

2002 No. 2636

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

**The Scotland Act 1998 (Cross-Border Public Authorities)
(Adaptation of Functions etc.) (Amendment) Order 2002**

Made *22nd October 2002*

Coming into force *23rd October 2002*

At the Court at Buckingham Palace, the 22nd day of October 2002

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been—

- (a) laid before and approved by a resolution of each House of Parliament; and
- (b) laid before and approved by a resolution of the Scottish Parliament;

And whereas the Meat and Livestock Commission has been specified as a cross-border public authority by the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999(a);

And whereas it has been recommended to Her Majesty in Council to make this Order following consultation with the Meat and Livestock Commission;

Now therefore, Her Majesty, in exercise of the powers conferred upon Her by sections 89 and 113 of the Scotland Act 1998(b), and of all other powers enabling Her in that behalf, is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) (Amendment) Order 2002 and shall come into force on the day after the day on which it is made.

(a) S.I. 1999/1319.

(b) 1998 c.46.

Amendment of the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999

2. In article 3 of the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999(a), for “, which modifications”, substitute “and the provisions set out in Parts III and IV of Schedule 16 to this Order, which modifications and provisions”.

3. In Schedule 16 to the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999–

- (a) in paragraph 1(2) of Part I (Application and Interpretation)–
 - (i) after the definition of “the Commission”, “and” is omitted; and
 - (ii) after the definition of “the Consumers Committee” there are added the following definitions–

““levy” means the levy received by the Commission under a levy scheme confirmed under section 13 of the 1967 Act(b); and

“the Scottish levy” means that part of the levy which is determined in accordance with paragraph 6(1).”;
- (b) in Part II (Modifications)–
 - (i) at the end of paragraph 2(4), there is added “and shall, with effect from the coming into force date of the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) (Amendment) Order 2002, be disappplied to any function to which paragraph 4 or 5 applies”; and
 - (ii) after paragraph 3 there is added–

“**4.**—(1) This paragraph applies to the function of giving directions to the Commission under section 20 of the 1967 Act in so far as it relates to the use of the Scottish levy.

(2) The function to which this paragraph applies shall be exercisable by the Scottish Ministers acting alone.

5.—(1) This paragraph applies, where there is in force a determination under paragraph 6(1), to the function of giving directions to the Commission under section 20 of the 1967 Act in so far it relates to the use of the levy other than the Scottish levy.

(2) The function to which this paragraph applies shall be exercisable by the Secretary of State and the National Assembly for Wales acting jointly.”; and

- (c) after Part II (Modifications), there is added–

“PART III

THE SCOTTISH LEVY

6.—(1) The Secretary of State, the National Assembly for Wales and the Scottish Ministers, acting jointly, may from time to time make a determination of the Scottish levy.

(2) Before making a determination under paragraph 1, the Secretary of State, the National Assembly for Wales and the Scottish Ministers shall in such manner as they consider appropriate consult the Commission and such other persons as appear to them to represent the interests concerned.

(a) S.I. 1999/1747, to which there are amendments not relevant to this instrument.

(b) 1967 c.22.

PART IV
ANNUAL REPORTS

7.—(1) Notwithstanding section 19(1) of the 1967 Act^(a), the Commission shall prepare and transmit annually a report to the Scottish Ministers with respect to the discharge of their functions in relation to the Scottish levy, and the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.

(2) For the purposes of paragraph 2(3) of Part II of Schedule 1 to the 1967 Act the functions of the Commission under this paragraph shall be treated as functions conferred on the Commission by Part I of the 1967 Act.”.

A. K. Galloway
Clerk of the Privy Council

^(a) Following the preparation and transmission of an annual report under section 19(1) of the 1967 Act, a copy of that report is, by virtue of section 88(3) of the Scotland Act 1998 (c.46), required to be laid before the Scottish Parliament.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on the day after the day on which it is made, amends Schedule 16 to the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747) (“the 1999 Order”) in relation to the Meat and Livestock Commission (“the Commission”).

The Order provides—

- (a) for part of the levy raised under a levy scheme confirmed under section 13 of the Agriculture Act 1967 to be determined as a Scottish levy by the Secretary of State, the National Assembly for Wales and the Scottish Ministers acting jointly (new paragraph 6(1));
- (b) that the function of giving directions to the Commission in respect of spending the Scottish levy will fall to the Scottish Ministers alone, and the function of giving directions in respect of the spending of the remainder of the levy will fall to the Secretary of State and the National Assembly for Wales acting jointly (new paragraphs 4 and 5); and
- (c) for the Commission to produce a separate report on the spending of the Scottish levy and to transmit that report to the Scottish Ministers who will lay it before the Scottish Parliament (new paragraph 7(1)).

The Order also provides that the function in paragraph 7(1) shall be treated as a function under Part I of the Agriculture Act 1967 which will allow it to be delegated by the Commission (new paragraph 7(2)).

No regulatory impact assessment has been prepared in relation to this Order.

£1.75

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
400 10/02 19593

