

---

STATUTORY INSTRUMENTS

---

**1991 No. 2198**

**AGRICULTURE**

**The Hops Certification (Amendment) Regulations 1991**

*Made* - - - - *1st October 1991*  
*Laid before Parliament* *15th October 1991*  
*Coming into force* - - *5th November 1991*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Economic Community, acting jointly in the exercise of the powers conferred on them by the said section 2(2), hereby make the following Regulations:—

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Hops Certification (Amendment) Regulations 1991, and shall come into force on 5th November 1991.

(2) In these Regulations “the principal Regulations” means the Hops Certification Regulations 1979(3).

**Amendment of the principal regulations**

2. The principal Regulations shall be amended in accordance with regulations 3 to 11 of these Regulations and any reference in those provisions to any specified provision shall, unless the context requires otherwise, be taken to be a reference to the provision so specified of the principal Regulations.

3. In regulation 1(2) for the definition of “the Community provisions” there shall be substituted the following definition—

““the Community provisions” means the provisions of the following EEC regulations, that is to say, —

---

(1) S.I.1972/1811.

(2) 1972 c. 68; section 2 is subject to Schedule 2 of that Act and is to be read, as regards England and Wales, with sections 37, 40 and 46 of the Criminal Justice Act 1982 (c. 48) and section 52(4) of the Criminal Justice Act 1988 (c. 33) and with S.I. 1984/447; as regards Scotland, with section 289G A(2) of the Criminal Procedure (Scotland) Act 1975 (c. 21) as inserted by section 66 of the Criminal Justice (Scotland) Act 1987 (c. 41) and S.I. 1984/526 and as regards Northern Ireland, with S.I. 1984/703 (N.I.3) and S.R. (N.I.) 1984 No. 253.

(3) S.I. 1979/1095.

- (a) Council Regulation (EEC) No. 1696/71 on the common organisation of the market in hops<sup>(4)</sup> as amended by Council Regulation (EEC) No. 1170/77<sup>(5)</sup>, Council Regulation (EEC) No. 235/79<sup>(6)</sup> and Council Regulation (EEC) No. 3998/87<sup>(7)</sup>;
- (b) Council Regulation (EEC) No. 1784/77 concerning the certification of hops<sup>(8)</sup> as amended by Council Regulation (EEC) No. 2225/79<sup>(9)</sup>, Council Regulation (EEC) No. 3041/79<sup>(10)</sup>, Council Regulation (EEC) No. 2039/85<sup>(11)</sup> and Council Regulation (EEC) No. 1605/91<sup>(12)</sup>;
- (c) Commission Regulation (EEC) No. 890/78 laying down detailed rules for the certification of hops<sup>(13)</sup> as amended by Commission Regulation (EEC) No. 1465/79<sup>(14)</sup>, Commission Regulation (EEC) No. 3479/80<sup>(15)</sup>, Commission Regulation (EEC) No. 1979/83<sup>(16)</sup>, Commission Regulation (EEC) No. 2600/85<sup>(17)</sup>, Commission Regulation (EEC) No. 3589/85<sup>(18)</sup>, Commission Regulation (EEC) No. 3994/88<sup>(19)</sup>, Commission Regulation (EEC) No. 921/89<sup>(20)</sup> and Commission Regulation (EEC) No. 2265/91<sup>(21)</sup>;
- (d) Commission Regulation (EEC) No. 3076/78 on the importation of hops from non-member countries<sup>(22)</sup> as amended by Commission Regulation (EEC) No. 1465/79<sup>(23)</sup>, Commission Regulation (EEC) No. 4060/88<sup>(24)</sup> and Commission Regulation (EEC) No. 2264/91<sup>(25)</sup>;

**4. In regulation 3—**

- (a) for sub-paragraph (1)(c), there shall be substituted the following sub-paragraph—
  - “(c) sell any hop cones imported from a third country and falling within combined nomenclature code 121010 unless there has been issued in respect of those hop cones either the attestation of equivalence provided for in Article 5(2) of Council Regulation (EEC) No. 1696/71 or, as regards such hop cones imported on or before 30th April 1992, the control attestation referred to in Article 4 of Commission Regulation (EEC) No. 3076/78;”;
- (b) in paragraph (2), for the words “£50” there shall be substituted the words “level 5 on the standard scale”.

**5. In regulation 4—**

- (a) in paragraph (1), for the words from “Where a person imports” to “a signed undertaking —” there shall be substituted the words “Where a person imports from

---

(4) OJ No L 175, 4.8.71, p.1 (OJ/SE 1971(II), p.634).  
 (5) OJ No L 137, 3.6.77, p.7.  
 (6) OJ No L 34, 9.2.79, p.4.  
 (7) OJ No L 377, 31.12.87, p.40.  
 (8) OJ No L 200, 8.8.77, p.1.  
 (9) OJ No L 257, 12.10.79, p.1.  
 (10) OJ No L 343, 31.12.79, p.4.  
 (11) OJ No L 193, 25.7.85, p.1.  
 (12) OJ No L 149, 14.6.91, p.14.  
 (13) OJ No L 117, 29.4.78, p.43.  
 (14) OJ No L 177, 14.7.79, p.35.  
 (15) OJ No L 363, 31.12.80, p.83.  
 (16) OJ No L 195, 19.7.83, p.34.  
 (17) OJ No L 248, 17.9.85, p.9.  
 (18) OJ No L 343, 20.12.85, p.19.  
 (19) OJ No L 354, 22.12.88, p.24.  
 (20) OJ No L 97, 11.4.89, p.40.  
 (21) OJ No L 208, 30.7.91, p.22.  
 (22) OJ No L 367, 28.12.78, p.17.  
 (23) OJ No L 177, 14.7.79, p.35.  
 (24) OJ No L 356, 24.12.88, p.42.  
 (25) OJ No L 208, 30.7.91, p.20.

- a third country, on or before 30th April 1992, a consignment of hop cones falling within combined nomenclature code 1210 10 without producing to the Commissioners in respect of the consignment the attestation of equivalence referred to in Article 5(2) of Council Regulation (EEC) No 1696/71, he shall produce to the Commissioners a declaration as required by Article 4(3) of Commission Regulation (EEC) No 3076/78 and the Commissioners may require that person to give them a signed undertaking—”;
- (b) in paragraph (3), for the words “£200” there shall be substituted the words “level 5 on the standard scale”.
6. In regulation 5—
- (a) in paragraph (1), after the word “certification” there shall be inserted the words “for hops and hop products produced within the Community and in the verification of the minimum marketing requirements for hops and hop products imported from a third country”;
- (b) for sub-paragraph (2)(a), there shall be substituted the following subparagraph—
- “(a) enter and inspect any certification centre, or any premises or place used for the production, grading, processing, packing, storage or sale of any hops or hop products, inspect any machinery or equipment, and any hops or hop products, found there and take samples of such hops or hop products;”;
- (c) after paragraph (2), there shall be inserted the following paragraph—
- “(3) An inspector acting in exercise of a power conferred by paragraph (2)(a) above may take with him such other persons as he considers necessary.”.
7. In regulation 6—
- (a) in paragraph (a), after “that regulation” there shall be inserted the words “or a person accompanying him and acting under his instructions in pursuance of the power conferred by regulation 5(3) above”;
- (b) for the words “£200” there shall be substituted the words “level 3 on the standard scale”.
8. After regulation 6 there shall be inserted the following regulation—
- “6A. If any person—
- (a) fails to provide to an inspector or a certifying officer the information specified in Article 8a(3) of Commission Regulation (EEC) No 890/78, or
- (b) intentionally obstructs an inspector or a certifying officer when seeking such information,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.
9. In regulation 7(3), for the words “£50” there shall be substituted the words “level 2 on the standard scale”.
10. In regulation 8(3), for the words “£50” there shall be substituted the words “level 4 on the standard scale”.
11. In regulation 9—
- (a) before “If any person” there shall be inserted “—(1)”;
- (b) for the words “£400” there shall be substituted the words “level 5 on the standard scale”;
- (c) at the end of the regulation there shall be inserted the following paragraph—
- “(2) In this regulation “certificate” includes an attestation of equivalence provided for in Article 5(2) of Council Regulation (EEC) No 1696/71 or a control attestation referred to in Article 4 of Commission Regulation (EEC) No 3076/78.”.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th September 1991.

L.S.

*Trumpington*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

1st October 1991

*Strathclyde*  
Parliamentary Under Secretary of State, Scottish  
Office

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Hops Certification Regulations 1979 (“the principal Regulations”) following amendment of the applicable European Community provisions (regulation 3). They apply throughout the United Kingdom and come into force on 5th November 1991.

The Regulations amend the Community designation of hop cones (regulations 4(a) and 5(a)) and also make the following amendments of substance:—

- (a) the arrangements with regard to the issue of control attestations for hop cones which are imported from third countries unaccompanied by an attestation of equivalence will apply only for hop cones imported on or before 30th April 1992; hop cones so imported must be accompanied by a declaration as required by Article 4(3) of Commission Regulation [\(EEC\) No 3076/78](#) (OJ No L 367, 28.12.78, p.17) as amended (regulations 4(a) and 5(a));
- (b) inspectors may also be appointed for the verification of the minimum marketing requirements for hops and hop products imported from third countries and an inspector may take with him such other persons as he considers necessary (regulation 6(a) and (c));
- (c) failure to provide the information as required by Article 8a(3) of Commission Regulation [\(EEC\) No 890/78](#) (OJ No L 117, 29.4.78, p.43) or obstruction of an inspector or certifying officer seeking such information is an offence (regulations 8);
- (d) the term “certificate” in regulation 9 of the principal Regulations (which creates offences of removing, falsifying, etc marks or certificates and making or using false entries in records) has been extended to include an attestation of equivalence or a control attestation (regulation 11); and
- (e) the maximum penalty for certain offences has been increased (regulations 4(b), 5(b), 10 and 11(b)).