
STATUTORY INSTRUMENTS

2000 No. 1812

MINISTERS OF THE CROWN

**The Transfer of Functions (Agriculture
and Fisheries) Order 2000**

<i>Made</i>	- - - -	<i>12th July 2000</i>
<i>Laid before Parliament</i>		<i>24th July 2000</i>
<i>Coming into force</i>	- -	<i>15th August 2000</i>

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975⁽¹⁾, 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 Fisheries) Order 2000.

(2) This Order shall come into force on 15 August 2000.

(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 for Scotland under—

(a) the Farm and Garden Chemicals Act 1967⁽²⁾, or

⁽¹⁾ 1975 c. 26.

⁽²⁾ 1967 c. 50. Relevant amendments made by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I.1978/272) (“the 1978 Order”), arts. 4 and 11 and Schs. 2 and 5 and the Scotland Act 1998 (c. 46) (“the Scotland Act”).

(b) section 11(2) of the Sea Fish (Conservation) Act 1992(3),
is hereby transferred to the Minister of Agriculture, Fisheries and Food.

(3) For the purposes of paragraph (1)—

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

(b) the reference to the Secretary of State for Wales includes references to the Secretary of State concerned with agriculture in Wales, the Secretary of State concerned with sea fishing in Wales, the Secretary of State concerned with the sea fishing industry in Wales and the Secretary of State concerned with the sea fish industry in Wales.

(4) For the purposes of paragraphs (1) and (2) the references to the Secretary of State for Scotland include references to the Secretary of State concerned with agriculture in Scotland, the Secretary of State concerned with sea fishing in Scotland, the Secretary of State concerned with the sea fishing industry in Scotland and the Secretary of State concerned with the sea fish industry in Scotland.

(5) 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.

(3) 1992 c. 60. Relevant amendments made by the Scotland Act, the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756) (“the Modification of Functions Order”), art. 3 and the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) (“the Consequential Modifications Order”), art. 4 and Sch. 2, para. 109.

(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.

(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)

- Section 36 of the Agricultural Marketing Act 1958(4).
 Section 17(3) of the Sea Fisheries (Shellfish) Act 1967(5).
 Sea Fish (Conservation) Act 1967(6) (except for sections 6, 8 and 19 so far as they relate to any function originally exercisable by the Board of Trade)(7).
 Section 45 of the Agriculture (Miscellaneous Provisions) Act 1968(8).
 Sections 5 and 7 of the Sea Fisheries Act 1968(9).
 Section 37A of the Salmon and Freshwater Fisheries Act 1975(10).
 Fishery Limits Act 1976(11).
 Part I (except for section 2(5)), and section 30(2), of the Fisheries Act 1981(12).
 British Fishing Boats Act 1983(13).
 Section 31 of the Salmon Act 1986(14).
 Sections 1 to 7, 9, 10, 19 (except for the words “and the Secretary of State” in subsection (3)), 23, 33 (so far as it relates to functions exercisable in relation to internal drainage boards), 35, 38, 39, 47, 51, 52, 55, 57, 58, 61D, 62(1), 63 and 66, and Schedules 1 to 3 and 5, of the Land Drainage Act 1991(15).
 Section 58 of the Agriculture Act 1993(16).
 Schedule 4 to the Environment Act 1995(17).

-
- (4) 1958 c. 47. 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 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”).
- (5) 1967 c. 83. Relevant amendments made by the 1978 Order, arts. 2 and 11 and Schs. 1 and 5, the Scotland Act, the Modification of Functions Order, art. 3, the Consequential Modifications Order, art. 4 and Sch. 2, para. 42, the Wales Act and the Assembly Order.
- (6) 1967 c. 84. Relevant amendments made by the Fisheries Act 1981 (c. 29), ss. 45 and 46(2) and Sch. 5, Pt II, the Scotland Act, the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592) (“the Concurrent Functions Order”), art. 3 and Sch. 1, the Modification of Functions Order, art. 3, the Consequential Modifications Order, art. 4 and Sch. 2, para. 43, the Wales Act and the Assembly Order.
- (7) Relevant amendments also made by the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537), arts. 2, 6 and 7 and Sch. 2, para. 10, the Secretary of State (New Departments) Order 1974 (S.I. 1974/692), art. 2 and Sch. 1, Pt III and the Transfer of Functions (Trade and Industry) Order 1983 (S.I. 1983/1127), arts. 2(1) and 4(3)(c).
- (8) 1968 c. 34. Relevant amendments made by the 1969 Order, art. 3 and Sch. 2, the 1978 Order, art. 2 and Sch. 1, the Scotland Act 1998 (Cross-Border Public Authorities (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747) (“the CBPA Order”), art. 3 and Sch. 5, the Scotland Act 1998 (Cross-Border Public Authorities) (British Wool Marketing Board) Order 2000 (S.I. 2000/1113), art. 2, the Wales Act and the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253), art. 2 and Sch. 1.
- (9) 1968 c. 77. Relevant amendments made by the 1978 Order, art. 2 and Sch. 1, the Scotland Act, the Concurrent Functions Order, art. 3 and Sch. 1, the Modification of Functions Order, art. 3, the Consequential Modifications Order, art. 4 and Sch. 2, para. 48, the Wales Act and the Assembly Order.
- (10) 1975 c. 51. Section 37A was inserted by section 104 of the Environment Act 1995 (c. 25). Relevant amendments made by the Scotland Act, the Scotland Act 1998 (Border Rivers) Order 1999 (S.I. 1999/1746), the Wales Act and the Assembly Order.
- (11) 1976 c. 86. Relevant amendments made by the 1978 Order, art. 2 and Sch. 1, the Scotland Act, the Modification of Functions Order, art. 3, the Consequential Modifications Order, art. 4 and Sch. 2, para. 57, the Wales Act and the Assembly Order.
- (12) 1981 c. 29. Relevant amendments made by the Scotland Act, the Modification of Functions Order, art. 3, the Consequential Modifications Order, art. 4 and Sch. 2, para. 68, the CBPA Order, art. 3 and Sch. 23, the Wales Act and the Assembly Order.
- (13) 1983 c. 8. Relevant amendments made by the Scotland Act, the Concurrent Functions Order, art. 3 and Sch. 1, the Modification of Functions Order, art. 3, the Consequential Modifications Order, art. 4 and Sch. 2, para. 70, the Wales Act and the Assembly Order.
- (14) 1986 c. 62. Relevant amendments made by the Wales Act and the Assembly Order.
- (15) 1991 c. 59. Relevant amendments made by the Secretary of State for the Environment, Transport and the Regions Order 1997 (S.I. 1997/2971), arts. 3 and 6 and the Schedule, para. 22, the Wales Act and the Assembly Order.
- (16) 1993 c. 37. Relevant amendments made by the Scotland Act, the Wales Act and the Assembly Order.
- (17) 1995 c. 25. Relevant amendments made by 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 fisheries 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.