

1983 No. 1053

HORTICULTURE

**The Grading of Horticultural Produce (Amendment) Regulations
1983**

<i>Made - - - -</i>	18th July 1983
<i>Laid before Parliament</i>	28th July 1983
<i>Coming into Operation</i>	18th August 1983

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by section 11(3) of the Agriculture and Horticulture Act 1964(a) and now vested in them(b) and of all other powers enabling them in that behalf, having consulted in accordance with section 23(1) of the said Act with such organisations as appear to any of them to be representative of interests affected by the regulations, hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Grading of Horticultural Produce (Amendment) Regulations 1983 and shall come into operation on 18th August 1983.

Interpretation

2.—(1) In these regulations—

“the Act” means the Agriculture and Horticulture Act 1964;

“the 1973 regulations” means the Grading of Horticultural Produce (Amendment) Regulations 1973(c).

(2) Any reference in these regulations to a numbered regulation or schedule shall be construed as a reference to the regulation or schedule bearing that number in the 1973 regulations.

Amendment of the 1973 regulations

3. The 1973 regulations shall cease to have effect in so far as they apply section 20(1) of the Act(d) and regulation 8 is in consequence hereby revoked.

(a) 1964 c. 28; section 11(3) was inserted by paragraph 4(1) of Schedule 4 to the European Communities Act 1972 (c. 68).

(b) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.

(c) S.I. 1973/22.

(d) Section 20(1) was amended, as respects England and Wales, by section 39(2) of, and Schedule 3 to, the Criminal Justice Act 1982 (c. 48) and, as respects Scotland, by sections 54 and 56(2) of, and Schedule 6 to, that Act.

Application of section 20(1) of the Act

4. In Part III of the Act (which relates to the grading of fresh horticultural produce), section 20(1) shall apply as prescribed in the 1973 regulations, and in consequence for section 20(1) of the Act as set out in Schedule 1 there is substituted the following subsection:—

“20.—(1) A person guilty of an offence under section 15(1) of this Act shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th July 1983.

(L.S.)

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

14th July 1983.

Nicholas Edwards,
Secretary of State for Wales.

18th July 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations apply, for the purpose of the enforcement of European Community rules relating to the grading of horticultural produce, the maximum fine of level 3 on the standard scale (which is at present the sum of £200) on summary conviction for an offence of obstructing or otherwise impeding an authorised officer in the exercise of his functions provided by section 20(1) of the Agriculture and Horticulture Act 1964 as amended by the Criminal Justice Act 1982.

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