

*Status: Point in time view as at 01/02/1991.*

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## 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

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

**C1** Entry date: the United Kingdom became a member of the Communities on 1.1.1973

“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.

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“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.

“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.

## SCHEDULE 2

Section 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 [<sup>F1</sup>level 5 on the standard scale] (if not calculated on a daily basis) or with a fine of more than [<sup>F2</sup>£100 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).

#### Textual Amendments

- F1** Words substituted: (E.W.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**; (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**; and (N.I.) by [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**
- F2** Words substituted by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 32(3)

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

- C2** Sch. 2 para. 1(1)(a)(c)(d) excluded (5.11.1993) by [1993 c. 51, s. 2\(4\)](#)
- C3** Sch. 2 para. 1(1)(c) excluded (20.6.2003) by [2002 c. 40, ss. 209\(8\), 279](#); [S.I. 2003/1397, art. 2](#), Sch.
- C4** Sch. 2 para. 1(1)(d) excluded (27.9.1993) by [1993 c. 36, s. 70\(2\)](#)

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- Sch. 2 para. 1(1)(d) excluded (30.11.2000) by [2000 c. 37, s. 81\(2\)](#)
- C5** Sch. 2 para. 1(1)(d) excluded (20.11.2003) by [Criminal Justice Act 2003 \(c. 44\), ss. 307\(2\)\(3\)](#), 336
- C6** [Sch. 2 para. 1\(1\)\(d\)](#) excluded (prosp.) by [Animal Welfare Act 2006 \(c. 45\), ss. 8\(6\)](#), 68 (with [ss. 1\(2\), 58\(1\), 59, 60](#))
- C7** Sch. 2 para. 1(1)(d) excluded (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\), ss. 143\(1\)](#), 182(1) (c) (with [s. 180](#))

VALID FROM 08/01/2007

- 1A (1) Where—
- (a) subordinate legislation makes provision for a purpose mentioned in section 2(2) of this Act,
  - (b) the legislation contains a reference to a Community instrument or any provision of a Community instrument, and
  - (c) it appears to the person making the legislation that it is necessary or expedient for the reference to be construed as a reference to that instrument or that provision as amended from time to time,
- the subordinate legislation may make express provision to that effect.
- (2) In this paragraph “subordinate legislation” means any Order in Council, order, rules, regulations, scheme, warrant, byelaws or other instrument made after the coming into force of this paragraph under any Act, Act of the Scottish Parliament or Northern Ireland legislation passed or made before or after the coming into force of this paragraph.
- 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.

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

- C8** [Sch. 2 para. 2](#) applied (18.11.2004) by [Civil Partnership Act 2004 \(c. 33\), ss. 260\(5\)](#), 263
- C9** [Sch. 2 para. 2](#) amended (1.12.1998) by [1998 c. 38, s. 29\(3\)](#); [S.I. 1998/2789, art. 2](#)

VALID FROM 08/01/2007

- [<sup>F3</sup>2A (1) This paragraph applies where, pursuant to paragraph 2(2) above, a draft of a statutory instrument containing provision made in exercise of the power conferred by section 2(2) of this Act is laid before Parliament for approval by resolution of each House of Parliament and—
- (a) the instrument also contains provision made in exercise of a power conferred by any other enactment; and

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- (b) apart from this paragraph, any of the conditions in sub-paragraph (2) below applies in relation to the instrument so far as containing that provision.
- (2) The conditions referred to in sub-paragraph (1)(b) above are that—
- (a) the instrument, so far as containing the provision referred to in sub-paragraph (1)(a) above, is by virtue of any enactment subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) the instrument so far as containing that provision is by virtue of any enactment required to be laid before Parliament after being made and to be approved by resolution of each House of Parliament in order to come into or remain in force;
  - (c) in a case not falling within paragraph (a) or (b) above, the instrument so far as containing that provision is by virtue of any enactment required to be laid before Parliament after being made;
  - (d) the instrument or a draft of the instrument so far as containing that provision is not by virtue of any enactment required at any time to be laid before Parliament.
- (3) Where this paragraph applies in relation to the draft of a statutory instrument—
- (a) the instrument, so far as containing the provision referred to in sub-paragraph (1)(a) above, may not be made unless the draft is approved by a resolution of each House of Parliament;
  - (b) in a case where the condition in sub-paragraph (2)(a) above is satisfied, the instrument so far as containing that provision is not subject to annulment in pursuance of a resolution of either House of Parliament;
  - (c) in a case where the condition in sub-paragraph (2)(b) above is satisfied, the instrument is not required to be laid before Parliament after being made (and accordingly any requirement that the instrument be approved by each House of Parliament in order for it to come into or remain in force does not apply); and
  - (d) in a case where the condition in sub-paragraph (2)(c) above is satisfied, the instrument so far as containing that provision is not required to be laid before Parliament after being made.
- (4) In this paragraph, references to an enactment are to an enactment passed or made before or after the coming into force of this paragraph.

#### Textual Amendments

**F3** Sch. 2 paras. 2A-2C inserted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), **ss. 29, 33**

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

**C10** [Sch. 2 para. 2A](#) applied (with modifications) (25.5.2007) by [2006 c. 32](#), [Sch. 11 para. 35A\(1\)\(3\)](#) (as inserted by [The Government of Wales Act 2006 \(Transitional Provisions\) Order 2007 \(S.I. 2007/1270\)](#), {art. 2(2)})

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- 2B (1) This paragraph applies where, pursuant to paragraph 2(2) above, a statutory instrument containing provision made in exercise of the power conferred by

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section 2(2) of this Act is laid before Parliament under section 5 of the Statutory Instruments Act 1946 (instruments subject to annulment) and—

- (a) the instrument also contains provision made in exercise of a power conferred by any other enactment; and
- (b) apart from this paragraph, either of the conditions in sub-paragraph (2) below applies in relation to the instrument so far as containing that provision.

(2) The conditions referred to in sub-paragraph (1)(b) above are that—

- (a) the instrument so far as containing the provision referred to in sub-paragraph (1)(a) above is by virtue of any enactment required to be laid before Parliament after being made but—
  - (i) is not subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (ii) is not by virtue of any enactment required to be approved by resolution of each House of Parliament in order to come into or remain in force;
- (b) the instrument or a draft of the instrument so far as containing that provision is not by virtue of any enactment required at any time to be laid before Parliament.

(3) Where this paragraph applies in relation to a statutory instrument, the instrument, so far as containing the provision referred to in sub-paragraph (1)(a) above, is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) In this paragraph, references to an enactment are to an enactment passed or made before or after the coming into force of this paragraph.

#### Textual Amendments

**F3** Sch. 2 paras. 2A-2C inserted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), **ss. 29, 33**

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

**C11** [Sch. 2 para. 2B](#) applied (with modifications) (25.5.2007) by [2006 c. 32, Sch. 11 para. 35A\(2\)\(3\)](#) (as inserted by [The Government of Wales Act 2006 \(Transitional Provisions\) Order 2007 \(S.I. 2007/1270\)](#), {art. 2(2)})

VALID FROM 08/01/2007

2C

Paragraphs 2A and 2B above apply to a Scottish statutory instrument containing provision made in the exercise of the power conferred by section 2(2) of this Act (and a draft of any such instrument) as they apply to any other statutory instrument containing such provision (or, as the case may be, any draft of such an instrument), but subject to the following modifications—

- (a) references to Parliament and to each or either House of Parliament are to be read as references to the Scottish Parliament;
- (b) references to an enactment include an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and
- (c) the reference in paragraph 2B(1) to section 5 of the Statutory Instruments Act 1946 is to be read as a reference to article 11 of the

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**Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (S.I. 1999/1096).]**

**Textual Amendments**

**F3** Sch. 2 paras. 2A-2C inserted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), ss. 29, 33

- 3 Nothing in paragraph 2 above shall apply to any Order in Council made by the Governor of Northern Ireland or to any regulation 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 <sup>M1</sup>Interpretation Act (Northern Ireland) 1954 as if the Order or regulations were a statutory instrument within the meaning of that Act.

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

**C12** Sch. 2 para. 3 applied (18.11.2004) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 260(5), 263

**Marginal Citations**

**M1** 1954 c. 33 (N.I.).

- [<sup>F44</sup> (1) The power to make orders under section 5(1) or (2) of this Act shall be exercisable in accordance with the following provisions of this paragraph.
- (2) The power to make such orders shall be exercisable by statutory instrument and includes power to amend or revoke any such order made in the exercise of that power.
- (3) Any statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of the House of Commons except in a case falling within sub-paragraph (4) below.
- (4) Subject to sub-paragraph (6) below, where an order imposes or increases any customs duty, or restricts any relief from customs duty under the said section 5, the statutory instrument containing the order shall be laid before the House of Commons after being made and, unless the order is approved by that House before the end of the period of 28 days beginning with the day on which it was made, it shall cease to have effect at the end of that period, but without prejudice to anything previously done under the order or to the making of a new order.

In reckoning the said period of 28 days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the House of Commons is adjourned for more than 4 days.

- (5) Where an order has the effect of altering the rate of duty on any goods in such a way that the new rate is not directly comparable with the old, it shall not be treated for the purposes of sub-paragraph (4) above as increasing the duty on those goods if it declares the opinion of the Treasury to be that, in the circumstances existing at the

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date of the order, the alteration is not calculated to raise the general level of duty on the goods.

- (6) Sub-paragraph (4) above does not apply in the case of an instrument containing an order which states that it does not impose or increase any customs duty or restrict any relief from customs duty otherwise than in pursuance of a Community obligation.]

#### Subordinate Legislation Made

- P1** Sch. 2 para. 4: s. 5(1) (with s. 5(3) and Sch. 2 para. 4) power exercised 15.11.1991) by [S.I.1991/2583](#)  
Sch. 2 para. 4: for exercises of this power before 01.02.1991 see Index to Government Orders

#### Textual Amendments

- F4** Sch. 2 paras. 4, 5 added by [Customs and Excise Duties \(General Reliefs\) Act 1979 \(c. 3, SIF 40:1\)](#), s. 19(1), [Sch. 2 para. 5](#)

- 5 As soon as may be after the end of each financial year the Secretary of State shall lay before each House of Parliament a report on the exercise during that year of the powers conferred by section 5(1) and (2) of this Act with respect to the imposition of customs duties and the allowance of exemptions and reliefs from duties so imposed (including the power to amend or revoke orders imposing customs duties or providing for any exemption or relief from duties so imposed).

## SCHEDULE 3

Section 4.

### REPEALS

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

- C13** The text of Sch. 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.

## 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,

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		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.	The European Free Trade Association Act 1960.	The whole Act.
1965 c. 65.	The Finance Act 1965.	Section 2, except subsection (5).
1966 c. 18.	The Finance Act 1966	In section 1, in subsection (1) the words between “1958” and “chargeable”, and subsection (6).
...	...	Section 9.
F5	F5	F5
1971 c. 68.	The Finance Act 1971.	Section 1(1) to (3).

#### Textual Amendments

**F5** Entry repealed by [Finance Act 1978 \(c. 42, SIF 40:1\)](#), ss. 6(9), 80(5), [Sch. 13 Pt. 1](#)

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

## PART II

### SUGAR

Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 48.	The Sugar Act 1956.	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. Sections 18(3) and (4).



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		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”, “the 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.
5 & 6 Eliz. 2. c. 57.	The Agriculture Act 1957.	Section 4.
10 & 11 Eliz. 2. c. 23.	The South Africa Act 1962.	In section 36(2) the words “and to sugar beet”.
10 & 11 Eliz. 2. c. 44.	The Finance Act 1962.	In section 3(6) the words from “the Sugar Act 1956” onwards.
		Part II of Schedule 5.
1963 c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	Section 25.

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1964 c. 49.	The Finance Act 1964.	Section 22.
1966 c. 18.	The Finance Act 1966.	Section 52.
1968 c. 13.	The National Loans Act 1968.	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”. Schedule 5.
1968 c. 29.	The Trade Description Act 1968.	Section 2(4)(a).
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	Schedule 7, except amendments of section 1 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.

### PART IV

#### MISCELLANEOUS

Chapter	Short Title	Extent of Repeal
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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).
10 & 11 Geo. 6. c. 48.	The Agriculture Act 1947.	Section 2(2).
15 & 16 Geo. 6. and 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.
1 & 2 Eliz. 2. c. 15.	The Iron and Steel Act 1953.	Section 29.
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).

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		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”.
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

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

**C14** Sch. 4 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), **Sch. 2 para. 3**

1 ..... **F6**

##### Textual Amendments

**F6** 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 ..... **F7**

##### Textual Amendments

**F7** 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**

#### *<sup>F8</sup> B: Food*

##### Textual Amendments

**F8** Sch. 4 para. 3 repealed (E.W.N.I.) by Food Act 1984 (c. 30, SIF 53:1), **Sch. 11**

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3 (1) In the <sup>M2</sup>Food and Drugs Act 1955 (“the Act of 1955”), and in the <sup>M3</sup>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 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) ..... F9

(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).]

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#### Textual Amendments

**F9** 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)

**C15** 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

**M2** [1955 c. 16 \(4 & 5 Eliz. 2\)](#).

**M3** [1956 c. 30](#)

### *C: Grading etc. of Horticultural Produce*

- 4 (1) Part III of the <sup>M4</sup> 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 <sup>M5</sup> 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

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the words “ or any Community grading rules within the meaning of Part III of that Act ”.

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

**C16** 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**

**M4** 1964 c. 28.

**M5** 1968 c. 29.

*D: Seeds and other Propagating Material*

- 5 (1) In the <sup>M6</sup> 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”.

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- (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  
(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) ..... **F10**

#### Textual Amendments

**F10** 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)

**C17** 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

**M6** [1964 c. 14.](#)



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### *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;
- (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)**

**C18** 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 ..... **F11**

#### **Textual Amendments**

**F11** 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.

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- (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 ”.

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

**C19** 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) ..... F12

- (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

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

(3) . . . . . F13

(4) [F14 In the following provisions as amended by the M7 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 M8 Road Haulage Wages Act 1938] . . . F15, [F14 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 M9 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

- F12** 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**
- F13** 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**
- F14** Words repealed (E.W.S.) by Employment Act 1980 (c. 42, SIF 43:5), **Sch. 2**
- F15** Words repealed by Wages Council Act 1979 (c. 12, SIF 43:1), **Sch. 7**

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

- C20** 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.
- C21** 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

- M7** 1968 c. 73.
- M8** 1938 c. 44.

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**M9** 1972 c. 27.

10 ..... **F16**

**Textual Amendments**

**F16** Sch. 4 para. 10 repealed by Transport Act 1980 (c. 34, SIF 107:1), **Sch. 9 Pt. I**

**Status:**

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

**Changes to legislation:**

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