

European Communities Act 1972

CHAPTER 68

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ELIZABETH II



European Communities Act 1972

1972 CHAPTER 68

An Act to make provision in connection with the enlargement of the European Communities to include the United Kingdom, together with (for certain purposes) the Channel Islands, the Isle of Man and Gibraltar. [17th October 1972]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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GENERAL PROVISIONS

1.—(1) This Act may be cited as the European Communities Act 1972. Short title and interpretation.

(2) In this Act and, except in so far as the context otherwise requires, in any other Act (including any Act of the Parliament of Northern Ireland)—

“the Communities” means the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community;

“the Treaties” or “the Community Treaties” means, subject to subsection (3) below, the pre-accession treaties, that is to say, those described in Part I of Schedule 1 to this Act, taken with—

(a) the treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the 22nd January 1972; and

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(b) the decision, of the same date, of the Council of the European Communities relating to the accession of the United Kingdom to the European Coal and Steel Community ;

and any other treaty entered into by any of the Communities, with or without any of the member States, or entered into, as a treaty ancillary to any of the Treaties, by the United Kingdom ;

and any expression defined in Schedule 1 to this Act has the meaning there given to it.

(3) If Her Majesty by Order in Council declares that a treaty specified in the Order is to be regarded as one of the Community Treaties as herein defined, the Order shall be conclusive that it is to be so regarded ; but a treaty entered into by the United Kingdom after the 22nd January 1972, other than a pre-accession treaty to which the United Kingdom accedes on terms settled on or before that date, shall not be so regarded unless it is so specified, nor be so specified unless a draft of the Order in Council has been approved by resolution of each House of Parliament.

(4) For purposes of subsections (2) and (3) above, "treaty" includes any international agreement, and any protocol or annex to a treaty or international agreement.

General
implemen-
tation of
Treaties.

2.—(1) All such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Treaties, and all such remedies and procedures from time to time provided for by or under the Treaties, as in accordance with the Treaties are without further enactment to be given legal effect or used in the United Kingdom shall be recognised and available in law, and be enforced, allowed and followed accordingly ; and the expression "enforceable Community right" and similar expressions shall be read as referring to one to which this subsection applies.

(2) Subject to Schedule 2 to this Act, at any time after its passing Her Majesty may by Order in Council, and any designated Minister or department may by regulations, make provision—

(a) for the purpose of implementing any Community obligation of the United Kingdom, or enabling any such obligation to be implemented, or of enabling any rights enjoyed or to be enjoyed by the United Kingdom under or by virtue of the Treaties to be exercised ; or

(b) for the purpose of dealing with matters arising out of or related to any such obligation or rights or the coming into force, or the operation from time to time, of subsection (1) above ;

and in the exercise of any statutory power or duty, including any power to give directions or to legislate by means of orders, rules, regulations or other subordinate instrument, the person entrusted with the power or duty may have regard to the objects of the Communities and to any such obligation or rights as aforesaid.

In this subsection “ designated Minister or department ” means such Minister of the Crown or government department as may from time to time be designated by Order in Council in relation to any matter or for any purpose, but subject to such restrictions or conditions (if any) as may be specified by the Order in Council.

(3) There shall be charged on and issued out of the Consolidated Fund or, if so determined by the Treasury, the National Loans Fund the amounts required to meet any Community obligation to make payments to any of the Communities or member States, or any Community obligation in respect of contributions to the capital or reserves of the European Investment Bank or in respect of loans to the Bank, or to redeem any notes or obligations issued or created in respect of any such Community obligation ; and, except as otherwise provided by or under any enactment,—

(a) any other expenses incurred under or by virtue of the Treaties or this Act by any Minister of the Crown or government department may be paid out of moneys provided by Parliament ; and

(b) any sums received under or by virtue of the Treaties or this Act by any Minister of the Crown or government department, save for such sums as may be required for disbursements permitted by any other enactment, shall be paid into the Consolidated Fund or, if so determined by the Treasury, the National Loans Fund.

(4) The provision that may be made under subsection (2) above includes, subject to Schedule 2 to this Act, any such provision (of any such extent) as might be made by Act of Parliament, and any enactment passed or to be passed, other than one contained in this Part of this Act, shall be construed and have effect subject to the foregoing provisions of this section ; but, except as may be provided by any Act passed after this Act, Schedule 2 shall have effect in connection with the powers conferred by this and the following sections of this Act to make Orders in Council and regulations.

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1920 c. 67.

(5) The limitations on the legislative power of the Parliament of Northern Ireland which are imposed by section 4(1)(4) (treaty matters) of the Government of Ireland Act 1920 shall not be construed to prevent that Parliament, on matters otherwise within their powers, from enacting provisions for any of the purposes mentioned in subsection (2)(a) and (b) above; and the references in that subsection to a Minister of the Crown or government department and to a statutory power or duty shall include a Minister or department of the Government of Northern Ireland and a power or duty arising under or by virtue of an Act of the Parliament of Northern Ireland.

1865 c. 63.

(6) A law passed by the legislature of any of the Channel Islands or of the Isle of Man, or a colonial law (within the meaning of the Colonial Laws Validity Act 1865) passed or made for Gibraltar, if expressed to be passed or made in the implementation of the Treaties and of the obligations of the United Kingdom thereunder, shall not be void or inoperative by reason of any inconsistency with or repugnancy to an Act of Parliament, passed or to be passed, that extends to the Island or Gibraltar or any provision having the force and effect of an Act there (but not including this section), nor by reason of its having some operation outside the Island or Gibraltar; and any such Act or provision that extends to the Island or Gibraltar shall be construed and have effect subject to the provisions of any such law.

Decisions on,
and proof of,
Treaties and
Community
instruments
etc.

3.—(1) For the purposes of all legal proceedings any question as to the meaning or effect of any of the Treaties, or as to the validity, meaning or effect of any Community instrument, shall be treated as a question of law (and, if not referred to the European Court, be for determination as such in accordance with the principles laid down by and any relevant decision of the European Court).

(2) Judicial notice shall be taken of the Treaties, of the Official Journal of the Communities and of any decision of, or expression of opinion by, the European Court on any such question as aforesaid; and the Official Journal shall be admissible as evidence of any instrument or other act thereby communicated of any of the Communities or of any Community institution.

(3) Evidence of any instrument issued by a Community institution, including any judgment or order of the European Court, or of any document in the custody of a Community institution, or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of that institution;

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and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.

(4) Evidence of any Community instrument may also be given in any legal proceedings—

- (a) by production of a copy purporting to be printed by the Queen's Printer ;
- (b) where the instrument is in the custody of a government department (including a department of the Government of Northern Ireland), by production of a copy certified on behalf of the department to be a true copy by an officer of the department generally or specially authorised so to do ;

and any document purporting to be such a copy as is mentioned in paragraph (b) above of an instrument in the custody of a department shall be received in evidence without proof of the official position or handwriting of the person signing the certificate, or of his authority to do so, or of the document being in the custody of the department.

(5) In any legal proceedings in Scotland evidence of any matter given in a manner authorised by this section shall be sufficient evidence of it.

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AMENDMENT OF LAW

4.—(1) The enactments mentioned in Schedule 3 to this Act (being enactments that are superseded or to be superseded by reason of Community obligations and of the provision made by this Act in relation thereto or are not compatible with Community obligations) are hereby repealed, to the extent specified in column 3 of the Schedule, with effect from the entry date or other date mentioned in the Schedule ; and in the enactments mentioned in Schedule 4 to this Act there shall, subject to any transitional provision there included, be made the amendments provided for by that Schedule.

General
provision for
repeal and
amendment.

(2) Where in any Part of Schedule 3 to this Act it is provided that repeals made by that Part are to take effect from a date appointed by order, the orders shall be made by statutory instrument, and an order may appoint different dates for the repeal of different provisions to take effect, or for the repeal of the same provision to take effect for different purposes ; and an order appointing a date for a repeal to take effect may include transitional and other supplementary provisions arising

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out of that repeal, including provisions adapting the operation of other enactments included for repeal but not yet repealed by that Schedule, and may amend or revoke any such provisions included in a previous order.

(3) Where any of the following sections of this Act, or any paragraph of Schedule 4 to this Act, affects or is construed as one with an Act or Part of an Act similar in purpose to provisions having effect only in Northern Ireland, then—

(a) unless otherwise provided by Act of the Parliament of Northern Ireland, the Governor of Northern Ireland may by Order in Council make provision corresponding to any made by the section or paragraph, and amend or revoke any provision so made; and

1920 c. 67.

(b) no limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act 1920 shall apply in relation to legislation for purposes similar to the purpose of the section or paragraph so as to preclude that Parliament from enacting similar provisions.

(4) Where Schedule 3 or 4 to this Act provides for the repeal or amendment of an enactment that extends or is capable of being extended to any of the Channel Islands or the Isle of Man, the repeal or amendment shall in like manner extend or be capable of being extended thereto.

Customs duties.

5.—(1) Subject to subsection (2) below, on and after the relevant date there shall be charged, levied, collected and paid on goods imported into the United Kingdom such Community customs duty, if any, as is for the time being applicable in accordance with the Treaties or, if the goods are not within the common customs tariff of the Economic Community and the duties chargeable are not otherwise fixed by any directly applicable Community provision, such duty of customs, if any, as the Treasury, on the recommendation of the Secretary of State, may by order specify.

For this purpose “the relevant date”, in relation to any goods, is the date on and after which the duties of customs that may be charged thereon are no longer affected under the Treaties by any temporary provision made on or with reference to the accession of the United Kingdom to the Communities.

(2) Where as regards goods imported into the United Kingdom provision may, in accordance with the Treaties, be made in derogation of the common customs tariff or of the exclusion of customs duties as between member States, the Treasury may by order make such provision as to the customs

duties chargeable on the goods, or as to exempting the goods from any customs duty, as the Treasury may on the recommendation of the Secretary of State determine.

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(3) The customs duties charged in accordance with subsections (1) and (2) above shall be deemed for the purposes of any enactment to be import duties charged under the Import Duties Act 1958 (but references to the enactments relating to customs generally shall not by reason thereof be treated as including that Act); and, subject to any amendment made by this Act, section 13 of that Act shall apply to orders under subsection (1) or (2) above as if they were orders under that Act. 1958 c. 6.

(4) Except as otherwise provided by or under this Act or any later enactment, the law in force at the passing of this Act in relation to customs duties shall continue to apply, notwithstanding that any duties are imposed for the benefit of the Communities, as if the revenue from duties so imposed remained part of the revenues of the Crown.

(5) So long as section 1 of the Import Duties Act 1958 remains in force, that Act shall have effect subject to the following modifications:—

- (a) the power under section 1 to impose duties shall include power to impose duties with a view to securing compliance with any Community obligation;
- (b) orders under section 1 may, in relation to goods of the same description, make different provision by reference to the use to be made of the goods or to other matters not ascertainable from an examination of the goods;
- (c) the powers exercisable by virtue of section 2(1) in relation to goods qualifying for Commonwealth preference shall include power to distinguish in any respect between different parts of the Commonwealth preference area;
- (d) the powers exercisable by virtue of section 5(1) and (4) together with paragraph 8 of Schedule 3 shall, as regards relief provided for by or under the Treaties or for conformity with any Community obligation, extend to any customs duties.

(6) As regards reliefs from import duties, the Secretary of State may by regulations make such further provision as appears to him to be expedient having regard to the practices adopted or to be adopted in other member States, whether by law or administrative action and whether or not for conformity with Community obligations; and any such regulations may amend

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1958 c. 6.
1966 c. 18.

or repeal accordingly any of the provisions of Part II of the Import Duties Act 1958 or section 1 of the Finance Act 1966, as modified by this Act.

(7) For the purpose of implementing Community obligations the Commissioners of Customs and Excise shall co-operate with other customs services on matters of mutual concern, and (without prejudice to the foregoing) may for that purpose—

- (a) give effect, in accordance with such arrangements as they may direct or by regulations prescribe, to any Community requirement or practice as to the movement of goods between countries, including any rules requiring payment to be made in connection with the exportation of goods to compensate for any relief from customs duty allowed or to be allowed (and may recover any such payment as if it were an amount of customs duty unpaid); and
- (b) give effect to any reciprocal arrangements made between member States (with or without other countries or territories) for securing, by the exchange of information or otherwise, the due administration of their customs laws and the prevention or detection of fraud or evasion.

(8) Where on the exportation of any goods from the United Kingdom there has been furnished for the purpose of any Community requirement or practice any certificate or other evidence as to the origin of those goods, or as to payments made or relief from duty allowed in any country or territory, then for the purpose of verifying or investigating that certificate or evidence, the Commissioners or an officer may require the exporter, or any other person appearing to the Commissioners or officer to have been concerned in any way with the goods, or with any goods from which, directly or indirectly, they have been produced or manufactured, or to have been concerned with the obtaining or furnishing of the certificate or evidence,—

- (a) to furnish such information, in such form and within such time, as the Commissioners or officer may specify in the requirement; or
- (b) to produce for inspection, and to allow the taking of copies or extracts from, such invoices, bills of lading, books or documents as may be so specified;

and any person who, without reasonable cause, fails to comply with a requirement under this subsection shall be liable to a penalty of £50.

(9) Subsections (7) and (8) above shall have effect as if contained in the Customs and Excise Act 1952.

1952 c. 44.

6.—(1) There shall be a Board in charge of a government department, which shall be appointed by and responsible to the Ministers, and shall be by the name of the Intervention Board for Agricultural Produce a body corporate (but not subject as a statutory corporation to restrictions on its corporate capacity); and the Board (in addition to any other functions that may be entrusted to it) shall be charged, subject to the direction and control of the Ministers, with such functions as they may from time to time determine in connection with the carrying out of the obligations of the United Kingdom under the common agricultural policy of the Economic Community.

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The common
agricultural
policy.

(2) Her Majesty may by Order in Council make further provision as to the constitution and membership of the Board, and the remuneration (including pensions) of members of the Board or any committee thereof, and for regulating or facilitating the discharge of the Board's functions, including provision for the Board to arrange for its functions to be performed by other bodies on its behalf and any such provision as was made by Schedule 1 to the Ministers of the Crown Act 1964 in relation to a Minister to whom that Schedule applied; and the Ministers—

- (a) may, after consultation with any body created by a statutory provision and concerned with agriculture or agricultural produce, by regulations modify or add to the constitution or powers of the body so as to enable it to act for the Board, or by written directions given to the body require it to discontinue or modify any activity appearing to the Ministers to be prejudicial to the proper discharge of the Board's functions; and
- (b) may by regulations provide for the charging of fees in connection with the discharge of any functions of the Board.

(3) Sections 5 and 7 of the Agriculture Act 1957 (which make provision for the support of arrangements under section 1 of that Act for providing guaranteed prices or assured markets) shall apply in relation to any Community arrangements for or related to the regulation of the market for any agricultural produce as if references, in whatever terms, to payments made by virtue of section 1 were references to payments made by virtue of the Community arrangements by or on behalf of the Board and as if in section 5(1)(d) the reference to the Minister included the Board.

(4) Agricultural levies of the Economic Community, so far as they are charged on goods exported from the United Kingdom or shipped as stores, shall be paid to and recoverable by the Board; and the power of the Ministers to make orders under section 5 of the Agriculture Act 1957, as extended by this

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section, shall include power to make such provision supplementary to any directly applicable Community provision as the Ministers consider necessary for securing the payment of any agricultural levies so charged, including provision for the making of declarations or the giving of other information in respect of goods exported, shipped as stores, warehoused or otherwise dealt with.

(5) Except as otherwise provided by or under any enactment, agricultural levies of the Economic Community, so far as they are charged on goods imported into the United Kingdom, shall be levied, collected and paid, and the proceeds shall be dealt with, as if they were Community customs duties, and in relation to those levies the following enactments shall apply as they would apply in relation to Community customs duties, that is to say:—

1952 c. 44.

(a) the general provisions of the Customs and Excise Act 1952 (as for the time being amended, whether by this or any earlier or later Act) and any other statutory provisions for the time being in force and relating to customs generally, as well as section 88(4) of that Act as so amended; and

1958 c. 6.

(b) sections 5, 6, 7, 10 and 13 of the Import Duties Act 1958, but so that in those sections (and in Schedule 3 to the Act), as amended by this Act, references to the Secretary of State shall include the Ministers;

and if, in connection with any such Community arrangements as aforesaid, the Commissioners of Customs and Excise are charged with the performance, on behalf of the Board or otherwise, of any duties in relation to the payment of refunds or allowances on goods exported or to be exported from the United Kingdom, then in relation to any such refund or allowance section 267 (except subsection (2)(a)) and section 294 of the Customs and Excise Act 1952 shall apply as they apply in relation to a drawback of customs duties, and other provisions of that Act shall have effect accordingly.

1901 c. 7.

(6) The enactments applied by subsection (5)(a) above shall apply subject to such exceptions and modifications, if any, as the Commissioners of Customs and Excise may by regulations prescribe, and shall be taken to include section 10 of the Finance Act 1901 (which relates to changes in customs import duties in their effect on contracts), but shall not include section 259 of the Customs and Excise Act 1952 (charge of duty on manufactured or composite articles).

(7) Where it appears to the Ministers, having regard to any such Community arrangements as aforesaid (and any obligations of the United Kingdom in relation thereto), that section 1 of

the Agriculture Act 1957 should cease to apply to produce of any description mentioned in Schedule 1 to that Act, they may by order made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, provide that as from such date as may be prescribed by the order (but subject to such savings and transitional provisions as may be so prescribed) the Act shall have effect as if produce of that description were omitted from Schedule 1. PART II
1957 c. 57.

(8) Expressions used in this section shall be construed as if contained in Part I of the Agriculture Act 1957; and in this section "agricultural levy" shall include any tax not being a customs duty, but of equivalent effect, that may be chargeable in accordance with any such Community arrangements as aforesaid, and "statutory provision" includes any provision having effect by virtue of any enactment and, in subsection (2), any enactment of the Parliament of Northern Ireland or provision having effect by virtue of such an enactment.

7.—(1) In relation to amounts charged for the use of the Sugar Board by a directly applicable Community provision on goods imported into the United Kingdom, and to refunds of any such amounts, section 6(5) above shall have effect as it has effect in the case of other agricultural levies of the European Community, except that the Commissioners of Customs and Excise shall account to the Sugar Board, in such manner as the Treasury may direct, for all money collected for the benefit of the Board by virtue of that subsection and, pending payment to the Board, shall deal with all such money in such manner as the Treasury may direct.

There shall be allowed to the Commissioners, in the taking of any account under this subsection, such sums as the Treasury may from time to time determine in respect of their expenses attributable to this subsection, and the amount so allowed shall in the accounts of the Sugar Board be treated as expenses of the Board.

(2) The Minister shall, at such times as the Treasury may determine, pay to the Sugar Board any amount by which the sums charged for their benefit as mentioned in subsection (1) above, their receipts from dealings (as principals) in sugar and their other income fall short of their outgoings, whether in respect of those dealings, or of payments to be made by them in respect of imports under any directly applicable Community provision, or otherwise; but if at any time it appears to the Minister that the Sugar Board have accumulated funds in excess of the amount that they reasonably require to have available for the performance of their functions, he may direct

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the Board to pay to him such sum as may be specified in the direction, and the Board shall thereupon pay him the amount so specified.

(3) If as regards the home-grown beet crop for the year 1973 or any subsequent year it is made to appear to the Ministers by the processors of home-grown beet or by a body which is in their opinion substantially representative of the growers of home-grown beet that the processors and that body are unable to agree on the prices and other terms and conditions for the purchase of home-grown beet by the processors, the Ministers may determine or designate a person to determine those prices, terms and conditions; and any purchase by processors for which prices, terms and conditions have been so determined, or contract for such a purchase, shall take effect as a purchase or contract for purchase at those prices and on those terms and conditions.

1956 c. 48.

(4) This section shall be construed as one with the Sugar Act 1956; and in this section, as in that Act, "the Minister" means the Minister of Agriculture, Fisheries and Food, and "the Ministers" means the Minister and the Secretary of State acting jointly.

Cinematograph
films.

8.—(1) On and after the entry date Community films shall be registered under the Films Acts 1960 to 1970 as a class distinct from other foreign films, and be registered as quota films, and the register shall be kept accordingly; and—

1960 c. 57.

(a) references in those Acts to a foreign film, except in sections 11 and 17 of the Films Act 1960 (which relate to registration) shall have effect as references to a foreign film other than a Community film; and

1970 c. 26.

(b) references to a British film shall in the following provisions of the Films Act 1960 have effect as references to a British or Community film, that is to say, in sections 1(1), 2(2) (as set out in section 10(1) of the Films Act 1970), 30(3)(b), 32(1)(b) and 44(1)(b).

In this subsection and in subsection (2) below "Community film" means any such film as in accordance with any relevant Community instrument is to be regarded as a film of a member State.

(2) Where a film which on the entry date is registered under the Films Act 1960 as a foreign film is a Community film, a person who has the right to distribute the film or is in a position to confer that right may apply for the register to be amended by registering the film as a Community film; and if the application is accompanied by the requisite particulars and evidence to show the film is a Community film,

and by such fee as may be prescribed for this purpose under section 44 of the Act, the register shall be amended accordingly and there shall be issued to the applicant, in substitution for any certificate of registration previously issued, a certificate of registration specifying the particulars of the film as recorded in the register after the amendment.

In relation to a film registered as a Community film by virtue of this subsection, section 2 of the Films Act 1960 (disregard of old films for quota purposes) shall have effect as if in subsection (2), whether as originally enacted or as set out in section 10(1) of the Films Act 1970, the reference to a film being first registered as a British film were a reference to its being first registered. 1960 c. 57. 1970 c. 26.

(3) The requirements for the registration of a film as a British film under section 17 of the Films Act 1960 shall be modified, with effect from the entry date, by inserting after the words "of the Republic of Ireland", wherever those words occur in section 17(2)(a) and (3), the words "or of any country that is a member State".

(4) If, on the application of an exhibitor in respect of a cinema, the Secretary of State is satisfied that during the year 1973 or any later year it is proposed to exhibit at the cinema no films other than foreign language films, he may (after consultation with the Cinematograph Films Council) direct that section 1 of the Films Act 1960 shall not apply to the exhibition of films at that cinema during that year; but section 1 shall nevertheless apply as if no such direction had been given—

- (a) where during the year any film other than a foreign language film is exhibited at the cinema; and
- (b) where, on the application of an exhibitor who exhibits films at the cinema, the Secretary of State substitutes for the direction a direction under section 4(1) of the Act.

In this subsection "foreign language film" means a film in which the dialogue is mainly in a foreign language.

(5) This section shall be construed as one with the Films Act 1960.

9.—(1) In favour of a person dealing with a company in good faith, any transaction decided on by the directors shall be deemed to be one which it is within the capacity of the company to enter into, and the power of the directors to bind the company shall be deemed to be free of any limitation under the memorandum or articles of association; and a party to a transaction so decided on shall not be bound to enquire as to the Companies.

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capacity of the company to enter into it or as to any such limitation on the powers of the directors, and shall be presumed to have acted in good faith unless the contrary is proved.

(2) Where a contract purports to be made by a company, or by a person as agent for a company, at a time when the company has not been formed, then subject to any agreement to the contrary the contract shall have effect as a contract entered into by the person purporting to act for the company or as agent for it, and he shall be personally liable on the contract accordingly.

(3) The registrar of companies shall cause to be published in the Gazette notice of the issue or receipt by him of documents of any of the following descriptions (stating in the notice the name of the company, the description of document and the date of issue or receipt), that is to say—

- (a) any certificate of incorporation of a company ;
- (b) any document making or evidencing an alteration in the memorandum or articles of association of a company ;
- (c) any return relating to a company's register of directors, or notification of a change among its directors ;
- (d) a company's annual return ;
- (e) any notice of the situation of a company's registered office, or of any change therein ;
- (f) any copy of a winding-up order in respect of a company ;
- (g) any order for the dissolution of a company on a winding up ;
- (h) any return by a liquidator of the final meeting of a company on a winding up ;

and in the following provisions of this section "official notification" means, in relation to anything stated in a document of any of the above descriptions, the notification of that document in the Gazette under this section and, in relation to the appointment of a liquidator in a voluntary winding up, the notification thereof in the Gazette under section 305 of the Companies Act 1948, and "officially notified" shall be construed accordingly.

1948 c. 38.

(4) A company shall not be entitled to rely against other persons on the happening of any of the following events, that is to say—

- (a) the making of a winding-up order in respect of the company, or the appointment of a liquidator in a voluntary winding up of the company ; or
- (b) any alteration of the company's memorandum or articles of association ; or
- (c) any change among the company's directors ; or

- (d) (as regards service of any document on the company) any change in the situation of the company's registered office ;

if the event had not been officially notified at the material time and is not shown by the company to have been known at that time to the person concerned, or if the material time fell on or before the fifteenth day after the date of official notification (or, where the fifteenth day was a non-business day, on or before the next day that was not) and it is shown that the person concerned was unavoidably prevented from knowing of the event at that time.

For this purpose "non-business day" means a Saturday or Sunday, Christmas Day, Good Friday and any other day which, in the part of Great Britain where the company is registered, is a bank holiday under the Banking and Financial Dealings Act 1971 c. 80. 1971.

(5) Where any alteration is made in a company's memorandum or articles of association by any statutory provision, whether contained in an Act of Parliament or in an instrument made under an Act, a printed copy of the Act or instrument shall not later than fifteen days after that provision comes into force be forwarded to the registrar of companies and recorded by him ; and where a company is required by this section or otherwise to send to the registrar any document making or evidencing an alteration in the company's memorandum or articles of association (other than a special resolution under section 5 of the Companies Act 1948), the company shall send with it a printed copy of the memorandum or articles as altered. 1948 c. 38.

If a company fails to comply with this subsection, the company and any officer of the company who is in default shall be liable to a default fine.

(6) Where before the coming into force of this subsection—

- (a) an alteration has been made in a company's memorandum or articles of association by any statutory provision, and a printed copy of the relevant Act or instrument has not been sent to the registrar of companies ; or
- (b) an alteration has been made in a company's memorandum or articles of association in any manner, and a printed copy of the memorandum or articles as altered has not been sent to him ;

such a copy shall be sent to him within one month after the coming into force of this subsection.

If a company fails to comply with this subsection, the company and any officer of the company who is in default shall be liable to a default fine.

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(7) Every company shall have the following particulars mentioned in legible characters in all business letters and order forms of the company, that is to say,—

- (a) the place of registration of the company, and the number with which it is registered ;
- (b) the address of its registered office ; and
- (c) in the case of a limited company exempt from the obligation to use the word “ limited ” as part of its name, the fact that it is a limited company ;

and, if in the case of a company having a share capital there is on the stationery used for any such letters or on the order forms a reference to the amount of the share capital, the reference shall be to paid-up share capital.

If a company fails to comply with this subsection, the company shall be liable to a fine not exceeding £50 ; and if an officer of a company or any person on its behalf issues or authorises the issue of any business letter or order form not complying with this subsection, he shall be liable to a fine not exceeding £50.

1948 c. 38.

(8) This section shall be construed as one with the Companies Act 1948 ; and section 435 of that Act (which enables certain provisions of it to be extended to unregistered companies) shall have effect as if this section were among those mentioned in Schedule 14 to that Act with an entry in column 3 of that Schedule to the effect that this section is to apply so far only as may be specified by regulations under section 435 and to such bodies corporate as may be so specified, and as if sections 107 (registered office) and 437 (service of documents) were so mentioned (and section 437 were not included in the last entry in the Schedule).

The modifications of this section that may be made by regulations under section 435 shall include the extension of subsections (3), (5) and (6) to additional matters (and in particular to the instruments constituting or regulating a company as well as to alterations thereof).

(9) This section shall not come into force until the entry date (except to authorise the making with effect from that date of regulations by virtue of subsection (8) above).

Restrictive
trade
practices.
1956 c. 68.

10.—(1) Part I of the Restrictive Trade Practices Act 1956 shall apply to an agreement notwithstanding that it is or may be void by reason of any directly applicable Community provision, or is expressly authorised by or under any such provision ; but the Restrictive Practices Court may decline or postpone the exercise of its jurisdiction under section 20 of the Act, or may (notwithstanding section 22(2)) exercise its jurisdiction under section 22, if and in so far as it appears to the court right so to

do having regard to the operation of any such provision or to the purpose and effect of any authorisation or exemption granted in relation thereto, and the Registrar may refrain from taking proceedings before the court in respect of any agreement if and for so long as he thinks it appropriate so to do having regard to the operation of any such provision and to the purpose and effect of any such authorisation or exemption.

PART II

(2) Regulations under section 19 of the Restrictive Trade Practices Act 1956 may require that the Registrar shall be furnished in respect of an agreement with information as to any steps taken, or decision given, under or for the purpose of any directly applicable Community provision affecting the agreement, and that the information so given or such part, if any of it, as may be provided by the regulations shall be included in the particulars to be entered or filed in the register under section 11(2); but an agreement shall be exempt from registration under the Act so long as there is in force in relation thereto any authorisation given for the purpose of any provision of the E.C.S.C. Treaty relating to restrictive trade practices. 1956 c. 68.

(3) At the end of section 33(1) of the Restrictive Trade Practices Act 1956 (which restricts the disclosure of information obtained under the Act to the purposes there specified) there shall be added the words "or is made in pursuance of a Community obligation".

11.—(1) A person who, in sworn evidence before the European Court, makes any statement which he knows to be false or does not believe to be true shall, whether he is a British subject or not, be guilty of an offence and may be proceeded against and punished— Community offences.

- (a) in England and Wales as for an offence against section 1(1) of the Perjury Act 1911; or 1911 c. 6.
- (b) in Scotland as for an offence against section 1 of the False Oaths (Scotland) Act 1933; or 1933 c. 20.
- (c) in Northern Ireland as for an offence against section 1(1) of the Perjury Act (Northern Ireland) 1946. 1946 c. 13. (N.I.).

Where a report is made as to any such offence under the authority of the European Court, then a bill of indictment for the offence may, in England or Wales or in Northern Ireland, be preferred as in a case where a prosecution is ordered under section 9 of the Perjury Act 1911 or section 8 of the Perjury Act (Northern Ireland) 1946, but the report shall not be given in evidence on a person's trial for the offence.

PART II

(2) Where a person (whether a British subject or not) owing either—

- (a) to his duties as a member of any Euratom institution or committee, or as an officer or servant of Euratom ; or
- (b) to his dealings in any capacity (official or unofficial) with any Euratom institution or installation or with any Euratom joint enterprise ;

has occasion to acquire, or obtain cognisance of, any classified information, he shall be guilty of a misdemeanour if, knowing or having reason to believe that it is classified information, he communicates it to any unauthorised person or makes any public disclosure of it, whether in the United Kingdom or elsewhere and whether before or after the termination of those duties or dealings ; and for this purpose “classified information” means any facts, information, knowledge, documents or objects that are subject to the security rules of a member State or of any Euratom institution.

This subsection shall be construed, and the Official Secrets Acts 1911 to 1939 shall have effect, as if this subsection were contained in the Official Secrets Act 1911, but so that in that Act sections 10 and 11, except section 10(4), shall not apply.

1911 c. 18.

(3) This section shall not come into force until the entry date.

Furnishing of information to Communities.

1947 c. 39.

1947 c. 48.

12. Estimates, returns and information that may under section 9 of the Statistics of Trade Act 1947 or section 80 of the Agriculture Act 1947 be disclosed to a government department or Minister in charge of a government department may, in like manner, be disclosed in pursuance of a Community obligation to a Community institution.

SCHEDULES

SCHEDULE 1

Section 1.

DEFINITIONS RELATING TO COMMUNITIES

PART I

THE PRE-ACCESSION TREATIES

1. The "E.C.S.C. Treaty", that is to say, the Treaty establishing the European Coal and Steel Community, signed at Paris on the 18th April 1951.

2. The "E.E.C. Treaty", that is to say, the Treaty establishing the European Economic Community, signed at Rome on the 25th March 1957.

3. The "Euratom Treaty", that is to say, the Treaty establishing the European Atomic Energy Community, signed at Rome on the 25th March 1957.

4. The Convention on certain Institutions common to the European Communities, signed at Rome on the 25th March 1957.

5. The Treaty establishing a single Council and a single Commission of the European Communities, signed at Brussels on the 8th April 1965.

6. The Treaty amending certain Budgetary Provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities, signed at Luxembourg on the 22nd April 1970.

7. Any treaty entered into before the 22nd January 1972 by any of the Communities (with or without any of the member States) or, as a treaty ancillary to any treaty included in this Part of this Schedule, by the member States (with or without any other country).

PART II

OTHER DEFINITIONS

"Economic Community", "Coal and Steel Community" and "Euratom" mean respectively the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community.

"Community customs duty" means, in relation to any goods, such duty of customs as may from time to time be fixed for those goods by directly applicable Community provision as the duty chargeable on importation into member States.

"Community institution" means any institution of any of the Communities or common to the Communities; and any reference to an institution of a particular Community shall include one common to the Communities when it acts for that Community, and similarly with references to a committee, officer or servant of a particular Community.

SCH. 1 “Community instrument” means any instrument issued by a Community institution.

“Community obligation” means any obligation created or arising by or under the Treaties, whether an enforceable Community obligation or not.

“Enforceable Community right” and similar expressions shall be construed in accordance with section 2(1) of this Act.

“Entry date” means the date on which the United Kingdom becomes a member of the Communities.

“European Court” means the Court of Justice of the European Communities.

“Member”, in the expression “member State”, refers to membership of the Communities.

Section 2.

SCHEDULE 2

PROVISIONS AS TO SUBORDINATE LEGISLATION

1.—(1) The powers conferred by section 2(2) of this Act to make provision for the purposes mentioned in section 2(2)(a) and (b) shall not include power—

- (a) to make any provision imposing or increasing taxation ;
or
- (b) to make any provision taking effect from a date earlier than that of the making of the instrument containing the provision ; or
- (c) to confer any power to legislate by means of orders, rules, regulations or other subordinate instrument, other than rules of procedure for any court or tribunal ; or
- (d) to create any new criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine of more than £400 (if not calculated on a daily basis) or with a fine of more than £5 a day.

(2) Sub-paragraph (1)(c) above shall not be taken to preclude the modification of a power to legislate conferred otherwise than under section 2(2), or the extension of any such power to purposes of the like nature as those for which it was conferred ; and a power to give directions as to matters of administration is not to be regarded as a power to legislate within the meaning of sub-paragraph (1)(c).

2.—(1) Subject to paragraph 3 below, where a provision contained in any section of this Act confers power to make regulations (otherwise than by modification or extension of an existing power), the power shall be exercisable by statutory instrument.

(2) Any statutory instrument containing an Order in Council or regulations made in the exercise of a power so conferred, if made without a draft having been approved by resolution of each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House.

3. Nothing in paragraph 2 above shall apply to any Order in Council made by the Governor of Northern Ireland or to any regulations made by a Minister or department of the Government of Northern Ireland; but where a provision contained in any section of this Act confers power to make such an Order in Council or regulations, then any Order in Council or regulations made in the exercise of that power, if made without a draft having been approved by resolution of each House of the Parliament of Northern Ireland, shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if the Order or regulations were a statutory instrument within the meaning of that Act. 1954 c. 33 (N.I.).

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SCHEDULE 3

Section 4.

REPEALS

PART I

CUSTOMS TARIFF

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 6.	The Import Duties Act 1958.	The whole Act, except— section 4; Part II, including Schedules 3 to 5; in section 12(4) the words “fish, whales or other natural produce of the sea, or goods produced or manufactured therefrom at sea, if brought direct to the United Kingdom, are”, and paragraphs (a) and (b); and sections 13, 15 and 16(1) and (2). In Part II, section 5(2), (3), (5) and (6), section 7(1)(c) with the preceding “and”, section 9(4) and section 9(5) from “and” onwards. In Schedule 4, paragraph 1.
8 & 9 Eliz. 2. c. 19. 1965 c. 65. 1966 c. 18.	The European Free Trade Association Act 1960. The Finance Act 1965. The Finance Act 1966.	The whole Act. Section 2, except subsection (5). In section 1, in subsection (1) the words between “1958” and “chargeable”, and subsection (6). Section 9.
1969 c. 16.	The Customs Duties (Dumping and Subsidies) Act 1969.	The whole Act.
1971 c. 68.	The Finance Act 1971.	Section 1(1) to (3).

The repeals in this Part of this Schedule shall take effect from such date as the Secretary of State may by order appoint.

SCH. 3

PART II

SUGAR

Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 48.	The Sugar Act 1956.	<p>In section 3, subsection (1) from "including" onwards and subsection (2)(b). Section 4(2) and (3). Section 5, except as regards advances made before this repeal takes effect. Sections 7 to 17. Section 18(3) and (4). Sections 19 and 20. Sections 21 and 22, except as regards advances made and guarantees given before this repeal takes effect. Section 23, but without prejudice to the modification made by subsection (2) in the articles of association of the British Sugar Corporation. Sections 24 to 32. In section 33, in subsection (1) the words "regulations or", in subsection (2) the words from the beginning to "subsection", subsection (3) and subsection (5). In section 34, the words "or the Commissioners". In section 35, in subsection (2) all the definitions except those of "the Corporation", "financial year of the Sugar Board", "functions", "the Government", "home-grown beet" and "pension", in subsection (3) the words "or of the Corporation" and subsections (4) to (7). Section 36(2). In Schedule 3, paragraphs 2, 3 and 4. Schedule 4. Section 4. In section 36(2) the words "and to sugar beet". In Schedule 2, paragraph 5.</p>
5 & 6 Eliz. 2. c. 57.	The Agriculture Act 1957.	<p>In section 36(2) the words "and to sugar beet".</p>
10 & 11 Eliz. 2. c. 23.	The South Africa Act 1962.	In Schedule 2, paragraph 5.
10 & 11 Eliz. 2. c. 44.	The Finance Act 1962.	<p>In section 3(6) the words from "the Sugar Act 1956" onwards. Part II of Schedule 5.</p>

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Chapter	Short Title	Extent of Repeal
1963 c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	Section 25.
1964 c. 49. 1966 c. 18. 1968 c. 13.	The Finance Act 1964. The Finance Act 1966. The National Loans Act 1968.	Section 22. Section 52. In Schedule 1, the entry for the Sugar Act 1956, except as regards advances made before this repeal takes effect.
1968 c. 44.	The Finance Act 1968.	Section 58.

The repeals in this Part of this Schedule shall take effect from such date as the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may by order appoint.

PART III

SEEDS

Chapter	Short Title	Extent of Repeal
1964 c. 14.	The Plant Varieties and Seeds Act 1964.	Section 5(3). Sections 20 to 23A. Section 25(8)(b) and the word "and" preceding it. Section 32. In section 34(2) the words from "or in the Index" to "into force", and the words "or fact".
1968 c. 29.	The Trade Descriptions Act 1968.	Schedule 5. Section 2(4)(a).
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	Schedule 7, except amendments of section 1 of or Schedule 1 or 2 to the Plant Varieties and Seeds Act 1964.

The repeals in this Part of this Schedule shall take effect from such date as the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may by order appoint.

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PART IV

MISCELLANEOUS

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 59.	The Coal Industry Nationalisation Act 1946.	In section 4, in its application to the Industrial Coal Consumers' Council, subsections (1) to (8); and in its application to the Domestic Coal Consumers' Council, in subsection (2) the words "to represent the Board and", in subsection (3) (as applied by subsection (4)) the words from "and where" in paragraph (a) onwards and subsection (5). Section 4(9), (10) and (11). Section 2(2).
10 & 11 Geo. 6. c. 48.	The Agriculture Act 1947.	
15 & 16 Geo. 6. and 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	Schedule 6, except for cases in which the value of goods falls to be determined as at a time before the entry date. Section 29.
1 & 2 Eliz. 2. c. 15.	The Iron and Steel Act 1953.	
5 & 6 Eliz. 2. c. 57.	The Agriculture Act 1957.	Section 2(6)(b), with the preceding "or". Section 3. Section 8(1), and in section 8(2) the words "and subsection (1) of section 3". In section 11 the words "and 'special review'" and the words "or special review".
10 & 11 Eliz. 2. c. 22.	The Coal Consumers' Councils (Northern Irish Interests) Act 1962.	Section 1(1) and (2), in so far as they apply to the Industrial Coal Consumers' Council.
1963 c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	Section 9(8).
1967 c. 17.	The Iron and Steel Act 1967.	Sections 8, 15 and 30. Section 48(2)(b). In Schedule 3, the entries relating to section 6 of the Iron and Steel Act 1949. In Schedule 4, section 6 of the Iron and Steel Act 1949 as there set out.
1967 c. 22.	The Agriculture Act 1967.	Section 61(7). Section 64(6). Section 65(5).
1968 c. 48.	The International Organisations Act 1968.	Section 3. In section 4, the words "other than the Commission of the European Communities".

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Chapter	Short Title	Extent of Repeal
1970 c. 24.	The Finance Act 1970.	In Schedule 2, paragraph 5(1) from "Where, by virtue" onwards, and paragraph 5(2)(b) and (c), except for cases in which the value of goods falls to be determined as at a time before the entry date.
1970 c. 40.	The Agriculture Act 1970.	Section 106(5).

SCHEDULE 4

Section 4.

ENACTMENTS AMENDED

A: *Customs Duties*A(i): *Import Duty Reliefs etc.*

1.—(1) Save as provided by paragraphs (a) and (b) below, for the words "the Treasury", wherever occurring in Part II (including Schedule 3) of the Import Duties Act 1958, and for the words "the Board of Trade" or "the Board", wherever occurring in that Act or in section 1 of the Finance Act 1966, there shall be substituted the words "the Secretary of State" (and in section 6(1) to (3) of the Act of 1958 and section 1(1)(a) of that of 1966 there shall be made any consequential substitution of words in the singular for words in the plural); but in the Act of 1958—

(a) there shall be omitted section 5(7), in section 8(5) the words "on the recommendation of the Board of Trade", in section 9(2) the words preceding the first "in" and the words "to recommend that" and in section 13(4) the words "of the Treasury"; and

(b) for section 13(1) there shall be substituted—

"(1) Any power to make orders which is conferred by this Act shall include power to vary or revoke any order made in the exercise of that power."

The coming into force of this sub-paragraph shall not affect the continuance in force of any order, regulations or direction previously made or given; but where any condition previously imposed under Part II of the Import Duties Act 1958 requires any consent of the Treasury or of the Board of Trade, it shall thereafter be construed as requiring instead that of the Secretary of State.

(2) In section 5(4) of the Import Duties Act 1958 (power to provide by order for administration of any relief from duty under the section) after the words "any relief from duty under this section" there shall be inserted the words "or for the implementa-

SCH. 4 tion or administration of any like relief provided for by any Community instrument”, and after paragraph (a) there shall be inserted—
 “(aa) where the relief is limited to a quota of imported goods, provide for determining the allocation of the quota or for enabling it to be determined by the issue of certificates or licences or otherwise ;”.

1958 c. 6. (3) In section 6(1) of the Import Duties Act 1958 (power to exempt importations meant for research or other special purposes) before the words “any import duty” there shall be inserted the words “the whole or part of”.

(4) In section 7 of the Import Duties Act 1958 (which confers power to exempt importations intended for export, but with power to attach conditions on the grant of exemption) there shall be added at the end of subsection (3) the words “or that, in such circumstances as the Commissioners may require, there shall be paid by way of duty such amount as may be so required”; and after subsection (3) there shall be inserted the following subsections:—

“(3A) For purposes of this section the Commissioners may treat any imported articles as if it were intended to re-export goods incorporating them or manufactured or produced from them, if the Commissioners are satisfied that goods incorporating, or manufactured or produced from, like articles have been or are intended to be exported and that in the circumstances it is proper for the imported articles to be so treated.

(3B) References in this section to goods manufactured or produced from any articles shall, in such cases and to such extent as the Commissioners may allow, be treated as including goods in the manufacture, production or repair of which those articles are used as an agent to carry out or facilitate any process or are used to treat, protect or test the goods or any component of them.”

(5) In section 13(4) of the Import Duties Act 1958 (orders lapsing unless approved by resolution of House of Commons) before the words “the statutory instrument” there shall be inserted the words “unless the order states that it does not do so otherwise than in pursuance of a Community obligation”.

(6) In Schedule 3 to the Import Duties Act 1958 at the end of paragraph 8 (which allows relief under section 5 to be given with a view to conforming with international agreements) there shall be added at the end the words “or with a view to conforming with any Community obligations or otherwise affording relief provided for by or under the Community Treaties.”

A(ii): *Customs and Excise Act 1952*

1952 c. 44. 2.—(1) In the Customs and Excise Act 1952 there shall be made, with effect from the entry date, the amendments provided for by the following sub-paragraphs.

(2) In section 34, there shall be inserted after subsection (1) a new subsection—

“(1A) Where security for the payment of duty is given to the satisfaction of the Commissioners in accordance with such

arrangements as may be prescribed by regulations of the Commissioners, then subject to such conditions as may be so prescribed or as the Commissioners may see fit to impose, the Commissioners may permit payment under this section of the duty to be deferred for such period as may be so prescribed, and duty of which payment is deferred under this subsection shall be deemed to have been paid for purposes of any relief from duty by way of drawback, for purposes of sections 35, 36 and 46 of this Act, and for such other purposes as may be so prescribed; but the regulations may provide for payment to be deferred in the case of some duties of customs or some goods but not of others”;

and in section 86 (removal of warehoused goods) there shall be added at the end of subsection (4) the words “but section 34(1A) of this Act shall apply to warehoused goods with the substitution of a reference to this section for any reference to that section”.

(3) At the end of section 67 there shall be added as a separate subsection (2)—

“(2) Without prejudice to subsection (1) above, where any question as to the duties of customs chargeable on any goods, or the operation of any prohibition or restriction on importation, depends on any question as to the place from which the goods were consigned, or any question where they or other goods are to be treated as grown, manufactured or produced, or any question as to payments made or relief from duty allowed in any country or territory, then—

(a) the Commissioners may require the importer of the goods to furnish to them, in such form as they may prescribe, proof of any statement made to them as to any fact necessary to determine that question, or of the accuracy of any certificate or other document furnished in connection with the importation of the goods and relating to the matter in issue, and if such proof is not furnished to their satisfaction, the question may be determined without regard to that statement or to that certificate or document; and

(b) if in any proceedings relating to the goods or to the duty chargeable thereon the accuracy of any such certificate or document comes in question, it shall be for the person relying on it to furnish proof of its accuracy.”

(4) At the end of section 70 there shall be added as a separate subsection (2)—

“(2) Where, in pursuance of any Community requirement or practice as to the movement of goods between countries, a seal, lock or mark is used (whether in the United Kingdom or elsewhere) to secure or identify any goods for customs purposes, and the seal, lock or mark is at any time wilfully and prematurely removed or tampered with in the United Kingdom, the person then in charge of the goods shall be liable to a penalty of £100.”

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(5) In section 80(1) (which provides for the approval of warehouses for the goods mentioned in paragraphs (a) to (d)) there shall be inserted after paragraph (d) as a new paragraph—

“(e) subject to such conditions and restrictions as aforesaid, of such other goods as the Commissioners may allow to be warehoused for exportation or for use as stores in cases where relief from or repayment of any duty of customs or other payment is conditional on their exportation or use as stores ;”

and in section 88(1) (duty chargeable on warehoused goods) there shall be inserted after the words “warehoused goods” the words “(other than those falling within section 80(1)(e) of this Act)”.

(6) In section 88(4) after the word “hops” there shall be inserted the words “the proprietor of the goods may elect, if any permitted operation has been carried out on the goods in warehouse, that the amount of any duty chargeable thereon under this section, not being a duty of excise or a duty of customs other than an import duty, shall be calculated in accordance with the account last taken of the goods before any permitted operation was so carried out, but otherwise”.

(7) After section 255 there shall be inserted as a new section 255A—

“255A. Where any question as to the duties of customs chargeable on any goods depends on the use to be made of any goods or on any other matter not reasonably ascertainable from an examination of the goods, and that question is not in law conclusively determined by the production of any certificate or other document, then on the importation of those goods the Commissioners may impose such conditions as they see fit for securing that the goods will be so used or otherwise for the prevention of abuse or the protection of the revenue (including conditions requiring security for the observance of any conditions so imposed)”.

(8) For section 258(1) and (2) there shall be substituted, except for cases in which the value of goods falls to be determined as at a time before the entry date, a new subsection—

“(1) For the purposes of any duty of customs for the time being chargeable on any imported goods by reference to their value, whether a Community customs duty or not, the value of the goods shall be taken according to the rules applicable in the case of Community customs duties, and duty shall be paid on that value:

Provided that in relation to an importation in the course of trade within the Communities the value shall be determined on the basis of a delivery to the buyer at the port or place of importation into the United Kingdom.”

B: *Food*

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

3.—(1) In the Food and Drugs Act 1955 (“the Act of 1955”), and in the 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".

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(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 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) In section 22(2) of the Trade Descriptions Act 1968 1968 c. 29. (admissibility of evidence of analysis where offence is one under both that Act and food and drugs laws) after the words "123" there shall be inserted the words "or 123A" and after the word "56" there shall be inserted the words "or 56A".

(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;

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- (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).

C: Grading etc. of Horticultural Produce

1964 c. 28.

4.—(1) Part III of the 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 or, 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.

1968 c. 29.

(2) In section 2(4) of the 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”.

D: *Seeds and other Propagating Material*

SCH. 4

5.—(1) In the Plant Varieties and Seeds Act 1964 there shall be made the amendments provided for by sub-paragraphs (2) to (5) below. 1964 c. 14.

(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 “for any other offence” ; and
 - (c) in section 25(7) for paragraphs (a) and (b) there shall be substituted the words “to a fine not exceeding one hundred pounds”.
- (3) At the end of section 16 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 planting 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

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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
- (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 word “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”.

1957 c. 20.

(6) In Part III of Schedule 1 to the House of Commons Disqualification Act 1957, as amended by the Plant Varieties and Seeds Act 1964 (both for the Parliament of the United Kingdom and for the Parliament of Northern Ireland), and in Schedule 1 to the Tribunals and Inquiries Act 1971, for the name ‘Plant Variety Rights Tribunal’ there shall be substituted in each place the name ‘Plant Varieties and Seeds Tribunal’.”

1971 c. 62.

E: Fertilisers and Feeding Stuffs

1970 c. 40.

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 ;

(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."

F: *Animal Health*

7.—(1) In the Diseases of Animals Act 1950 there shall be made, 1950 c. 36.
with effect from the entry date, the amendments provided for by the following sub-paragraphs.

(2) At the end of section 25 (imported animals to be slaughtered on landing) there shall be added—

“other than animals of any such description as may be prescribed by order of the Minister which are brought from a member State and in relation to which any conditions so prescribed are satisfied; but where Part I (slaughter) of the First Schedule to this Act is under this section not to apply to animals so brought, the Minister may by order provide that Part II (quarantine) and Part III (ancillary provisions) shall apply, with or without modification.

An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(3) After section 36 there shall be inserted a new section 36A—

“36A. The Minister may by order make provision in the interests of animal health or of human health, for regulating the exportation from Great Britain to a member State of animals or poultry or carcases thereof, and in particular for prohibiting exportation without such certificate or licence as may be prescribed by the order, and as to the circumstances in which and conditions on which a certificate or licence may be obtained”.

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(4) In section 49(1)(a) (control of import of poultry) after the word "poultry", in the first two places where it occurs, there shall be inserted the words "or carcasses of poultry".

(5) At the end of section 19(6) (power to withhold or reduce compensation for slaughter of animal imported when diseased) there shall be added the words "or, before or while being brought from a member State, exposed to the infection of disease".

G: *Plant Health*

1967 c. 8.

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";

(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".

H: *Road Vehicles (Driving under Age, and Drivers' Hours)*

1972 c. 20.

9.—(1) In section 4(4) of the Road Traffic Act 1972 (offence of driving below the permitted age) there shall be added at the end the words "and this subsection shall apply to a contravention in Great Britain of any directly applicable Community provision relating to the driving of road vehicles on international journeys, being a provision as to the minimum age for driving a vehicle of any description, as it applies to a contravention of the provisions of this section".

(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—

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1968 c. 73.

(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 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 of the regulations" in paragraph (a) the words "or of the international rules".

(3) At the end of section 95(1) of the Transport Act 1968 there shall be added the words—

"but the Secretary of State may by regulations make such provision supplemental or incidental to, or by way of adaptation of, this Part of this Act as is in his opinion called for to take

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account, in relation to journeys and work to which the international rules apply, of the operation of those rules and to ensure compatibility of operation between section 96(1) to (9) as they apply to other journeys and work and the international rules; and regulations made under this subsection—

- (a) may in particular make exceptions from the operation of section 96(1) to (6), and include provision as to the circumstances in which a period of driving or duty to which the international rules apply is to be included or excluded in reckoning any period for purposes of section 96(1) to (6); and
- (b) may contain such transitional and supplementary provisions as the Secretary of State thinks necessary or expedient;

and a reference to the international rules shall be deemed to be included in any reference to this Part of this Act in sections 35(2)(b), 62(4)(b) and 64(2)(c) of this Act and in paragraph 2(5) of Schedule 9 thereto."

1968 c. 73.

1938 c. 44.

1959 c. 69.

1972 c. 27.

(4) In the following provisions as amended by the 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 Road Haulage Wages Act 1938 and in section 19(3)(b) of the Wages Councils Act 1959, after 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 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".

I: Road Transport (International Passenger Services)

1960 c. 16.

10. In section 160(1) of the Road Traffic Act 1960 (regulations with respect to licensing of public service vehicles), in paragraph (k) after the word "vehicles" there shall be inserted the words "registered elsewhere than in Great Britain or" and the following shall be added at the end of the subsection:—

- "(l) exempting vehicles from the requirement of a road service licence when used under an authorisation granted in pursuance of any directly applicable Community provision regulating the provision of international passenger-carrying road transport services;
- (m) requiring documents of any prescribed description relevant to the administration or enforcement of any such Community provision to be kept and produced on demand for the inspection of a prescribed person;
- (n) prescribing persons to act as authorised inspection officers for the purposes of any such Community provision;"

and at the end of section 239 of that Act (penalty for contravention

of regulations) there shall be inserted the words "and where any such directly applicable Community provision as is referred to in section 160(1)(l) of this Act requires the keeping or production of any document, any person who contravenes that requirement shall be guilty of an offence under this section."

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