



# Food and Environment Protection Act 1985

## 1985 CHAPTER 48

### PART IV

#### GENERAL AND SUPPLEMENTARY

#### 24 Interpretation.

(1) In this Act, unless the context otherwise requires—

<sup>F1</sup> ...

<sup>F1</sup>(...)

“ agricultural ” is to be construed in accordance with section 109(3) of the Agriculture Act 1947, section 86(3) of the <sup>M1</sup> Agriculture (Scotland) Act <sup>M2</sup> 1948 or section 43(1) of the <sup>M3</sup> Agriculture Act (Northern Ireland) 1949;

“ British aircraft ” means an aircraft registered in the United Kingdom;

“ British fishery limits ” has the meaning assigned to it by the <sup>M4</sup> Fishery Limits Act 1976;

“ British hovercraft ” means a hovercraft registered in the United Kingdom;

“ British marine structure ” means a marine structure owned by or leased to an individual residing in or a body corporate incorporated under the law of any part of the United Kingdom;

“ British sea-fishery officer ” means any person who by virtue of section 7 of the Sea Fisheries Act 1968 is a British sea-fishery officer for the purposes of the Sea Fisheries Acts;

“ British vessel ” means a vessel registered in the United Kingdom, or a vessel exempted from such registration under the [<sup>F2</sup> Merchant Shipping Act 1995 ] ;

“ captain ”, in relation to a hovercraft, means the person who is designated by the operator to be in charge of it during any journey, or,

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failing such designation, the person who is for the time being lawfully in charge of it;

“ commander ”, in relation to an aircraft, means the member of the flight crew designated as commander of that aircraft by the operator, or, failing such designation, the person who is for the time being the pilot in command of the aircraft;

“ Convention State ” means a state which is a party to the London Convention or the Oslo Convention;

<sup>F3</sup> ...

“ creature ” means any living organism other than a human being or a plant;

“ crops ” includes any form of vegetable produce;

“ designated area ” and “ designating authority ” have the meanings assigned to them by section 1(2) above;

[<sup>F4</sup> “ designated circumstances ” ] has the meaning assigned to it by section 1(5) above;

“ emergency order ” and “ emergency prohibitions ” have the meanings assigned to them by section 1(2) above;

“ enforcement officer ” has the meaning assigned to it by section 3 above;

<sup>F5</sup>

.....

“ fish ” includes—

- (a) shellfish; and
- (b) part of a fish;

and “ fishing ” includes fishing for shellfish;

“ fishing boat ” means any vessel for the time being employed in fishing operations or any operations ancillary thereto;

[<sup>F6</sup> “ food ” has the same meaning as in the Food Safety Act 1990. ]

“ human consumption ” includes use in the preparation of food for human consumption;

“ importation ” has the same meaning as in the Customs and Excise Acts 1979;

“ incineration ” has the meaning assigned to it by section 6 above;

“ international organisation ” means any organisation established in pursuance of Article XIV of the London Convention or Article 16 of the Oslo Convention;

“ investigating officer ” has the meaning assigned to it by section 3 above;

“ licence ” means a licence under Part II of this Act;

[<sup>F7</sup> “licensing authority” means,

<sup>F8</sup>( a ) .....

(b) in relation to Scotland—

- (i) as regards operations, so far as relating to oil and gas exploration and exploitation, to which a licence would relate and which would be, or have been, carried out in [<sup>F9</sup> waters within the Scottish inshore region ] but lying outside controlled waters within the meaning of section 30A(1) of the Control of Pollution Act 1974 <sup>F10</sup> or which commence in Scotland, the Secretary of State;

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(ii) as regards operations falling within the subject matter of Part VI of the Merchant Shipping Act 1995<sup>F11</sup>, to which a licence would relate and which would be, or have been, carried out in [<sup>F12</sup> the Scottish inshore region ], the Secretary of State;

(iii) as regards any other operations to which a licence would relate and which would be, or have been, carried out in [<sup>F12</sup> the Scottish inshore region ] or which commence in Scotland, the Secretary of State<sup>F13</sup> ...; ]

“ the London Convention ” means the Convention on the Prevention of Maritime Pollution by Dumping of Wastes and Other Matter concluded at London in December 1972;

“ marine structure ” means a platform or other man-made structure at sea, other than a pipe-line;

“ master ”, in relation to any vessel, includes the person for the time being in charge of the vessel;

“ the Ministers ” means the Minister of Agriculture, Fisheries and Food and the Secretary of State;

“ the Oslo Convention ” means the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft concluded at Oslo in February 1972;

“ pest ”, “ pesticide ” and “ pesticide residue ” are to be construed in accordance with section 16 above;

“ plants ” means any form of vegetable matter, while it is growing and after it has been harvested, gathered, felled or picked, and in particular, but without prejudice to the generality of this definition, includes—

[<sup>F14</sup> “ Scottish inshore region ” has the same meaning as in the Marine and Coastal Access Act 2009 (see section 322 of that Act); ]

- (a) agricultural crops;
- (b) trees and bushes grown for purposes other than those of agriculture;
- (c) wild plants; and
- (d) fungi;

[<sup>F15</sup>“Scottish zone” has the meaning assigned to it by section 126(1) of the Scotland Act 1998;]

“ sea ” includes any area submerged at mean high water springs and also includes, so far as the tide flows at mean high water springs, an estuary or arm of the sea and the waters of any channel, creek, bay or river;

“ shellfish ” includes crustaceans and molluscs of any kind;

<sup>F16</sup> . . .

<sup>F16</sup> . . .

<sup>F17</sup> ...

“ vessel ” has the meaning assigned to [<sup>F2</sup> “ship” by the Merchant Shipping Act 1995 ] .

(2) Any reference in this Act to the London Convention or the Oslo Convention is a reference to it as it has effect from time to time.

<sup>F18</sup>( 2A ) . . . . .

( 3 ) Any power conferred by this Act to make orders or regulations may be exercised—

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- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
- (b) so as to make, as respects the cases in relation to which it is exercised—
  - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
  - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes of this Act;
  - (iii) any such provision either unconditionally, or subject to any specified condition,
 and includes power to make such incidental or supplemental provision in the orders or regulations as the Minister making them considers appropriate.

#### Textual Amendments

- F1** Words in s. 24(1) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 8 para. 2\(9\)\(a\)](#), [Sch. 22 Pt. 2](#) (with ss. 111, 323(6), [Sch. 9 Pts. 3](#)); S.I. 2011/556, art. 3(2)(a)(d)
- F2** Words in s. 24(1) substituted (1.1.1996) by [1995 c. 21](#), ss. 314(2), 316(2), [Sch. 13 para. 75](#) (with s. 312(1))
- F3** Words in s. 24(1) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 8 para. 2\(9\)\(b\)](#), [Sch. 22 Pt. 2](#) (with ss. 111, 323(6), [Sch. 9 Pts. 3](#)); S.I. 2011/556, art. 3(2)(a)(d)
- F4** Words substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), s. 59(1), [Sch. 3 para. 29\(a\)](#)
- F5** Definition repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), s. 59(1)(4), [Sch. 3 para. 29\(b\)](#), [Sch. 5](#); and expressed to be repealed (N.I.) (21.5.1991) by S.I. 1991/762 (N.I. 7), art. 51(4), [Sch. 4](#); S.R. 1991/175, [art. 2\(1\)](#).
- F6** Definition substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 54, 59(1), [Sch. 3 para. 29\(c\)](#)
- F7** S. 24: definition of “licensing authority” substituted (30.6.1999) by S.I. 1999/1756, [art. 2 Sch. para. 10\(11\)\(b\)](#) (with [art. 8](#)); S.I. 1998/3178
- F8** Words in s. 24(1) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 8 para. 2\(9\)\(c\)\(i\)](#), [Sch. 22 Pt. 2](#) (with ss. 111, 323(6), [Sch. 9 Pts. 3](#)); S.I. 2011/556, art. 3(2)(a)(d)
- F9** Words in s. 24(1) substituted (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 8 para. 2\(9\)\(c\)\(ii\)](#) (with ss. 111, 323(6), [Sch. 9 Pts. 3](#)); S.I. 2011/556, art. 3(2)(a)
- F10** [1974 c.40](#). Section 30A(1) was inserted by the [Water Act 1989](#), (c. 15), Schedule 23.
- F11** [1995 c.21](#).
- F12** Words in s. 24(1) substituted (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 8 para. 2\(9\)\(c\)\(iii\)](#) (with ss. 111, 323(6), [Sch. 9 Pts. 3](#)); S.I. 2011/556, art. 3(2)(a)
- F13** Words in s. 24(1) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 8 para. 2\(9\)\(c\)\(iv\)](#), [Sch. 22 Pt. 2](#) (with ss. 111, 323(6), [Sch. 9 Pts. 3](#)); S.I. 2011/556, art. 3(2)(a)(d)
- F14** Words in s. 24(1) inserted (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 8 para. 2\(9\)\(d\)](#) (with ss. 111, 323(6), [Sch. 9 Pts. 3](#)); S.I. 2011/556, art. 3(2)(a)
- F15** S. 24: definition of “Scottish Zone” inserted (30.6.1999) by S.I. 1999/1756, [art. 2 Sch. para. 10\(11\)\(c\)](#) (with [art. 8](#)); S.I. 1998/3178
- F16** Definitions of “the standard scale” and “the statutory maximum” repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV Group 2](#)
- F17** Words in s. 24(1) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 8 para. 2\(9\)\(e\)](#), [Sch. 22 Pt. 2](#) (with ss. 111, 323(6), [Sch. 9 Pts. 3](#)); S.I. 2011/556, art. 3(2)(a)(d)
- F18** S. 24(2A) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 2](#); S.I. 2011/556, art. 3(2)(d)

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

- C1** S. 24(3) transfer of functions (23.3.2005) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#) , art. 1 , [Sch.](#) (with art. 6 )

**Marginal Citations**

- M1** 1948 c. 45 .  
**M2** 1949 c. 2 . (N.I.).  
**M3** 1949 c. 2 . (N.I.).  
**M4** 1976 c. 86 .

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