

SCHEDULE

Food and Environment Protection Act 1985 (c. 48)

- 10.**—(1) The Food and Environment Protection Act 1985(1) is amended as follows.
- (2) In section 1(2) for the definition of “designating authority” there is substituted—
- ““designating authority” in relation to England and Wales means the Minister of Agriculture, Fisheries and Food and, in relation to Scotland and the Scottish zone means the Secretary of State; and the functions of that authority in relation to Scotland and the Scottish zone shall be treated as exercisable in or as regards Scotland and may be exercised separately”.
- (3) In section 1(2) the word “and” is omitted and at the end there is inserted—
- “; and
- “Scottish zone” has the meaning assigned to it by section 126(1) of the Scotland Act 1998.”.
- (4) In section 1(4) for “The Ministers may jointly” there is substituted “A designating authority may”.
- (5) In section 2 for the words “Either of the Ministers”, “either of the Ministers” and “the Minister”, in each place where they appear, there is substituted “A designating authority”, “a designating authority” and “the designating authority”, respectively.
- (6) In section 3 for the words “Either of the Ministers” and “the Minister’s” wherever they appear there is substituted “A designating authority” and “the designating authority’s”.
- (7) In subsection (1) of section 7 (exemptions) for “The Ministers may jointly” there shall be substituted “A licensing authority may”.
- (8) In section IO (power to take remedial action)—
- (a) in subsection (1) for “Either of the Ministers” there shall be substituted “A licensing authority”; and
- (b) in subsection (2) for “either of the Ministers” and “the Minister” there shall be substituted “a licensing authority” and “the licensing authority” respectively.
- (9) In section 11(1) (enforcement) for “Either of the Ministers” there shall be substituted “A licensing authority”.
- (10) In section 12(1) (enforcement of conventions) for “The Ministers may jointly” there shall be substituted “A licensing authority may”.
- (11) In section 24(1)—
- (a) there shall be inserted before the definition of “agricultural” the following—
- ““adjacent to Scotland”, in relation to United Kingdom waters or United Kingdom controlled waters, means—
- (a) those waters so far as lying within the Scottish zone; and
- (b) United Kingdom controlled waters outside that zone, which are nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Scotland is measured than to any point on the baselines in any other part of the United Kingdom;”
- (b) for the definition of “licensing authority” there shall be substituted—
- ““licensing authority” means,

(1) 1985 c. 48. The Act was amended by the Environment Protection Act 1990 c. 43, the Merchant Shipping Act 1995 c. 21 and the Petroleum Act 1998 c. 17.

Changes to legislation: There are currently no known outstanding effects for the The Scotland Act 1998 (Modification of Functions) Order 1999, Paragraph 10. (See end of Document for details)

- (a) in relation to England and Wales whichever of the Ministers is responsible for fisheries in the place where an operation to which a licence would relate would, or have been, be carried out or commenced and,
- (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 United Kingdom waters, or United Kingdom controlled waters, adjacent to Scotland but lying outside controlled waters within the meaning of section 30A(1) of the Control of Pollution Act 1974⁽²⁾ or which commence in Scotland, the Secretary of State;
 - (ii) as regards operations falling within the subject matter of Part VI of the Merchant Shipping Act 1995⁽³⁾, to which a licence would relate and which would be, or have been, carried out in United Kingdom waters, or United Kingdom controlled waters, adjacent to Scotland, 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 United Kingdom waters, or United Kingdom controlled waters, adjacent to Scotland or which commence in Scotland, the Secretary of State and the functions of that authority under this sub-paragraph shall be treated as exercisable in or as regards Scotland and may be exercised separately;” and
- (c) after the definition of “plants” there shall be inserted the following—

““Scottish zone” has the meaning assigned to it by section 126(1) of the Scotland Act 1998;”
- (12) In paragraph 3 of Schedule 1 the words “anywhere in the United Kingdom or in United Kingdom waters” are omitted.
- (13) After paragraph 3 of Schedule 1 there is inserted—

“4. A prohibition of a kind specified in paragraph 3 above shall apply in every part of the United Kingdom and United Kingdom waters.”.

Commencement Information

II Sch. para. 10 in force at 1.7.1999 in accordance with, see **art. 1(1)**

⁽²⁾ 1974 c. 40. Section 30A(1) was inserted by the [Water Act 1989](#), (c. 15), Schedule 23.
⁽³⁾ 1995 c. 21.

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