

1972. No. 351

[C]

EUROPEAN COMMUNITIES**Agriculture**

ORDER, DATED 13TH DECEMBER 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 4(3)(a) OF THE EUROPEAN COMMUNITIES ACT 1972.

The Secretary of State in exercise of the powers conferred on him by section 4(3)(a) of the European Communities Act 1972(a) and by section 1(1)(a) of the Northern Ireland (Temporary Provisions) Act 1972(b) and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the European Communities (Agriculture) Order (Northern Ireland) 1972 and shall not come into operation until the date on which the United Kingdom becomes a member of the European Communities except to authorise the making with effect from that date of regulations made by virtue of Schedules 1 to 4.

Interpretation and construction

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply for the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Amendments to existing Acts

3. The enactments set out in the Schedules to this Order shall be amended in the manner referred to therein.

Furnishing of information to Communities

4. An individual return or part of a return made under section 1 of the Agricultural Returns Act (Northern Ireland) 1939(d) may be disclosed without the authority of the person making it or of the occupier on whose behalf it is made to a Community institution in pursuance of a Community obligation.

Dated this 13th day of December 1972.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State

(a) 1972. c. 68.
(b) 1972. c. 22.

(c) 1954. c. 33.
(d) 2 & 3 Geo. 6. c. 35 (N.I.).

SCHEDULE 1

Amendments to the Horticulture Act (Northern Ireland) 1966(e)

In the above Act there shall be made, with effect from the date on which the United Kingdom becomes a member of the European Communities, the following amendments:—

1. In section 1 (power to prescribe grades of produce) there shall be added at the end as a new subsection (3):—

“(3) Regulations under subsection (1) above shall not apply to produce of any description for the time being subject to Community grading rules; but in relation to any such produce the Ministry may by regulations—

- (a) make additional provision as to the form of any label required for the purpose of those rules or as to the inclusion in any such label of additional particulars (not affecting the grading of the produce);
- (b) provide for the application, subject to any modification specified in the regulations, of all or any of the following provisions of this Part of this Act as if the produce were regulated fresh produce and as if the standards of quality established by those rules were prescribed grades.”

2. In section 35 (interpretation) there shall be inserted after the definition of “authorised officer” the following definition:—

“Community grading rules” means any directly applicable Community provisions establishing standards of quality for fresh horticultural produce.

Amendment to the Trade Descriptions Act 1968(f)

3. In section 2(4) of the Trade Descriptions Act 1968 (which provides that certain statutory descriptions and markings are to be deemed not to be trade descriptions) after the words “the Horticulture Act (Northern Ireland) 1966” there shall be inserted the words “or any Community grading rules within the meaning of that Act”.

SCHEDULE 2

Amendments to the Plant Health Act (Northern Ireland) 1967(g)

In the above Act there shall be made, with effect from the date on which the United Kingdom becomes a member of the European Communities, the following amendments:—

1. In section 1 (by which the Act has effect for the control in Northern Ireland of plant pests and diseases) the words “in Northern Ireland” shall be omitted; and—

(a) in section 2(1) and section 3(1) (orders for control of pests) after the words “thinks expedient” there shall be inserted the words “or called for by any Community obligation”;

(b) at the end of section 3(1) after the words “preventing the spread of pests in Northern Ireland”, there shall be added the words “or the conveyance of pests by articles exported from Northern Ireland”;

(c) in section 3(5) (which extends the time limit for summary prosecutions of certain offences) there shall be omitted the words “where the offence is one in connection with the movement, sale, consignment or planting of potatoes”;

(d) in section 3(2)(a) (which provides for the removal or destruction of infected crops, etc.) there shall be inserted after the word “removal” the word “treatment” and after the words “any seed, plant or part of a seed or plant” the words “or any container, wrapping or other article”, and in section 3(2)(b) (which provides for entry on land for those and other purposes) there shall be inserted after the word “removal” the word “treatment” and after the word “land” the words “or elsewhere”; and the words “or elsewhere” shall be inserted after the word “land” in section 4(1)(b) (which also relates to entry);

(e) at the end of section 6(1) there shall be added:—

“or, in the case of an order prohibiting or regulating the landing in or exportation from Northern Ireland of any articles, shall be subject to negative resolution”.

SCHEDULE 3

Amendments to the Seeds Act (Northern Ireland) 1965(h)

In the above Act there shall be made, with effect from the date on which the United Kingdom becomes a member of the European Communities, the following amendments:—

1. In section 1(1)(c) (preventing spread of plant diseases by sale of seeds) for the words “the sale” there shall be substituted the word “means”, and after section 1(2) there shall be inserted as subsection (2A):—

“(2A) Seeds regulations may further make provisions for regulating the marketing, or the importation or exportation, of seeds or any related activities (whether by reference to officially published lists of permitted varieties or otherwise), and may in that connection include provision—

- (a) for the registration or licensing of persons engaged in the seeds industry or related activities;
- (b) for ensuring that seeds on any official list remain true to variety;
- (c) for the keeping and inspection of records and the giving of information;
- (d) for conferring rights of appeal to the Plant Varieties and Seeds Tribunal established by the Plant Varieties and Seeds Act 1964(i);
- (e) for excluding, extending or modifying, in relation to or in connection with any provision of the regulations, the operation of any provision made by the following sections of this Act and for the charging of fees.”;

and the provisions relating to offences connected with seeds regulations shall be amended as follows:—

- (a) in section 3 for the words from “which concerns” in subsection 1(b) to the end of subsection (2) there shall be substituted the words “he shall be liable on summary conviction to a fine not exceeding £400”; and
- (b) in section 5(2) for the words from “for an offence” in paragraph (b) to the end of paragraph (c) there shall be substituted the words “for any other offence”; and
- (c) in section 8(5) for paragraphs (a) and (b) there shall be substituted the words “to a fine not exceeding £100”.

2. In section 12 after the words “seed potatoes”, in both places, there shall be inserted the words “to any other vegetative propagating material and to silvicultural planting material”, and at the end of that section there shall be added as subsection (2):—

“(2) The Ministry may establish and maintain an official seed testing station for silvicultural propagating and planting material.”.

SCHEDULE 4

Amendments to the Diseases of Animals Act (Northern Ireland) 1958(j)

In the above Act there shall be made, with effect from the date on which the United Kingdom becomes a member of the European Communities, the following amendments:—

1. At the end of section 19 (imported animals to be slaughtered on landing) there shall be added—

“other than animals of any such description as may be prescribed by order of the Ministry which are brought from a member State and in relation to which any conditions so prescribed are satisfied; but where Part I (slaughter) of the Third Schedule to this Act is under this section not to apply to animals so brought, the Ministry may by order provide that Part II (quarantine) and Part III (ancillary provisions) shall apply, with or without modification.

An order made under this section shall be subject to negative resolution.”

2. After section 24 there shall be inserted a new section 24A—

“Export of
animals
and
poultry

24A. The Ministry may by order make provision in the interests of animal health or of human health, for regulating the exportation from Northern Ireland to a member State of animals or poultry or carcases thereof, and in particular for prohibiting exportation without such certificate or licence as may be prescribed by the order, and as to the circumstances in which and conditions on which a certificate or licence may be obtained.”

3. At the end of section 12(6)(b) (power to withhold or reduce compensation for slaughter of animals imported when diseased) there shall be added the words “or, before or while being brought from any member State; exposed to the infection of disease”.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order brings the law of Northern Ireland in relation to certain agricultural matters into conformity with European Economic Community requirements. The Order makes the corresponding provisions for Northern Ireland to that made for Great Britain by the European Communities Act 1972 in relation to Grading etc. of Horticultural Produce, Plant Health, Seeds and other Propagating Material, Animal Health and the furnishing of information to Community institutions.