



Trade Descriptions Act 1968

1968 CHAPTER 29

Miscellaneous and supplemental

40 Provisions as to Northern Ireland

- (1) This Act shall apply to Northern Ireland subject to the following modifications, that is to say—
 - (a) section 19(2) shall apply as if for the references to section 104 of the Magistrates' Courts Act 1952 and the trial and laying of an information there were substituted respectively references to section 34 of the Magistrates' Courts Act (Northern Ireland) 1964 and the hearing and determination and making of a complaint;
 - (b) section 26 and subsections (2) to (4) of section 30 shall not apply but it shall be the duty of the Ministry of Commerce for Northern Ireland to enforce the provisions of this Act and of any order made under it (other than the provisions of section 42 of this Act);
 - (c) sections 27 to 29 and 33 shall apply as if for references to a local weights and measures authority and any officer of such an authority there were substituted respectively references to the said Ministry and any of its officers.
- (2) In paragraph (13) of section 4(1) of the Government of Ireland Act 1920 (which excludes, among other things, merchandise marks from the matters with respect to which the Parliament of Northern Ireland has power to make laws) the words "merchandise marks" shall be omitted and shall be deemed never to have been included; but the following provisions of this section shall (in addition to any other limitation) apply with respect to the powers of that Parliament to make laws for purposes similar to those of this Act.
- (3) The Parliament of Northern Ireland shall not have power to make provision requiring any information as to the country of manufacture or production of any goods to be marked on or to accompany the goods or to be included in advertisements except—
 - (a) in the case of any agricultural, horticultural or fishery produce, whether processed or not, which for the purposes of this Act is deemed to have been produced or manufactured in Northern Ireland; or

Status: This is the original version (as it was originally enacted).

- (b) if the provision is made for the purpose of preventing or controlling the introduction into Northern Ireland, or the spreading within Northern Ireland, of diseases or pests affecting animals or plants.
- (4) If the Parliament of Northern Ireland enacts any law for purposes similar to those of section 7 or section 15 of this Act, any provision of or made in pursuance of that law which would be inconsistent with any provision made (whether before or after the first-mentioned provision) under either of those sections shall be void so far as it would be so inconsistent.
- (5) The Board of Trade shall for each financial year pay into the Exchequer of Northern Ireland such sum as the Board and the Ministry of Commerce for Northern Ireland may agree to be appropriate as representing the expenses incurred by that Ministry in enforcing so much of this Act as relates to matters with respect to which the Parliament of Northern Ireland does not have power to make laws.
- (6) Nothing in this Act shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.
- (7) This Act, so far as it relates to matters with respect to which the Parliament of Northern Ireland has power to make laws, shall be deemed for the purposes of section 6 of the Government of Ireland Act 1920 to have been passed before the day appointed for the purposes of that section.