

House of Commons
Regulatory Reform Committee

**REGULATORY REFORM
(SUGAR BEET RESEARCH
AND EDUCATION)
ORDER 2003**

Eleventh Report of Session 2002–03

*Report, together with
Proceedings of the Committee*

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REGULATORY REFORM COMMITTEE

The Regulatory Reform Committee is appointed to consider and report to the House on proposals for regulatory reform orders under the Regulatory Reform Act 2001 and, subsequently, any ensuing draft regulatory reform order. It will also consider any “subordinate provisions order” made under the same Act.

Current membership

Mr Peter Pike (*Labour, Burnley*) (Chairman)
Mr Russell Brown (*Labour, Dumfries*)
Brian Cotter (*Liberal Democrat, Weston-super-Mare*)
Mr Jeffrey M. Donaldson (*Ulster Unionist, Lagan Valley*)
Mr Paul Goodman (*Conservative, Wycombe*)
Mr Dai Havard (*Labour, Merthyr Tydfil and Rhymney*)
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Mr Mark Lazarowicz (*Labour, Edinburgh North and Leith*)
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Andrew Rosindell (*Conservative, Romford*)
Mr Anthony Steen (*Conservative, Totnes*)
Brian White (*Labour, Milton Keynes North East*)

Powers

The full constitution and powers of the Committee are set out in House of Commons Standing Order No. 141, available on the Internet via www.parliament.uk.

Publications

The reports and evidence of the Committee are published by The Stationery Office by order of the House. All publications of the Committee (including press notices) are on the Committee’s website http://www.parliament.uk/parliamentary_committees/regulatory_reform_committee.cfm. A list of reports of the Committee in the present Parliament may be found at the back of this report.

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ELEVENTH REPORT

The Regulatory Reform Committee has agreed to the following Report:

REGULATORY REFORM (SUGAR BEET RESEARCH AND EDUCATION) ORDER 2003

Report under Standing Order No. 141

1. The Regulatory Reform Committee has examined the draft Regulatory Reform (Sugar Beet Research and Education) Order 2003 in accordance with Standing Order No. 141. We recommend unanimously that the draft order be approved.

Introduction

2. On 17 March 2003 the Government laid the draft order before Parliament, together with an explanatory statement from the Department for Environment, Food and Rural Affairs (the Department).¹ We have already reported on the proposal for this order, which would repeal section 68 of the Food Act 1984 (the 1984 Act), thereby:

- relieving the Secretary of State for Environment, Food and Rural Affairs (the Secretary of State) of the duty to prepare an annual research programme into sugar beet, and
- removing the Secretary of State's power by order to provide for carrying any such programme into effect.

In addition, the proposal would make a consequential amendment to section 69 of the Act by re-enacting the definition of "home-grown beet" that would otherwise be lost by the repeal of section 68, and would consequentially repeal paragraph 13 of schedule 2 to the Food Safety Act 1990.

3. The House has instructed us to examine the draft order against such of the criteria specified in Standing Order No. 141(6) as are relevant. We are also required to consider the extent to which the responsible Minister has had regard to any resolution or report of the Committee or to any other representations made during the period for parliamentary consideration.² Our discussion of matters arising from our examination is set out below.

Agreement of the National Assembly for Wales

4. The draft order cannot be made unless the National Assembly for Wales first agrees to it. This is because ministerial functions under section 68 of the 1984 Act, in so far as they relate to Wales, are vested in the National Assembly. Section 1(5) of the Regulatory Reform Act 2001 requires that a draft order that would remove any function of the National Assembly may be made only with the National Assembly's agreement.

5. In the explanatory statement, the Department states that the National Assembly formally agreed to the draft order on 4 March 2003.³ The Department has indicated that

¹Copies of the proposal are available to Members of Parliament from the Vote Office and to members of the public from the Department. The proposal is also available on the Cabinet Office web site <http://www.cabinet-office.gov.uk/regulation/act/proposals.htm>.

²Standing Order No. 141(7)

³National Assembly for Wales, *Votes and Proceedings*, 4 March 2003

“outline consent” to the proposal was sought from the National Assembly prior to the proposal for the draft order being laid before Parliament on 16 July 2002.⁴

Findings of our previous report

6. We were satisfied that the proposal met the criteria against which we are required to judge it, and we concluded that a draft order in the same terms as the proposal should be laid before the House.

Removal of burden

7. We considered that the proposal would remove a burden from members of the sugar beet industry, although we did not support the analysis used by the Department in reaching this conclusion. The Department sought to demonstrate that paragraphs (a) and (b) of section 68(1) each imposed a separate and distinct burden, and that the proposal would therefore have the effect of removing two burdens.

8. We considered that the duty imposed on the appropriate Minister by paragraph (a) of section 68(1) could not in itself constitute a burden for the purposes of the Regulatory Reform Act. We preferred to read section 68 as a single legislative provision for the purpose of section 1 of the Regulatory Reform Act: we considered that section 68 imposed burdens on the sugar beet industry and that it was therefore eligible for repeal by means of a regulatory reform order.

Continuing necessary protection

9. Although we considered that section 68 afforded two categories of protection to the sugar beet industry, we concluded that it was not necessary to continue either of the two protections.

10. The second category of protection that we identified related to the section 68(1)(a) requirement that the responsible Minister undertake consultation with any body which is substantially representative of sugar beet growers before preparing a research and education programme. This requirement means that, currently, the Minister may be expected to take account of all representations made about a proposed research and education programme, thus providing a protection for the sugar beet industry.

11. If the draft order is made, the British Beet Research Organisation (the BBRO) is likely to assume responsibility for preparing a research and education programme. During the process of formulating this programme, the BBRO will no doubt receive submissions from various groups and individuals within the sugar beet industry. We were concerned that the BBRO, which is dominated by the National Farmers' Union (NFU) and British Sugar, could be less inclined than the Minister to have regard to the concerns of non-NFU member growers.

12. We raised this concern with the Department. The Department told us that, should the proposal become law, “comments from *all* growers on the BBRO’s research programme will be welcomed by the board ... information on the direction and progress of the BBRO’s research programme is passed to all growers irrespective of NFU membership or the size of their contract with British Sugar”.⁵ On the basis of the Department’s response, we were satisfied that the proposal would not adversely affect the standing of

⁴Explanatory statement from the Department, accompanying the proposal for the draft order, laid before the House on 16 July 2003

⁵Regulatory Reform Committee, Thirteenth Report of Session 2001–02, *Proposal for the Regulatory Reform (Sugar Beet Research and Education) Order 2003*, HC 1247, Appendix B

growers who are not NFU members in commenting on the preparation of the industry's research and education programme.

The Department's response to our report

13. The Department's explanatory statement does not specifically respond to the findings of our previous report. The explanatory statement is required to be laid under section 8(5) of the Regulatory Reform Act; this provides that the explanatory statement must give details of any changes made to the draft order in light of any representations made during the period for Parliamentary consideration, including any resolution or report of this Committee. Our previous report did not, of course, require any change to be made to the draft order. Nevertheless, given that our analysis of the burden that would be removed if the draft order is made differs from the Department's initial analysis, **we would have expected the explanatory statement to address this discrepancy, by indicating whether or not the Department accepts our analysis and, if not, why not.** In the absence of such comment, we cannot be certain whether the Minister accepts our analysis of the burden that would be removed by the draft order, or whether she holds to the Department's initial analysis.

14. Consequently, we are not satisfied that the explanatory statement elucidates the object of the draft order in terms of section 1(1) of the Regulatory Reform Act. **Nevertheless, as indicated below, we are content for the draft order to be approved, on the basis of our analysis of the burden that the draft order would remove, if made, as set out in our previous report on the proposal for the draft order.**

15. We take this opportunity to indicate to government departments that **we find it helpful if the explanatory statement accompanying the draft order positively demonstrates that the department concerned has considered the points raised in our earlier report, if any.** In such cases, we would welcome the inclusion in the explanatory statement of some comment additional to a summary of the findings of our previous report.

Other representations

16. The Department states, in the explanatory statement, that it is not aware of any other representations made during the period for Parliamentary consideration.

Recommendation

17. **In accordance with Standing Order No. 141(15), we recommend unanimously that the draft order be approved.**

PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT

TUESDAY 1 APRIL 2003

Mr Peter Pike, in the Chair

Brian Cotter
Mr Dai Havard
Mr Mark Lazarowicz
Mr Andrew Love

Mr John MacDougall
Mr Denis Murphy
Dr Doug Naysmith
Brian White

The Committee deliberated.

Draft Report, proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.—(*The Chairman.*)

Paragraphs 1 to 17 read and agreed to.

Resolved, That the Report be the Eleventh Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

[Adjourned till Wednesday 7 May at half past Nine o'clock.]

**COMMITTEE REPORTS PUBLISHED IN THE
PRESENT PARLIAMENT**

The following reports were published during the previous Session of Parliament by the Regulatory Reform Committee under its previous name, the Deregulation and Regulatory Reform Committee.

Session 2001–02

| Report | Title | HC number |
|----------------------|--|------------------|
| First | Proposal for the Regulatory Reform (Special Occasions Licensing) Order 2001 | 265 |
| Second | Draft Regulatory Reform (Special Occasions Licensing) Order 2001 | 388 |
| Third | Draft Deregulation (Disposals of Dwelling-Houses By Local Authorities) Order 2001 | 449 |
| Fourth | Proposal for the Regulatory Reform (Voluntary Aided Schools Liabilities and Funding) (England) Order 2002 | 583 |
| Fifth | <ul style="list-style-type: none"> • Draft Deregulation (Restaurant Licensing Hours) Order 2002 • Draft Deregulation (Bingo and other Gaming) Order 2002 • Proposal for the Regulatory Reform (Golden Jubilee Licensing) Order 2002 | 599 |
| Sixth | Proposal for the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 | 663 |
| Seventh | <ul style="list-style-type: none"> • Draft Regulatory Reform (Golden Jubilee Licensing) Order 2002 • Draft Regulatory Reform (Voluntary Aided Schools Liabilities and Funding) (England) Order 2002 | 677 |
| Eighth | Proposal for the Regulatory Reform (Carer's Allowance) Order 2002 | 691 |
| Ninth | <ul style="list-style-type: none"> • Draft Deregulation (Correction of Birth and Death Entries in Registers or Other Records) Order 2002 • Proposal for the Regulatory Reform (Vaccine Damage Payments Act 1979) Order 2002 | 708 |
| Tenth | <ul style="list-style-type: none"> • Draft Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 • Draft Regulatory Reform (Carer's Allowance) Order 2002 | 807 |
| First Special Report | Further report on the Handling of Regulatory Reform Orders | 389 |

The following Reports were published by the Regulatory Reform Committee during the previous Session of Parliament under its current name.

Session 2001–02

| Report | Title | HC number |
|-----------------------|--|------------------|
| Eleventh | Draft Regulatory Reform (Vaccine Damage Payments Act 1979) Order 2002 | 867 |
| Twelfth | Proposal for the Regulatory Reform (Removal of the 20 Member Limit) Order 2002 | 1104 |
| Thirteenth | Proposal for the Regulatory Reform (Sugar Beet Research and Education) Order 2003 | 1247 |
| Fourteenth | Draft Regulatory Reform (Removal of 20 Member Limit in Partnerships Etc.) Order 2002 | 1303 |
| Second Special Report | The Operation of the Regulatory Reform Act: Government Response to the Committee's First Special Report of Session 2001-02 | 1029 |
| Third Special Report | The Handling of Regulatory Reform Orders (III) | 1272 |

The following reports have been published during the present Session of Parliament.

Session 2002–03

| Report | Title | HC number |
|---------------|--|------------------|
| First | <ul style="list-style-type: none"> • Proposal for the Regulatory Reform (Credit Unions) Order 2002 • Proposal for the Regulatory Reform (Special Occasions Licensing) Order 2002 | 82 |
| Second | Proposal for the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 | 182 |
| Third | Proposal for the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 | 183 |
| Fourth | Draft Regulatory Reform (Special Occasions Licensing) Order 2002 | 193 |
| Fifth | Proposal for the Regulatory Reform (Housing Management Agreements) Order 2003 | 328 |
| Sixth | <ul style="list-style-type: none"> • Draft Regulatory Reform (Credit Unions) Order 2003 • Draft Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 | 329 |

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|---------|---|-----|
| Seventh | Proposal for the Regulatory Reform (Schemes under Section 129 of the Housing Act 1988) (England) Order 2003 | 436 |
| Eighth | Draft Regulatory Reform (Housing Management Agreements) Order 2003 | 520 |
| Ninth | Proposal for the Regulatory Reform (British Waterways Board) Order 2003 | 521 |
| Tenth | Proposal for the Regulatory Reform (Schemes under Section 129 of the Housing Act 1988) (England) Order 2003 | 549 |

All reports are available from The Stationery Office.