



Food and Environment Protection Act 1985

1985 CHAPTER 48

PART III

PESTICIDES ETC.

17 Codes of practice.

- (1) The Ministers may from time to time after consultation with such persons or bodies as seem to them representative of the interests concerned—
 - (a) prepare and issue codes of practice for the purpose of providing practical guidance in respect of any provision of this Part of this Act or of regulations; and
 - (b) revise any such code by revoking, varying, amending or adding to the provisions of the code.
- (2) A code prepared in pursuance of this section and any alterations proposed to be made on a revision of such a code shall be laid before both Houses of Parliament, and the Ministers shall not issue the code or revised code, as the case may be, until after the end of the period of 40 days beginning with the day on which the code or the proposed alterations were so laid.
- (3) If, within the period mentioned in subsection (2) above, either House resolves that the code be not issued, or the proposed alterations be not made, as the case may be, the Ministers shall not issue the code or revised code (without prejudice to their powers under that subsection to lay further codes or proposed alterations before Parliament).
- (4) For the purposes of subsection (2) above—
 - (a) where a code or proposed alterations are laid before each House of Parliament on different days, the later day shall be taken to be the day on which the code or the proposed alterations, as the case may be, were laid before both Houses; and

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 17. (See end of Document for details)

- (b) in reckoning any period of 40 days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (5) The Ministers shall cause any code issued or revised under this section to be printed and distributed, and may make such arrangements as they think fit for its distribution, including causing copies of it to be put on sale to the public at such reasonable price as the Ministers may determine.
- (6) A failure on the part of any person to follow any guidance contained in a code issued under this section shall not of itself render that person liable to proceedings of any kind.
- (7) In all criminal proceedings any such code shall be admissible in evidence; and if any provision of such a code appears to the court conducting the proceedings to be relevant to any question arising in the proceedings, it shall be taken into account in determining that question.
- [^{F1}(8) In relation to the exercise by the Scottish Ministers of functions under this section—
- (a) references in this section to Parliament or to either or both Houses of Parliament shall be read as if they were references to the Scottish Parliament;
 - (b) subsection (4)(a) shall cease to have effect; and
 - (c) in subsection (4)(b) the reference to any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days shall be read as if it were a reference to any time during which the Scottish Parliament is dissolved or is in recess for more than four days.]

Textual Amendments

F1 S. 17(8) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 81**; S.I. 1998/3178 art. 3

Modifications etc. (not altering text)

C1 S. 17 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

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