



# European Communities Act 1972

## 1972 CHAPTER 68

An Act to make provision in connection with the enlargement of the European Communities to include the United Kingdom, together with (for certain purposes) the Channel Islands, the Isle of Man and Gibraltar. [17th October 1972]

### Modifications etc. (not altering text)

- C1 Act: transfer of certain functions (1.7.1999) by S.I. 1999/672, arts. 1(2), 2, Sch. 1; S.I. 1998/3178, art. 2(1)

## PART I

### GENERAL PROVISIONS

#### 1 Short title and interpretation.

(1) This Act may be cited as the European Communities Act 1972.

(2) In this Act . . . <sup>F1</sup>—

<sup>F2</sup>[“ the EU ” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7th February 1992 (as amended by any later Treaty),]

“the Communities” means the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community;

“the Treaties” or <sup>F3</sup>[the EU Treaties] means, subject to subsection (3) below, the pre-accession treaties, that is to say, those described in Part I of Schedule 1 to this Act, taken with—

- (a) the treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the 22nd January 1972; and

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- (b) the decision, of the same date, of the Council of the European Communities relating to the accession of the United Kingdom to the European Coal and Steel Community; <sup>[F4]</sup>and
- (c) the treaty relating to the accession of the Hellenic Republic to the European Economic Community and to the European Atomic Energy Community, signed at Athens on 28th May 1979; and
- (d) the decision, of 24th May 1979, of the Council relating to the accession of the Hellenic Republic to the European Coal and Steel Community; <sup>]</sup><sup>[F5]</sup>and
- <sup>[F6]</sup>(e) the decisions of the Council of 7th May 1985, 24th June 1988, 31st October 1994, 29th September 2000 and 7th June 2007 on the Communities' system of own resources; <sup>]</sup><sup>]</sup><sup>[F7]</sup> and
- (g) the treaty relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and to the European Atomic Energy Community, signed at Lisbon and Madrid on 12th June 1985; and
- (h) the decision, of 11th June 1985, of the Council relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Coal and Steel Community; <sup>]</sup><sup>[F8]</sup>and
- (j) the following provisions of the Single European Act signed at Luxembourg and The Hague on 17th and 28th February 1986, namely Title II (amendment of the treaties establishing the Communities) and, so far as they relate to any of the Communities or any Community institution, the preamble and Titles I (common provisions) and IV (general and final provisions); <sup>]</sup><sup>[F9]</sup> and
- (k) Titles II , III and IV of the Treaty on European Union signed at Maastricht on 7th February 1992, together with the other provisions of the Treaty so far as they relate to those Titles, and the Protocols adopted at Maastricht on that date and annexed to the Treaty establishing the European Community with the exception of the Protocol on Social Policy on page 117 of Cm 1934 <sup>]</sup><sup>[F10]</sup> and
- (l) the decision, of 1st February 1993, of the Council amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage annexed to Council Decision [76/787/ EC SC](#), EEC , Euratom of 20th September 1976. <sup>]</sup><sup>[F11]</sup> and
- (m) the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993<sup>]</sup><sup>[F12]</sup>and
- (n) the treaty concerning the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24th June 1994;<sup>]</sup><sup>[F13]</sup>and
- (o) the following provisions of the Treaty signed at Amsterdam on 2nd October 1997 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts—
  - (i) Articles 2 to 9,
  - (ii) Article 12, and
  - (iii) the other provisions of the Treaty so far as they relate to those Articles, and the Protocols adopted on that occasion other than the Protocol on Article J.7 of the Treaty on European Union;<sup>]</sup><sup>[F14]</sup>and
- (p) the following provisions of the Treaty signed at Nice on 26th February 2001 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts—
  - (i) Articles 2 to 10, and
  - (ii) the other provisions of the Treaty so far as they relate to those Articles,

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and the Protocols adopted on that occasion;]]<sup>F15</sup>and

- (q) the treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed at Athens on 16th April 2003;]]<sup>F16</sup> and
- (r) the treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, signed at Luxembourg on 25th April 2005;]]<sup>F17</sup> and
- (s) the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13th December 2007 (together with its Annex and protocols), excluding any provision that relates to, or in so far as it relates to or could be applied in relation to, the Common Foreign and Security Policy;]]<sup>F18</sup>and
- (t) the Protocol amending the Protocol ( No. 36) on transitional provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, signed at Brussels on 23 June 2010; ]

and ]<sup>F19</sup>any other treaty entered into by the EU (except in so far as it relates to, or could be applied in relation to, the Common Foreign and Security Policy)] , with or without any of the member States, or entered into, as a treaty ancillary to any of the Treaties, by the United Kingdom;

and any expression defined in Schedule 1 to this Act has the meaning there given to it.

- (3) If Her Majesty by Order in Council declares that a treaty specified in the Order is to be regarded as one of ]<sup>F20</sup>the EU Treaties] as herein defined, the Order shall be conclusive that it is to be so regarded; but a treaty entered into by the United Kingdom after the 22nd January 1972, other than a pre-accession treaty to which the United Kingdom accedes on terms settled on or before that date, shall not be so regarded unless it is so specified, nor be so specified unless a draft of the Order in Council has been approved by resolution of each House of Parliament.
- (4) For purposes of subsections (2) and (3) above, “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.

#### Textual Amendments

- F1** Words repealed by [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#) , s. 25 , [Sch. 3](#)
- F2** Words in s. 1(2) inserted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#) , [s. 3\(1\)](#); [S.I. 2009/3143](#) , [art. 2](#)
- F3** Words in s. 1(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#) , s. 3 , [Sch. Pt. 1](#) ; [S.I. 2009/3143](#) , [art. 2](#)
- F4** S. 1(2)(c)(d) inserted by [European Communities \(Greek Accession\) Act 1979 \(c. 57, SIF 29:5\)](#) , [s. 1](#)
- F5** S. 1(2)(e) and preceding word substituted (4.12.2001) by [2001 c. 22](#) , [s. 1](#) (the replaced para. (e) having itself previously been substituted for paras. (e) and (f))
- F6** S. 1(2)(e) substituted (19.2.2008) by [European Communities \(Finance\) Act 2008 \(c. 1\)](#) , [s. 1](#)
- F7** S. 1(2)(g)(h) inserted by [European Communities \(Spanish and Portuguese Accession\) Act 1985 \(c. 75, SIF 29:5\)](#) , [s. 1](#)
- F8** Words inserted by [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#) , [s. 1](#)
- F9** S. 1(2)(k) and preceding word inserted (23.7.1992) by [1993, c. 32, s. 1\(1\)\(7\)](#); resolution of House of Lords dated 27.7.1993; resolution of House of Commons dated 23.7.1993
- F10** S. 1(2)(l) and preceding word inserted (5.11.1993) by [1993 c. 41](#) , [s. 3\(2\)](#)

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- F11** S. 1(2)(m) and the preceding word added (5.11.1993) by 1993 c. 51 , s. 1
- F12** S. 1(2)(n) and preceding word inserted (3.11.1994) by 1994 c. 38 , s. 1
- F13** S. 1(2)(o) and preceding word inserted (11.6.1998) by 1998 c. 21 , s. 1
- F14** S. 1(2)(p) and preceding word inserted (26.2.2002) by 2002 c. 3 , s. 1(1)
- F15** S. 1(2)(q) and preceding word inserted (13.11.2003) by European Union (Accessions) Act 2003 (c. 35) , s. 1(1)
- F16** S. 1(2)(r) inserted (16.2.2006) by European Union (Accessions) Act 2006 (c. 2) , s. 1(1)
- F17** S. 1(2)(s) and preceding word added (19.6.2008) by European Union (Amendment) Act 2008 (c. 7) , s. 2
- F18** S. 1(2)(t) and word inserted (19.7.2011) by European Union Act 2011 (c. 12), ss. 15(2), 21
- F19** Words in s. 1(2) substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7) , s. 3 , Sch. Pt. 1 ; S.I. 2009/3143 , art. 2
- F20** Words in s. 1(3) substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7) , s. 3 , Sch. Pt. 1 ; S.I. 2009/3143 , art. 2

#### **Modifications etc. (not altering text)**

- C2** S. 1(2): Power to amend definitions conferred by (26.2.2002) by 2002 c. 3 , s. 1(1)(2)
- C3** S. 1(2)(l) and the word “and” preceding it continue to be inserted (24.10.2002) by 2002 c. 24 , s. 15 , Sch. 3 para. 1

## **2 General implementation of Treaties.**

- (1) All such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Treaties, and all such remedies and procedures from time to time provided for by or under the Treaties, as in accordance with the Treaties are without further enactment to be given legal effect or used in the United Kingdom shall be recognised and available in law, and be enforced, allowed and followed accordingly; and the expression [<sup>F21</sup> “enforceable EU right”] and similar expressions shall be read as referring to one to which this subsection applies.
- (2) Subject to Schedule 2 to this Act, at any time after its passing Her Majesty may by Order in Council, and any designated Minister or department may [<sup>F22</sup>by order, rules, regulations or scheme] , make provision—
- for the purpose of implementing any [<sup>F23</sup>EU obligation] of the United Kingdom, or enabling any such obligation to be implemented, or of enabling any rights enjoyed or to be enjoyed by the United Kingdom under or by virtue of the Treaties to be exercised; or
  - for the purpose of dealing with matters arising out of or related to any such obligation or rights or the coming into force, or the operation from time to time, of subsection (1) above;

and in the exercise of any statutory power or duty, including any power to give directions or to legislate by means of orders, rules, regulations or other subordinate instrument, the person entrusted with the power or duty may have regard to the [<sup>F24</sup>objects of the EU] and to any such obligation or rights as aforesaid.

In this subsection “designated Minister or department” means such Minister of the Crown or government department as may from time to time be designated by Order in Council in relation to any matter or for any purpose, but subject to such restrictions or conditions (if any) as may be specified by the Order in Council.

- (3) There shall be charged on and issued out of the Consolidated Fund or, if so determined by the Treasury, the National Loans Fund the amounts required to meet any [<sup>F25</sup>EU

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- obligation] to make payments to [<sup>F26</sup>the EU or a member State] , or any [<sup>F25</sup>EU obligation] in respect of contributions to the capital or reserves of the European Investment Bank or in respect of loans to the Bank, or to redeem any notes or obligations issued or created in respect of any such [<sup>F25</sup>EU obligation] and, except as otherwise provided by or under any enactment,—
- (a) any other expenses incurred under or by virtue of the Treaties or this Act by any Minister of the Crown or government department may be paid out of moneys provided by Parliament; and
  - (b) any sums received under or by virtue of the Treaties or this Act by any Minister of the Crown or government department, save for such sums as may be required for disbursements permitted by any other enactment, shall be paid into the Consolidated Fund or, if so determined by the Treasury, the National Loans Fund.
- (4) The provision that may be made under subsection (2) above includes, subject to Schedule 2 to this Act, any such provision (of any such extent) as might be made by Act of Parliament, and any enactment passed or to be passed, other than one contained in this part of this Act, shall be construed and have effect subject to the foregoing provisions of this section; but, except as may be provided by any Act passed after this Act, Schedule 2 shall have effect in connection with the powers conferred by this and the following sections of this Act to make Orders in Council [<sup>F27</sup>or orders, rules, regulations or schemes] .
- (5) . . . <sup>F28</sup> and the references in that subsection to a Minister of the Crown or government department and to a statutory power or duty shall include a Minister or department of the Government of Northern Ireland and a power or duty arising under or by virtue of an Act of the Parliament of Northern Ireland.
- (6) A law passed by the legislature of any of the Channel Islands or of the Isle of Man, or a colonial Law (within the meaning of the <sup>M1</sup>Colonial Laws Validity Act 1865) passed or made for Gibraltar, if expressed to be passed or made in the implementation of the Treaties and of the obligations of the United Kingdom thereunder, shall not be void or inoperative by reason of any inconsistency with or repugnancy to an Act of Parliament, passed or to be passed, that extends to the Island or Gibraltar or any provision having the force and effect of an Act there (but not including this section), nor by reason of its having some operation outside the Island or Gibraltar; and any such Act or provision that extends to the Island or Gibraltar shall be construed and have effect subject to the provisions of any such law.

#### Textual Amendments

- F21** Words in s. 2(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F22** Words in s. 2(2) substituted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), [ss. 27\(1\)\(a\)](#), 33
- F23** Words in s. 2(2)(a) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F24** Words in s. 2(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F25** Words in s. 2(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F26** Words in s. 2(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)

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- F27** Words in s. 2(4) substituted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), [ss. 27\(1\)\(b\)](#), 33
- F28** Words repealed by Northern Ireland Constitution Act 1973 (c. 36 SIF 29:3), Sch. 6 Pt. I

#### Modifications etc. (not altering text)

- C4** S. 2 extended (1.7.1999) by [1998 c. 46, s. 125, Sch. 8 para. 15\(2\)](#); S.I. 1998/3178, [art. 2\(1\)](#)  
S. 2 modified (1.7.1999) by [1998 c. 46, s. 125, Sch. 8 para. 15\(3\)](#); S.I. 1998/3178, [art. 2\(1\)](#)  
S. 2: power to make certain corresponding provisions conferred (27.7.1999) by [1999 c. 24, s. 2, Sch. 1 Pt. 1 para. 20\(1\)\(d\)](#)
- C5** S. 2(2) extended (27.9.1993) by [1993 c. 36, s. 70\(2\)](#)
- C6** S. 2(2) extended (5.11.1993) by [1993 c. 51, s. 2\(5\)](#)  
S. 2(2) extended (1.12.1998) by [1998 c. 38, s. 29\(2\)](#); S.I. 1998/2789, [art. 2](#)  
S. 2(2) amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 3, [Sch. 2](#); S.I. 1998/3178, [art. 2\(1\)](#) (with [art. 7\(4\)](#))  
S. 2(2) modified (30.11.2000) by [2000 c. 37, s. 81\(2\)](#)
- C7** S. 2(2): Transfer of certain functions (27.3.2002) by S.I. 2002/794, [art. 3\(11\)](#)
- C8** S. 2(2) power made exercisable concurrently (15.2.2006) by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 {[S.I. 2006/304](#)}, {[art. 3](#)} (with [art. 5](#))
- C9** S. 2(2) extended (3.5.2007) by Government of Wales Act 2006, (c. 32), {[s. 59\(1\)](#)}, (with [Sch. 11 para. 22](#)) the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- C10** S. 2(2)(a)(b) excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), [Sch. 2 para. 3](#)
- C11** Reference in s. 2(5) to "that subsection" means s. 2(2) of this Act. Reference to a Minister of the Government of Northern Ireland to be construed, as respects the discharge of functions, as a reference to the head of a Northern Ireland department: [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [Sch. 5 para. 7\(2\)](#)

#### Marginal Citations

- M1** [1865 c. 63\(26:1\)](#).

### 3 Decisions on, and proof of, Treaties and [F29]EU instruments]etc.

- (1) For the purposes of all legal proceedings any question as to the meaning or effect of any of the Treaties, or as to the validity, meaning or effect of any [F30]EU instrument], shall be treated as a question of law (and, if not referred to the European Court, be for determination as such in accordance with the principles laid down by and any relevant [F31]decision of [F32]the European Court)].
- (2) Judicial notice shall be taken of the Treaties, of the [F33]Official Journal of the European Union] and of any decision of, or expression of opinion by, the [F34]the European Court] on any such question as aforesaid; and the Official Journal shall be admissible as evidence of any instrument or other act thereby communicated of [F35]the EU] or of any [F36]EU institution] .
- (3) Evidence of any instrument issued by a [F37]EU institution] , including any judgment or order of [F38]the European Court] , or of any document in the custody of a [F37]EU institution] , or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of that institution; and any document purporting to be such a copy shall be received in

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evidence without proof of the official position or handwriting of the person signing the certificate.

- (4) Evidence of any [<sup>F39</sup>EU instrument] may also be given in any legal proceedings—
- (a) by production of a copy purporting to be printed by the Queen’s Printer;
  - (b) where the instrument is in the custody of a government department (including a department of the Government of Northern Ireland), by production of a copy certified on behalf of the department to be a true copy by an officer of the department generally or specially authorised so to do;

and any document purporting to be such a copy as is mentioned in paragraph (b) above of an instrument in the custody of a department shall be received in evidence without proof of the official position or handwriting of the person signing the certificate, or of his authority to do so, or of the document being in the custody of the department.

- (5) In any legal proceedings in Scotland evidence of any matter given in a manner authorised by this section shall be sufficient evidence of it.

#### Textual Amendments

- F29** Words in s. 3 heading substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F30** Words in s. 3(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F31** Words substituted by [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\), s. 2\(a\)](#)
- F32** Words in s. 3(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F33** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F34** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F35** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F36** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F37** Words in s. 3(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F38** Words in s. 3(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F39** Words in s. 3(4) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)

#### Modifications etc. (not altering text)

- C12** [Sections 3\(2\)-\(5\)](#) extended (5.11.1993) by [1993 c. 51, s. 4](#)  
[S. 3\(4\)](#) extended (1.7.1999) by [1998 c. 46, s. 125, Sch. 8 para. 15\(4\)](#); S.I. 1998/3178, [art. 2](#)  
[S. 3\(3\)\(4\)](#): power to modify conferred (2.12.1999) by [1998 c. 47, s. 7\(2\)](#); S.I. 1999/3208, [art. 2](#)

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## PART II

### AMENDMENT OF LAW

#### 4 General provision for repeal and amendment.

- (1) The enactments mentioned in Schedule 3 to this Act (being enactments that are superseded or to be superseded by reason of [<sup>F40</sup>EU obligations] and of the provision made by this Act in relation thereto or are not compatible with [<sup>F40</sup>EU obligations]) are hereby repealed, to the extent specified in column 3 of the Schedule, with effect from the entry date or other date mentioned in the Schedule; and in the enactments mentioned in Schedule 4 to this Act there shall, subject to any transitional provision there included, be made the amendments provided for by that Schedule.
- (2) Where in any Part of Schedule 3 to this Act it is provided that repeals made by that Part are to take effect from a date appointed by order, the orders shall be made by statutory instrument, and an order may appoint different dates for the repeal of different provisions to take effect, or for the repeal of the same provision to take effect for different purposes; and an order appointing a date for a repeal to take effect may include transitional and other supplementary provisions arising out of that repeal, including provisions adapting the operation of other enactments included for repeal but not yet repealed by that Schedule, and may amend or revoke any such provisions included in a previous order.
- (3) Where any of the following sections of this Act, or any paragraph of Schedule 4 to this Act, affects or is construed as one with an Act or Part of an Act similar in purpose to provisions having effect only in Northern Ireland, then—
- (a) unless otherwise provided by Act of the Parliament of Northern Ireland, the Governor of Northern Ireland may by Order in Council make provision corresponding to any made by the section or paragraph, and amend or revoke any provision so made; and
  - (b) .....<sup>F41</sup>
- (4) Where Schedule 3 or 4 to this Act provides for the repeal or amendment of an enactment that extends or is capable of being extended to any of the Channel Islands or the Isle of Man, the repeal or amendment shall in like manner extend or be capable of being extended thereto.

#### Textual Amendments

**F40** Words in s. 4(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)

**F41** [S. 4\(3\)\(b\)](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [Sch. 6 Pt. I](#)

#### Modifications etc. (not altering text)

**C13** [S. 4](#) modified by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 9 para. 6\(1\)\(b\)](#)

**C14** Power of appointment conferred by s. 4(2) partly exercised: [S.I. 1973/135](#), 1973/1019, 1973/2176; 1974/1816; 1975/1164, 1975/1484, 1975/1485, 1975/1487; 1976/509, 1976/548, 1976/840, 1976/914, 1976/975, 1976/1304, 1976/1831, 1976/1883, 1976/1886, 1976/1887, 1976/2016; 1977/76, 1977/901, 1977/358, 1977/1026, 1977/1049, 1977/2028; 1978/1003, 1978/1420; 1979/133; 1981/1192; 1982/1048



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- C15** Reference in s. 4(3)(a) to an Act of the Parliament of Northern Ireland to be construed as including a reference to a Measure of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [Sch. 5 para. 1\(1\)](#)
- C16** In s. 4(3)(a) reference to the making of an Order in Council by the Governor of Northern Ireland to be construed as a reference to the making of an order by the Secretary of State: [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [Sch. 5 para. 4\(2\)](#)

## 5 Customs duties.

- (1) Subject to subsection (2) below, on and after the relevant date there shall be charged, levied, collected and paid on goods imported into the United Kingdom such [<sup>F42</sup>EU customs duty] , if any, as is for the time being applicable in accordance with the Treaties or, if the goods are not within the common customs tariff of the [<sup>F43</sup>EU] and the duties chargeable are not otherwise fixed by any directly applicable [<sup>F44</sup>EU provision] , such duty of customs, if any, as the Treasury, on the recommendation of the Secretary of State, may by order specify.

For this purpose “the relevant date”, in relation to any goods, is the date on and after which the duties of customs that may be charged thereon are no longer affected under the Treaties by any temporary provision made on or with reference to the accession of the United Kingdom to the Communities.

- (2) Where as regards goods imported into the United Kingdom provision may, in accordance with the Treaties, be made in derogation of the common customs tariff or of the exclusion of customs duties as between member States, the Treasury may by order make such provision as to the customs duties chargeable on the goods, or as to exempting the goods from any customs duty, as the Treasury may on the recommendation of the Secretary of State determine.

[<sup>F45</sup>(3) Schedule 2 to this Act shall also have effect in connection with the powers to make orders conferred by subsections (1) and (2) above.]

- (4) ..... F46
- (5) ..... F47
- (6A) ..... F48
- (7) ..... F49

### Subordinate Legislation Made

- P1** [S. 5](#): for exercises of this power before 01.02.1991 see Index to Government Orders
- P2** [S. 5\(1\)\(3\)](#): s. 5(1) (with s. 5(3) and Sch. 2 para. 4) power exercised (15.11.1991) by [S.I.1991/2583](#)

### Textual Amendments

- F42** Words in [s. 5\(1\)](#) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)
- F43** Words in [s. 5\(1\)](#) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)
- F44** Words in [s. 5\(1\)](#) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)
- F45** [S. 5\(3\)](#) substituted by [Customs and Excise Duties \(General Reliefs\) Act 1979 \(c. 3, SIF 40:1\)](#), s. 19(1), [Sch. 2 para. 3](#)

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- F46** S. 5(4) repealed by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177, Sch. 6 Pt. I, Sch. 7 para. 5
- F47** S. 5(5)(6) repealed by Customs and Excise Duties (General Reliefs) Act 1979 (c. 3, SIF 40:1), s. 19(2), Sch. 3 Pt. I
- F48** S. 5(6A) inserted by Finance Act 1978 (c. 42, SIF 40:1), s. 6(8), and repealed by Customs and Excise Duties (General Reliefs) Act 1979 (c. 3, SIF 40:1), s. 19(2), Sch. 3 Pt. I
- F49** S. 5(7)–(9) repealed by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177, Sch. 6 Pt. I

**Modifications etc. (not altering text)**

- C17** S. 5 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), Sch. 2 para. 3
- C18** S. 5(1) extended by Finance Act 1977 (c. 36, SIF 40:1), s. 10(4)

**6 The common agricultural policy.**

<sup>F50</sup>(1) .....

<sup>F50</sup>(2) .....

- (3) Sections 5 and 7 of the <sup>M2</sup>Agriculture Act 1957 (which make provision for the support of arrangements under section 1 of that Act for providing guaranteed prices or assured markets) shall apply in relation to any [<sup>F51</sup>EU arrangements] for or related to the regulation of the market for any agricultural produce as if references, in whatever terms, to payments made by virtue of section 1 were references to payments made by virtue of the [<sup>F51</sup>EU arrangements] by or on behalf of [<sup>F52</sup>the relevant Minister and as if for every reference in section 5 to the Minister there were substituted a reference to the relevant Minister.]
- (4) Agricultural levies of the [<sup>F53</sup>EU] , so far as they are charged on goods exported from the United Kingdom or shipped as stores, shall be paid to and recoverable by [<sup>F54</sup>the relevant Minister]; and the power of [<sup>F54</sup>the relevant Minister] to make orders under section 5 of the <sup>M3</sup>Agriculture Act 1957, as extended by this section, shall include power to make such provision supplementary to any directly applicable [<sup>F55</sup>EU provision] as [<sup>F54</sup>the relevant Minister considers] necessary for securing the payment of any agricultural levies so charged, including provision for the making of declarations or the giving of other information in respect of goods exported, shipped as stores, or otherwise dealt with.
- (5) Except as otherwise provided by or under any enactment, agricultural levies of the [<sup>F56</sup>EU] , so far as they are charged on goods imported into the United Kingdom, shall be levied, collected and paid, and the proceeds shall be dealt with, as if they were [<sup>F57</sup>EU customs duties] , and in relation to those levies the following enactments shall apply as they would apply in relation to [<sup>F57</sup>EU customs duties] , that is to say:—
- <sup>F58</sup>(a) the <sup>M4</sup>Customs and Excise Management Act 1979 (as for the time being amended by any later Act) and any other statutory provisions for the time being in force relating generally to customs or excise duties on imported goods; and]
- <sup>F59</sup>(b) sections 1, 3, 4, 5, 6 (including Schedule 1), 7, 8, 9, 12, 13, 15, 17 and 18 of the <sup>M5</sup>Customs and Excise Duties (General Reliefs) Act 1979 but so that—
- (i) any references in sections 1, 3 and 4 to the Secretary of State shall include the Ministers; and

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- (ii) the reference in section 15 to an application for an authorisation under regulations made under section 2 of that Act shall be read as a reference to an application for an authorisation under regulations made under section 2(2) of this Act;]

and, if, in connection with any such [<sup>F60</sup>EU arrangements] as aforesaid, the Commissioners of Customs and Excise are charged with the performance, on behalf of the Board or otherwise, of any duties in relation to the payment of refunds or allowances on goods exported or to be exported from the United Kingdom, then in relation to any such refund or allowance [<sup>F61</sup>section 133 (except subsection (3) and the reference to that subsection in subsection (2) and section 159 of the <sup>M6</sup>Customs and Excise Management Act 1979 shall apply as they apply in relation to a drawback of excise duties], and other provisions of that Act shall have effect accordingly.

- (6) The enactments applied by subsection (5)(a) above shall apply subject to such exceptions and modifications, if any, as the Commissioners of Customs and Excise may by regulations prescribe, and shall be taken to include section 10 of the <sup>M7</sup>Finance Act 1901 (which relates to changes in customs import duties in their effect on contracts), but shall not include [<sup>F62</sup>section 126 of the <sup>M8</sup>Customs and Excise Management Act 1979] (charge of duty on manufactured or composite articles).

<sup>F63</sup>(7) .....

- (8) Expressions used in this section shall be construed as if contained in Part I of the <sup>M9</sup>Agriculture Act 1957; and in this section “agricultural levy” shall include any tax not being a customs duty, but of equivalent effect, that may be chargeable in accordance with any such [<sup>F64</sup>EU arrangements] as aforesaid, and “statutory provision” includes any provision having effect by virtue of any enactment and, in subsection (2), any enactment of the Parliament of Northern Ireland or provision having effect by virtue of such an enactment.

#### Textual Amendments

- F50** S. 6(1)(2) repealed (15.11.2001) by S.I. 2001/3686, **regs. 1(1), 3(a)**
- F51** Words in s. 6(3) substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7), ss. 3, 8, **Sch. Pt. 1; S.I. 2009/3143, art. 2**
- F52** Words in s. 6(3) substituted (15.11.2001) by S.I. 2001/3686, **regs. 1(1), 3(b)**
- F53** Words in s. 6(4) substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7), ss. 3, 8, **Sch. Pt. 1; S.I. 2009/3143, art. 2**
- F54** Words in s. 6(4) substituted (15.11.2001) by S.I. 2001/3686, **regs. 1(1), 3(c)**
- F55** Words in s. 6(4) substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7), ss. 3, 8, **Sch. Pt. 1; S.I. 2009/3143, art. 2**
- F56** Words in s. 6(5) substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7), ss. 3, 8, **Sch. Pt. 1; S.I. 2009/3143, art. 2**
- F57** Words in s. 6(5) substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7), ss. 3, 8, **Sch. Pt. 1; S.I. 2009/3143, art. 2**
- F58** S. 6(5)(a) substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12** Table Pt. I
- F59** S. 6(5)(b) substituted by Customs and Excise Duties (General Reliefs) Act 1979 (c. 3, SIF 40:1), s. 19(1), **Sch. 2 para. 4**
- F60** Words in s. 6(5) substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7), ss. 3, 8, **Sch. Pt. 1; S.I. 2009/3143, art. 2**
- F61** Words substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12** Table Pt. I

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- F62** Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), **Sch. 4 para. 12** Table Pt. I
- F63** [S. 6\(7\)](#) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993 but 4.8.1993 so far as relating to potatoes) by 1993, c. 51, ss. 64, 65, [Sch. 5](#) (subject to provision at the end of [Sch. 5](#)); [S.I. 1993/2038](#), **art. 2**.
- F64** Words in [s. 6\(8\)](#) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, **Sch. Pt. 1**; [S.I. 2009/3143](#), **art. 2**

**Modifications etc. (not altering text)**

- C19** [S. 6](#) excluded (N.I.) by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), s. 2(2), **Sch. 2 para. 3**
- C20** Functions of the Ministers under [s. 6](#) now exercisable by the Ministers and the Secretary of State for Wales jointly: [S.I. 1978/272](#), [art 4\(2\)](#), **Sch. 2**
- C21** [S. 6](#) modified (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, **Sch. 2 Pt. I para. 52(1)**; [S.I. 1998/3178](#), **art. 2(1)**  
[S. 6](#): transfer of functions (27.12.1999) by [S.I. 1999/3141](#), arts. 2(1)(5), 3, **Sch.**

**Marginal Citations**

- M2** [1957 c. 57\(2:10\)](#).
- M3** [1957 c. 57\(2:10\)](#).
- M4** [1979 c. 2\(40:1\)](#).
- M5** [1979 c. 3\(40:1\)](#).
- M6** [1979 c. 2\(40:1\)](#).
- M7** [1901 c. 7\(40:1\)](#).
- M8** [1979 c. 2\(40:1\)](#).
- M9** [1957 c. 57\(2:10\)](#).

- 7 (1) ..... **F65**
- (3) ..... **F66**

**Textual Amendments**

- F65** [S. 7\(1\)\(2\)](#) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55, SIF 2:1\)](#), **Sch. 4 Pt. I**
- F66** [S. 7\(3\)\(4\)](#) repealed by [Food Act 1984 \(c. 30, SIF 53:1\)](#), **Sch. 11**

- 8 ..... **F67**

**Textual Amendments**

- F67** [S. 8](#) repealed by [Films Act 1985 \(c. 21, SIF 45A\)](#), s. 74, **Sch. 2**

- 9 ..... **F68**

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**Textual Amendments**

**F68** S. 9 repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 29, [Sch. 1](#)

**10** ..... <sup>F69</sup>

**Textual Amendments**

**F69** S. 10 repealed by [Restrictive Trade Practices Act 1976 \(c. 34, SIF 124:1\)](#), [Sch. 6](#)

**11** [<sup>F70</sup>EU offences].

(1) A person who, in sworn evidence before the [<sup>F71</sup>the European Court] , makes any statement which he knows to be false or does not believe to be true shall, whether he is a British subject or not, be guilty of an offence and may be proceeded against and punished—

- (a) in England and Wales as for an offence against section 1(1) of the <sup>M10</sup>Perjury Act 1911; or
- (b) in Scotland as for an offence against [<sup>F72</sup>section 44(1) of the Criminal Law (Consolidation) (Scotland) Act 1995]; or
- (c) in Northern Ireland as for an offence against [<sup>F73</sup>Article 3(1) of the <sup>M11</sup>Perjury (Northern Ireland) Order 1979].

Where a report is made as to any such offence under the authority of the [<sup>F71</sup>the European Court] then a bill of indictment for the offence may, [<sup>F74</sup>in England or Wales or] in Northern Ireland, be preferred as in a case where a prosecution is ordered under [<sup>F74</sup>section 9 of the <sup>M12</sup>Perjury Act 1911 or][<sup>F73</sup>Article 13 of the <sup>M13</sup>Perjury (Northern Ireland) Order 1979], but the report shall not be given in evidence on a person’s trial for the offence.

(2) Where a person (whether a British subject or not) owing either—

- (a) to his duties as a member of any Euratom institution or committee, or as an officer or servant of Euratom; or
- (b) to his dealings in any capacity (official or unofficial) with any Euratom institution or installation or with any Euratom joint enterprise;

has occasion to acquire, or obtain cognisance of, any classified information, he shall be guilty of a misdemeanour if, knowing or having reason to believe that it is classified information, he communicates it to any unauthorised person or makes any public disclosure of it, whether in the United Kingdom or elsewhere and whether before or after the termination of those duties or dealings; and for this purpose “classified information” means any facts, information, knowledge, documents or objects that are subject to the security rules of a member State or of any Euratom institution.

This subsection shall be construed, and the <sup>M14</sup>Official Secrets Acts 1911 to 1939 shall have effect, as if this subsection were contained in the Official Secrets Act 1911, but so that in that Act sections 10 and 11, except section 10(4), shall not apply.

(3) This section shall not come into force until the entry date.

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### Textual Amendments

- F70** Words in s. 11 heading substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F71** Words in s. 11(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F72** Words in s. 11(1) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), [Sch. 4 para. 8](#)
- F73** Words substituted by S.I. 1979/1714 (N.I. 19), [Sch. 1](#)
- F74** Words repealed (E.W.) by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), [s. 31\(6\) Sch. 2](#)

### Modifications etc. (not altering text)

- C22** S. 11 excluded (N.I.) by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), s. 2(2), [Sch. 2 para. 3](#)
- C23** S. 11(1): power to modify conferred (*prosp.*) by 1997 c. 47, [s. 7\(2\)](#)

### Marginal Citations

- M10** 1911 c. 6(39:3).
- M11** S.I. 1979/1714 (N.I. 19).
- M12** 1911 c. 6(39:3).
- M13** S.I. 1979/1714 (N.I. 19).
- M14** 1911 c. 28(39:2).

## 12 Furnishing of information to <sup>F75</sup>EU].

Estimates, returns and information that may under section 9 of the <sup>M15</sup>Statistics of Trade Act 1947 or section <sup>F76</sup>3 of the <sup>M16</sup>Agricultural Statistics Act 1979] be disclosed to a government department <sup>F77</sup>, the Scottish Ministers] or Minister in charge of a government department may, in like manner, be disclosed in pursuance of a <sup>F78</sup>EU obligation] to a <sup>F79</sup>EU institution] .

### Textual Amendments

- F75** Words in s. 12 heading substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F76** Words substituted by [Agricultural Statistics Act 1979 \(c. 13, SIF 2:1\)](#), s. 7(1), [Sch. 1 para. 4](#)
- F77** Words in s. 12 inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, [Sch. 2 Pt. I para. 52\(3\)](#); S.I. 1998/3178, [art. 2\(1\)](#)
- F78** Words in s. 12 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F79** Words in s. 12 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)

### Modifications etc. (not altering text)

- C24** S. 12 excluded (N.I.) by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), s. 2(2), [Sch. 2 para. 3](#)

### Marginal Citations

- M15** 1947 c. 39(124:1).
- M16** 1979 c. 13(2:1).

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### DEFINITIONS RELATING TO [F80]EU]

##### Textual Amendments

**F80** Words in Sch. 1 heading substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2

#### PART I

##### THE PRE-ACCESSION TREATIES

- 1 The “E.C.S.C. Treaty”, that is to say, the Treaty establishing the European Coal and Steel Community, signed at Paris on the 18th April 1951.
- 2 The “E.E.C. Treaty”, that is to say, the Treaty establishing the European Economic Community, signed at Rome on the 25th March 1957.
- 3 The “Euratom Treaty”, that is to say, the Treaty establishing the European Atomic Energy Community, signed at Rome on the 25th March 1957.
- 4 The Convention on certain Institutions common to the European Communities, signed at Rome on the 25th March 1957.
- 5 The Treaty establishing a single Council and a single Commission of the European Communities, signed at Brussels on the 8th April 1965.
- 6 The Treaty amending certain Budgetary Provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities, signed at Luxembourg on the 22nd April 1970.
- 7 Any treaty entered into before the 22nd January 1972 by any of the Communities (with or without any of the member States) or, as a treaty ancillary to any treaty included in this Part of this Schedule, by the member States (with or without any other country).

#### PART II

##### OTHER DEFINITIONS

##### Modifications etc. (not altering text)

**C25** Entry date: the United Kingdom became a member of the Communities on 1.1.1973

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“Economic Community”, “Coal and Steel Community” and “Euratom” mean respectively the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community.

[<sup>F81</sup>“EU customs duty”] means, in relation to any goods, such duty of customs as may from time to time be fixed for those goods by directly applicable [<sup>F82</sup>EU provision] as the duty chargeable on importation into member States.

#### Textual Amendments

- F81** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)
- F82** Words in Sch. 1 Pt. 2 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

[<sup>F83</sup>“EU institution” means any institution of the EU.]

#### Textual Amendments

- F83** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

[<sup>F84</sup>“EU instrument”] means any instrument [<sup>F85</sup>issued by an EU institution].

#### Textual Amendments

- F84** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)
- F85** Words in Sch. 1 Pt. 2 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

[<sup>F86</sup>“EU obligation”] means any obligation created or arising by or under the Treaties, whether an [<sup>F87</sup>enforceable EU obligation] or not.

#### Textual Amendments

- F86** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)
- F87** Words in Sch. 1 Pt. 2 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

[<sup>F88</sup>“Enforceable EU right”] and similar expressions shall be construed in accordance with section 2(1) of this Act.

#### Textual Amendments

- F88** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)



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“Entry date” means the date on which the United Kingdom becomes a member of the Communities.

[<sup>F89</sup>“European Court” means the Court of Justice of the European Union.]

#### Textual Amendments

**F89** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

“Member”, in the expression “member State”, refers to [<sup>F90</sup>membership of the EU].

#### Textual Amendments

**F90** Words in Sch. 1 Pt. 2 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

#### Textual Amendments

**F81** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

**F82** Words in Sch. 1 Pt. 2 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

**F83** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

**F84** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

**F85** Words in Sch. 1 Pt. 2 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

**F86** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

**F87** Words in Sch. 1 Pt. 2 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

**F88** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

**F89** Sch. 1 Pt. 2: definition substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

**F90** Words in Sch. 1 Pt. 2 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)

## SCHEDULE 2

Section 2.

### PROVISIONS AS TO SUBORDINATE LEGISLATION

- 1 (1) The powers conferred by section 2(2) of this Act to make provision for the purposes mentioned in section 2(2) (a) and (b) shall not include power—
- (a) to make any provision imposing or increasing taxation; or
  - (b) to make any provision taking effect from a date earlier than that of the making of the instrument containing the provision; or

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- (c) to confer any power to legislate by means of orders, rules, regulations or other subordinate instrument, other than rules of procedure for any court or tribunal; or
- (d) to create any new criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine of more than [<sup>F91</sup>level 5 on the standard scale] (if not calculated on a daily basis) or with a fine of more than [<sup>F92</sup>£100 a day].

- (2) Sub-paragraph (1)(c) above shall not be taken to preclude the modification of a power to legislate conferred otherwise than under section 2(2), or the extension of any such power to purposes of the like nature as those for which it was conferred; and a power to give directions as to matters of administration is not to be regarded as a power to legislate within the meaning of sub-paragraph (1)(c).

#### Textual Amendments

**F91** Words substituted: (E.W.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#); (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#); and (N.I.) by [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

**F92** Words substituted by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 32(3)

#### Modifications etc. (not altering text)

**C26** Sch. 2 para. 1(1)(a)(c)(d) excluded (5.11.1993) by [1993 c. 51, s. 2\(4\)](#)

**C27** Sch. 2 para. 1(1)(c) excluded (20.6.2003) by [2002 c. 40, ss. 209\(8\), 279](#); [S.I. 2003/1397, art. 2, Sch.](#)

**C28** Sch. 2 para. 1(1)(d) excluded (27.9.1993) by [1993 c. 36, s. 70\(2\)](#)

Sch. 2 para. 1(1)(d) excluded (30.11.2000) by [2000 c. 37, s. 81\(2\)](#)

**C29** Sch. 2 para. 1(1)(d) excluded (20.11.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 307\(2\)\(3\), 336](#)

**C30** [Sch. 2 para. 1\(1\)\(d\)](#) excluded (prosp.) by [Animal Welfare Act 2006 \(c. 45\)](#), [ss. 8\(6\), 68](#) (with [ss. 1\(2\), 58\(1\), 59, 60](#))

**C31** Sch. 2 para. 1(1)(d) excluded (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 143\(1\), 182\(1\)\(c\)](#) (with s. 180)

[<sup>F93</sup>1A(1) Where—

- (a) subordinate legislation makes provision for a purpose mentioned in section 2(2) of this Act,
- (b) the legislation contains a reference to a [<sup>F94</sup>EU instrument] or any provision of a [<sup>F94</sup>EU instrument], and
- (c) it appears to the person making the legislation that it is necessary or expedient for the reference to be construed as a reference to that instrument or that provision as amended from time to time,

the subordinate legislation may make express provision to that effect.

- (2) In this paragraph “subordinate legislation” means any Order in Council, order, rules, regulations, scheme, warrant, byelaws or other instrument made after the coming into force of this paragraph under any Act, Act of the Scottish Parliament [<sup>F95</sup>, Measure or Act of the National Assembly for Wales] or Northern Ireland legislation passed or made before or after the coming into force of this paragraph.]

*Status: Point in time view as at 19/07/2011.*

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#### Textual Amendments

- F93** Sch. 2 para. 1A inserted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), [ss. 28, 33](#)
- F94** Words in Sch. 2 para. 1A substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), [ss. 3, 8](#), [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)
- F95** Words in Sch. 2 para. 1A(2) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), [art. 3](#), [Sch. 1 para. 1](#) (the amendment coming into force immediately after the end of "the initial period" (which ended with the date of the first appointment of a First Minister on 25.5.2007) in accordance with [art. 1\(2\)\(3\)](#) of the amending S.I. and see [ss. 46, 161\(5\)](#) of [Government of Wales Act 2006 \(c. 32\)](#))

- 2 (1) Subject to paragraph 3 below, where a provision contained in any section of this Act confers power to make [<sup>F96</sup>any order, rules, regulations or scheme](otherwise than by modification or extension of an existing power), the power shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing an Order in Council or [<sup>F96</sup>any order, rules, regulations or scheme] made in the exercise of a power so conferred, if made without a draft having been approved by resolution of each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House.

#### Textual Amendments

- F96** Words in Sch. 2 para. 2(1)(2) substituted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), [ss. 27\(2\)\(a\)](#), [33](#)

#### Modifications etc. (not altering text)

- C32** Sch. 2 para. 2 applied (18.11.2004) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 260\(5\)](#), [263](#)
- C33** Sch. 2 para. 2 amended (1.12.1998) by [1998 c. 38, s. 29\(3\)](#); [S.I. 1998/2789](#), [art. 2](#)
- C34** Sch. 2 para. 2(2) excluded (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), [ss. 20\(2\)](#), [33](#)
- C35** Sch. 2 para. 2(2) amended (3.5.2007) by [Government of Wales Act 2006 \(c. 32\)](#), [ss. 59\(4\)](#), [161](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.
- C36** Sch. 2 para. 2(2) modified (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 143\(2\)\(a\)](#), [182\(1\)\(c\)](#) (with [s. 180](#))
- C37** Sch. 2 para. 2(2) excluded (S.) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 28\(2\)\(b\)](#), [134\(3\)\(7\)](#); [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

- [<sup>F97</sup>2A (1) This paragraph applies where, pursuant to paragraph 2(2) above, a draft of a statutory instrument containing provision made in exercise of the power conferred by section 2(2) of this Act is laid before Parliament for approval by resolution of each House of Parliament and—
- (a) the instrument also contains provision made in exercise of a power conferred by any other enactment; and
- (b) apart from this paragraph, any of the conditions in sub-paragraph (2) below applies in relation to the instrument so far as containing that provision.
- (2) The conditions referred to in sub-paragraph (1)(b) above are that—

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- (a) the instrument, so far as containing the provision referred to in sub-paragraph (1)(a) above, is by virtue of any enactment subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) the instrument so far as containing that provision is by virtue of any enactment required to be laid before Parliament after being made and to be approved by resolution of each House of Parliament in order to come into or remain in force;
  - (c) in a case not falling within paragraph (a) or (b) above, the instrument so far as containing that provision is by virtue of any enactment required to be laid before Parliament after being made;
  - (d) the instrument or a draft of the instrument so far as containing that provision is not by virtue of any enactment required at any time to be laid before Parliament.
- (3) Where this paragraph applies in relation to the draft of a statutory instrument—
- (a) the instrument, so far as containing the provision referred to in sub-paragraph (1)(a) above, may not be made unless the draft is approved by a resolution of each House of Parliament;
  - (b) in a case where the condition in sub-paragraph (2)(a) above is satisfied, the instrument so far as containing that provision is not subject to annulment in pursuance of a resolution of either House of Parliament;
  - (c) in a case where the condition in sub-paragraph (2)(b) above is satisfied, the instrument is not required to be laid before Parliament after being made (and accordingly any requirement that the instrument be approved by each House of Parliament in order for it to come into or remain in force does not apply); and
  - (d) in a case where the condition in sub-paragraph (2)(c) above is satisfied, the instrument so far as containing that provision is not required to be laid before Parliament after being made.
- (4) In this paragraph, references to an enactment are to an enactment passed or made before or after the coming into force of this paragraph.

#### Textual Amendments

**F97** Sch. 2 paras. 2A-2C inserted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), **ss. 29, 33**

#### Modifications etc. (not altering text)

**C38** [Sch. 2 para. 2A](#) applied (with modifications) (25.5.2007) by [2006 c. 32](#), [Sch. 11 para. 35A\(1\)\(3\)](#) (as inserted by [The Government of Wales Act 2006 \(Transitional Provisions\) Order 2007 \(S.I. 2007/1270\)](#), {art. 2(2)})

- 2B (1) This paragraph applies where, pursuant to paragraph 2(2) above, a statutory instrument containing provision made in exercise of the power conferred by section 2(2) of this Act is laid before Parliament under section 5 of the Statutory Instruments Act 1946 (instruments subject to annulment) and—
- (a) the instrument also contains provision made in exercise of a power conferred by any other enactment; and
  - (b) apart from this paragraph, either of the conditions in sub-paragraph (2) below applies in relation to the instrument so far as containing that provision.
- (2) The conditions referred to in sub-paragraph (1)(b) above are that—

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- (a) the instrument so far as containing the provision referred to in sub-paragraph (1)(a) above is by virtue of any enactment required to be laid before Parliament after being made but—
    - (i) is not subject to annulment in pursuance of a resolution of either House of Parliament; and
    - (ii) is not by virtue of any enactment required to be approved by resolution of each House of Parliament in order to come into or remain in force;
  - (b) the instrument or a draft of the instrument so far as containing that provision is not by virtue of any enactment required at any time to be laid before Parliament.
- (3) Where this paragraph applies in relation to a statutory instrument, the instrument, so far as containing the provision referred to in sub-paragraph (1)(a) above, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this paragraph, references to an enactment are to an enactment passed or made before or after the coming into force of this paragraph.

#### Textual Amendments

**F97** Sch. 2 paras. 2A-2C inserted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), **ss. 29, 33**

#### Modifications etc. (not altering text)

**C39** [Sch. 2 para. 2B](#) applied (with modifications) (25.5.2007) by [2006 c. 32](#), [Sch. 11 para. 35A\(2\)\(3\)](#) (as inserted by [The Government of Wales Act 2006 \(Transitional Provisions\) Order 2007 \(S.I. 2007/1270\)](#), {art. 2(2)})

- 2C Paragraphs 2A and 2B above apply to a Scottish statutory instrument containing provision made in the exercise of the power conferred by section 2(2) of this Act (and a draft of any such instrument) as they apply to any other statutory instrument containing such provision (or, as the case may be, any draft of such an instrument), but subject to the following modifications—
- (a) references to Parliament and to each or either House of Parliament are to be read as references to the Scottish Parliament;
  - (b) references to an enactment include an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and
  - (c) the reference in paragraph 2B(1) to section 5 of the Statutory Instruments Act 1946 is to be read as a reference to article 11 of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (S.I. 1999/1096).]

#### Textual Amendments

**F97** Sch. 2 paras. 2A-2C inserted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), **ss. 29, 33**

- 3 Nothing in paragraph 2 above shall apply to any Order in Council made by the Governor of Northern Ireland or to any regulation made by a Minister or department of the Government of Northern Ireland; but where a provision contained in any section of this Act confers power to make such an Order in Council or [<sup>F98</sup>order, rules, regulations or scheme] , then any Order in Council or [<sup>F98</sup>order, rules,

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regulations or scheme] made in the exercise of that power, if made without a draft having been approved by resolution of each House of the Parliament of Northern Ireland, shall be subject to negative resolution within the meaning of section 41(6) of the <sup>M17</sup> Interpretation Act (Northern Ireland) 1954 as if the Order or [<sup>F98</sup> order, rules, regulations or scheme] were a statutory instrument within the meaning of that Act.

#### Textual Amendments

**F98** Words in Sch. 2 para. 3 substituted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), ss. [27\(2\)\(b\)](#), [33](#)

#### Modifications etc. (not altering text)

**C40** Sch. 2 para. 3 applied (18.11.2004) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. [260\(5\)](#), [263](#)

**C41** Sch. 2 para. 3 modified (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. [143\(3\)](#), [182\(1\)\(c\)](#) (with s. [180](#))

#### Marginal Citations

**M17** [1954 c. 33 \(N.I.\)](#).

[<sup>F99</sup>4 (1) The power to make orders under section 5(1) or (2) of this Act shall be exercisable in accordance with the following provisions of this paragraph.

- (2) The power to make such orders shall be exercisable by statutory instrument and includes power to amend or revoke any such order made in the exercise of that power.
- (3) Any statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of the House of Commons except in a case falling within sub-paragraph (4) below.
- (4) Subject to sub-paragraph (6) below, where an order imposes or increases any customs duty, or restricts any relief from customs duty under the said section 5, the statutory instrument containing the order shall be laid before the House of Commons after being made and, unless the order is approved by that House before the end of the period of 28 days beginning with the day on which it was made, it shall cease to have effect at the end of that period, but without prejudice to anything previously done under the order or to the making of a new order.

In reckoning the said period of 28 days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the House of Commons is adjourned for more than 4 days.

- (5) Where an order has the effect of altering the rate of duty on any goods in such a way that the new rate is not directly comparable with the old, it shall not be treated for the purposes of sub-paragraph (4) above as increasing the duty on those goods if it declares the opinion of the Treasury to be that, in the circumstances existing at the date of the order, the alteration is not calculated to raise the general level of duty on the goods.
- (6) Sub-paragraph (4) above does not apply in the case of an instrument containing an order which states that it does not impose or increase any customs duty or restrict any relief from customs duty otherwise than in pursuance of a [<sup>F100</sup>EU obligation] .]

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#### Subordinate Legislation Made

- P3** Sch. 2 para. 4: s. 5(1) (with s. 5(3) and Sch. 2 para. 4) power exercised 15.11.1991) by [S.I.1991/2583](#)  
Sch. 2 para. 4: for exercises of this power before 01.02.1991 see Index to Government Orders

#### Textual Amendments

- F99** Sch. 2 paras. 4, 5 added by [Customs and Excise Duties \(General Reliefs\) Act 1979 \(c. 3, SIF 40:1\)](#), s. 19(1), [Sch. 2 para. 5](#)
- F100** Words in Sch. 2 para. 4 substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)

- 5 As soon as may be after the end of each financial year the Secretary of State shall lay before each House of Parliament a report on the exercise during that year of the powers conferred by section 5(1) and (2) of this Act with respect to the imposition of customs duties and the allowance of exemptions and reliefs from duties so imposed (including the power to amend or revoke orders imposing customs duties or providing for any exemption or relief from duties so imposed).

## SCHEDULE 3

Section 4.

### REPEALS

#### Modifications etc. (not altering text)

- C42** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## PART I

### CUSTOMS TARIFF

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 6.	The Import Duties Act 1958.	The whole Act, except— Section 4; Part II, including Schedules 3 to 5; in section 12(4) the words “fish, whales or other natural produce of the sea, or goods produced or manufactured therefrom at sea, if brought direct to the United Kingdom, are”, and paragraphs (a) and (b); and sections 13, 15 and 16(1) and (2).

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		In Part II, section 5(2), (3), (5) and (6), section 7(1)(c) with the preceding “and”, section 9(4) and section 9(5) from “and” onwards.
		In Schedule 4, paragraph 1.
8 & 9 Eliz. 2. c. 19.	The European Free Trade Association Act 1960.	The whole Act.
1965 c. 65.	The Finance Act 1965.	Section 2, except subsection (5).
1966 c. 18.	The Finance Act 1966	In section 1, in subsection (1) the words between “1958” and “chargeable”, and subsection (6).
		Section 9.
⋮ F101	⋮ F101	⋮ F101
1971 c. 68.	The Finance Act 1971.	Section 1(1) to (3).

#### Textual Amendments

**F101** Entry repealed by [Finance Act 1978 \(c. 42, SIF 40:1\)](#), ss. 6(9), 80(5), [Sch. 13 Pt. I](#)

The repeals in this Part of this Schedule shall take effect from such date as the Secretary of State may by order appoint.

## PART II

### SUGAR

Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 48.	The Sugar Act 1956.	In section 3, subsection (1) from “including” onwards and subsection (2)(b). Section 4(2) and (3). Section 5, except as regards advances made before this repeal takes effect. Sections 7 to 17. Sections 18(3) and (4). Sections 19 and 20. Sections 21 and 22, except as regards advances made and



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		guarantees given before this repeal takes effect.
		Section 23, but without prejudice to the modification made by subsection (2) in the articles of association of the British Sugar Corporation.
		Sections 24 to 32.
		In section 33, in subsection (1) the words “regulations or”, in subsection (2) the words from the beginning to “subsection”, subsection (3) and subsection (5).
		In section 34, the words “or the Commissioners”.
		In section 35, in subsection (2) all the definitions except those of “the Corporation”, “financial year of the Sugar Board”, “functions”, “the Government”, “the home-grown beet” and “pension”, in subsection (3) the words “or of the Corporation” and subsections (4) to (7).
		Section 36(2).
		In Schedule 3, paragraphs 2, 3 and 4.
		Schedule 4.
5 & 6 Eliz. 2. c. 57.	The Agriculture Act 1957.	Section 4.
10 & 11 Eliz. 2. c. 23.	The South Africa Act 1962.	In section 36(2) the words “and to sugar beet”.
10 & 11 Eliz. 2. c. 44.	The Finance Act 1962.	In section 3(6) the words from “the Sugar Act 1956” onwards.
		Part II of Schedule 5.
1963 c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	Section 25.
1964 c. 49.	The Finance Act 1964.	Section 22.
1966 c. 18.	The Finance Act 1966.	Section 52.

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1968 c. 13.	The National Loans Act 1968.	In Schedule 1, the entry for the Sugar Act 1956, except as regards advances made before this repeal takes effect.
1968 c. 44.	The Finance Act 1968.	Section 58.

The repeals in this Part of this Schedule shall take effect from such date as the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may by order appoint.

### PART III

#### SEEDS

Chapter	Short Title	Extent of Repeal
1964 c. 14.	The Plant Varieties and Seeds Act 1964.	Section 5(3).  Sections 20 to 23A.  Section 25(8)(b) and the word “and” preceding it.  Section 32.  In section 34(2) the words from “or in the index” to “into force”, and the words “or fact”.  Schedule 5.
1968 c. 29.	The Trade Description Act 1968.	Section 2(4)(a).
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	Schedule 7, except amendments of section 1 or Schedule 1 or 2 to the Plant Varieties and Seeds Act 1964.

The repeals in this Part of this Schedule shall take effect from such date as the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may by order appoint.

### PART IV

#### MISCELLANEOUS

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 59.	The Coal Industry Nationalisation Act 1946.	In section 4, in its application to the Industrial Coal Consumers’ Council, subsections (1) to (8); and

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		in its application to the Domestic Coal Consumers' Council, in subsection (2) the words "to represent the Board and", in subsection (3) (as applied by subsection (4)) the words from "and where" in paragraph (a) onwards and subsection (5).
		Section 4(9), (10) and (11).
10 & 11 Geo. 6. c. 48.	The Agriculture Act 1947.	Section 2(2).
15 & 16 Geo. 6. and Eliz. 2. c. 44.	The Customs and Excise Act 1952.	Schedule 6, except for cases in which the value of goods falls to be determined as at a time before the entry date.
1 & 2 Eliz. 2. c. 15.	The Iron and Steel Act 1953.	Section 29.
5 & 6 Eliz. 2 c. 57.	The Agriculture Act 1957.	Section 2(6)(b), with the preceding "or". Section 3. Section 8(1), and in section 8(2) the words "and subsection (1) of section 3". In section 11 the words "and 'special review'" and the words "or special review".
10 & 11 Eliz. 2. c. 22.	The Coal Consumers' Councils (Northern Irish Interests) Act 1962.	Section 1(1) and (2), in so far as they apply to the Industrial Coal Consumers' Council.
1963 c. 11.	The Agriculture (Miscellaneous Provisions) act 1963.	Section 9(8).
1967 c. 17.	The Iron and Steel Act 1967.	Sections 8, 15 and 30. Section 48(2)(b). In Schedule 3, the entries relating to section 6 of the Iron and Steel Act 1949. In Schedule 4, section 6 of the Iron and Steel Act 1949 as there set out.
1967 c. 22.	The Agriculture Act 1967.	Section 61(7). Section 64(6). Section 65(5).
1968 c. 48.	The International Organisations Act 1968.	Section 3.

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1970 c. 24.	The Finance Act 1970.	In section 4, the words “other than the Commission of the European Communities”.
1970 c. 40.	The Agriculture Act 1970.	In Schedule 2, paragraph 5(1) from “Where, by virtue” onwards, and paragraph 5(2) (b) and (c), except for cases in which the value of goods falls to be determined as at a time before the entry date. Section 106(5).

## SCHEDULE 4

Section 4.

## ENACTMENTS AMENDED

**Modifications etc. (not altering text)**

**C43** Sch. 4 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), **Sch. 2 para. 3**

1 ..... **F102**

**Textual Amendments**

**F102** Sch. 4 para. 1 repealed by Customs and Excise Duties (General Reliefs) Act 1979 (c. 3, SIF 40:1), s. 19(2), **Sch. 3 Pt. I**

2 ..... **F103**

**Textual Amendments**

**F103** Sch. 4 para. 2 repealed by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177, **Sch. 6 Pt. I, Sch. 7**

*[<sup>F104</sup> B: Food*

**Textual Amendments**

**F104** Sch. 4 para. 3 repealed (E.W.N.I.) by Food Act 1984 (c. 30, SIF 53:1), **Sch. 11**

- 3 (1) In the <sup>M18</sup>Food and Drugs Act 1955 (“the Act of 1955”), and in the <sup>M19</sup>Food and Drugs (Scotland) Act 1956 (“the Act of 1956”), there shall be inserted in section 4(1) (regulations as to composition of food etc.) after the words “protection of the public” the words “ or to be called for by any Community obligation ”.
- (2) (a) After section 123 of the Act of 1955 there shall be inserted as section 123A the following section:—

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“(1) The Ministers may, as respects any directly applicable Community provision relating to food for which, in their opinion, it is appropriate to make provision under this Act, by regulations make such provision as they consider necessary or expedient for the purpose of securing that the Community provision is administered, executed and enforced under this Act, and may apply such of the provisions of this Act as may be specified in the regulations in relation to the Community provision with such modifications, if any, as may be so specified.

(2) For the purpose of complying with any Community obligation, or for conformity with any provision made for that purpose, the Ministers may by regulations make provision as to—

- (a) the manner of sampling any food specified in the regulations, and the manner in which samples are to be dealt with; and
- (b) the method to be used in analysing, testing or examining samples of any food so specified;

and regulations made by the Ministers for that purpose, or for conformity with any provision so made, may modify or exclude any provision of this Act relating to the procuring or analysis of, or dealing with, samples or to evidence of the results of an analysis or test;”;

and in section 124(2) of the Act of 1955 (statutory instruments subject to annulment), in paragraph (a) after the words “eighty-nine” there shall be inserted the words “ or section 123A ”.

(b) After section 56 of the Act of 1956 there shall be inserted as section 56A the same section as is set out in paragraph (a) above but with the substitution for the words “the Ministers”, “their opinion” and “they consider” of the words “ the Secretary of State ”, “ his opinion ” and “ he considers ” respectively.

(c) ..... F105

(3) As from the end of the year 1975, or any earlier date which, for any provision, the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may by order made by statutory instrument appoint, there shall be omitted the following provisions of the Act of 1955 or the Act of 1956, that is to say,—

- (a) section 32(2) of the Act of 1955 and section 17(1)(b) of the Act of 1956, and the words “any separated milk, or” in section 32(4) of the Act of 1955 and in section 17(2) of the Act of 1956;
- (b) section 33 of the Act of 1955, together with the words from “(being” to “Act)” in section 29(1)(l) of that Act, and in section 16 of the Act of 1956 subsection (1), together with the words from “(being” to “subsection)” in subsection (2).]

**Textual Amendments**

F105 Sch. 4 para. 3(2)(c) repealed by Food Safety Act 1990 (c. 16, SIF 53), ss. 54, 59(4), Sch. 5

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#### **Modifications etc. (not altering text)**

**C44** The text of Sch. 4 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

**M18** 1955 c. 16 (4 & 5 Eliz. 2).

**M19** 1956 c. 30

### *C: Grading etc. of Horticultural Produce*

- 4 (1) Part III of the <sup>M20</sup> Agriculture and Horticulture Act 1964 (grading and transport of fresh horticultural produce) shall be amended as follows:—
- (a) in section 11 (power to prescribe grades) 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 Ministers 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 modifications specified in the regulations, of all or any of the following provisions of this Part of this Act as if the produce were regulated produce and as if the standards of quality established by those rules were prescribed grades.”;
- (b) at the end of section 22(3) (which provides against the grading etc. of produce by agricultural marketing boards otherwise than in conformity with regulations under section 11(1) or 21 or, in Northern Ireland, any corresponding provisions for the time being in force there) there shall be added—
- “This subsection shall apply in relation to Community grading rules as it applies in relation to regulations under section 11(1) or 21 of this Act, as regards Northern Ireland, under any corresponding provisions.”;
- (c) in section 24 (interpretation of Part III) 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.
- (2) In section 2(4) of the <sup>M21</sup> 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 Agriculture and Horticulture Act 1964” there shall be inserted the words “ or any Community grading rules within the meaning of Part III of that Act ”.

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**Modifications etc. (not altering text)**

**C45** The text of Sch. 4 paras. 4–5(5), 6, 8 and 9(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M20** 1964 c. 28.

**M21** 1968 c. 29.

*D: Seeds and other Propagating Material*

- 5 (1) In the <sup>M22</sup> Plant Varieties and Seeds Act 1964 there shall be made the amendments provided for by sub-paragraphs (2) to (5) below.
- (2) In section 16(1)(c) (preventing spread of plant disease by the sale of seeds) for the words “the sale” there shall be substituted the word “ means ”, and after section 16(1) there shall be inserted as subsection (1A):—
- “(1A) Seeds regulations may further make provision 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 Tribunal;
  - (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 Part of this Act or of Part IV 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 16, for the words from “which concerns” in subsection (7)(b) to the end of subsection (8) there shall be substituted the words “ he shall be liable on summary conviction to a fine not exceeding £400 ”; and
  - (b) in section 18(2) for the words from “for an offence” in paragraph (b) to the end of paragraph (c) there shall be substituted the words “ to a fine not exceeding one hundred pounds ”.
- (3) At the end of section there shall be added a subsection (8)—
- “(8) The Ministers acting jointly may make seeds regulations for the whole of Great Britain”.
- (4) In section 29 (which extends Part II to seed potatoes) after the words “seed potatoes”, in both places, there shall be inserted the words “ to any other vegetative propagating material and to silvicultural planning material ”, and at the end of that section there shall be added as subsections (2) and (3)—

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“(2) The Forestry Commissioners may establish and maintain an official seed testing station for silvicultural propagating and planting material, and seeds regulations may confer on those Commissioners any functions the regulations may confer on a Minister, and the Commissioners may charge or authorise the charging of fees for services given at any such station or in connection with any such functions; and accordingly—

- (a) references in this Part of this Act to an authorised officer shall include an officer of those Commissioners; and
- (b) in section 25 above the references in subsections (3), (4) and (6) to a person duly authorised by the Minister shall include a person duly authorised by the Commissioners.

Any expenses incurred or fees received by the Commissioners by virtue of this subsection shall be paid out of or into the Forestry Fund.

(3) In relation to matters concerning silvicultural propagating or planting material or concerning the Forestry Commissioners, “the Minister” shall in this Part of this Act mean, in relation to Wales and Monmouthshire, the Secretary of State, and the reference in section 16(8) to the Ministers shall be construed accordingly.”

Accordingly in section 30(1) in the definition of “official testing station” there shall be omitted the words “by the Minister or Ministers”, and in section 38(1) in the definition of “the Minister” after the words “means” there shall be inserted the words “(subject to section 29(3))”.

F106 (5) .....

(6) ..... F107

#### Textual Amendments

**F106** Sch. 4 para. 5(5) repealed (8.5.1998) by 1997 c. 66, s. 52, **Sch. 4**; S.I. 1998/1028, **art. 2**

**F107** Sch. 4 para. 5(6) repealed by House of Commons Disqualification Act 1975 (c. 24), **Sch. 3** and Northern Ireland Assembly Disqualification Act 1975 (c. 25), **Sch. 3 Pt. I**

#### Modifications etc. (not altering text)

**C46** The text of Sch. 4 paras. 4–5(5), 6, 8 and 9(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M22** 1964 c. 14.

#### *E: Fertilisers and Feeding Stuffs*

6 After section 74 of the Agriculture Act 1970 there shall be inserted as a new section 74A—

“~~74A~~(1) Regulations under this Part of this Act, with a view to controlling in the public interest the composition or content of fertilisers and of material intended for the feeding of animals, may make provision—



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- (a) prohibiting or restricting, by reference to its composition or content, the importation into and exportation from the United Kingdom, the sale or possession with a view to sale, or the use, of any prescribed material;
  - (b) regulating the marking, labelling and packaging of prescribed material and the marks to be applied to any container or vehicle in which any prescribed material is enclosed or conveyed.
- (2) Regulations made under subsection (1) above with respect to any material may include provision excluding or modifying the operation in relation to that material of any other provision of this Part of this Act; but, subject to any provision so made, references in this Part of this Act to feeding stuffs shall apply to all material which is intended for the feeding of animals and with respect to which regulations are for the time being in force under that subsection.
- (3) Any person who contravenes any prohibition or restriction imposed by regulations under subsection (1) above, or fails to comply with any other provision of the regulations, shall be liable on summary conviction to a fine not exceeding £400 or, on a second or subsequent conviction, to a fine not exceeding £400 or to imprisonment for a term not exceeding three months, or to both.
- (4) With a view to implementing or supplementing any Community instrument relating to fertilisers or to material intended for the feeding of animals, regulations may provide for the application, in relation to any material specified in the regulations, of all or any of the provisions of this Part of this Act, subject to any modifications which may be so specified.”

**Modifications etc. (not altering text)**

**C47** The text of Sch. 4 paras. 4–5(5), 6, 8 and 9(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

7

F108

**Textual Amendments**

**F108** Sch. 4 para. 7 repealed (E.W.S.) by *Animal Health Act 1981* (c. 22, SIF 4:4), s. 97(2), **Sch. 6**

*G: Plant Health*

- 8
- (1) In the Plant Health Act 1967 there shall be made, with effect from the entry date, the amendments provided for by the following sub-paragraphs.
  - (2) In section 1(1) (by which the Act has effect for the control in Great Britain of plant pests and diseases) the words “in Great Britain” 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 ”;

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- (b) at the end of section 3(1), after the words “preventing the spread of pests in Great Britain”, there shall be added the words “ or the conveyance of pests by articles exported from Great Britain ”;
  - (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”.
- (3) 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 thereof” 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 also be inserted after the word “land” in section 4(1)(b) (which also relates to entry).
- (4) At the end of section 6(1) there shall be added the words “ or, in the case of an order prohibiting or regulating the landing in or exportation from Great Britain of any articles, shall be subject to annulment in pursuance of a resolution of either House of Parliament ”.

**Modifications etc. (not altering text)**

**C48** The text of Sch. 4 paras. 4–5(5), 6, 8 and 9(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 9 (1) ..... **F109**
- (2) In Part VI of the Transport Act 1968, in section 103(1), after the definition of “employer” there shall be inserted the words “ “the international rules” means any directly applicable Community provision relating to the driving of road vehicles on international journeys ”; and—
- (a) after section 96(11) there shall be inserted as subsection (11A)—
    - “(11A) Where, in the case of a driver or member of the crew of a motor vehicle, there is in Great Britain a contravention of any requirement of the international rules as to periods of driving, or distance driven, or periods on or off duty, then the offender and any other person (being the offender’s employer or a person to whose orders the offender was subject) who caused or permitted the contravention shall be liable on summary conviction to a fine not exceeding £200”;
- and in section 98(4) (failure to comply with regulations as to keeping of records etc.) after the words “regulations made under this section” there shall be inserted the words “ or any requirement as to books or records of the international rules ”, in section 98(5) after the words “of regulations under this section” there shall be inserted the words “ or of the international rules ”, and in section 99(5) (falsification of records) after the words “regulations under section 98 thereof” there shall be inserted the words “ or the international rules ”;
- (b) in section 99(1) (power of enforcement officer to inspect records and other documents) there shall be inserted after paragraph (c)—

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“(d) any corresponding book, register or document required by the international rules or which the officer may reasonably require to inspect for the purpose of ascertaining whether the requirements of the international rules have been complied with”;

and in section 99(3) after the words “subsection (1)(a)” there shall be inserted “ or (d) ”;

(c) in section 98(2) (power to make provision supplementary and incidental to the provision made under section 98(1) as to the keeping of books and records) there shall be inserted after the words “supplementary and incidental provisions” the words “ including provisions supplementary and incidental to the requirements of the international rules as to books and records ”, and after the words “for the purpose or the regulations” in paragraph (a) the words “ or of the international rules ”.

(3) ..... F110

(4) [F111 In the following provisions as amended by the M23 Transport Act 1968 (which, as so amended, allow records kept under Part VI of that Act to be inspected), that is to say, in section 11(1)(a) of the M24 Road Haulage Wages Act 1938] . . . F112, [F111 after the words “Part VI of the Transport Act 1968” there shall be inserted the words “ or of the international rules within the meaning of the said Part VI ”; and] in Schedule 2 to the M25 Road Traffic (Foreign Vehicles) Act 1972, in the entry relating to sections 96 to 98 of the Transport Act 1968 and regulations and orders thereunder, there shall be added at the end of the words in the first column the words “ and the international rules within the meaning of Part VI of that Act ”.

#### Textual Amendments

**F109** Sch. 4 para. 9(1) repealed with savings by Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3), Sch. 2, **Sch. 3 Pt. I**

**F110** Sch. 4 para. 9(3) repealed by Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3, SIF 107:1), **Sch. 3 Pt. II**

**F111** Words repealed (E.W.S.) by Employment Act 1980 (c. 42, SIF 43:5), **Sch. 2**

**F112** Words repealed by Wages Council Act 1979 (c. 12, SIF 43:1), **Sch. 7**

#### Modifications etc. (not altering text)

**C49** The text of Sch. 4 paras. 4–5(5), 6, 8 and 9(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**C50** The text of Sch. 4 para. 9(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M23** 1968 c. 73.

**M24** 1938 c. 44.

**M25** 1972 c. 27.

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**Textual Amendments**

**F113** Sch. 4 para. 10 repealed by Transport Act 1980 (c. 34, SIF 107:1), Sch. 9 Pt. I

**Status:**

Point in time view as at 19/07/2011.

**Changes to legislation:**

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