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STATUTORY INSTRUMENTS

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**2024 No. 662**

**AGRICULTURE**

**The British Wool Marketing Scheme (Amendment) Order 2024**

*Made* - - - - *15th May 2024*

*Coming into force* - - *16th May 2024*

The Secretary of State for Environment, Food and Rural Affairs<sup>(1)</sup>, the Department of Agriculture, Environment and Rural Affairs<sup>(2)</sup> and the Welsh Ministers<sup>(3)(4)</sup> make this Order with the consent of the Scottish Ministers<sup>(5)</sup>, in exercise of the powers conferred by section 2 of, and the First Schedule to, the Agricultural Marketing Act 1958<sup>(6)</sup>.

In accordance with the above provisions, proposed amendments to the British Wool Marketing Scheme<sup>(7)</sup> were submitted to the Minister<sup>(8)</sup> and published in the Gazette<sup>(9)</sup>.

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- (1) The functions of the Minister for Agriculture, Fisheries and Food were transferred to the Secretary of State for Environment, Food and Rural Affairs by article 2(2) and (5) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794; to which there are amendments not relevant to this Order). In relation to functions exercisable jointly, note article 1(5) of that Order.
  - (2) Under article 3(3) and (4) of the Northern Ireland Act 1998 (Modification of Enactments) Order 2002 (S.I. 2002/2843 (N.I.)); to which there are amendments not relevant to this Order), the powers being exercised were transferred from the Secretary of State concerned with agriculture in Northern Ireland to the Department of Agriculture and Rural Development (now the Department of Agriculture, Environment and Rural Affairs by virtue of section 1(2) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))).
  - (3) Under article 2(4) of, and Schedule 1 to, the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272; to which there are amendments not relevant to this Order), the functions exercisable by the Minister for Agriculture, Fisheries and Food in relation to Wales became exercisable jointly with the Secretary of State. The functions of a Minister of the Crown in relation to agriculture were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales (now Senedd Cymru by virtue of section 2 of the Senedd and Elections (Wales) Act 2020 (anaw 1)) by section 22 of, and paragraph 1 of Schedule 2 to, the Government of Wales Act 1998 (c. 38) (now repealed) and Article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672; to which there are amendments not relevant to this Order). Those functions were then transferred from the National Assembly of Wales to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
  - (4) Section 52 of, and Part 1 of the Third Schedule to, the Agricultural Marketing Act 1958 (c.47 (6 & 7 Eliz 2)) (“the 1958 Act”) provide the definition of “the Minister” for the purpose of the powers being exercised.
  - (5) The Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319) specified the British Wool Marketing Board as a cross-border public authority for the purposes of the Scotland Act 1998 (c. 46). By article 3 of, and paragraph 3 of Schedule 5 to, the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747, amended by S.I. 2000/1113), the Secretary of State for Scotland ceased to be a Minister of the Crown who may, under the 1958 Act, modify the British Wool Marketing Scheme (Approval) Order 1950 (S.I. 1950/1326, amended by S.I. 2000/1709, 2002/2843, 2008/948; there are other amending instruments but none is relevant) (“the 1950 Order”), and that function became exercisable only with the consent of the Scottish Ministers.
  - (6) 1958 c. 47 (6 & 7 Eliz 2).
  - (7) The British Wool Marketing Scheme is set out in the Schedule to the 1950 Order.
  - (8) Notice of the proposed amendments had been served on every registered producer under the Scheme in accordance with paragraph 1(2) of the First Schedule to the 1958 Act, and paragraph 88(1) of the Schedule to the 1950 Order. No poll on the proposed amendments was demanded under paragraph 88(2) of the Schedule to the 1950 Order.
  - (9) As required by section 2(1) of, and paragraph 1(4) of the First Schedule to, the 1958 Act. Section 52(1) of the 1958 Act sets out the definition of “the Gazette”, and includes the London, Edinburgh and Belfast Gazettes in relation to these amendments.

No objections were made, and the Minister is satisfied that the proposed amendments will lead to the more efficient operation of the Scheme(10).

### **Citation, commencement and extent**

1.—(1) This Order may be cited as the British Wool Marketing Scheme (Amendment) Order 2024.

(2) This Order comes into force on the day after the day on which it is made.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

### **Amendments to the British Wool Marketing Scheme**

2.—(1) The Schedule to the British Wool Marketing Scheme (Approval) Order 1950 is amended as follows.

(2) Omit paragraph 5.

(3) In paragraph 6, for “, after” to the end substitute—  
“consist of—

(a) nine regional members, all of whom shall be elected as hereinafter provided;

(b) no less than two members, and (provided that there are at least two) no more than one-fifth of the total number of members, appointed by the Minister in accordance with Section 3 of, and paragraph 2(1)(b) of the Second Schedule to, the Agricultural Marketing Act 1958; and

(c) no more than three additional members as may be appointed by a body comprising all the regional members of the Board, for a term as may be determined by that body, but no more than three years, extendable or terminable as the body considers appropriate, all pursuant to a question being raised in accordance with the process set out under paragraph 28 hereof.”.

(4) In paragraph 8, in sub-paragraph (4), omit “subject to Paragraph 37A”.

(5) In paragraph 9, in sub-paragraph (d), from “(2)” to “1931” substitute “(3) of Section 47 of the Agricultural Marketing Act 1958”.

(6) In paragraph 27—

(a) after “Committee of the Board” insert “, or any body formed for the purpose of appointing additional members to the Board under paragraph 6(c),”;

(b) after “places” insert “(including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers)”;

(c) for “or the Committee respectively” substitute “, Committee or body respectively.”.

(7) In paragraph 28—

(a) after “hereof” insert “, or any body formed for the purpose of appointing additional members to the Board under paragraph 6(c),”;

(b) after “voting” insert “, whether in person or by electronic, digital, or virtual means”.

(8) In paragraph 32—

(a) after “Secretary” insert “or Chairman”;

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(10) In accordance with section 2(7) of, and paragraph 1(4)(c) of the First Schedule to, the 1958 Act.

- (b) after “members of the Board” insert “(or the Chairman plus one member)”.
- (9) Omit paragraph 37A.
- (10) In paragraph 43—
  - (a) for “the address of the Board to which written nominations of candidates are to be sent” substitute “how nominations of candidates are to be submitted”;
  - (b) for “at the specified address” substitute “in the specified way”.
- (11) In paragraph 44, in sub-paragraph (3)—
  - (a) after “post” insert “or by electronic, digital or virtual means”;
  - (b) after “voting paper”, in the first place it occurs, insert “, or voting instructions,”;
  - (c) for “the address of the Board to which the voting papers are to be sent” substitute “how the votes are to be returned”;
  - (d) after “the day on which the voting papers” insert “or instructions”;
  - (e) for “voting papers will”, substitute “votes must”;
  - (f) for “no voting paper” substitute “no vote”;
  - (g) for “at the specified address” substitute “in the specified way”;
  - (h) after “loss of a voting paper” insert “or instructions”.
- (12) In paragraph 45, in sub-paragraph (3), after “person voting” insert “using paper voting methods”.
- (13) In paragraph 45, in sub-paragraph (4), for “filled up the voting paper” substitute “completed his vote”.
- (14) In paragraph 51, for “fee” until the end substitute “reasonable fee.”.
- (15) In paragraph 57—
  - (a) after “post” insert “or by electronic, digital or virtual means”;
  - (b) after “voting paper”, in the first place it occurs, insert “or voting instructions”.
- (16) In paragraph 58, from “the voting paper” to “the Board” substitute “only votes which are properly submitted as specified by the Board and received”.
- (17) In paragraph 61, after “voting paper” insert “or electronic, digital or virtual vote”.
- (18) In paragraph 66, for “four” substitute “six”.
- (19) In paragraph 83, for “place” substitute “location (physical, electronic, digital or virtual)”.
- (20) In paragraph 86, for “place” substitute “location (physical, electronic, digital or virtual)”.
- (21) In paragraph 87, in sub-paragraph (1)—
  - (a) after “hands”, in the first place it occurs, insert “or similar virtual method”;
  - (b) for “show of hands”, in the second place it occurs, substitute “vote”;
  - (c) after “personally”, in both places it occurs, insert “or virtually”;
  - (d) for “voting paper”, in the first place it occurs, substitute “vote”;
  - (e) after “voting paper”, in the second place it occurs, insert “or voting instructions,”;
  - (f) after “voting paper”, in the third place it occurs, insert “or voting instructions”;
  - (g) for “voting papers” substitute “votes”.
- (22) In paragraph 87, in sub-paragraph (2), after “hands”, in both places it occurs, insert “or similar virtual method,”.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(23) In paragraph 88, in sub-paragraph (1), after “notice thereof” insert “(either in writing or by electronic, digital or virtual means)”.

(24) In paragraph 92. for “to him” until the end substitute—  
“—

- (a) by post, to the address last used by the person in correspondence or that provided for entry in the register, with the correct postage prepaid; or
- (b) by email, to the last email address used by the person in correspondence or that provided for entry in the register.”.

(25) Omit the Third Schedule.

*Mark Spencer*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

15th May 2024

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on  
14th May 2024



*Andrew Muir*  
A senior officer of the Department of  
Agriculture, Environment and Rural Affairs

*Huw Irranca-Davies*  
Cabinet Secretary for Climate Change and Rural  
Affairs  
one of the Welsh Ministers

14th May 2024

## EXPLANATORY NOTE

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

This Order makes further amendments to the British Wool Marketing Scheme (Approval) Order 1950 (S.I. 1950/1326) (“the 1950 Order”).

The amendments principally enable decisions and meetings to be held by electronic, digital and virtual forms of communication. They also allow for additional members to be appointed to the Board to expand its expertise, remove the age limit for regional Board members and county representatives to take account of legislation protecting against age discrimination and bring the timetable for producing annual accounts in line with other public bodies.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.