

SCHEDULES

SCHEDULE 3

THE AGENCY'S FUNCTIONS UNDER OTHER ENACTMENTS

PART III

OTHER FUNCTIONS

Environmental Protection Act 1990 (c. 43)

- 17 In section 108(7) and section 111(7) of the Environmental Protection Act 1990 (grant of exemptions) after the words “Secretary of State” there shall be inserted the words “, or by the Secretary of State and the Food Standards Agency acting jointly,”.
- 18 For section 126 of that Act (exercise of certain functions relating to genetically modified organisms jointly by Secretary of State and Minister of Agriculture, Fisheries and Food) there shall be substituted the following section—

“126 Mode of exercise of certain functions

- (1) Any power of the Secretary of State to make regulations under this Part (other than the power conferred by section 113 above) is exercisable, where the regulations to be made relate to any matter with which the Minister is concerned, by the Secretary of State and the Minister acting jointly.
- (2) Any function of the Secretary of State under this Part (other than a power to make regulations) is exercisable, where the function is to be exercised in relation to a matter with which the Minister is concerned, by the Secretary of State and the Minister acting jointly (but subject to subsection (3) below).
- (3) Any function of the Secretary of State under sections 108(8) and 110 above is exercisable, where the function is to be exercised in relation to a matter with which the Agency is concerned—
 - (a) if it is a matter with which the Minister is also concerned, by the Secretary of State, the Minister and the Agency acting jointly;
 - (b) otherwise, by the Secretary of State and the Agency acting jointly.
- (4) Accordingly, references in this Part to the Secretary of State shall, where subsection (1), (2) or (3) above applies, be treated as references to the authorities in question acting jointly.
- (5) The Agency shall be consulted before—
 - (a) any regulations are made under this Part, other than under section 113 above, or
 - (b) any consent is granted or varied.

Status: This is the original version (as it was originally enacted).

- (6) The reference in section 113 above to expenditure of the Secretary of State in discharging functions under this Part in relation to consents shall be taken to include a reference to the corresponding expenditure of the Minister in discharging those functions jointly with the Secretary of State.
- (7) The validity of anything purporting to be done in pursuance of the exercise of a function of the Secretary of State under this Part shall not be affected by any question whether that thing fell, by virtue of this section, to be done jointly with the Minister or the Agency (or both).
- (8) In this section—
 “the Agency” means the Food Standards Agency; and
 “the Minister” means the Minister of Agriculture, Fisheries and Food.”