



# Trade Descriptions Act 1968

## 1968 CHAPTER 29

*Miscellaneous and supplemental.*

### **40 Provisions as to Northern Ireland.**

(1) This Act shall apply to Northern Ireland subject to the following modifications, that is to say—

(a) section 19(2) shall apply as if for the references to [<sup>F1</sup>section 127(1) of the Magistrates' Courts Act 1980]and the trial and laying of an information there were substituted respectively references to [<sup>F2</sup>Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981]and the hearing and determination and making of a complaint [<sup>F3</sup>and as if for the word “under” there were substituted the words “under section 29(1) of”];

(b) section 26 and subsections (2) to (4) of section 30 shall not apply but it shall be the duty of the Ministry of Commerce for Northern Ireland to enforce the provisions of this Act and of any order made under it (other than the provisions of section 42 of this Act);

<sup>F4</sup>(c) .....

(2)—(4) . . . <sup>F5</sup>

[<sup>F6</sup>(1A) For the investigatory powers available to the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the duty in subsection (1)(b), see Schedule 5 to the Consumer Rights Act 2015.]

(5) The Board of Trade shall for each financial year pay into the Exchequer of Northern Ireland such sum as the Board and the Ministry of Commerce for Northern Ireland may agree to be appropriate as representing the expenses incurred by that Ministry in enforcing so much of this Act as relates to matters with respect to which the Parliament of Northern Ireland does not have power to make laws.

(6) Nothing in this Act shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.

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*Changes to legislation: There are currently no known outstanding effects for the Trade Descriptions Act 1968, Section 40. (See end of Document for details)*

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(7) ..... F5

**Textual Amendments**

- F1** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, **Sch. 7 para. 74**
- F2** Words substituted by [S.I. 1981/1675 \(N.I. 26\)](#), **Sch. 6 Pt. I para. 13**
- F3** Words added (N.I.) by [S.I. 1980/704 \(N.I. 6\)](#), **Sch. 1 para. 43**
- F4** [S. 40\(1\)\(c\)](#) omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 6 para. 9(2)**; [S.I. 2015/1630, art. 3\(i\)](#) (with art. 8)
- F5** [S. 40\(2\)—\(4\)\(7\)](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**
- F6** [S. 40\(1A\)](#) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 6 para. 9(3)**; [S.I. 2015/1630, art. 3\(i\)](#)

**Modifications etc. (not altering text)**

- C1** [S. 40\(b\)\(c\)](#) extended by [Control of Pollution Act 1974 \(c. 40, SIF 46:4\)](#), **s. 75(8)**

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Descriptions Act 1968, Section 40.