

STATUTORY INSTRUMENT CONSENT MEMORANDUM

The Public Bodies (Abolition of Food from Britain) Order 2014

1. This Statutory Instrument Consent Memorandum is laid under Standing Order (“SO”) 30A.2. SO 30A prescribes that a Statutory Instrument Consent Memorandum must be laid and a Statutory Instrument Consent Motion may be tabled before the National Assembly for Wales (“Assembly”) if a UK Statutory Instrument makes provision in relation to Wales amending primary legislation within the legislative competence of the Assembly.
2. The Public Bodies (Abolition of Food from Britain) Order 2014 was laid before Parliament on 6 May 2014 and before the Assembly on 9 May 2014. The order can be found at:

<http://www.legislation.gov.uk/ukdsi/2014/9780111114599>

3. Section 9(6) of the Public Bodies Act 2011 requires the consent of the Assembly in circumstances where an Order made under sections 1 to 5 of that Act makes provision which would be within the legislative competence of the Assembly if it were contained in an Act of the National Assembly.

Summary of the Order and its objective

4. The objective of the Order is to abolish the council known as Food from Britain (FFB), established by section 1 of the Agricultural Marketing Act 1983. This Order simply repeals the Agricultural Marketing Act 1983 and dissolves Food from Britain in law.
5. The Order extends to Wales, England, Scotland and Northern Ireland,

Provision to be made by The Public Bodies (Abolition of Food from Britain) Order 2014 for which consent is sought

6. Article 2 of the draft Order abolishes the council known as “Food from Britain” established by section 1 of the Agricultural Marketing Act 1983. It also provides for the transfer of the property, rights and liabilities of the council to the Secretary of State for the Environment, Food and Rural Affairs.
7. Article 3 of the draft Order provides that the Secretary of State must prepare a report of what has been done in the discharge of Food from Britain’s functions between 1st April 2013 and the date of its abolition. The Secretary of State must prepare a statement of accounts for that period for Food in Britain and submit them to the Comptroller and Auditor General. The Comptroller and Auditor General must examine, certify and report on that statement of accounts and send a copy of the certified statement to the Welsh Ministers. The Welsh Ministers must then lay both reports before the National Assembly for Wales.

8. Article 4 and the Schedule to the Order repeals the Agricultural Marketing Act 1983 in its entirety and also makes necessary consequential amendments to other legislation, to remove references to that Act, or Food from Britain that are present in other legislation.
9. It is the view of the Welsh Government that the provisions of the Public Bodies (Abolition of Food from Britain) Order 2014 fall within the legislative competence of the National Assembly for Wales under Part 1 of Schedule 7 to the Government of Wales Act 2006 in relation to subjects listed under headings 1 (Agriculture, forestry, animals, plants and rural development), 4, (Economic Development) and 8 (Food).

Why is it appropriate for the Order to make this provision

10. The Welsh Government considers that it is appropriate to use a single legislative vehicle to deal with the abolition of Food from Britain. Food from Britain was a UK wide body; the most efficient way for it to be abolished in all four countries at the same time will be through a single order. Whilst the Welsh Government and the Assembly have the requisite powers to effect the abolition in Wales, the use of the Order to effect the abolition in England, Wales, Scotland and Northern Ireland appears to represent the most practicable and proportionate method to take this forward.
11. FFB is a defunct body which has not operated since 2009. It has no staff, premises, assets or liabilities. Its former functions are carried out by other Government departments and industry bodies. This Order will simply serve to dissolve FFB in law. Its abolition will not impact on business and will generate savings for the taxpayer. The Public Bodies Act (PBA) 2011 is seen as an appropriate and effective vehicle for abolishing FFB.
12. Whilst the Agricultural Marketing Act remains in force, DEFRA continues to have a legal obligation to publish Annual Report and Accounts for FFB which must be laid before all UK Governments each year. Despite having no activity to report, the preparation, auditing and printing of the report costs DEFRA in the region of £5,000 per annum. Repealing the Agricultural Marketing Act will eliminate this unnecessary cost to the taxpayer.

Financial implications

13. There are no financial implications arising from the abolition of Food from Britain. Food from Britain has no staff and the abolition is merely an administrative step to reduce the number of existing redundant public bodies.

Alun Davies AM
Minister for Natural Resources and Food
May 2014