39)</sup> S.I. 1992/314, amended by S.I. 2001/3198.

<sup>(40)</sup> S.I. 1995/184.

(12) In the Arable Area Payments Regulations 1996<sup>(41)</sup>, in Schedule 3, paragraph 3(1), for the words “Intervention Board for Agricultural Produce” there shall be substituted the words “the relevant competent authority within the meaning of the Integrated Administration and Control System Regulations 1993<sup>(42)</sup>”.

(13) In the Dairy Produce Quotas Regulations 1997<sup>(43)</sup>—

(a) the definition of “Intervention Board” in regulation 2(1) shall be deleted, and for any other reference to “Intervention Board” there shall be substituted “appropriate authority”;

(b) in regulation 2(1), after the definition of “agricultural area” there shall be inserted the following definition—

““the appropriate authority” means—

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

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

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

(c) regulation 28A shall be deleted.

(14) In the Arable Area Payments Regulations (Northern Ireland) 1997<sup>(44)</sup>—

(a) in regulation 2(1), for the definition of “the Department” there shall be substituted the following definition—

““the Department” means the Department of Agriculture and Rural Development;”;

(b) in Schedule 3, in paragraph 3(1), for the words “Intervention Board for Agricultural Produce” there shall be substituted the words “the Department”.

(15) In the Slaughter Premium Regulations 2000<sup>(45)</sup>—

(a) the definition of “Minister” in regulation 2(1) shall be deleted, and for any other reference to “the Minister” there shall be substituted “the Secretary of State”;

(b) in regulation 2(1)—

(i) in the definition of “authorised person”, for the words “an authorising body” and the words “that authorising body” there shall be substituted, in both cases, the words “the Secretary of State”, and the words “, subject to regulation 27;” shall be deleted;

(ii) the definition of “authorising body” shall be deleted;

(iii) after the definition of “retention period” there shall be inserted the following definition—

““Secretary of State” includes, in relation to anything done before the coming into force of the Intervention Board for Agricultural Produce (Abolition) Regulations 2001, the Minister of Agriculture, Fisheries and Food;”;

(c) in regulations 4(3), 13(1), 14, 15, 16, 17 and 19, for the words “the Board” (wherever they appear) there shall be substituted the words “the Secretary of State”, and in regulation 15, for the word “it”, wherever it appears, there shall be substituted the word “he”;

(d) in regulations 5, 8(4), 8(6) and 9(1), the words “or the Board, as the case may be,” and in regulation 8(6), the words “or it”, shall be deleted;

<sup>(41)</sup> S.I. 1996/3142, amended by S.I. 1998/3169, 1999/8, 2000/2573.

<sup>(42)</sup> S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820, 2000/2573.

<sup>(43)</sup> S.I. 1997/733, amended by S.I. 1997/1093, 1998/2880; and as regards England, by S.I. 2000/698, 2977; as regards Wales, by S.I. 2000/972 (W.42), 3123 (W.201); and as regards Scotland, by Scottish S.I. 2000/52, 391. Insofar as these Regulations apply to Northern Ireland they have been amended by S.R. (N.I.) 2000 No. 83 and S.R. (N.I.) 2001 No. 27.

<sup>(44)</sup> S.R. (N.I.) 1997/477, amended by S.R. (N.I.) 1998/308, 1999/120.

<sup>(45)</sup> S.I. 2000/3126.

- (e) in regulation 7(2)—
  - (i) the words “by the Board”, in both places where they appear, shall be deleted;
  - (ii) in both sub-paragraph (a)(i) and sub-paragraph (b)(i), before the word “pursuant” there shall be inserted the words “by the Secretary of State”;
  - (iii) in both sub-paragraph (a)(ii) and sub-paragraph (b)(ii), before the word “pursuant” there shall be inserted the words “by the Scottish Ministers, the National Assembly for Wales, or the Department of Agriculture and Rural Development, as the case may be,”;
- (f) in regulation 10 the words “or the Board” and the words “or it” shall be deleted;
- (g) in regulation 11 the words “or the Board”, the words “or its” and the words “or it” shall be deleted;
- (h) regulation 27 shall be deleted.
- (16) In the Common Agricultural Policy Support Schemes (Modulation) Regulations 2000(46)—
  - (a) in regulation 3(1)—
    - (i) the definition of “Board schemes” and “Intervention Board” shall be deleted;
    - (ii) in the definition of “the relevant amount” the words “or, as the case may be, the Intervention Board” shall be deleted;
  - (b) in regulation 4(1), the words “or (in the case of payments under Board schemes) the Intervention Board” shall be deleted.
- (17) In the Common Agricultural Policy Support Schemes (Modulation) Regulations (Northern Ireland) 2000(47)—
  - (a) in regulation 3(2)—
    - (i) the definitions of “Board schemes” and “Intervention Board” shall be deleted;
    - (ii) in the definition of “the relevant amount” the words “or, as the case may be, the Intervention Board” shall be deleted;
  - (b) in regulation 4(1), the words “or (in the case of payments under Board schemes) the Intervention Board” shall be deleted.

### **Transitional and consequential provisions**

**8.—**(1) Anything (including any legal proceedings) which, immediately before the relevant time, is in the process of being done by or in relation to the transferor may, so far as it relates to any function or other thing transferred by virtue of these Regulations or to any specified function, be continued by or in relation to the transferee.

- (2) Anything done by or in relation to the transferor for the purposes of or in connection with—
- (a) any function or other thing transferred by virtue of these Regulations; or
  - (b) any specified function;

shall, if in force immediately before the relevant time, have effect as if done by or in relation to the transferee in so far as that is required for continuing its effect on or after the coming into force of these Regulations.

(3) These Regulations shall not affect the validity of anything done by the transferor before the coming into force of these Regulations.

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(46) S.I. 2000/3127.

(47) S.R. (N.I.) 2000/346.

(4) Any enactment, instrument, agreement (whether or not in writing), or other document, which was made before the coming into force of these Regulations, shall have effect, so far as may be necessary for the purposes of, or in consequence of—

- (a) any transfer effected by virtue of these Regulations; or
- (b) the abolition of the Board;

as if any references to the transferor were references to the transferee.

(5) The obligation of the Board under section 5(1) of the 2000 Act to prepare resource accounts in respect of the relevant financial year shall be an obligation of the department, and the resource accounts prepared in pursuance of that obligation shall be resource accounts in the name of the Board.

(6) In addition, in relation to the department and resource accounts in its name, section 5(1) of the 2000 Act shall apply as if the resources acquired, held, disposed of or used by the Board during that part of the relevant financial year before the coming into force of these Regulations had been acquired, held, disposed of or used, as the case may be, by the department.

(7) This regulation is subject to any specific provision made by these Regulations.

(8) In this regulation—

“the 2000 Act” means the Government Resources and Accounts Act 2000(48);

“the department” means the department for which the Secretary of State for Environment, Food and Rural Affairs is responsible;

“the relevant financial year” means the financial year ending with 31st March 2002;

“the relevant time” means—

- (a) in relation to any function or other thing transferred by virtue of these Regulations, the time at which these Regulations come into force; and
- (b) in relation to any specified function, the time at which the function ceased to be exercisable by the Board;

“specified function” means any relevant function which has ceased to be exercisable by the Board as part of the arrangements for the abolition of the Board;

“transferor” means—

- (a) in relation to—
  - (i) any function which is a function of the Minister or the Ministers under section 5 of the Agriculture Act 1957 as extended by section 6 of the European Communities Act 1972 and which is transferred by virtue of regulation 3 of these Regulations, or
  - (ii) any other function of the Minister of Agriculture, Fisheries and Food which is transferred by virtue of these Regulations, or
  - (iii) any other thing which is transferred by regulation 4(5) or (6),  
the person or persons from whom the function or other thing is transferred;
- (b) in any other case, the Board; and

“transferee” means—

- (a) in relation to any function or other thing transferred by virtue of these Regulations, the person or persons to whom the function or other thing is transferred;
- (b) in relation to any specified function, the person or persons by whom the function became exercisable as part of the arrangements for the abolition of the Board.

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Intervention Board for Agricultural Produce (Abolition) Regulations 2001 No. 3686*

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2001

Parliamentary Under-Secretary of State,  
Department for Environment, Food and Rural  
Affairs

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force in accordance with regulation 1(1), abolish the Intervention Board for Agricultural Produce (“the Board”) (regulation 2), and transfer its property, rights and liabilities principally to the Secretary of State for Environment, Food and Rural Affairs but with others being divided between that Secretary of State, the Scottish Ministers, the National Assembly for Wales and the Department of Agriculture and Rural Development (regulation 4). In consequence of the abolition of the Board, s.6 (1) and (2) of the European Communities Act 1972, which are thereby rendered redundant, are repealed, and amendments are made to s.6 (3), (4) and (5) of that Act (regulation 3). The Regulations also permit the Secretary of State to enter an arrangement with the Scottish Ministers for the exercise by him, on their behalf, of any functions in connection with the carrying out of the United Kingdom’s obligations under the common agricultural policy, and provide for the joint supervision by the Secretary of State, the Scottish Ministers, the National Assembly for Wales and the Department of Agriculture and Rural Development of any exercise by the Secretary of State, either on his own behalf (in which event such supervision shall be subject to his consent) or on behalf of all or any of the others, of functions (other than a power to legislate) either in connection with carrying out the United Kingdom’s obligations under the common agricultural policy or of any other kind previously entrusted to the Board; they also permit there to be delegated to the Meat and Livestock Commission any function which was exercisable by the Board, but had ceased to be so, prior to the coming into force of the Regulations, or any function transferred by these Regulations, being (in either case) a function exercisable in relation to any part of Great Britain with respect to livestock or livestock products (regulation 5). In addition, the Regulations make consequential amendments to other primary and secondary legislation so far as such legislation extends to the United Kingdom (regulation 6), and so far as such legislation extends to England and Wales or Northern Ireland (regulation 7), and make transitional and consequential provisions (regulation 8).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.