

# Consultation on changes to the Agriculture and Horticulture Development Board (AHDB) Order 2008

## Annex 2 Draft AHDB (Amendment) Order 2022

*Draft Order laid before Parliament under section 97(8)(a) of the Natural Environment and Rural Communities Act 2006, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2022 No. 0000**

**AGRICULTURE**

# The Agriculture and Horticulture Development Board (Amendment) Order 2022

*Made* - - - - 2022

*Coming into force* - - - - *xx April 2022*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 87 to 89 and 97(1) of, and paragraph 5 of Schedule 10 to, the Natural Environment and Rural Communities Act 2006<sup>(1)</sup>.

The Secretary of State has consulted with such organisations as appear to the Secretary of State to be representative of interests substantially affected by this Order as required by section 97(5) of that Act.

As required by section 96(1)(e) of that Act, the Secretary of State makes the Order with the approval of—

the Department of Agriculture and Rural Development in Northern Ireland;

the Scottish Ministers (as required by section 96(4) of that Act, a draft of the Order was laid before the Scottish Parliament and approved by resolution before the Scottish Ministers gave their approval); and

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<sup>(1)</sup> 2006 c.16 (“the Act”). The “appropriate authority” empowered to make an Order is defined in section 96. By virtue of section 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers.

the Welsh Ministers.

In accordance with section 97(8)(a) of that Act, a draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament.

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

—a) This Order may be cited as the Agriculture and Horticulture Development Board (Amendment) Order 2022 and comes into force on 1st April 2022.

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

This Order applies to the whole of the United Kingdom.

### **Amendment of the Agriculture and Horticulture Development Board Order 2008**

—b) The Agriculture and Horticulture Development Board Order 2008<sup>(2)</sup> is amended as follows.

In article 2(1) (scope)—

at the end of sub-paragraph (e), omit “and”;

at the end of sub-paragraph (f), insert “and”;

after sub-paragraph (f) insert—

“(g) any agricultural or related industry in the United Kingdom<sup>(3)</sup>.”

In article 6(1) (levies), for “this Order” substitute “article 2(1)(a), (b), (d) and (e)”.

In article 8 (charges for services), for “make such charges for any services in addition to the services referred to in article 6” substitute “, in addition to any levy under article 6, make such charges for any services to any industry covered by this Order.”

In article 11 (ballots)—

for paragraph (1) substitute—

“(1) The Agriculture and Horticulture Development Board must, for each industry for which there is a levy in place under article 6, hold a vote at least once every five years on proposals as to how the levy will be spent.”;

in paragraph (2), for “do so” substitute “hold a vote”;

omit paragraph (6).

In Schedule 3 (levies)—

in the table in paragraph 3(8), in the second column of the entry relating to “sheep” (maximum rate of levy per head (£))—

for “0.60” substitute “0.75”;

for “0.20” in both places substitute “0.25”;

omit Parts 4 and 6.

Date

Secretary of State  
Department for Environment, Food and Rural Affairs

### **EXPLANATORY NOTE**

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

This Order amends the Agriculture and Horticulture Development Board Order 2008 (S.I. 2008/576) (“the Order”) which establishes the Agriculture and Horticulture Development Board (“the Board”).

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<sup>(2)</sup> S.I. 2008/576.

<sup>(3)</sup> See section 88(4) of the Act for the definition of “agriculture” and section 88(5) of the Act for the definition of “related industry”.

Article 2(2) provides that other agricultural and related industries in the United Kingdom are included within the scope of the Order.

Article 2(3) and (6)(b) removes the duty on the Board to impose levies on the horticultural and potato industries in Great Britain.

Article 2(4) allows the Board to make charges for services to all the industries covered by this Order.

Article 2(5) requires the Board to hold a vote at least once every 5 years on proposals as to how any levy is to be spent. It also makes consequential amendments.

Article 2(6)(a) increases the maximum levy per head that can be applied in respect of sheep in England.

A full impact assessment has not been produced for this instrument as it is not required under the regulatory provisions of the Small Business, Enterprise, and Employment Act 2015.