



Trade Descriptions Act 1968

1968 CHAPTER 29

Miscellaneous and supplemental.

38 Orders.

- (1) Any power to make an order under the preceding provisions of this Act shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and includes power to vary or revoke such an order by a subsequent order.
- (2) Any order under the preceding provisions of this Act which relates to any ^[F1 . . .]fertilisers or any goods used as pesticides or for similar purposes shall be made by the Board of Trade acting jointly with the following Ministers, that is to say, if the order extends to England and Wales, the Minister of Agriculture, Fisheries and Food, and if it extends to Scotland or Northern Ireland, the Secretary of State concerned.
- ^[F2](2A) Any order under the preceding provisions of this Act which relates to any agricultural, horticultural or fishery produce, whether processed or not, food, feeding stuffs or the ingredients of food or feeding stuffs shall be made by the Board of Trade acting jointly with the following Ministers, that is to say, if the order extends to England and Wales, the Secretary of State concerned with health and if it extends to Scotland or Northern Ireland, the Secretary of State concerned.
- (2B) Before making an order to which subsection (2) or (2A) of this section applies the Board of Trade shall consult the Food Standards Agency.]
- (3) The following provisions shall apply to the making of an order under ^[F3]section 36 of this Act^[F3], that is to say—
 - (a) before making the order the Board of Trade shall consult with such organisations as appear to them to be representative of interests substantially affected by it and shall publish, in such manner as the Board think appropriate, notice of their intention to make the order and of the place where copies of the proposed order may be obtained; and
 - (b) the order shall not be made until the expiration of a period of twenty-eight days from the publication of the notice and may then be made with such

Changes to legislation: There are currently no known outstanding effects for the Trade Descriptions Act 1968, Section 38. (See end of Document for details)

modifications (if any) as the Board of Trade think appropriate having regard to any representations received by them.

Textual Amendments

- F1** Words in s. 38(2) repealed (1.4.2000) by 1999 c. 28, s. 40(1)(4), Sch. 5, para. 4(2), **Sch. 6** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F2** S. 38(2A)(2B) inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5**, para. 4(3) (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F3** Words in s. 38(3) substituted (26.5.2008) by **The Consumer Protection for Unfair Trading Regulations 2008** (S.I. 2008/1277), reg. 30(1), **Sch. 2 para. 11** (with savings in reg. 28(2)(3))

Modifications etc. (not altering text)

- C1** S. 38(2): Functions transferred (W.) (1.7.1999) from Minister of the Crown to Welsh Assembly by S.I. 1999/672, arts. 1(1), 2, **Sch. 1**

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