

Status: Point in time view as at 01/02/1991.

Changes to legislation: European Communities Act 1972, SCHEDULE 4 is up to date with all changes known to be in force on or before 09 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 4.

ENACTMENTS AMENDED

Modifications etc. (not altering text)

C1 Sch. 4 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), Sch. 2 para. 3

1 **F1**

Textual Amendments

F1 Sch. 4 para. 1 repealed by Customs and Excise Duties (General Reliefs) Act 1979 (c. 3, SIF 40:1), s. 19(2), Sch. 3 Pt. I

2 **F2**

Textual Amendments

F2 Sch. 4 para. 2 repealed by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177, Sch. 6 Pt. I, Sch. 7

^{F3} B: Food

Textual Amendments

F3 Sch. 4 para. 3 repealed (E.W.N.I.) by Food Act 1984 (c. 30, SIF 53:1), Sch. 11

3 (1) In the ^{M1}Food and Drugs Act 1955 (“the Act of 1955”), and in the ^{M2}Food and Drugs (Scotland) Act 1956 (“the Act of 1956”), there shall be inserted in section 4(1) (regulations as to composition of food etc.) after the words “protection of the public” the words “ or to be called for by any Community obligation ”.

(2) (a) After section 123 of the Act of 1955 there shall be inserted as section 123A the following section:—

“(1) The Ministers may, as respects any directly applicable Community provision relating to food for which, in their opinion, it is appropriate to make provision under this Act, by regulations make such provision as they consider necessary or expedient for the purpose of securing that the Community provision is administered, executed and enforced under this Act, and may apply such of the provisions of this Act as may be specified in the regulations in relation to the

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Community provision with such modifications, if any, as may be so specified.

(2) For the purpose of complying with any Community obligation, or for conformity with any provision made for that purpose, the Ministers may by regulations make provision as to—

- (a) the manner of sampling any food specified in the regulations, and the manner in which samples are to be dealt with; and
- (b) the method to be used in analysing, testing or examining samples of any food so specified;

and regulations made by the Ministers for that purpose, or for conformity with any provision so made, may modify or exclude any provision of this Act relating to the procuring or analysis of, or dealing with, samples or to evidence of the results of an analysis or test;”;

and in section 124(2) of the Act of 1955 (statutory instruments subject to annulment), in paragraph (a) after the words “eighty-nine” there shall be inserted the words “ or section 123A ”.

- (b) After section 56 of the Act of 1956 there shall be inserted as section 56A the same section as is set out in paragraph (a) above but with the substitution for the words “the Ministers”, “their opinion” and “they consider” of the words “ the Secretary of State ”, “ his opinion ” and “ he considers ” respectively.
- (c) F4

(3) As from the end of the year 1975, or any earlier date which, for any provision, the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may by order made by statutory instrument appoint, there shall be omitted the following provisions of the Act of 1955 or the Act of 1956, that is to say,—

- (a) section 32(2) of the Act of 1955 and section 17(1)(b) of the Act of 1956, and the words “any separated milk, or” in section 32(4) of the Act of 1955 and in section 17(2) of the Act of 1956;
- (b) section 33 of the Act of 1955, together with the words from “(being” to “Act)” in section 29(1)(l) of that Act, and in section 16 of the Act of 1956 subsection (1), together with the words from “(being” to “subsection)” in subsection (2).]

Textual Amendments

F4 Sch. 4 para. 3(2)(c) repealed by [Food Safety Act 1990 \(c. 16, SIF 53\)](#), ss. 54, 59(4), [Sch. 5](#)

Modifications etc. (not altering text)

C2 The text of Sch. 4 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1955 c. 16 (4 & 5 Eliz. 2).
M2 1956 c. 30

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C: Grading etc. of Horticultural Produce

- 4 (1) Part III of the ^{M3} Agriculture and Horticulture Act 1964 (grading and transport of fresh horticultural produce) shall be amended as follows:—
- (a) in section 11 (power to prescribe grades) there shall be added at the end as a new subsection (3)—
- “(3) Regulations under subsection (1) above shall not apply to produce of any description for the time being subject to Community grading rules; but in relation to any such produce the Ministers may by regulations—
- (a) make additional provision as to the form of any label required for the purpose of those rules or as to the inclusion in any such label of additional particulars (not affecting the grading of the produce);
- (b) provide for the application, subject to any modifications specified in the regulations, of all or any of the following provisions of this Part of this Act as if the produce were regulated produce and as if the standards of quality established by those rules were prescribed grades.”;
- (b) at the end of section 22(3) (which provides against the grading etc. of produce by agricultural marketing boards otherwise than in conformity with regulations under section 11(1) or 21 or, in Northern Ireland, any corresponding provisions for the time being in force there) there shall be added—
- “This subsection shall apply in relation to Community grading rules as it applies in relation to regulations under section 11(1) or 21 of this Act, as regards Northern Ireland, under any corresponding provisions.”;
- (c) in section 24 (interpretation of Part III) there shall be inserted after the definition of “authorised officer” the following definition:— “Community grading rules” means any directly applicable Community provisions establishing standards of quality for fresh horticultural produce.
- (2) In section 2(4) of the ^{M4} Trade Descriptions Act 1968 (which provides that certain statutory descriptions and markings are to be deemed not to be trade descriptions) after the words “the Agriculture and Horticulture Act 1964” there shall be inserted the words “ or any Community grading rules within the meaning of Part III of that Act ”.

Modifications etc. (not altering text)

- C3** The text of Sch. 4 paras. 4–5(5), 6, 8 and 9(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M3** 1964 c. 28.
M4 1968 c. 29.

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D: Seeds and other Propagating Material

- 5 (1) In the ^{M5} Plant Varieties and Seeds Act 1964 there shall be made the amendments provided for by sub-paragraphs (2) to (5) below.
- (2) In section 16(1)(c) (preventing spread of plant disease by the sale of seeds) for the words “the sale” there shall be substituted the word “means”, and after section 16(1) there shall be inserted as subsection (1A):—
- “(1A) Seeds regulations may further make provision for regulating the marketing, or the importation or exportation, of seeds or any related activities (whether by reference to officially published lists of permitted varieties or otherwise), and may in that connection include provision—
- (a) for the registration or licensing of persons engaged in the seeds industry or related activities;
 - (b) for ensuring that seeds on any official list remain true to variety;
 - (c) for the keeping and inspection of records and the giving of information;
 - (d) for conferring rights of appeal to the Tribunal;
 - (e) for excluding, extending or modifying, in relation to or in connection with any provision of the regulations, the operation of any provision made by the following sections of this Part of this Act or of Part IV of this Act, and for the charging of fees”; and the provisions relating to offences connected with seeds regulations shall be amended as follows:—
- (a) in section 16, for the words from “which concerns” in subsection (7)(b) to the end of subsection (8) there shall be substituted the words “he shall be liable on summary conviction to a fine not exceeding £400”; and
 - (b) in section 18(2) for the words from “for an offence” in paragraph (b) to the end of paragraph (c) there shall be substituted the words “to a fine not exceeding one hundred pounds”.
- (3) At the end of section there shall be added a subsection (8)—
- “(8) The Ministers acting jointly may make seeds regulations for the whole of Great Britain”.
- (4) In section 29 (which extends Part II to seed potatoes) after the words “seed potatoes”, in both places, there shall be inserted the words “to any other vegetative propagating material and to silvicultural planning material”, and at the end of that section there shall be added as subsections (2) and (3)—
- “(2) The Forestry Commissioners may establish and maintain an official seed testing station for silvicultural propagating and planting material, and seeds regulations may confer on those Commissioners any functions the regulations may confer on a Minister, and the Commissioners may charge or authorise the charging of fees for services given at any such station or in connection with any such functions; and accordingly—
- (a) references in this Part of this Act to an authorised officer shall include an officer of those Commissioners; and

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- (b) in section 25 above the references in subsections (3), (4) and (6) to a person duly authorised by the Minister shall include a person duly authorised by the Commissioners.

Any expenses incurred or fees received by the Commissioners by virtue of this subsection shall be paid out of or into the Forestry Fund.

- (3) In relation to matters concerning silvicultural propagating or planting material or concerning the Forestry Commissioners, “the Minister” shall in this Part of this Act mean, in relation to Wales and Monmouthshire, the Secretary of State, and the reference in section 16(8) to the Ministers shall be construed accordingly.”

Accordingly in section 30(1) in the definition of “official testing station” there shall be omitted the words “by the Minister or Ministers”, and in section 38(1) in the definition of “the Minister” after the words “means” there shall be inserted the words “(subject to section 29(3))”.

- (5) In section 10(1) for the name “Plant Variety Rights Tribunal” there shall be substituted the name “Plant Varieties and Seeds Tribunal”, and in paragraph 5(1) of Schedule 4 there shall be added at the end of paragraph (b) (which sets up, to furnish members of the Tribunal, a panel of persons with specialised knowledge) the words “or of the seeds industry”.

- (6) F5

Textual Amendments

- F5** Sch. 4 para. 5(6) repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#) and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), [Sch. 3 Pt. I](#)

Modifications etc. (not altering text)

- C4** The text of Sch. 4 paras. 4–5(5), 6, 8 and 9(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M5** 1964 c. 14.

E: Fertilisers and Feeding Stuffs

- 6 After section 74 of the Agriculture Act 1970 there shall be inserted as a new section 74A—

“~~74A~~(1) Regulations under this Part of this Act, with a view to controlling in the public interest the composition or content of fertilisers and of material intended for the feeding of animals, may make provision—

- (a) prohibiting or restricting, by reference to its composition or content, the importation into and exportation from the United Kingdom, the sale or possession with a view to sale, or the use, of any prescribed material;

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- (b) regulating the marking, labelling and packaging of prescribed material and the marks to be applied to any container or vehicle in which any prescribed material is enclosed or conveyed.
- (2) Regulations made under subsection (1) above with respect to any material may include provision excluding or modifying the operation in relation to that material of any other provision of this Part of this Act; but, subject to any provision so made, references in this Part of this Act to feeding stuffs shall apply to all material which is intended for the feeding of animals and with respect to which regulations are for the time being in force under that subsection.
- (3) Any person who contravenes any prohibition or restriction imposed by regulations under subsection (1) above, or fails to comply with any other provision of the regulations, shall be liable on summary conviction to a fine not exceeding £400 or, on a second or subsequent conviction, to a fine not exceeding £400 or to imprisonment for a term not exceeding three months, or to both.
- (4) With a view to implementing or supplementing any Community instrument relating to fertilisers or to material intended for the feeding of animals, regulations may provide for the application, in relation to any material specified in the regulations, of all or any of the provisions of this Part of this Act, subject to any modifications which may be so specified.”

Modifications etc. (not altering text)

- C5** The text of Sch. 4 paras. 4–5(5), 6, 8 and 9(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

7

F6

Textual Amendments

- F6** Sch. 4 para. 7 repealed (E.W.S.) by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 97(2), [Sch. 6](#)

G: Plant Health

- 8 (1) In the Plant Health Act 1967 there shall be made, with effect from the entry date, the amendments provided for by the following sub-paragraphs.
- (2) In section 1(1) (by which the Act has effect for the control in Great Britain of plant pests and diseases) the words “in Great Britain” shall be omitted; and—
- (a) in section 2(1) and section 3(1) (orders for control of pests) after the words “thinks expedient” there shall be inserted the words “ or called for by any Community obligation ”;
- (b) at the end of section 3(1), after the words “preventing the spread of pests in Great Britain”, there shall be added the words “ or the conveyance of pests by articles exported from Great Britain ”;

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- (c) in section 3(5) (which extends the time limit for summary prosecutions of certain offences) there shall be omitted the words “where the offence is one in connection with the movement, sale, consignment or planting of potatoes”.
- (3) In section 3(2)(a) (which provides for the removal or destruction of infected crops etc.) there shall be inserted after the word “removal” the word “treatment” and after the words “any seed, plant or part thereof” the words “or any container, wrapping or other article”, and in section 3(2)(b) (which provides for entry on land for those and other purposes) there shall be inserted after the word “removal” the word “treatment” and after the word “land” the words “or elsewhere”; and the words “or elsewhere” shall also be inserted after the word “land” in section 4(1)(b) (which also relates to entry).
- (4) At the end of section 6(1) there shall be added the words “or, in the case of an order prohibiting or regulating the landing in or exportation from Great Britain of any articles, shall be subject to annulment in pursuance of a resolution of either House of Parliament”.

Modifications etc. (not altering text)

C6 The text of Sch. 4 paras. 4–5(5), 6, 8 and 9(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

9 (1) F7

(2) In Part VI of the Transport Act 1968, in section 103(1), after the definition of “employer” there shall be inserted the words ““the international rules” means any directly applicable Community provision relating to the driving of road vehicles on international journeys”; and—

(a) after section 96(11) there shall be inserted as subsection (11A)—

“(11A) Where, in the case of a driver or member of the crew of a motor vehicle, there is in Great Britain a contravention of any requirement of the international rules as to periods of driving, or distance driven, or periods on or off duty, then the offender and any other person (being the offender’s employer or a person to whose orders the offender was subject) who caused or permitted the contravention shall be liable on summary conviction to a fine not exceeding £200”;

and in section 98(4) (failure to comply with regulations as to keeping of records etc.) after the words “regulations made under this section” there shall be inserted the words “or any requirement as to books or records of the international rules”, in section 98(5) after the words “of regulations under this section” there shall be inserted the words “or of the international rules”, and in section 99(5) (falsification of records) after the words “regulations under section 98 thereof” there shall be inserted the words “or the international rules”;

(b) in section 99(1) (power of enforcement officer to inspect records and other documents) there shall be inserted after paragraph (c)—

“(d) any corresponding book, register or document required by the international rules or which the officer may reasonably require to inspect for the purpose of ascertaining whether

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the requirements of the international rules have been complied with”;

and in section 99(3) after the words “subsection (1)(a)” there shall be inserted “ or (d) ”;

- (c) in section 98(2) (power to make provision supplementary and incidental to the provision made under section 98(1) as to the keeping of books and records) there shall be inserted after the words “supplementary and incidental provisions” the words “ including provisions supplementary and incidental to the requirements of the international rules as to books and records ”, and after the words “for the purpose or the regulations” in paragraph (a) the words “ or of the international rules ”.

(3) F8

- (4) [F9In the following provisions as amended by the M6 Transport Act 1968 (which, as so amended, allow records kept under Part VI of that Act to be inspected), that is to say, in section 11(1)(a) of the M7Road Haulage Wages Act 1938] . . . F10, [F9after the words “Part VI of the Transport Act 1968” there shall be inserted the words “ or of the international rules within the meaning of the said Part VI ”; and] in Schedule 2 to the M8 Road Traffic (Foreign Vehicles) Act 1972, in the entry relating to sections 96 to 98 of the Transport Act 1968 and regulations and orders thereunder, there shall be added at the end of the words in the first column the words “ and the international rules within the meaning of Part VI of that Act ”.

Textual Amendments

- F7** Sch. 4 para. 9(1) repealed with savings by Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3), Sch. 2, **Sch. 3 Pt. I**
- F8** Sch. 4 para. 9(3) repealed by Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3, SIF 107:1), **Sch. 3 Pt. II**
- F9** Words repealed (E.W.S.) by Employment Act 1980 (c. 42, SIF 43:5), **Sch. 2**
- F10** Words repealed by Wages Council Act 1979 (c. 12, SIF 43:1), **Sch. 7**

Modifications etc. (not altering text)

- C7** The text of Sch. 4 paras. 4–5(5), 6, 8 and 9(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C8** The text of Sch. 4 para. 9(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M6** 1968 c. 73.
- M7** 1938 c. 44.
- M8** 1972 c. 27.

10 F11

Textual Amendments

- F11** Sch. 4 para. 10 repealed by Transport Act 1980 (c. 34, SIF 107:1), **Sch. 9 Pt. I**

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