

Draft Order laid before the National Assembly for Wales under section 17(2) of the Agricultural Sector (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2016 No. (W.)

AGRICULTURE, WALES

**The Agricultural Advisory Panel
for Wales (Establishment) Order
2016**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Agricultural Advisory Panel for Wales (“the Panel”). The Panel is an independent advisory body to the Welsh Ministers. The Panel’s functions are to promote careers in agriculture, to prepare agricultural wages orders in draft, consult on such orders and submit them to the Welsh Ministers and to advise the Welsh Ministers on such other matters relating to the agricultural sector in Wales.

Article 3 prescribes the date on which the Panel will be established.

Article 4 sets out how the Welsh Ministers will appoint a person to be the chair of the Panel.

Article 5 sets the number of Panel members at seven and prescribes how they will be appointed. In addition to the chair, there will be two independent members and four other members. Two of the four other members will be selected from within UNITE and the remaining two other members will be selected from within each of the Farmers’ Union of Wales and the National Farmers Union respectively.

Article 6 imposes a duty on the Welsh Ministers and the organisations set out in article 5 to appoint or select their respective first members of the Panel in advance of the date on which the Panel is established.

Article 7 provides that the members of the Panel will hold office for a term of four years and explains how the Welsh Ministers may remove any member of the

Panel. No member of the Panel may hold office for longer than a total of eight years.

Article 8 specifies that the chair of the Panel may only resign by providing at least two months' notice in writing to the Welsh Ministers. Any other member of the Panel may resign as a member of the Panel by providing at least two months' notice in writing to the chair of the Panel.

Article 9 prescribes that where any vacancy arises in the membership of the Panel, it must be filled as soon as is reasonably practicable by an appointment in accordance with Article 5 by either the Welsh Ministers or the relevant organisation.

Article 10 imposes a duty on the chair of the Panel to convene the Panel's first meeting as soon as practicable, and no later than 80 days after the establishment date.

Article 11 deals with the proceedings of the Panel, its sub-committees and sets the quorum of Panel. Another member of the Panel may act as chair in the event that the chair of the Panel is unable to attend a meeting.

Article 12 imposes a duty on the Panel to meet at least three times each financial year and sets out how members will be informed of upcoming meetings along with how any meeting should be recorded.

Article 13 provides the Panel with the power to create sub-committees, refer matters to such sub-committees and request advice from them.

Article 14 creates a duty on the Panel to establish a permanent "Skills, Development and Training Sub-committee" to advise the Panel, amongst other things, on skills development, training and career progression opportunities for agricultural workers and any other related matters. The Wales Federation of Young Farmers' Clubs and the skills training organisation LANTRA will each select one representative each to sit as members of the Skills Development and Training Sub-committee together with, as a minimum, the independent members.

Article 15 permits the Panel to obtain advice from individuals or organisations in order to assist them in the exercise of their functions, subject to seeking approval from the Welsh Ministers should there be any costs associated in obtaining the advice.

Article 16 enables the Welsh Ministers to pay remuneration to the chair of the Panel and independent members. Any member of the Panel may be paid allowances in connection with carrying out their duties as a Panel member, such as travel and subsistence.

Article 17 sets out the Panel's first financial year and each financial year thereafter.

Article 18 imposes a duty on the chair of the Panel to produce an annual report to include a summary of the work of the Panel for the previous financial year. The report must be submitted to the Welsh Ministers who will then publish it.

The Regulatory Impact Assessment applicable to this Order is obtainable from the Department of Natural Resources, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.gov.wales.

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2016 No. (W.)

AGRICULTURE, WALES

**The Agricultural Advisory Panel
for Wales (Establishment) Order
2016**

Made

**** 2016*

Coming into force

1 April 2016

The Welsh Ministers, in exercise of the powers conferred on them by sections 2(1), 2(5), 16(1) and 17(1) of the Agricultural Sector (Wales) Act 2014⁽¹⁾ (“the Act”), make the following Order.

The Welsh Ministers have consulted such persons as they consider appropriate, in accordance with section 2(6) of the Act.

A draft of this Order has been approved by a resolution of the National Assembly for Wales in accordance with section 17(2) of the Act.

Title and commencement

1.—a) The title of this Order is the Agricultural Advisory Panel for Wales (Establishment) Order 2016.

(1) This Order comes into force on 1 April 2016.

Interpretation

2.In this Order—

“independent agriculture member” (“*aelod amaethyddiaeth annibynnol*”) means a person with experience, knowledge or expertise in agriculture;

(1) 2014 anaw 6.

“independent education member” (“*aelod addysg annibynnol*”) means a person with experience, knowledge or expertise in education;

“independent members” (“*aelodau annibynnol*”) means the two members of the Panel made up of the independent agriculture member and independent education member;

“LANTRA” means the company, or any successor organisation, whatever its title, whose registered office address is Lantra House, Stoneleigh Park, Warwickshire, CV8 2LG and whose company registration number is 02823181 in England and Wales;

“Public Appointments Code of Practice” (“*Cod Ymarfer ar Benodiadau Cyhoeddus*”) means the Code of Practice for Ministerial Appointments to Public Bodies published on 1 April 2012 by the Commissioner for Public Appointments, in fulfilment of his duties as set out in the Order in Council for Public Appointments 2002 (as amended);

“representative members” (“*aelodau cynrychioliadol*”) means the four members of the Panel selected by, and from among the members of, the organisations set out in article 5(1)(d) to (f);

“the establishment day” (“*y dyddiad sefydlu*”) means 1 April 2016;

“the Panel” (“*y Panel*”) means the Agricultural Advisory Panel for Wales;

“UNITE” means Unite the Union whose registered office is Unite House, 128 Theobald's Road, Holborn, London, WC1X 8TN and is entered on the list of the Certification Officer in accordance with sections 2 to 4 and sections 123 to 125 of the Trade Union and Labour Relations (Consolidation) Act 1992(1) or any successor organisation whatever its title.

Establishment and functions of the Panel

3.—b) On the establishment day, the Panel will be established.

(1) The Panel’s functions are—

- (a) promoting careers in agriculture;
- (b) preparing agricultural wages orders in draft, consulting on such orders and submitting them to the Welsh Ministers for approval; and
- (c) advising the Welsh Ministers on such other matters relating to the agricultural sector in Wales as the Welsh Ministers may require.

(1) 1992 (c. 52).

The chair of the Panel

4. A person to chair the Panel (“the chair of the Panel”) must be appointed by the Welsh Ministers in accordance with the Public Appointments Code of Practice.

Membership of the Panel

5.—c) The Panel is to consist of seven members, of whom—

- (a) one is to be the chair of the Panel;
- (b) one is to be an independent agriculture member appointed in accordance with paragraph (3);
- (c) one is to be an independent education member appointed in accordance with paragraph (3);
- (d) two are to be selected from among themselves by the members of UNITE, to represent the interests of agricultural workers;
- (e) one is to be selected from among themselves by the members of the Farmers’ Union of Wales or any successor organisation whatever its title; and
- (f) one is to be selected from among themselves by the members of the National Farmers’ Union or any successor organisation whatever its title.

(2) The independent members must be appointed by the Welsh Ministers in accordance with the Public Appointments Code of Practice.

(3) In appointing the chair of the Panel or an independent member, the Welsh Ministers must have regard to the desirability of—

- (a) appointing a person who has experience of, and has shown some capacity in, some matter relevant to the exercise of the Panel’s functions; and
- (b) securing that a variety of skills and experience is available among members of the Panel.

(4) The members of the Panel selected under paragraphs (1)(e) and (f) are to represent the interests of persons who employ agricultural workers.

Appointment of first members

6.—d) The Welsh Ministers must appoint the first chair of the Panel and first independent members before the establishment day and those appointments take effect on the establishment day; but no appointment will be treated as invalid by reason only of a failure to make the appointments in accordance with this article.

(1) Each first representative member must be selected by the respective organisation before the establishment day and each selection shall take effect on the establishment day; but no selection shall be treated as invalid by reason only of a failure to make the appointments in accordance with this article.

Terms of appointment and selection

7.—e) The chair of the Panel and the independent members—

- (a) will hold office for a period of four years from the date on which they are appointed by the Welsh Ministers; and
- (b) will in other respects hold and vacate office subject to this Order and in accordance with the terms of their appointment.

(2) The representative members—

- (a) will hold office for a period of four years from the date on which they are selected by their respective organisations; and
- (b) will in other respects hold and vacate office subject to this Order and in accordance with the terms of their appointment.

(3) The Welsh Ministers may, by written notice, remove any member of the Panel, including the chair of the Panel, from office if they are satisfied that the member of the Panel—

- (a) without reasonable excuse, has not complied with the terms of appointment or selection; or
- (b) is unable or unfit to discharge their functions or is otherwise unsuitable to continue as a member of the Panel.

(4) A removal of a member of the Panel by the Welsh Ministers has immediate effect, unless otherwise specified in the written notice given by the Welsh Ministers.

(5) A member of the Panel will, on ceasing to hold office, be eligible for re-appointment or selection subject to paragraph (6).

(6) No person may be a member of the Panel—

- (a) for more than eight years, whether or not that period is continuous; or
- (b) if that person has been removed as a member of the Panel by the Welsh Ministers in accordance with paragraph (3).

Resignation

8.—f) The chair of the Panel may, by giving at least two months' written notice to the Welsh Ministers, resign as chair of the Panel and will cease to be a

member of the Panel upon the expiration of that notice period.

(1) Any member of the Panel, who is not the chair of the Panel may, by giving at least two months' written notice to the chair of the Panel, resign as a member of the Panel and will cease to be a member of the Panel upon the expiration of that notice period.

(2) Upon receipt of an independent member's notice of resignation, the chair of the Panel must inform the Welsh Ministers as soon as is reasonably practicable.

(3) Where the resigning member is the chair of the Panel, the independent members will select from among themselves a temporary chair who is to hold office as chair of the Panel until a new chair of the Panel has been appointed by the Welsh Ministers.

Vacancies

9. Where a vacancy arises in the membership of the Panel, it must be filled as soon as is reasonably practicable—

- (a) where the vacancy is created by either the chair of the Panel or one of the independent members appointed by the Welsh Ministers, by the Welsh Ministers in accordance with article 4 or 5,
- (b) where the vacancy is created by one of the representative members, by the organisation in whose representation the vacancy arises.

First meeting of the Panel

10. The first meeting of the Panel must be convened by the chair of the Panel as soon as practicable, and in any event no later than 80 days after the establishment day.

Proceedings

11.—g) The Panel may determine its own procedure subject to paragraph (2).

(1) At any meeting of the Panel a quorum is—

- (a) the chair of the Panel;
- (b) at least one of the independent members;
- (c) at least one of the members of the Panel selected in accordance with article 5(1)(d); and
- (d) at least one of the members of the Panel selected in accordance with article 5(1)(e) or (f).

(2) Notwithstanding paragraph (2), at any meeting where the chair of the Panel is not in attendance, the independent members present will select from among themselves a temporary chair to sit as chair of the

Panel for the duration of the meeting and the meeting will have a quorum.

(3) The Panel may determine the procedure of its sub-committees or authorise its sub-committees to determine their own procedure (including quorum).

(4) The validity of any proceedings of the Panel or of any sub-committee is not affected by—

- (a) any defect in the appointment of any member; or
- (b) any vacancy in the membership of the Panel or sub-committee.

Meetings

12.—h) The Panel may meet at any time but must meet at least three times in each financial year.

(1) The chair of the Panel must decide when and where any meeting is to be held and must inform the Welsh Ministers of the same.

(2) All members of the Panel must be given at least one week's notice of the venue, time and agenda of any meeting.

(3) A representative member may select another member of their organisation to attend and vote in their place when, for any reason, they cannot attend a meeting of the Panel.

(4) Meetings of the Panel must be recorded.

(5) Minutes of any meeting of the Panel must be submitted to the Welsh Ministers within one calendar month of the meeting taking place.

Sub-committees

13.—i) The Panel may—

- (a) establish such sub-committees as it may from time to time consider necessary or desirable;
- (b) refer to any sub-committee such matter as it may from time to time specify; and
- (c) request advice from any such sub-committee in order to assist the Panel in the exercise of its functions.

(2) The Panel may appoint persons who are not members of the Panel to be members of any sub-committee, provided that no such sub-committee may consist entirely of persons who are not members of the Panel.

(3) The Panel must pay to a person appointed in accordance with paragraph (3) such allowances and expenses as the Panel may, with the approval of the Welsh Ministers, determine.

14.—j) The Panel must establish a permanent sub-committee, to be known as the "Skills Development

and Training Sub-committee”, no later than 6 months after the establishment day.

(1) The functions of the Skills Development and Training Sub-committee will be to advise the Panel on—

- (a) skills development in the agricultural sector;
- (b) training opportunities that may assist in skills development in the agricultural sector;
- (c) career progression opportunities in the agricultural sector;
- (d) any other matters arising out of, or in connection with, sub-paragraphs (a), (b) or (c).

(2) The Skills Development and Training Sub-committee must consist of at least—

- (a) the independent members; and
- (b) one member to be selected from among themselves by the members of the Wales Federation of Young Farmers’ Clubs; and
- (c) one member to be selected from within the organisation by the Wales Director of LANTRA.

(3) The Panel may appoint any other person who has relevant expertise, knowledge or understanding of the areas set out in paragraphs 2(a) to (c) above to be a member of the Skills Development and Training Sub-committee.

(4) The Panel must consult the Skills Development and Training Sub-committee before taking a decision in relation to any of the functions set out in paragraph (2) above.

Advice

15.—k) The Panel may obtain advice from any organisation or individual.

(1) The chair of the Panel must seek the approval of the Welsh Ministers prior to incurring any costs associated with obtaining such advice.

Remuneration and allowances

16.—l) The Welsh Ministers may pay remuneration to the chair of the Panel and the independent members.

(1) The Welsh Ministers may pay allowances (including but not limited to, travelling and subsistence allowances) to any member of the Panel.

Financial year

17.—m) The Panel’s first financial year is the period that begins with the establishment day and ends with—

- (a) the following 31 March (if the establishment day is 1 April), or
 - (b) the second following 31 March (if the establishment day is not 1 April).
- (2) Subject to paragraph (1), the Panel's financial year is each period of 12 months ending with 31 March.

Annual report

18.—n) The Panel must produce a report in relation to each financial year (“an annual report”).

(1) An annual report must include the following—

- (a) a summary of the actions taken in the exercise of the Panel’s functions; and
- (b) a summary of the issues relevant to the agricultural sector in Wales.

(2) An annual report may also include any other matter which the chair of the Panel thinks appropriate.

(3) An annual report must be submitted to the Welsh Ministers no later than one calendar month after the end of the relevant financial year.

(4) The Welsh Ministers must publish the annual report in relation to each financial year.

Rebecca Evans

Deputy Minister for Farming and Food, under authority of the Minister for Natural Resources, one of the Welsh Ministers

*** 2016