

1975 No. 45

HEALTH AND SAFETY

AGRICULTURE

**The Agriculture (Poisonous Substances) Act 1952
 (Repeals and Modification) Regulations 1975**

<i>Made - - - -</i>	17th January 1975
<i>Laid before Parliament</i>	27th January 1975
<i>Coming into Operation (except for Regulation 3 and Schedule 2)</i>	17th February 1975
<i>Regulation 3 and Schedule 2</i>	1st April 1975

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by sections 30(1) and (2), 50 and 82(3)(a) of the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act") and section 15(3) of that Act as applied by section 30(4) thereof and of all other powers enabling them in that behalf, and after consultation with the Health and Safety Commission and such other bodies as appear to them to be appropriate, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Agriculture (Poisonous Substances) Act 1952 (Repeals and Modification) Regulations 1975 and shall come into operation (except as to Regulation 3 and Schedule 2) on 17th February 1975 and as to Regulation 3 and Schedule 2 on 1st April 1975.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Repeals

2. The provisions of the Agriculture (Poisonous Substances) Act 1952(c) ("the 1952 Act") mentioned in column 1 of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Schedule.

3. The provisions of the 1952 Act mentioned in column 1 of Schedule 2 to these Regulations are hereby repealed to the extent specified in column 2 of that Schedule.

(a) 1974 c. 37.
 (c) 1952 c. 60.

(b) 1889 c. 63.

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Modification

4. The provision of the 1952 Act mentioned in column 1 of Schedule 3 to these Regulations shall have effect subject to the modification specified in column 2 of that Schedule.

Supplemental

5.—(1) These Regulations shall not affect the validity of anything done before the coming into operation of the Regulations under any provision of an enactment repealed or modified by the Regulations; and anything which at the coming into operation of the Regulations is in process of being done for the purpose of that provision (including in particular any legal proceedings) by or in relation to an inspector appointed under the 1952 Act may, so far as may be necessary for the purposes of or in consequence of the provisions of the Regulations, be continued by or in relation to an inspector appointed by the Minister or the Secretary of State under section 19 of the 1974 Act.

(2) Without prejudice to paragraph (1) of this Regulation, any exemption, approval, authorisation, certificate, notice or direction granted or given or other thing whatsoever done, or having effect as if granted, given or done, for the purposes of any provision modified by these Regulations, shall, if in force at the time of the coming into operation of these Regulations, continue in force and have effect as if granted, given or done in accordance with that provision as so modified.

(3) Regulations and orders made or having effect under any provision repealed by these Regulations and in force immediately before the coming into operation of these Regulations shall continue in force notwithstanding the repeal of that provision.

(4) Where any provision repealed by these Regulations provides a defence against a charge of any kind or prescribes a penalty for an offence of any kind, then notwithstanding these Regulations, that defence shall continue to be available in respect of offences alleged to have been committed, and that penalty shall continue to apply to offences committed, before the date on which the repeal of that provision takes effect.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 16th January 1975.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

17th January 1975.

William Ross,
Secretary of State for Scotland.

Regulation 2

SCHEDULE 1

REPEALS TAKING EFFECT ON 17TH FEBRUARY 1975

Column 1 Provision	Column 2 Extent of repeal
Section 1.	The whole section.
Section 2.	Subsection (2).
Section 3.	The whole section.
Section 4.	In subsection (1), paragraphs (c) and (d); subsections (2), (3) and (4).
Section 5.	The whole section.
Section 9.	The whole section.
Section 11.	Subsections (2) and (3).

Regulation 3

SCHEDULE 2

REPEALS TAKING EFFECT ON 1ST APRIL 1975

Column 1 Provision	Column 2 Extent of repeal
Section 2.	Subsection (1).
Section 4.	In subsection (1), paragraph (b).

Regulation 4

SCHEDULE 3

MODIFICATION TAKING EFFECT ON 17TH FEBRUARY 1975

Column 1 Provision	Column 2 Modification
Section 6.	In subsection (1), for the words "appointed under this Act" there shall be substituted the words "appointed under the Health and Safety at Work etc. Act 1974".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations repeal or modify provisions of the Agriculture (Poisonous Substances) Act 1952 in consequence of the coming into operation of provisions of the Health and Safety at Work etc. Act 1974 which supersede those provisions or enable them to be superseded.

The Regulations therefore repeal powers and provisions contained in the 1952 Act which are superseded by powers and provisions contained in the 1974 Act, including in particular—

- (1) powers to make regulations and orders;
- (2) provisions relating to the appointment of inspectors and to their powers; and
- (3) provisions relating to certain offences, penalties and legal proceedings.

The Regulations also contain transitional provisions preserving existing regulations and orders.

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