

**To: Business Committee**

**From: Michael German AM**  
**Minister for Rural Development and Wales Abroad**

## **EXPLANATORY MEMORANDUM**

### **THE APPLE AND PEAR RESEARCH COUNCIL (DISSOLUTION) ORDER 2003**

#### **Summary**

The purpose of this joint legislation is to enable the winding up and dissolution of the Apple and Pear Research Council. The Council is a small statutory levy-funded Non Departmental Public Body that was established in 1989. Its main function has been to commission research and development on behalf of apple and pear growers in England and Wales. Legislation to amend the Horticulture Development Council (Amendment) Order 2003, in order to extend the remit of that Council to include the function of the APRC is being forwarded in parallel.

This order provides for the preparation of final accounts of the Council and the imposition and recovery of charges to meet the Council's liabilities and the expenses of the winding up. It further provides for the application of surplus moneys and property of the Council for specified purposes (article 6), the procedure which is to apply to the Council's debts and liabilities (article 7), and the revocation of the Apple and Pear Research Council Order 1989 (article 8).

1. This memorandum has been submitted to the Assembly Business Committee in relation to the Apple and Pear Research Council (Dissolution) Order 2003, under Standing Order 23.
2. A copy of the Instrument is submitted with this Memorandum.
3. The powers enabling this Instrument to be made are contained in section 8 of the Industrial Organisation and Development Act 1947.
4. Under a statutory review of the Horticulture Development Council (HDC) in 1999, Ministers accepted an economic evaluation recommendation that a merger of the APRC with the HDC should be considered. The economic evaluation that took place paid particular attention to the possibility of a merger and concluded that the functions of the APRC and the HDC should be merged.
5. Research and development in support of the UK apple and pear industry will continue under the amended remit of the Horticulture Development Council, while administrative expenses will account for a significantly smaller proportion of the levy raised.

### **Financial implications**

6. The work for AFPD and OCG in the preparation of secondary legislation is to be accommodated within existing administration costs budgets. The Assembly does not provide any financial assistance to the Council. Financial Planning Division has been consulted and agreed that there are no financial implications of the making of the Instrument for the Assembly.

### **Regulatory Appraisal**

7. There are no issues of regularity or propriety. The DEFRA Better Regulation unit have advised that there is no need to complete a Regulatory Impact Assessment as the legislative changes are cost neutral. In accordance with FN1/01 this submission does not require prior ACO clearance but has been copied to the Assembly Compliance Office Mailbox for monitoring purposes.

### **Consultation**

#### With Stakeholders

8. Representative industry bodies in Wales England and Scotland were consulted in 2002 after which it was agreed to dissolve the Apples and Pears Research Council (ARPC) and extend the remit of the HDC to include apples and pears. The decision was made following a report of a prior options review which formed part of the recent, statutory Quinquennial Review of the ARPC. The majority of industry representatives consulted were content with the proposals.

#### With Subject Committee

9. The instrument has not been considered by the subject committee. The Order has been however, been included in the list of forthcoming legislation put to committee on 13 November 2002. It was not identified for further scrutiny.

### **Recommended Procedure**

10. I recommend that the instrument proceeds to Plenary by the Accelerated procedure and without further reference to Subject Committee.
11. Approval for this measure has been previously given by the Minister. Parallel orders are going forward in other GB administrations. The Minister has approved the joint legislation and has worked in close co-operation with Ministers in Scotland and England.

### **Compliance/Statutory Cross-Cutting Themes**

12. I confirm that the powers enabling this instrument to be made as set out in 3 above have been transferred to the National Assembly for Wales.
13. I confirm that the proposed legislation will (as far as is applicable):
14. have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 Section 120);

15. be compatible with the Assembly's scheme for sustainable development (Section 121);

16. be compatible with Community law (Section 106);

17. be compatible with the Assembly's human rights legislation (Section 107);

18. be compatible with any international obligations binding the UK Government and the Assembly (Section 108).

19. I confirm that the information in this memorandum has been cleared with the Office of the Counsel General (OCG) and the Assembly Compliance Officer (ACO).

20. Policy division contact - Paula Whitfield. Extension number 6102.

Date..... Assembly Minister.....