

EXPLANATORY MEMORANDUM

THE POTATO INDUSTRY DEVELOPMENT COUNCIL (AMENDMENT) ORDER 2002

Summary

The British Potato Council was established by the Potato Industry Development Council Order 1997, under the Industrial Organisation and Development Act 1947, and came into being on 1st July 1997. The Council is a GB wide non-departmental public body, whose activities are funded by a statutory levy on producers and purchasers of potatoes. The main functions of the British Potato Council are to fund research and development, transfer technology, collect and disseminate market information and to promote potatoes to consumers at home and in export markets. This order will change the arrangements by which the statutory levy is collected and increase the area levy maximum from £40 to £50 per hectare.

1. This memorandum is submitted to the Assembly's Business Committee in relation to the Potato Industry Development Council (Amendment) Order 2002, in accordance with Standing Order 23.3
2. A copy of the Instrument is submitted with this Memorandum.
3. The power enabling this Instrument to be made is contained in sections 1,4 and 8 of the Industrial Organisation and Development Act 1947.
4. The intended effect of this Instrument is to introduce alternative arrangements for the collection of the statutory levy on potato producers and purchasers. The general thrust of the changes is to make the levy regime more equitable and easier to administer. The increase in the maximum permissible grower levy from £40 to £50 does not mean an increase to the currently approved levy, but will allow the necessary leeway to provide for the proposed higher levy rate for late payment.

Financial Implications

5. There are no additional financial implications for the Assembly, the potato industry or others arising from this Instrument.

Regulatory Appraisal

6. A regulatory impact assessment has been carried out on an England and Wales basis: a copy is attached.

Consultation

With Stakeholders

7. Consultation of representative industry bodies in GB was undertaken between March and May 2002. GB wide 21 organisations were consulted and 14 responses received. Of these, 8 organisations (representative of the

majority of the industry) fully supported the proposals, while 3 gave qualified support. Only one organisation opposed the proposals, while one provided a mixed response and one was not relevant.

In Wales 10 organisations were consulted and responses were received from three. None raised any objections.

With Subject Committee

8. I can confirm that the Instrument has not previously been considered by the Subject Committee. The Order has however been included in the list of forthcoming legislation put to committee but was not identified for scrutiny.

Recommended Procedure

9. As the draft Order is very narrow in its intended effect and has no additional financial implications for the Assembly, potato industry or others, I recommend that the Instrument proceeds to Plenary for vote without debate.

Compliance/Statutory Cross-Cutting Themes

10. The power enabling this instrument to be made, as set out in 3 above, has been transferred to the National Assembly for Wales and in turn, has been delegated to my Ministerial portfolio of responsibility.

11. The legislation will (as far as is applicable):

- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 Section 120);
- be compatible with the Assembly's scheme for sustainable development (section 121);
- be compatible with Community law (Section 106);
- be compatible with the Assembly's human rights legislation (Section 107);
- be compatible with any international obligations binding the UK Government and the Assembly (Section 108);

12. The information contained in this memorandum has been cleared with the Office of the Counsel General and the Assembly Compliance Officer.

13. Policy division contact (Cilla Thomas, extension 6265).

Date

Assembly Minister