

1988 No. 545 (S.61)

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Payments for Optical Appliances) (Scotland) Amendment (No. 2) Regulations 1988**

<i>Made</i>	- - - -	<i>18th March 1988</i>
<i>Laid before Parliament</i>		<i>21st March 1988</i>
<i>Coming into force</i>		<i>11th April 1988</i>

The Secretary of State, in exercise of the powers conferred on him by sections 26 and 108(1) of, and paragraph 2A of Schedule 11 to, the National Health Service (Scotland) Act 1978(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Payments for Optical Appliances) (Scotland) Amendment (No. 2) Regulations 1988 and shall come into force on 11th April 1988.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Payments for Optical Appliances) (Scotland) Regulations 1986(b).

**Amendments to the principal Regulations**

2. In regulation 1(2) of the principal Regulations (interpretation)—

(a) after the definition of “the Act” there shall be inserted the following definition:—  
““capital limit” means the amount prescribed for the purposes of section 22(6) of the Social Security Act 1986(c) as it applies to income support;”;

(b) the definition of “contribution assessment” shall be revoked;

(c) after the definition of “face value” there shall be inserted the following definitions:—  
““family credit” means family credit under Part II of the Social Security Act 1986;

“income support” means income support under Part II of the Social Security Act 1986 and includes personal expenses addition, special transitional addition and transitional addition as defined in regulation 2(1) of the Income Support (Transitional) Regulations 1987(d);”;

(d) after the definition of “minimum complex appliance payment” there shall be inserted the following definition:—

““notice of entitlement” means a notice issued under regulation 7 of the Remission Regulations for the purposes of remission of charges under the Act;”;

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(a) 1978 c.29; section 26 was amended by the Health and Social Security Act 1984 (c.48) (“the 1984 Act”), section 1(5) and Schedule 1, Part II, paragraphs 1 to 4; Schedule 11, paragraph 2A was inserted by the 1984 Act, Schedule 1, Part II, paragraph 7; see section 108(1) for definitions of “prescribed” and “regulations”.

(b) S.I. 1986/966, amended by S.I. 1986/1192 and 1988/463.

(c) 1986 c.50; regulation 45 of the Income Support (General) Regulations 1987 (S.I. 1987/1967) has prescribed the amount of £6,000 as the capital limit.

(d) S.I. 1987/1969.

- (e) for the definition of "patient's contribution" there shall be substituted the following:-  
 "“patient's contribution” means the amount specified under regulation 7(5) of the Remission Regulations as that for which there is no entitlement under those Regulations to remission of charges;”;
- (f) after the definition of "redemption value" there shall be inserted the following definition:-  
 "“the Remission Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(a);”.

3. In regulation 3 of the principal Regulations (eligibility for payment of costs of optical appliances)-

- (a) in paragraph (2), sub-paragraphs (d) and (e) shall be revoked, and after sub-paragraph (f) there shall be added the following:-  
 "(g) a person whose income resources, as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations for the purposes of remission of charges under the Act, are equal to or exceed his requirements as so calculated but whose patient's contribution is nil or is less than the face value of a voucher issued to him under these Regulations and whose capital resources as so calculated do not exceed the capital limit.”;
- (b) for paragraph (3) there shall be substituted the following:-  
 "(3) A person's resources shall be treated as being less than his requirements if-  
 (a) he is in receipt of income support;  
 (b) he is a member of the same family as a person who is in receipt of income support;  
 (c) he is in receipt of family credit;  
 (d) he is a member of the same family as a person who is in receipt of family credit; or  
 (e) his income resources, as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations for the purposes of remission of charges under the Act, are less than his requirements as so calculated and his capital resources as so calculated do not exceed the capital limit.  
 (3A) In paragraph (3)(b) and (3)(d) the word "family" has the meaning assigned to it by section 20(11) of the Social Security Act 1986 as it applies to income support and to family credit respectively(b).”.

4. In regulation 6 of the principal Regulations (use of voucher)-

- (a) in paragraph (4)-  
 (i) for the words "regulation 3(3)(c)" there shall be substituted the words "regulation 3(2)(g), or by virtue of his resources being treated in accordance with regulation 3(3)(e) as being less than his requirements,";
- (ii) for the words "contribution assessment" there shall be substituted the words "notice of entitlement";
- (b) for paragraph (5) there shall be substituted the following:-  
 "(5) A patient who is an eligible person only by virtue of regulation 3(2)(g), or only by virtue of his resources being treated in accordance with regulation 3(3)(e) as being less than his requirements, shall, on the same occasion as he presents the supplier with a voucher in accordance with paragraph (1), show a current notice of entitlement to the supplier and permit him to copy such details as may be required for the purposes of regulation 7(2)(c)(iii).”.

5. In regulation 7 of the principal Regulations (payments to suppliers)-

- (a) in paragraph (1) for the words "The responsible Board" there shall be substituted the words "Except where it was the supplier, the responsible Board";
- (b) in paragraph (2)(c)-

(a) S.I. 1988/546.

(b) See S.I. 1987/1967, regulations 14 to 16 and S.I. 1987/1973, regulations 6 to 9.

- (i) in head (ii) after the words "responsible Board" there shall be inserted the words "within the period of three months beginning with the date of supply of the optical appliance";
- (ii) for head (iii) there shall be substituted the following:-
  - "(iii) where the patient has shown a notice of entitlement to him, informed the responsible Board of the amount of the patient's contribution, if any."

6. In regulation 8 of the principal Regulations (payments to patients where vouchers issued in connection with hospital eye service)-

- (a) in paragraph (1)(a) for the words "regulation 3(3)(c)" there shall be substituted the words "regulation 3(2)(g), or by virtue of his resources being treated in accordance with regulation 3(3)(e) as being less than his requirements";
- (b) in paragraphs (1)(b) and (2)(a) for the words "contribution assessment" there shall be substituted in each case the words "notice of entitlement";
- (c) in paragraph (2)(c)-
  - (i) for the words "six months" there shall be substituted the words "one month";
  - (ii) for head (ii) there shall be substituted the following:-
    - "(ii) a statement of the amount of his patient's contribution, if any, and"

7. In regulation 9 of the principal Regulations (redemption value of voucher), in paragraph (2) for the words "regulation 3(3)(c)" there shall be substituted the words "regulation 3(2)(g)".

#### **Savings and transitional provisions**

8.—(1) Nothing in these Regulations shall prevent the use of a voucher duly issued to a person before 11th April 1988 in accordance with the principal Regulations.

(2) A contribution assessment issued before 11th April 1988, pursuant to regulation 6(4) and (5) of the principal Regulations, to a person to whom a voucher was issued before that date may be used in accordance with the provisions of the principal Regulations as in force immediately before that date.

(3) A person who, immediately before 11th April 1988, was an eligible person for the purposes of the principal Regulations by virtue of the issue to him of an exemption certificate pursuant to regulation 7(1)(i) of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1980(a) shall continue to be an eligible person for those purposes for so long as that certificate remains in force.

(4) Regulation 5(b)(i) of these Regulations shall not affect a claim for payment under regulation 7 of the principal Regulations insofar as it relates to the supply of an optical appliance before 11th April 1988.

(5) Notwithstanding regulation 6(c)(i) of these Regulations, an application under regulation 8(2)(c) of the principal Regulations for a payment in respect of an optical appliance supplied before 11th April 1988 may be made within six months of the date of its supply.

#### **Revocation**

9. Schedule 2 to the principal Regulations is hereby revoked.

New St. Andrew's House, Edinburgh  
18th March 1988

*Michael B. Forsyth*  
Parliamentary Under Secretary of State,  
Scottish Office

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(a) S.I. 1980/1674, to which there are amendments not relevant to these Regulations.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (Payments for Optical Appliances) (Scotland) Regulations 1986 which provide for payments to be made, by means of a voucher system, in respect of the cost incurred by certain categories of persons for the supply of optical appliances following a testing of sight under the National Health Service in Scotland.

These Regulations substitute some categories of persons eligible for vouchers. Eligibility for those entitled to supplementary benefit, family income supplement, welfare food or exemption from prescription charges, and for those entitled under a special means test is replaced by eligibility for those entitled to income support or to family credit (which replace supplementary benefit and family income supplement respectively) or to full or partial remission of certain National Health Service charges.

These Regulations make other associated minor changes and contain savings and transitional provisions. They also impose a requirement on a supplier who has accepted a voucher in connection with the supply of an optical appliance to submit his claim for reimbursement within three months of the supply (regulation 5(b)(i)), and alter (from six months to one month after the supply of the optical appliance) the period within which patients whose sight has been tested under Hospital Eye Service arrangements may, in certain circumstances, apply for refunds in respect of unused vouchers (regulation 6(c)(i)).

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*Order made by the Secretary of State for the Environment, laid before Parliament under sections 134 and 139 of the Local Government, Planning and Land Act 1980, for approval by resolution of each House of Parliament.*

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STATUTORY INSTRUMENTS

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1988 No.

**URBAN DEVELOPMENT**

**The Liverpool and Wirral Urban Development Area  
Order 1988**

<i>Made - - - -</i>	<i>12th July 1988</i>
<i>Laid before Parliament</i>	<i>12th July 1988</i>
<i>Coming into force</i>	<i>1988</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 134 and 139(1) of the Local Government, Planning and Land Act 1980(a) and of all other powers enabling him in that behalf, being satisfied, for the purposes of section 139(1), that there are exceptional circumstances which render it expedient that the functions of an urban development corporation for the area designated by this order should be performed by an urban development corporation established for the purposes of another area, after consultation with that corporation pursuant to section 139(4) of the Act, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Liverpool and Wirral Urban Development Area Order 1988 and shall come into force on the day after the day on which it is approved by resolution of each House of Parliament.

**Interpretation**

2. In this Order, "the map" means the map entitled "Map referred to in the Liverpool and Wirral Urban Development Area Order 1988", of which prints signed by an Under Secretary in the Department of the Environment, are deposited and available for inspection at the offices of the Secretary of State for the Environment and the offices of the councils of the city of Liverpool and the borough of Wirral.

**Designation of urban development area**

3. The area comprising the three areas shown on the map bounded externally by a black line edged internally with a stippled band is hereby designated as an urban development area.

**Exercise of functions**

4. The functions of an urban development corporation for the area designated by article 3 shall be performed by the Merseyside Development Corporation(b).

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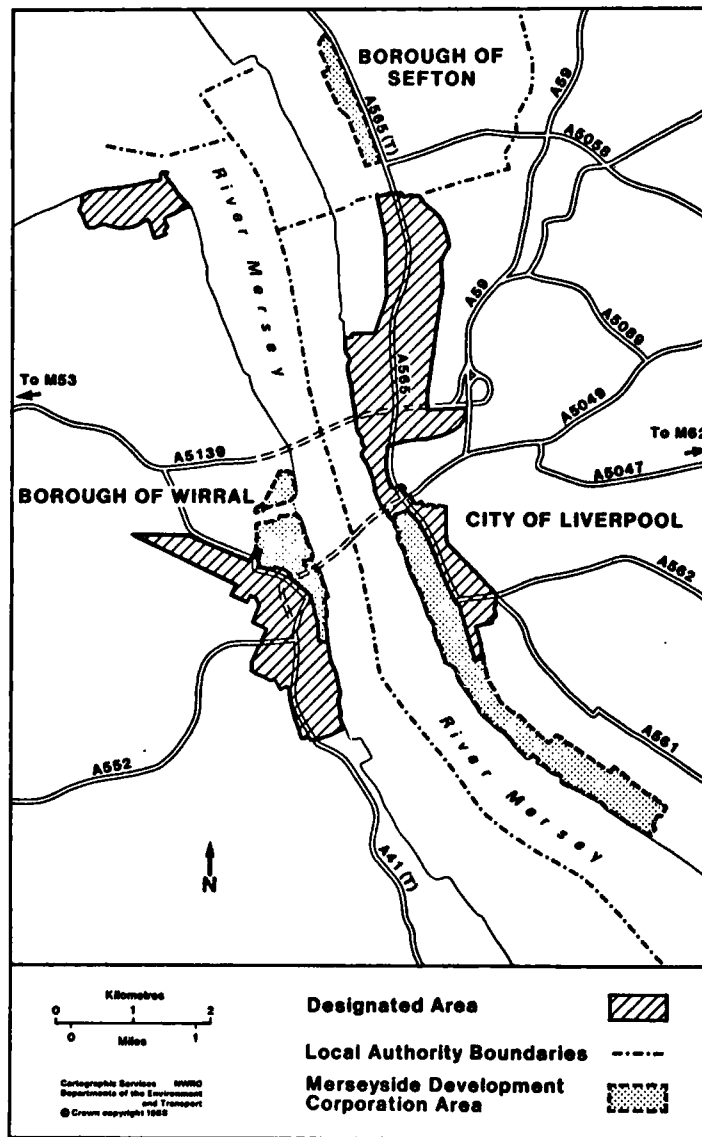
(a) 1980 c.65; section 134 was amended by the Housing and Planning Act 1986 (c.63), sections 47, 49(2) and Part III of Schedule 12.

(b) established by the Merseyside Development Corporation (Area and Constitution) Order 1980 (S.I. 1981/481).

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order designates three areas totalling about 610 hectares in the city of Liverpool and the borough of Wirral and in the vicinity of the Merseyside urban development area, as an urban development area. It provides for the functions of an urban development corporation to be performed in the designated area by the Merseyside Development Corporation. The three areas are shown hatched black on the map forming part of this note.



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DRAFT STATUTORY INSTRUMENTS

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**1988 No.**

**AGRICULTURE**

**The Set-Aside Regulations 1988**

*Made* - - - - - 1988

*Coming into force in accordance with regulation 1(1)*

**ARRANGEMENT OF REGULATIONS**

*Regulation*

1. Citation, commencement and extent
2. Interpretation
3. Aid for set aside of arable land
4. Requirements in relation to the set-aside area
5. Applications for aid
6. Restrictions on acceptance of applications for aid
7. Requirements in relation to use for fallow
8. Requirements in relation to use for woodland
9. Requirements in relation to use for non-agricultural purposes
10. Termination of undertakings
11. Change of use of set-aside land
12. Change of occupation
13. Amounts and payment of aid
14. Claims for aid
15. Obligation to permit entry and inspection
16. Withholding and recovery of aid
17. False statements

*Schedule*

1. Arable crops
2. Requirements relating to the management of set-aside land

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred on them by the said section 2(2) and all other powers enabling them in that behalf, hereby make the following Regulations, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

#### **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Set-Aside Regulations 1988 and shall come into force on the day after the day on which these Regulations are made.

(2) These Regulations shall apply to Great Britain.

#### **Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping and freshwater fish farming, the use of land as grazing land, meadow land, osier land, reed beds, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;

“application” means an application for aid under regulation 5 and “applicant” and “apply” shall be construed accordingly;

“the appropriate Minister” means—

(a) in relation to England, the Minister of Agriculture, Fisheries and Food;

(b) in relation to Scotland or Wales, the Secretary of State;

“arable crops” means crops of a type listed in Schedule 1;

“arable land” means land used for the production of arable crops;

“beneficiary” means—

(a) a person whose application has been accepted; or

(b) a person who occupies a holding or part of a holding following a change of occupation of that holding or part and who has given an undertaking to comply with set-aside obligations relating to that holding or part assumed by the previous occupier;

“the Broads” shall have the same meaning as in section 2(3) of the Norfolk and Suffolk Broads Act 1988(c);

“designated maps” means—

(a) in relation to England, the 3 volumes of maps numbered 1 to 3, each such volume being marked “volume of maps of less-favoured farming areas in England”, and with the number of the volume, dated 3rd April 1984, signed and sealed by the Minister of Agriculture, Fisheries and Food and deposited at the offices of the Ministry of Agriculture, Fisheries and Food at Great Westminster House, Horseferry Road, London SW1P 2AE;

(b) in relation to Wales, the 2 volumes of maps numbered 1 and 2, both volumes being marked “volume of maps of less-favoured farming areas in Wales” and with the number of the volume, dated 29th March 1984, signed by the Secretary of State for Wales and deposited at the offices of the Welsh Office Agriculture Department at Plas Crug, Aberystwyth, Dyfed SY23 1NG;

(c) in relation to Scotland, the 4 maps numbered 1 to 4, each such map being marked “map of less-favoured farming areas in Scotland” and with the number of the map, dated 2nd April 1984, signed by the Secretary of State for Scotland and deposited at the offices of the Department of Agriculture and Fisheries for Scotland at Chesser House, Gorgie Road, Edinburgh EH11 3AW;

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(a) S.I. 1972/1811.

(b) 1972 c.68; section 2 is subject to Schedule 2 to that Act and it is to be read, as regards England and Wales, with section 40 of the Criminal Justice Act 1982 (c.48) and S.I. 1984/447, and, as regards Scotland, with sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c.21), as inserted by section 54 of the Criminal Justice Act 1982 (c.48), and S.I. 1984/526.

(c) 1988 c.4.



“eligible person” means a person who on the date of the submission of his application occupies a holding comprising arable land as an owner or tenant and who at the commencement of the set-aside period will have so occupied that holding for a period of at least twelve months;

“holding” means land which is occupied as a unit for agricultural purposes;

“landlord” means—

(a) in England and Wales, in relation to the tenant of a holding or part of a holding, any person who either solely or jointly owns or has a superior tenancy of that holding or part;

(b) in Scotland—

(i) in the case of an agricultural holding to which the Agricultural Holdings (Scotland) Act 1949(a) (the “1949 Act”) applies, the landlord within the meaning of section 93(1) of that Act;

(ii) in the case of a croft within the meaning of the Crofters (Scotland) Act 1955(b), the landlord within the meaning of section 37(1) of that Act;

(iii) in the case of a holding within the meaning of the Small Landholders (Scotland) Act 1911(c) to which the 1949 Act does not apply, the same as it means in the 1911 Act;

and, where appropriate, includes a head tenant;

“less-favoured area” means land—

(a) which is situated in an area included in the list of less-favoured farming areas adopted by the Council or the Commission of the European Communities under Article 2 of Council Directive No. 75/268/EEC on mountain and hill farming and farming in certain less-favoured areas(d), and

(b) which—

(i) is, in the opinion of the appropriate Minister, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and whose agricultural production is, in the opinion of the appropriate Minister, restricted in its range by, or by any combination of, soil, relief, aspect or climate, or

(ii) is situated in the Isles of Scilly,

which land is within the area shaded blue or pink on the designated maps;

“National Park Authority” means a special planning board or a joint planning board or a National Park Committee constituted or re-constituted in accordance with Part I of Schedule 17 to the Local Government Act 1972(e);

“permanent fallow” means land which is fallowed for the whole of the set-aside period;

“reference period” means the period commencing on 1st July 1987 and ending on 30th June 1988;

“relevant arable crops” means crops of a type listed in List A in Schedule 1;

“relevant arable land” means land used for the production of relevant arable crops;

“rotational fallow” means land fallowed as part of the arable rotation;

“the set-aside area” means the area of arable land which a beneficiary undertakes to set aside under the provisions of these Regulations;

“set-aside land” means any land forming part of the set-aside area;

“the set-aside obligations” means—

(a) the obligations assumed by a beneficiary by virtue of the undertakings referred to in regulation 3; and

(b) (where these apply) the requirements laid down in regulations 4, 7(1), 8 and 9(1) and (2);

“the set-aside period” means—

(a) in relation to an application accepted by the appropriate Minister in 1988, the period commencing on the date of acceptance of that application or 1st October 1988, whichever is later, and ending on 30th September 1993;

(a) 1949 c.75.

(b) 1955 c.21.

(c) 1911 c.49.

(d) OJ No. L128, 19.5.75, p.1; Article 2 was amended by Council Directive No. 80/666/EEC (OJ No. L180, 14.7.80, p.34).

(e) 1972 c.70.

- (b) in relation to an application accepted by the appropriate Minister in a year subsequent to 1988, the period of five consecutive years from 1st October in that year;

“to set aside” means, in relation to arable land, to withdraw that land from agricultural production;

“Site of Special Scientific Interest” means any area of land notified by the Nature Conservancy Council under the provisions of section 28(1) of the Wildlife and Countryside Act 1981(a);

“tenant” means—

- (a) in England and Wales, a person who occupies a holding or part of a holding either—

(i) under an agreement for the letting of land for a tenancy from year to year; or

(ii) under an agreement which has effect by virtue of section 2(1) of the Agricultural Holdings Act 1986(b) as an agreement for the letting of land for a tenancy from year to year; or

(iii) under a contract of tenancy for a fixed term of years of which at least five years remain unexpired at the commencement of the set-aside period;

- (b) in Scotland—

(i) in the case of an agricultural holding to which the Agricultural Holdings (Scotland) Act 1949 (the “1949 Act”) applies, the tenant within the meaning of section 93(1) of that Act;

(ii) in the case of a croft within the meaning of the Crofters (Scotland) Act 1955, the crofter within the meaning of section 3(2) of that Act;

(iii) in the case of a holding within the meaning of the Small Landholders (Scotland) Act 1911 to which the 1949 Act does not apply, the tenant within the meaning of section 2(2) of the 1911 Act;

and, where appropriate, includes a sub-tenant;

“the Woodland Grant Scheme” means the scheme made by the Forestry Commissioners and published in June 1988 under which the Forestry Commissioners enter into agreements to make grants pursuant to section 1 of the Forestry Act 1979(c) for and in connection with the use and management of land for forestry purposes.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

#### **Aid for set aside of arable land**

3.—(1) Subject to the provisions of these Regulations, the appropriate Minister may make payments of aid to any eligible person who undertakes for the duration of the set-aside period—

(a) to set aside an area of the arable land on his holding which was arable land in the reference period and which is equal in size to at least 20 per cent of the relevant arable land on that holding in the reference period; and

(b) to use the set-aside area for one or more of the following—

(i) permanent fallow;

(ii) rotational fallow;

(iii) woodland;

(iv) non-agricultural purposes; and

(c) to ensure that the area of relevant arable land on his holding shall not exceed the area of relevant arable land on his holding in the reference period, less an area equal in size to the set-aside area.

(2) Subject to the provisions of these Regulations, the appropriate Minister may make payments of aid to any beneficiary who, within three years from the date of acceptance of his original application, undertakes for the remainder of the set-aside period—

(a) 1981 c.69.

(b) 1986 c.5.

(c) 1979 c.21.

- (a) to set aside an additional area of the arable land on his holding which was arable land in the reference period; and
- (b) to use that additional set-aside area for one or more of the purposes set out in paragraph (1)(b) above; and
- (c) to ensure that the area of relevant arable land on his holding shall not exceed the area of relevant arable land on his holding in the reference period, less an area equal in size to the sum of the original set-aside area and the additional set-aside area.

(3) Subject to the provisions of these Regulations, the appropriate Minister may make payments of aid to any beneficiary who enlarges his holding by the acquisition of arable land which was arable land in the reference period and who, within four years from the date of acceptance of his original application, undertakes for the remainder of the set-aside period—

- (a) to set aside an area of that acquired arable land; and
- (b) to use that additional set-aside area for one or more of the purposes set out in paragraph (1)(b) above; and
- (c) to ensure that the area of relevant arable land on his enlarged holding shall not exceed the sum of the area of relevant arable land on his holding in the reference period and the area of relevant arable land comprised in the acquired arable land in the reference period, less an area equal in size to the sum of the original set-aside area and the additional set-aside area.

(4) In determining whether any arable land was arable land in the reference period for the purposes of paragraphs (1) to (3) above, no account shall be taken of any land which was converted to the production of arable crops in the period commencing on 1st January 1988 and ending on 30th June 1988.

#### **Requirements in relation to the set-aside area**

4.—(1) The set-aside area shall include either—

- (a) one whole field amounting to at least one hectare; or
- (b) an area consisting of adjacent whole fields and amounting to at least one hectare.

(2) Where any set-aside land consists of a strip of land, that strip shall be at least 15 metres wide.

#### **Applications for aid**

5.—(1) An application for aid under these regulations shall be made at such time and in such form as the appropriate Minister reasonably may require and shall include—

- (a) a map of the applicant's holding showing—
  - (i) the boundaries of the holding and internal field boundaries;
  - (ii) the area of land which the applicant proposes to set aside;
  - (iii) the area of land on which the applicant intends to continue production of relevant arable crops;
- (b) details of the type of production carried out or to be carried out on each individual field during the reference period and during the period of twelve months immediately preceding the commencement of the set-aside period;
- (c) a description of the intended use or uses of the proposed set-aside area;
- (d) if required by the appropriate Minister, documentary evidence showing the nature of the applicant's estate or interest in the holding.

(2) An application by a beneficiary who proposes to set aside additional areas of arable land under the provisions of regulation 3(2) or (3) shall contain such information and shall be made at such time and in such form as the appropriate Minister reasonably may require.

#### **Restrictions on acceptance of applications for aid**

6.—(1) The appropriate Minister shall not accept an application from a tenant who proposes to use any set-aside land for woodland or for non-agricultural purposes unless

he is satisfied that that tenant has obtained the consent in writing of the landlord of that land to the making of the application.

(2) The appropriate Minister shall not accept an application from a tenant who proposes to use any set-aside land for permanent fallow or rotational fallow unless he is satisfied that that tenant has notified the landlord of that land in writing of his intention to make the application.

(3) The appropriate Minister shall not accept an application from any person who proposes to set aside land within a Site of Special Scientific Interest, a National Park or the Broads, unless he is satisfied that that person has notified the Nature Conservancy Council, the National Park Authority or the Broads Authority, respectively, in writing of his intention to make the application.

(4) The appropriate Minister shall not accept an application from any person who proposes to use more than 0.25 hectares of set-aside land for woodland unless that person either—

- (a) has submitted an application to the Forestry Commissioners under the Woodland Grant Scheme for a grant for the planting of woodland on that land; or
- (b) has submitted an application to the appropriate Minister for grant in relation to that land under the Farm Woodland Scheme 1988 (a).

(5) The appropriate Minister may refuse to accept an application where he is satisfied that—

- (a) the set aside of any land or the use of any set-aside land in accordance with the proposals contained in that application would frustrate the purposes of any assistance previously given or to be given out of money provided by Parliament or by the European Economic Community;
- (b) payment of aid under these Regulations in respect of any land which an applicant proposes to set aside would duplicate any assistance previously given or to be given out of money provided by Parliament or by the European Economic Community.

#### **Requirements in relation to use for fallow**

7.—(1) Where a beneficiary has undertaken to use any set-aside land for permanent fallow or rotational fallow, that beneficiary shall observe in relation to that land the requirements set out in Schedule 2.

(2) Where any set-aside land is used for rotational fallow, the beneficiary shall, before 1st October in each year of the set-aside period, notify the appropriate Minister of the location of the area of set-aside land to be used for that purpose in the twelve months following that date and the notification shall be made in such form and shall contain such information as that Minister reasonably may require.

#### **Requirements in relation to use for woodland**

8.—(1) Where a beneficiary has undertaken to use any set-aside land for woodland, that beneficiary shall, until planting commences, observe in relation to that land the requirements set out in Schedule 2.

(2) Where a beneficiary has submitted an application to the Forestry Commissioners under the Woodland Grant Scheme for a grant for the planting of woodland on any set-aside land, he shall not commence planting on that land until his application has been approved in accordance with the provisions of that Scheme.

(3) Where a beneficiary has submitted an application to the appropriate Minister under the Farm Woodland Scheme for grant in relation to any set-aside land, he shall not commence planting on that land until his application has been approved in accordance with the provisions of that Scheme.

(4) Where a beneficiary has submitted an application for grant in relation to the planting of woodlands on any set-aside land under the Woodland Grant Scheme or the Farm Woodland Scheme, and that application is not approved, that beneficiary shall,

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(a) S.I. 1988/

subject to regulations 10 and 11, use that land for permanent fallow for the remainder of the set-aside period.

#### **Requirements in relation to use for non-agricultural purposes**

9.—(1) Where a beneficiary has undertaken to use any set-aside land for non-agricultural purposes, that beneficiary shall, until the conversion of that land to use for non-agricultural purposes commences, observe in relation to that land the requirements set out in Schedule 2.

(2) Where a beneficiary has undertaken to use any set-aside land for non-agricultural purposes, that beneficiary shall not use that land for—

- (a) the extraction of minerals; or
- (b) the erection of any building or other permanent structure with a view to the use of such building or structure for any of the following purposes—
  - (i) the carrying-on of any industrial process;
  - (ii) the retail or wholesale sale of goods;
  - (iii) use as a dwellinghouse, hotel or lodging house or for the purposes of a residential institution of any description;
  - (iv) use for office accommodation;
  - (v) use as a storage or distribution centre.

(3) Notwithstanding paragraph (2) above, a beneficiary may use set-aside land for the erection of any building or other permanent structure with a view to the use of that building or structure for the purposes of any business of a type specified in the Schedule to the Farm Business Specification Order 1987(a) where that business is carried on by a person also carrying on a business consisting in or partly in the pursuit of agriculture on the same or adjacent land.

#### **Termination of undertakings**

10.—(1) Within a period of three years from the commencement of the set-aside period, a beneficiary may terminate the undertakings given by him under regulations 3 or 12 in relation to all the land on his holding to which those undertakings relate, provided that the termination shall not take effect before the expiry of that three-year period.

(2) A beneficiary shall notify the appropriate Minister at least three months before the expiry of the three-year period referred to in paragraph (1) of his intention to terminate the undertakings and the notification shall be made in such form and shall contain such information relating to the termination as that Minister reasonably may require.

(3) In paragraphs (1) and (2) above, references to the beneficiary shall include the personal representatives of that beneficiary where he has died.

(4) Where a beneficiary has terminated his undertakings under the provisions of paragraph (1) above, the appropriate Minister shall not, within two years of the termination, accept an application from that beneficiary for aid under these Regulations in relation to any land to which those undertakings relate.

#### **Change of use of set-aside land**

11.—(1) Subject to the provisions of this regulation, a beneficiary may, within three years of the commencement of the set-aside period, change the use of any set-aside land, with the exception of land on which woodlands have been planted, from the use to which he has undertaken to put that land to one or more of the other uses mentioned in regulation 3(1)(b).

(2) The beneficiary shall notify the Minister of an intended change of use and the notification shall be in such form and shall contain such information relating to the intended change of use as that Minister reasonably may require.

(3) For the purposes of the payment of aid under these Regulations, a change of use of set-aside land shall be deemed to take effect on 1st October following the approval of that change by the appropriate Minister.

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(a) S.I. 1987/1948.

(4) Where a beneficiary changes the use of any set-aside land from use for permanent fallow to use for rotational fallow, the appropriate Minister shall recover or withhold from that beneficiary the difference between any payments made or due to him under these Regulations on the basis of the use of that land for permanent fallow and payments made or due to him on the basis of the use of that land for rotational fallow.

(5) Where a beneficiary notifies the appropriate Minister that he intends to change the use of any set-aside land which he occupies as a tenant from use for permanent or rotational fallow to use for woodland or non-agricultural purposes, the appropriate Minister shall not approve that change of use unless he is satisfied that that beneficiary has obtained the consent in writing of the landlord of that land to that change of use.

#### **Change of occupation**

12.—(1) Where there is a change of occupation of the entirety or any part of a beneficiary's holding during the course of the set-aside period by reason of the devolution of that holding or part on the death of the beneficiary, or otherwise—

- (a) the beneficiary (or, if he has died, his personal representatives) shall notify the appropriate Minister in writing of the change of occupation within three months of its occurrence and shall supply to that Minister such information relating to that change of occupation in such form and within such period as that Minister reasonably may determine;
- (b) the new occupier of that holding or part may give an undertaking to the appropriate Minister to comply with the set-aside obligations relating to that holding or part for the remainder of the set-aside period.

(2) Where there is a change of occupation of part of a holding, the appropriate Minister shall determine the extent to which the set-aside obligations assumed by the original occupier relate to that part having regard to—

- (a) the area of arable land comprised in that part, and
- (b) the area of set-aside land (if any) comprised in that part and the use or uses to which that land is put.

(3) The appropriate Minister shall not accept an undertaking from a new occupier of a holding or part of a holding to comply with set-aside obligations assumed by the original occupier unless that minister is satisfied that that new occupier occupies that holding or part as an owner or tenant or as the personal representative of the original occupier.

(4) Any undertaking given by a new occupier to comply with set-aside obligations shall contain such information and shall be given in such form and within such period following the change of occupation as the appropriate Minister reasonably may determine.

(5) Where the appropriate Minister has accepted an undertaking from a new occupier to comply with set-aside obligations—

- (a) the new occupier shall be deemed to be an eligible person who has applied for aid under the provisions of these Regulations; and
- (b) the undertaking to comply with set-aside obligations shall be deemed to take effect on the date of the acceptance by that Minister of that undertaking.

(6) Where within a period of three months from the date of change of occupation a new occupier has not given an undertaking to comply with set-aside obligations assumed by the original occupier, the appropriate Minister may—

- (a) withhold the whole or any part of any payments due to the original occupier; and
- (b) recover from that original occupier or his personal representatives the whole or any part of any payments of aid already made to him.

(7) Paragraph (6) above shall not apply where the change of occupation of a holding or part of a holding is the result of—

- (a) the compulsory purchase of that holding or part; or
- (b) the death of the original occupier, and
  - (i) that original occupier occupied that holding or part as a tenant; and
  - (ii) following the death of that original occupier the tenancy or lease under which he occupied that holding or part was terminated by the landlord.

### Amounts and payment of aid

13.—(1) Subject to the provisions of this regulation and to regulations 10 and 16, payment of aid shall be by way of five payments made annually in arrears in relation to the use of set-aside land specified in column 1 of the table in this regulation at the rate per hectare of such land specified in column 2.

Column 1 Use of set-aside land	Column 2 Amount of annual payment per hectare of set-aside land	
	Less-favoured area £	Other £
Permanent fallow	180	200
Rotational fallow	160	180
Non-agricultural purposes	130	150
Woodland (other than under the provisions of the Farm Woodland Scheme)	180	200

(2) Where a beneficiary uses any set-aside land for woodland under the provisions of the Farm Woodland Scheme<sup>(a)</sup>, he shall receive in relation to that land—

- (a) in respect of the year in which planting commences and any subsequent year in the set-aside period, the same rate as under the provisions of that Scheme;
- (b) in respect of any year in the set-aside period prior to that in which planting commences, the rate for permanent fallow specified in the table in this regulation.

(3) Where a beneficiary uses any set-aside land for woodland otherwise than under the provisions of the Farm Woodland Scheme, he shall receive in relation that land—

- (a) in respect of the year in which planting commences and any subsequent year in the set-aside period, the rate for woodland specified in the table in this regulation;
- (b) in respect of any year in the set-aside period prior to that in which planting commences, the rate for permanent fallow specified in the table in this regulation.

(4) Where a beneficiary uses any set-aside land for non-agricultural purposes, he shall receive in relation to that land—

- (a) in respect of the year in which the conversion to use for non-agricultural purposes commences and any subsequent year in the set-aside period, the rate for non-agricultural purposes specified in the table in this regulation;
- (b) in respect of any year in the set-aside period prior to that in which conversion to use for non-agricultural purposes commences, the rate for permanent fallow specified in the table in this regulation.

(5) The appropriate Minister may deduct from the annual payments payable to a beneficiary in respect of any set-aside land under these Regulations the whole or any part of any annual payments made to that beneficiary in respect of that land under an agreement made with the appropriate Minister under section 18(3) of the Agriculture Act 1986<sup>(b)</sup>.

### Claims for aid

14. Any claim for the payment of aid under these Regulations shall be made at such time and in such form and shall contain such information as the appropriate Minister reasonably may require.

<sup>(a)</sup> S.I. 1988/

<sup>(b)</sup> 1986 c.49; section 18(3) provides for management agreements in environmentally sensitive areas.

### **Obligation to permit entry and inspection**

15.—(1) A beneficiary shall permit any officer duly authorised by the appropriate Minister, accompanied by such persons acting under his instructions as appear to that officer to be necessary for the purpose, at all reasonable times and on production of his authority on demand, to enter upon that beneficiary's holding in order to inspect any land, document or record with a view to verifying—

- (a) the accuracy of any particulars given in any application or claim for aid or in any undertaking made by a new occupier to comply with set-aside obligations, or in any notification made under the provisions of regulations 7(2) or 11(2); and
- (b) compliance with the set-aside obligations.

(2) A beneficiary shall render all reasonable assistance to the authorised officer in relation to the matters mentioned in paragraph (1), and in particular shall—

- (a) produce such document or record as may be required by that officer for inspection; and
- (b) at the request of that officer, accompany him in making the inspection of any land and identify any area of land which is concerned in any application or claim for aid or in any undertaking made by a new occupier to comply with set-aside obligations, or in any notification made under the provisions of regulations 7(2) or 11(2).

### **Withholding and recovery of aid**

16.—(1) Where any person with a view to obtaining the payment of aid to himself or any other person, makes any statement or furnishes any information which is false or misleading in a material respect, the appropriate Minister may withhold the whole or any part of any aid payable to that person or to such other person, and may recover the whole or any part of any aid already paid to that person or to such other person.

(2) Where a beneficiary—

- (a) fails to comply with any of the set-aside obligations; or
- (b) fails without reasonable excuse to comply with the requirements as to notification in regulations 7(2), 10(2) or 11(2); or
- (c) fails without reasonable excuse to permit entry and inspection by an authorised officer or to render all reasonable assistance to such authorised officer as required by regulation 15,

the appropriate Minister may withhold the whole or any part of any aid payable to that beneficiary, and may recover the whole or any part of any aid already paid to him.

(3) Where it appears to the appropriate Minister that a beneficiary who has planted woodland on set-aside land in accordance with the provisions of the Woodland Grant Scheme, has failed to comply with the requirements of that Scheme, that Minister may withhold the whole or any part of any aid payable to that beneficiary under these Regulations and may recover from that beneficiary the whole or any part of any aid already paid to him under these Regulations.

(4) Where the appropriate Minister recovers from a beneficiary the whole of any aid already paid to him, that Minister may in addition require from that beneficiary payment of interest on that aid at a rate to be determined annually by that Minister and calculated on the basis of the period of time elapsed between the payment of the aid and recovery from the beneficiary.

(5) Before withholding or recovering any aid under paragraph (2)(a), the appropriate Minister shall—

- (a) give to the beneficiary a written explanation of the reasons for the proposed withholding or recovery; and
- (b) afford the beneficiary an opportunity of appearing before and being heard by a person appointed for that purpose by the appropriate Minister; and
- (c) consider the report by the person so appointed and supply a copy of the report to the beneficiary.



### **False statements**

17.—(1) If any person, for the purposes of obtaining for himself or any other person any aid under these Regulations, knowingly or recklessly makes a statement which is false in a material particular, that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,000.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1988.

Minister of Agriculture, Fisheries and Food

1988

One of Her Majesty's Principal Secretaries of State

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### **SCHEDULE 1** **ARABLE CROPS**

Regulation 2(1)

*List A*

Common wheat  
Durum wheat  
Rye  
Barley  
Oats  
Grain maize  
Buckwheat  
Millet  
Canary seed  
Triticale  
Fresh vegetables  
Peas and beans harvested in dried form for human or animal consumption  
Sugar beet  
Hops  
Oilseed rape  
Linseed  
Castor seed  
Safflower  
Sunflower seed  
Flax

*List B*

Potatoes  
Forage roots and tubers  
Lucerne/alfalfa  
Sainfoin  
Clover  
Lupins  
Vetches  
Fodder kale  
Fodder rape  
Fodder maize

**REQUIREMENTS RELATING TO THE MANAGEMENT OF SET-ASIDE  
LAND****Establishment and retention of plant cover**

1. The beneficiary shall establish a plant cover immediately after the commencement of the set-aside period. If the crop planted in the year prior to the commencement of the set-aside period has not yet been harvested, the plant cover shall be established immediately after the harvest. If the beneficiary is prevented from establishing a plant cover by exceptional weather conditions, he shall do so as soon as practicable. The establishment of a plant cover may take the form of the regeneration of naturally-occurring vegetation.

2. The beneficiary shall retain the plant cover throughout the period in which the requirements in this Schedule apply to the land.

3. Notwithstanding the requirement in paragraph 2 above, the beneficiary may destroy the plant cover by cultivation where this is necessary--

- (a) in order to prepare for the production of a crop, provided that the destruction of the plant cover does not take place before 1st August preceding the establishment of that crop; or
- (b) in order to control the spread of weeds, provided that where plant cover is destroyed for this purpose it shall be re-established as soon as practicable thereafter; or
- (c) in order to prepare for the establishment of an alternative plant cover, provided that that alternative cover is established as soon as practicable after the destruction of the previous cover.

4. The beneficiary shall cut the plant cover at least once in every year following the commencement of the set-aside period. The beneficiary shall not sell cuttings or use them for feeding livestock.

5. Notwithstanding the requirement in paragraph 4 above, the appropriate Minister may authorise a beneficiary not to cut plant cover on any land to which the requirements in this Schedule apply where that beneficiary has submitted to that Minister written proposals for the creation or maintenance of a wildlife habitat on that land.

**Use of fertilisers and waste materials**

6. The beneficiary shall not apply any inorganic fertiliser which contains nitrogen at any time between the end of the previous harvest and the establishment of a subsequent crop.

7. The beneficiary shall not apply any inorganic fertiliser which does not contain nitrogen (other than lime) before 1st August in the year in which a crop is to be established.

8. The beneficiary shall not apply any organic fertiliser at any time between the end of the previous harvest and the establishment of a subsequent crop. The appropriate Minister may authorise a beneficiary to apply slurry or manure where that Minister is satisfied that the application is necessary in order to prevent soil erosion.

9. The beneficiary shall not use the land as a dumping ground for any type of organic or inorganic material.

**Use of pesticides**

10. The beneficiary shall not apply pesticides.

11. Notwithstanding the requirement in paragraph 10 above, the appropriate Minister may authorise a beneficiary to apply herbicides provided that any herbicide used is of a type which is absorbed into the plant primarily through the leaves and the stem and which has little or no persistence in water and in the soil.

12. The beneficiary shall make a written record of the type, quantity, date and method of application of any herbicide used and of the reason for such use and shall keep the written record for the duration of the set-aside period.

### **Maintenance of environmental features**

13. The beneficiary shall maintain—

- (a) all existing hedges and rows of trees (including hedgerow trees), and
- (b) all existing lakes, lochs, watercourses, ponds and pools,

which he is entitled to maintain and which are situated on or adjacent to any land to which the requirements in this Schedule apply.

### **Land improvement works**

14. The beneficiary shall not install any new drainage system, nor substantially modify any existing drainage system.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations implement in part Council Regulation (EEC) No. 797/85 (OJ No. L93, 30.3.85, p.1) on improving the efficiency of agricultural structures, as amended by Council Regulation (EEC) No. 1760/87 (OJ No. L167, 26.6.87, p.1) and Council Regulation (EEC) No. 1094/88 (OJ No. L106, 27.4.88, p.28) as regards the set aside of arable land, and Commission Regulation (EEC) No. 1272/88 (OJ No. L121, 11.5.88, p.36), which laid down detailed rules for the set aside of arable land.

The Regulations, which apply to Great Britain, provide for payment of aid to farmers who undertake for a period of five years ("the set-aside period") to withdraw from agricultural production an area of land equal in size to at least 20 per cent of the area of land on the holding used in the reference period for producing relevant arable crops (as defined in regulation 2(1)). Set-aside land must be left fallow (either for the whole of the set-aside period, or as part of the arable rotation), or used for woodland or for non-agricultural purposes. In addition, farmers entering the scheme must undertake to restrict the area of land used for growing relevant arable crops during the set-aside period (regulation 3(1)).

Fallowed set-aside land and land awaiting conversion to woodland or to use for non-agricultural purposes must be managed in accordance with the requirements in Schedule 2 with a view to keeping it in good agronomic condition and to protecting the environment (regulations 7(1), 8(1) and 9(1)). Farmers who opt to plant woodland on an area of set-aside land greater than 0.25 hectares must either apply for a planting grant under the Forestry Commission's Woodland Grant Scheme or apply for grant under the Farm Woodland Scheme (regulation 6(4)).

The classes of person eligible for aid are landowners and tenants who enjoy sufficient security of tenure to take on a five-year commitment (regulation 2(1)). Tenants must notify their landlord if they intend to fallow set-aside land, and must obtain the consent of the landlord to the use of set-aside land for woodland or for non-agricultural purposes (regulation 6(1) and (2)). To benefit from aid, farmers must submit an application for acceptance by the appropriate Minister (regulation 5).

A farmer who has set-aside land may change the use of that land (with the exception of land already planted with woodland) at any time within three years of entering the scheme (regulation 11). Where a holding or part of a holding changes hands, the new occupier may assume the set-aside obligations of the previous occupier (regulation 12).

Aid under the Regulations is payable by way of five annual instalments based on the hectareage of set-aside land, and the rate varies according to the use of set-aside land and to whether it is situated in a less-favoured area ("LFA") or elsewhere. Annual payments are to be at the rate per hectare of £200 (£180 in LFAs) in respect of land used for permanent fallow or for woodland (except where woodland is planted under the Farm Woodland Scheme); £180 (£160 in LFAs) in respect of land used for rotational fallow; and £150 (£130 in LFAs) in respect of land used for non-agricultural purposes. Where a

farmer plants woodland on set-aside land under the Farm Woodland Scheme, he will receive annual payments at the same rate as under that Scheme (regulation 13).

Less-favoured areas are defined by reference to designated maps which are available for inspection during normal office hours at the addresses specified in the definition of designated maps (regulation 2(1)). Copies of the maps may also be inspected during normal office hours at any Regional or Divisional Office of the Ministry of Agriculture, Fisheries and Food, at any Divisional Office of the Welsh Office Agriculture Department and at any Area Office of the Department of Agriculture and Fisheries for Scotland.

The regulations also—

- (a) impose certain requirements as regards the determination of the set-aside area and the minimum size and configuration of that area (regulations 3(4) and 4);
- (b) impose certain restrictions on the acceptance of applications for aid (regulation 6);
- (c) impose certain restrictions on the use of set-aside land for non-agricultural purposes (regulation 9(2));
- (d) provide for termination of set-aside undertakings by the farmer after three years (regulation 10);
- (e) provide for the withholding or recovery of aid in certain circumstances (regulations 12(6) and 16);
- (f) provide for an obligation to permit entry and inspection (regulation 15);
- (g) create an offence, punishable on summary conviction with a maximum fine of £2,000, of knowingly or recklessly making a false statement in order to obtain aid (regulation 17).



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D R A F T   S T A T U T O R Y   I N S T R U M E N T S

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1988 No.

PESTICIDES

FOOD

The Pesticides (Maximum Residue Levels in Food)  
Regulations 1988

Made - - - - - 1988

Coming into force

*except for regulation 3(b) and Schedule 2*

*Remainder*

*31st December 1988*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by sections 16(2)(k) and (l), (15) and 24(3) of the Food and Environment Protection Act 1985(a) and of all other powers enabling them in that behalf, after consultation with the Advisory Committee on Pesticides established under section 16(7) of that Act(b), hereby make the following Regulations a draft whereof has been laid before and approved by resolution of each House of Parliament:-

**Title and commencement**

1. These Regulations may be cited as the Pesticides (Maximum Residue Levels in Food) Regulations 1988 and shall come into force on the day after the day on which they are made, except for regulation 3(b) and Schedule 2, which shall come into force on 31st December 1988.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“food” includes cereals intended for human consumption listed in Schedules 1 and 2;

“maximum residue level” in the case of any food, in relation to any pesticide used in connection therewith, means the figure obtained at the point in Schedule 1 or 2 where a line drawn vertically from the reference to that pesticide intersects with a line drawn horizontally from the reference to that food;

“pesticide” means a pesticide specified in Schedule 1, 2 or 3;

“residue” in relation to any pesticide means one or more of the substances specified in an entry in column 2 of Schedule 3 alongside the entry of that pesticide in column 1 of that Schedule.

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(a) 1985 c.48.

(b) Established by S.I. 1985/1516.

(2) Any reference in a Schedule to a food, figure or pesticide includes any qualifying words relating to that food, figure or pesticide in that Schedule.

(3) Any reference in these Regulations to a Schedule shall be construed as a reference to a Schedule to these Regulations.

#### **Maximum residue levels**

3. No person may leave or cause to be left—

(a) in any food specified in Schedule 1,

(b) in any food specified in Schedule 2,

a level of residue exceeding any maximum residue level applicable to such food specified in that Schedule.

#### **Seizure or disposal of food**

4. If any food has in it a residue level in excess of any maximum residue level relating to that food, either of the Ministers shall have power—

(a) to seize or dispose of the consignment containing that food or any part of it, or to require that some other person shall dispose of it, or

(b) to direct some other person to take such remedial action as appears to the Minister to be necessary.

#### **Sampling**

5. The level of residue in a food shall be determined as far as practicable in accordance with the procedures laid down in Parts 5 and 6 of the Guide to Codex Recommendations Concerning Pesticide Residues(a).

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1988.

Minister of Agriculture, Fisheries and Food

1988

Minister of State, Scottish Office

1988

Secretary of State for Wales

1988

Secretary of State for Social Services

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(a) Food and Agriculture Organisation of the United Nations and World Health Organisation joint Food Standards Programme; Codex Alimentarius Commission documents CAC/PR5-1984 and CAC/PR6-1984. Part 5 is entitled "Recommended Method of Sampling for the Determination of Pesticide Residues". Part 6 is entitled "Portion of Commodities to which Codex Maximum Residue Limits apply and which is analysed".



SCHEDULE 1

Regulation 3(a)

Group to which food belongs	Food	Pesticides																								
		Aldrin & Dieldrin	Captafol	Carbaryl	Carbon Disulphide	Carbon Tetrachloride	Chlordane	DDT	Diazinon	1,2-Dibromoethane	Dichlorvos	Endosulfan	Endrin	Hexachloro-benzene (HCB)	Hexachloro-cyclohexane (HCH)	Heptachlor	Hydrogen Cyanide	Hydrogen Phosphide	Inorganic Bromide	Malathion	Methyl Bromide	Phosphamidon	Pyrethrins	Trichlorfon		
Cereals	Wheat	0.01	0.05*	0.5	0.1	0.1	0.02	0.05	0.05	0.05*	2	0.1	0.01	0.01	0.02	$\alpha$ } $\beta$ } $\gamma$ sum of $\alpha$ and $\beta$ 0.1	0.1	0.01	15	0.1	50	8	0.1	0.05	3	0.1
	Rye	0.01	0.05*	0.5	0.1	0.1	0.02	0.05	0.05	0.05*	2	0.1	0.01	0.01	0.02		0.1	0.01	15	0.1	50	8	0.1	0.05	3	0.1
	Barley	0.01	0.05*	0.5	0.1	0.1	0.02	0.05	0.05	0.05*	2	0.1	0.01	0.01	0.02		0.1	0.01	15	0.1	50	8	0.1	0.05	3	0.1
	Oats	0.01	0.05*	0.5	0.1	0.1	0.02	0.05	0.05	0.05*	2	0.1	0.01	0.01	0.02		0.1	0.01	15	0.1	50	8	0.1	0.05	3	0.1
	Maize	0.01	0.05*	0.5	0.1	0.1	0.02	0.05	0.05	0.05*	2	0.2	0.01	0.01	0.02		0.1	0.01	15	0.1	50	8	0.1	0.05	3	0.1
	Rice <sup>1</sup>	0.01	0.05*	1	0.1	0.1	0.02	0.05	0.05	0.05*	2	0.1	0.01	0.01	0.02		0.1	0.01	15	0.1	50	8	0.1	0.05	3	0.1
	Other Cereals <sup>2</sup>	0.01	0.05*	0.5	0.1	0.1	0.02	0.05	0.05	0.05*	2	0.1	0.01	0.01	0.02		0.1	0.01	15	0.1	50	8	0.1	0.05	3	0.1
	Products of Animal Origin	Meat, Fat and Preparations of Meat <sup>3</sup>	0.2					0.05	1					0.05	0.2		0.2	0.1	2 <sup>6</sup> ,1 <sup>7</sup>	0.2						
Milk <sup>4</sup>		0.006					0.002	0.04					0.0008	0.01	0.004	0.003	0.008	0.004								
Dairy Produce <sup>5</sup> (> 2% Fat)		0.15					0.05	1					0.02	0.25	0.1	0.075	0.2	0.1								

UNITS:

Maximum residue levels (MRLs) are expressed in milligrammes of residue per kilogramme of food.

KEY:

\* Level at or about the limit of determination

FOOTNOTES:

<sup>1</sup> Paddy rice.

<sup>2</sup> 'Other cereals' do not include rice.

<sup>3</sup> Levels are measured on fat, except in the case of foods with a fat content of 10% or less by weight. In these cases the residue is related to the total weight of the boned foodstuff, and the MRL is one tenth of the value given in the table, but must be no less than 0.01 mg/kg.

<sup>4</sup> These levels are for fresh raw cow's milk and fresh whole cream cow's milk expressed on the whole milk.

<sup>5</sup> For preserved, concentrated or sweetened cow's milk; for raw milk and whole cream milk of another animal origin; and for butter, cheese or curd whether made from cow's milk or other milk or a combination, the following levels apply:

— if the fat content is less than 2% by weight, the MRL is taken as half that set for raw milk and whole cream milk;

— if the fat content is 2% or more by weight, the MRL is expressed in mg/kg of fat and is set at 25 times that set for raw milk and whole cream milk.

<sup>6</sup> Sheepmeat only.

<sup>7</sup> All meat except sheepmeat

SCHEDULE 2

Regulation 3(b)

Group to which food belongs	Food	Pesticides																									
		Aldrin & Dieldrin	2-Aminobutane	Aminotriazole (Amitrole)	Azinphos-methyl	Bitertanol	Captafol	Captan	Carbaryl	Carbendazim	Carbophenothion	Chlordane	Chlorfenvinphos	Chlorpyrifos-methyl	DDT	Diazinon	1,2-Dibromoethane	Dichlofuanid	Dichlorvos	Dicofof	Diflubenzuron	Dimethipin	Dimethoate	Dithiocarbamates	Endosulfan	Endrin	
Cereals	Wheat								0.5				10														
	Rye								0.5				10														
	Barley								0.5				10														
	Oats								0.5				10														
	Maize												10														
	Rice <sup>1</sup>													10													
	Other Cereals <sup>2</sup>													10													
Products of Animal Origin	Meat, Fat and Preparations of Meat <sup>3</sup>											0.2	0.05		0.7				0.05		0.05*						
	Milk <sup>4</sup>								0.1*			0.008	0.01		0.02				0.02		0.05*						
	Dairy Produce <sup>5</sup> (> 2% Fat)																										
	Eggs <sup>6</sup>	0.1							0.1*	0.02		0.05	0.5					0.05*		0.05*					0.2		
Citrus Fruit	Oranges	0.05	5	0.05*	2		0.05*	0.1	7	10	2	0.02*	1		1	0.5	0.01	5	0.1	5	1		2		2	0.02	
	Other Citrus	0.05	5	0.05*	2		0.05*	0.1	7	10	2	0.02*	1		1	0.5	0.01	5	0.1	5	1		2		2	0.02	
Pome Fruit	Apples	0.05		0.05*	1	1	0.05*	3	5	5	1	0.02*	0.05		0.1	0.5	0.01	5	0.1	5	1		1	3	2	0.02	
	Pears	0.05		0.05*	1	1	0.05*	3	5	5	1	0.02*	0.05		0.1	0.5	0.01	5	0.1	5	1		1	3	2	0.02	
Stone Fruit	Peaches and Nectarines	0.05		0.05*	4	1	0.05	2	10	10	1	0.02*	0.05		0.1	0.5	0.01	5	0.1	5			2	3	2	0.02	
	Plums	0.05		0.05*	1	1	0.05	2	10	2	1	0.02*	0.05		0.1	0.5	0.01	5	0.1	5	1		2	1	2	0.02	
Berries, Small Fruit and Soft Fruit	Grapes	0.05		0.05*	2		0.05*	3	5	10		0.02*	0.05		0.1	0.5	0.01	15	0.1	5			1	5	2	0.02	
	Strawberries	0.05		0.05*	1		0.05*	3	7	5		0.02*	0.05		0.1	0.5	0.01	10	0.1	5			1	3	2	0.02	
	Raspberries	0.05		0.05*	1		0.05*	3	10	5		0.02*	0.05		0.1	0.5	0.01	15	0.1	5			1	5	2	0.02	
	Blackcurrants	0.05		0.05*	1		0.05*	3	10	5		0.02*	0.05		0.1	0.5	0.01	15	0.1	5			2	5	2	0.02	
Assorted Fruit	Bananas	0.05		0.05*	1	0.5	0.05*	0.1	5	1		0.02*	0.05		1	0.5	0.01	5	0.1	5			1	1	2	0.02	
Roots and Tuber Vegetables	Potatoes	0.05	50	0.05*	0.2		0.05*	0.1	0.2	3		0.02*	0.5		0.1	0.5	0.01	0.1	0.5	5			0.1*	0.05	0.1	0.2	0.02
	Carrots	0.05		0.05*	0.5		0.05*	0.1	2			0.02*	0.5		0.1	0.5	0.01	5	0.5	5			1	0.5	0.2	0.02	
	Turnips	0.05		0.05*	0.5		0.05*	0.1	1			0.02*	0.5		0.1	0.5	0.01	5	0.5	5			1		2	0.02	
	Swedes	0.05		0.05*	0.5		0.05*	0.1	2			0.02*	0.5		0.1	0.5	0.01	5	0.5	5			1		2	0.02	

Bulb Vegetables	Onions	0.05	0.05* 0.5	0.05* 0.1	1	2	0.02* 0.5	0.1	0.5	0.01	5	0.5	5	1	1	0.02		
Fruiting Vegetables	Tomatoes	0.05	0.05* 0.5	0.05* 3	5	5	0.02* 0.1	0.1	0.5	0.01	5	0.5	1	1	1	3	2	0.02
	Cucumbers	0.05	0.05* 0.5	0.05* 0.1	3	0.5	0.02* 0.1	0.1	0.5	0.01	5	0.5	2	2	0.5	2	0.02	
Brassica Vegetables	Cabbage	0.05	0.05* 0.5	0.05* 0.1	5		0.02* 0.1	0.1	0.5	0.01	5	0.5	5	1	2	2	0.02	
	Cauliflowers	0.05	0.05* 0.5	0.05* 0.1	1	0.5	0.02* 0.1	0.1	0.5	0.01	5	0.5	5	2	2	2	0.02	
	Brussels Sprouts	0.05	0.05* 1	0.05* 0.1	1	0.5	0.5	0.02* 0.1	0.1	0.5	0.01	5	0.5	5	1	2	2	0.02
Legume Vegetables	Beans	0.5	0.05* 0.5	0.05* 2	5		0.02* 0.1	0.1	0.5	0.01	5	0.5	5	2	0.5	2	0.02	
	Peas	0.5	0.05* 0.5	0.05* 2	5		0.02* 0.1	0.1	0.5	0.01	5	0.5	5	1	2	0.02		
Stem Vegetables	Celery	0.5	0.05* 2	0.05* 0.1	3	2	0.02* 0.5	0.1	0.5	0.01		0.5	5	1	2	0.02		
	Leeks	0.5	0.05* 0.5	0.05* 2	1		0.02* 0.1	0.1	0.5	0.01	5	0.5	5	1	2	0.02		
Leaf Vegetables	Lettuce	0.05	0.05* 0.5	0.05* 2	10	5	0.02* 0.1	0.1	0.5	0.01	10	1	5		2	0.02		
Fungi	Mushrooms	0.05	0.05*	0.05* 0.1	1	1	0.02* 0.05	0.1	0.5	0.01		0.5	5	0.1	1		0.02	

Units, Keys and Footnotes are at the end of this Schedule.

SCHEDULE 2 - continued

Group to which food belongs	Food	Pesticides																							
		Ethion	Etrimfos	Fenitrothion	Fluazifop	Flurochloridone	Haloxifop	Hexachloro-benzene (HCB)	Hexachlorocyclo-hexane (HCH) y	Heptachlor	Imazalil	Inorganic Bromide	Ioxynil	Iprodione	Malathion	Mercury Compounds	Methacrifos	Mevinphos	Ormethoate	Parathion	Parathion-methyl	Phosalone	Pirimiphos-methyl	Quintozene	Tecnazene
Cereals	Wheat		10	10											0.02	10							10		
	Rye		10	10											0.02	10							10		
	Barley		10	10											0.02	10							10		
	Oats		10	10											0.02	10							10		
	Maize		10	10											0.02	10							10		
	Rice <sup>1</sup>														0.02	10							10		
	Other Cereals <sup>2</sup>			10	10										0.02	10							10		
Products of Animal Origin	Meat, Fat and Preparations of Meat <sup>3</sup>																								
	Milk <sup>4</sup>																								
	Dairy Produce <sup>5</sup> (> 2% Fat)																								
	Eggs <sup>6</sup>							1	0.1	0.05															
Citrus Fruit	Oranges	2		2					1	0.01	5/0.1 <sup>7</sup>	30		2			0.2	1	1	0.2	1		0.5		
	Other Citrus	2		2					1	0.01	5/0.1 <sup>7</sup>	30		2			0.2	1	1	0.2	1		0.5		
Pome Fruit	Apples	0.5		0.5			0.05*	1	0.01*		20		10	0.5	0.02		0.2	1				2			
	Pears	0.5		0.5			0.05*	1	0.01*		20		10	0.5	0.02		0.2	1				2			
Stone Fruit	Peaches and Nectarines	0.5		0.5				1	0.01*		20		10	0.5			0.5	1				2			
	Plums	0.5		0.5				1	0.01*		20		10	0.5			0.5	1				1			
Berries, Small Fruit and Soft Fruit	Grapes	0.5		0.5				0.5	0.01*		20		10	0.5			0.1	1				1			
	Strawberries	0.1		0.5				3	0.01*		30		10	0.5			0.1	1				1			
	Raspberries	0.1		0.5				3	0.01*		20		5	0.5			0.1	1				1			
	Blackcurrants	0.1		0.5				3	0.01*		20		5	0.5			0.1	1				1			
Assorted Fruit	Bananas	0.1		0.5				1	0.01*		20			0.5				0.2				1		1	
Roots and Tuber Vegetables	Potatoes			0.05*	0.1	0.01*		0.05*	0.05					0.5	0.02		0.1	0.05				0.1*		0.2	
	Carrots	0.1		0.5		0.01*		0.2	0.2					0.5	0.02		0.1	0.2				0.1			
	Turnips	0.1		0.5		0.01*		1	0.05					0.5	0.02		0.1	0.2				0.1			
	Swedes	0.1		0.5		0.01*		1	0.05					0.5	0.02		0.1	2				0.1			

Bulb Vegetables	Onions	0.1	0.5	0.01*	1	0.05	0.1	0.1	3	0.02	0.1	0.1	1	
Fruiting Vegetables	Tomatoes	0.1	0.5		2	0.02	75	5	3	0.02	0.1	1	1	0.1
	Cucumbers	0.1	0.5		1	0.05	50	5	3	0.02	0.1	0.2	1	
Brassica Vegetables	Cabbage	0.1	0.5		2	0.05	100		3	0.02	0.1	0.2	1	0.02
	Cauliflowers	0.1	0.5		2	0.05			3	0.02	0.1	0.2	1	0.02
	Brussels Sprouts	0.1	0.5		2	0.05			3	0.02	0.1	0.2	1	
Legume Vegetables	Beans	0.1	0.5		1	0.05			3		0.1	0.2	1	0.01
	Peas	0.1	0.5		0.1	0.05			3		0.1	0.2	1	
Stem Vegetables	Celery	0.1	0.5		1	0.05			3	0.02	0.1	0.2	1	
	Leeks	0.1	0.5		1	0.05			3	0.02	0.1	2	1	
Leaf Vegetables	Lettuce	0.1	0.5		2	0.05			3	0.02	0.5	0.2	1	3 2
Fungi	Mushrooms	0.1	0.5		1	0.05			3	0.02	0.1	0.2	1	

*Units, Keys and Footnotes are at the end of this Schedule.*

SCHEDULE 2 - continued

Group to which food belongs	Food	Pesticides			
		Thiabendazole	Triazophos	2,4,5-T	Vinclozolin
Cereals	Wheat Rye Barley Oats Maize Rice <sup>1</sup> Other Cereals <sup>2</sup>				
Products of Animal Origin	Meat, Fat and Preparations of Meat <sup>3</sup> Milk <sup>4</sup> Dairy Produce <sup>5</sup> (> 2% Fat) Eggs <sup>6</sup>				
Citrus Fruit	Oranges Other Citrus			0.05 0.05	
Pome Fruit	Apples Pears			0.05 0.05	1 1
Stone Fruit	Peaches and Nectarines Plums			0.05 0.05	5 5
Berries, Small Fruit and Soft Fruit	Grapes Strawberries Raspberries Blackcurrants			0.05 0.05 0.05 0.05	5 10 5 5
Assorted Fruit	Bananas		1	0.05	
Roots and Tuber Vegetables	Potatoes Carrots Turnips Swedes	5	0.05* 0.1	0.05 0.05 0.05	0.1

Bulb Vegetables	Onions	0.05*	0.05	1
Fruiting Vegetables	Tomatoes		0.05	3
	Cucumbers		0.05	1
Brassica Vegetables	Cabbage	0.1	0.05	1
	Cauliflowers		0.05	1
	Brussels Sprouts	0.1	0.05	
Legume Vegetables	Beans		0.05	2
	Peas		0.05	1
Stem Vegetables	Celery		0.05	5
	Leeks		0.05	
Leaf Vegetables	Lettuce		0.05	5
Fungi	Mushrooms		0.05	

**UNITS:**

Maximum residue levels (MRLs) are expressed in milligrammes of residue per kilogramme of food.

**KEY:**

\* Level at or about the limit of determination.

**FOOTNOTES:**

<sup>1</sup> Paddy rice.

<sup>2</sup> 'Other cereals' do not include rice.

<sup>3</sup> Levels are measured on fat, except in the case of foods with a fat content of 10% or less by weight. In these cases the residue is related to the total weight of the boned foodstuff, and the MRL is one tenth of the value given in the table, but must be no less than 0.01 mg/kg.

<sup>4</sup> These levels are for fresh raw cow's milk and fresh whole cream cow's milk expressed on the whole milk.

<sup>5</sup> For preserved, concentrated or sweetened cow's milk; for raw milk and whole cream milk of another animal origin; and for butter, cheese or curd whether made from cow's milk or other milk or a combination, the following levels apply:

— if the fat content is less than 2% by weight, the MRL is taken as half that set for raw milk and whole cream milk;

— if the fat content is 2% or more by weight, the MRL is expressed in mg/kg of fat and is set at 25 times that set for raw milk and whole cream milk.

<sup>6</sup> Birds' eggs in shell (other than eggs for hatching) and whole egg products and egg yolk products (whether fresh, dried or otherwise prepared).

<sup>7</sup> Imazalil: 5 mg/kg applies to whole fruit;

0.1 mg/kg applies to fruit without peel.

## SCHEDULE 3

Regulation 2

(1) <i>Pesticides</i>	(2) <i>Residues</i>
Aldrin & Dieldrin	singly or combined, expressed as dieldrin (HEOD)
2-Aminobutane	2-aminobutane
Aminotriazole	aminotriazole
Azinphos-methyl	sum of azinphos-methyl and azinphos-ethyl
Bitertanol	bitertanol
Captafol	captafol
Captan	sum of captan and folpet
Carbaryl	carbaryl
Carbendazim	carbendazim (from use of benomyl, thiophanate-methyl and carbendazim)
Carbon disulphide	carbon disulphide
Carbon tetrachloride	carbon tetrachloride
Carbophenothion	sum of carbophenothion, its sulphoxide and its sulphone, expressed as carbophenothion
Chlordane	(1) for products of animal origin: sum of <i>cis</i> - and <i>trans</i> - isomers and oxychlordane expressed as chlordane;
	(2) for cereals, fruit and vegetables: sum of <i>cis</i> - and <i>trans</i> - isomers expressed as chlordane
Chlorfenvinphos	sum of E- and Z- isomers of chlorfenvinphos
Chlorpyrifos-methyl	chlorpyrifos-methyl
DDT	sum of pp' -DDT, op' -DDT, pp' -TDE and pp' -DDE expressed as DDT
Diazinon	diazinon
1,2-Dibromoethane	1,2-dibromoethane
Dichlofluanid	dichlofluanid
Dichlorvos	dichlorvos
Dicofol	dicofol
Diflubenzuron	diflubenzuron
Dimethipin	dimethipin
Dimethoate	dimethoate
Dithiocarbamates	alkylenebisdithiocarbamates and alkylthiuramdisulphides and dialkyldithiocarbamates determined and expressed as carbon disulphide (CS <sub>2</sub> )
Endosulfan	sum of alpha- and beta- isomers and of endosulfan sulphate, expressed as endosulfan
Endrin	endrin
Ethion	ethion
Etrifos	sum of etrimfos, its oxygen analogue and 6-ethoxy-2-ethyl-4-hydroxypyrimidine
Fenitrothion	fenitrothion
Fluazifop	fluazifop and esters (including conjugates) of fluazifop, expressed as free acid
Flurochloridone	flurochloridone
Haloxifop	haloxifop and esters (including conjugates) of haloxifop, expressed as free acid
Hexachlorobenzene (HCB)	hexachlorobenzene
Hexachlorocyclohexane (HCH)	hexachlorocyclohexane
	alpha- isomer
	beta- isomer
	gamma- isomer
Heptachlor	sum of heptachlor and heptachlor epoxide, expressed as heptachlor
Hydrogen cyanide	cyanides expressed as hydrogen cyanide



(1) <i>Pesticides</i>	(2) <i>Residues</i>
Hydrogen phosphide	phosphides expressed as hydrogen phosphide
Imazalil	imazalil
Inorganic bromide	determined and expressed as total bromine from all sources
Ioxynil	ioxynil
Iprodione	sum of iprodione and all metabolites containing 3,5-dichloroaniline moiety, expressed as iprodione
Malathion	sum of malathion and malaoxon, expressed as malathion
Mercury compounds	determined as total mercury and expressed as mercury
Methacrifos	methacrifos
Methyl bromide	bromomethane
Mevinphos	sum of <i>cis</i> - and <i>trans</i> - mevinphos
Omethoate	omethoate (from use of formotion, dimethoate and omethoate)
Parathion	parathion
Parathion-methyl	parathion-methyl
Phosalone	phosalone
Phosphamidon	sum of phosphamidon (E- and Z- isomers) and N-desethylphosphamidon (E- and Z- isomers) expressed as phosphamidon
Pirimiphos-methyl	pirimiphos-methyl
Pyrethrins	sum of pyrethrins I and II, cinerins I and II, jasmolins I and II
Quintozene	sum of quintozene, pentachloroaniline and methyl pentachlorophenyl sulphide expressed as quintozene
Tecnazene	tecnazene
Thiabendazole	thiabendazole
Triazophos	triazophos
Trichlorfon	trichlorfon
2,4,5-T	2,4,5-T
Vinclozolin	sum of vinclozolin and all metabolites containing 3,5-dichloroaniline moiety, expressed as vinclozolin

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, made under Part III of the Food and Environment Protection Act 1985, specify the maximum levels of pesticide residues which may be left in food. The Regulations, inter alia, implement Council Directives 86/362/EEC and 86/363/EEC of 24th July 1986 on the fixing of maximum levels for pesticide residues in and on cereals, and in and on foodstuffs of animal origin (viz. meat and milk and products derived therefrom) (O.J. No. L221, 7.8.86, pp.37 and 43 respectively).

The foods to which the Regulations apply are listed in Schedules 1 and 2 to the Regulations together with a list of pesticides used in connection therewith. The residues which may result from the use of those pesticides are listed in Schedule 3.

Regulation 3 provides that no person may leave in any food to which the Regulations apply, a level of residue exceeding a maximum residue level applicable to that food.

Regulation 4 enables either of the Ministers to seize or dispose of any food containing a residue level in excess of any maximum residue level, or to require some other person to dispose of that food. They may also direct some other person to take such remedial action as appears to them to be necessary.

In accordance with regulation 5 sampling of food is to be determined by reference to Parts 5 and 6 of the Codex Alimentarius Guide to Codex Recommendations Concerning Pesticide Residues. Copies of these documents are available for inspection at the Library of the Ministry of Agriculture, Fisheries and Food, Whitehall Place, London SW1A 2EY, and at the Library of the Scottish Office, New St. Andrew's House, St. James' Square, Edinburgh EH1 3TE.

Offences and penalties for contravention of regulations made under Part III of the Food and Environment Protection Act are prescribed respectively by sections 16(12) and 21(3) of that Act.

The Regulations apply to Great Britain and come into force on \_\_\_\_\_, with the exception of regulation 3(b) and Schedule 2 which come into force on 31st December 1988.

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STATUTORY INSTRUMENTS

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1988 No.

URBAN DEVELOPMENT

The Tyne and Wear Development Corporation (Vesting of Land) (Various Local Authorities) Order 1988

<i>Made</i> . . . . .	<i>15th June 1988</i>
<i>Laid before Parliament</i>	<i>22nd June 1988</i>
<i>Coming into force</i>	<i>1988</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 141(1) of the Local Government, Planning and Land Act 1980(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Tyne and Wear Development Corporation (Vesting of Land) (Various Local Authorities) Order 1988 and shall come into force on the day after the day on which it is approved by resolution of each House of Parliament.

**Interpretation**

2.—(1) In this Order –

- “the Corporation” means the Tyne and Wear Development Corporation;
- “statutory undertakers” does not include any statutory undertakers in relation to whom the Secretary of State for the Environment is not the appropriate Minister;
- “urban development area” means the area designated as an urban development area by the Tyne and Wear Development Corporation (Area and Constitution) Order 1987(b).

(2) Any reference in this Order to a map followed immediately by a number is a reference to the map so numbered in the set of maps numbered 1 to 9 entitled “Maps referred to in the Tyne and Wear Development Corporation (Vesting of Land) (Various Local Authorities) Order 1988”, of which prints, signed by an Under Secretary in the Department of the Environment are deposited and available for inspection at the offices, of the Secretary of State for the Environment, the councils of the city of Newcastle upon Tyne, the boroughs of North Tyneside and South Tyneside and the Corporation.

(3) Any reference in this Order to a numbered plot is a reference to that plot so numbered and shown bounded externally with a black line and edged internally with a stippled band on a numbered map.

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(a) 1980 c.65. (b) S.I. 1987/924.

### **Vesting of Land**

#### **3. The land described in**

- (a) Part 1 of the Schedule hereto, and now vested in the council of the borough of South Tyneside,
- (b) Part 2 of the Schedule hereto, and now vested in the council of the borough of North Tyneside, and
- (c) Part 3 of the Schedule hereto, and now vested in the council of the city of Newcastle upon Tyne

or, in each case, in any other local authority or statutory undertakers or other public body or in a subsidiary of any of them, being land within the urban development area, is hereby vested in the Corporation.

### **Easements and rights in or over land**

4. All existing easements and rights in or over other land within the urban development area which are vested in an authority or body mentioned in article 3 above, and which are annexed or appurtenant to land vested by that article or any part thereof, are hereby vested in the Corporation.

15th June 1988

*Nicholas Ridley*  
Secretary of State for the Environment

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## **THE SCHEDULE**

Article 3

### **LAND VESTED IN THE CORPORATION**

#### **PART 1**

##### **LAND OF THE COUNCIL OF THE BOROUGH OF SOUTH TYNESIDE**

#### **Plot Number**

- |    |   |
|----|---|
| 1  | Approximately 2.51 hectares of land,  |
| 2  | Approximately 0.97 hectares of land,  |
| 3  | Approximately 3.78 hectares of land,<br>each at Blakett Street, Jarrow in the borough<br>of South Tyneside, shown on map 1.       |
| 4  | Approximately 0.12 hectares of land,<br>at High Lane Row, Hebburn, in the borough of South<br>Tyneside, shown on map 1.           |
| 5  | Approximately 1.20 hectares of land,<br>at Blakett Street, Jarrow, in the borough of South<br>Tyneside, shown on map 1.           |
| 6  | Approximately 0.81 hectares of land,  |
| 7  | Approximately 0.72 hectares of land,<br>each at West Holborn, South Shields, in the borough<br>of South Tyneside, shown on map 2. |
| 8  | Approximately 0.35 hectares of land, at Laygate Street,<br>South Shields, in the borough of South<br>Tyneside, shown on map 2.    |
| 9  | Approximately 0.03 hectares of land,  |
| 10 | Approximately 0.07 hectares of land,<br>each at Nile Street, South Shields, in the borough of<br>South Tyneside, shown on map 2.  |

- 11 Approximately 0.04 hectares of land,  
12 Approximately 0.04 hectares of land,  
each at Mill Dam, South Shields, in the borough of  
South Tyneside, shown on map 2.
- 13 Approximately 1.37 hectares of land,  
at River Drive, South Shields, in the borough of  
South Tyneside, shown on map 3.
- 14 Approximately 0.70 hectares of land,  
at the North Foreshore, South Shields, in the  
borough of South Tyneside, shown on map 3.

## PART 2

### LAND OF THE COUNCIL OF THE BOROUGH OF NORTH TYNESIDE

- 15 Approximately 0.12 hectares of land,  
at the Fish Quay, North Shields, in the borough of  
North Tyneside, shown on map 4.

## PART 3

### LAND OF THE COUNCIL OF THE CITY OF NEWCASTLE UPON TYNE

- 16 Approximately 0.05 hectares of land,  
17 Approximately 0.07 hectares of land,  
18 Approximately 0.27 hectares of land,  
19 Approximately 0.12 hectares of land,  
20 Approximately 0.06 hectares of land,  
21 Approximately 23.42 hectares of land,  
each at Scotswood Road, Elswick, in the city of  
Newcastle upon Tyne, shown on map 5.
- 22 Approximately 0.40 hectares of land,  
at Skinnerburn Road, in the city of Newcastle upon  
Tyne, shown on map 5.
- 23 Approximately 0.04 hectares of land,  
24 Approximately 0.64 hectares of land,  
25 Approximately 0.32 hectares of land,  
26 Approximately 0.13 hectares of land,  
27 Approximately 0.29 hectares of land,  
28 Approximately 0.18 hectares of land,  
29 Approximately 0.11 hectares of land,  
each at The Close, in the city of Newcastle upon  
Tyne, shown on map 6.
- 30 Approximately 0.73 hectares of land,  
31 Approximately 0.04 hectares of land,  
each at East Quayside, in the city of Newcastle upon  
Tyne, shown on maps 6 and 7.
- 32 Approximately 0.03 hectares of land,  
at Manors, in the city of Newcastle upon Tyne,  
shown on map 7.
- 33 Approximately 0.24 hectares of land,  
34 Approximately 0.14 hectares of land,  
35 Approximately 0.01 hectares of land,  
36 Approximately 0.02 hectares of land,  
37 Approximately 0.25 hectares of land,  
38 Approximately 0.43 hectares of land,  
39 Approximately 0.05 hectares of land,  
each at Manor Chare/Pandon, in the city of Newcastle  
upon Tyne, shown on map 7.

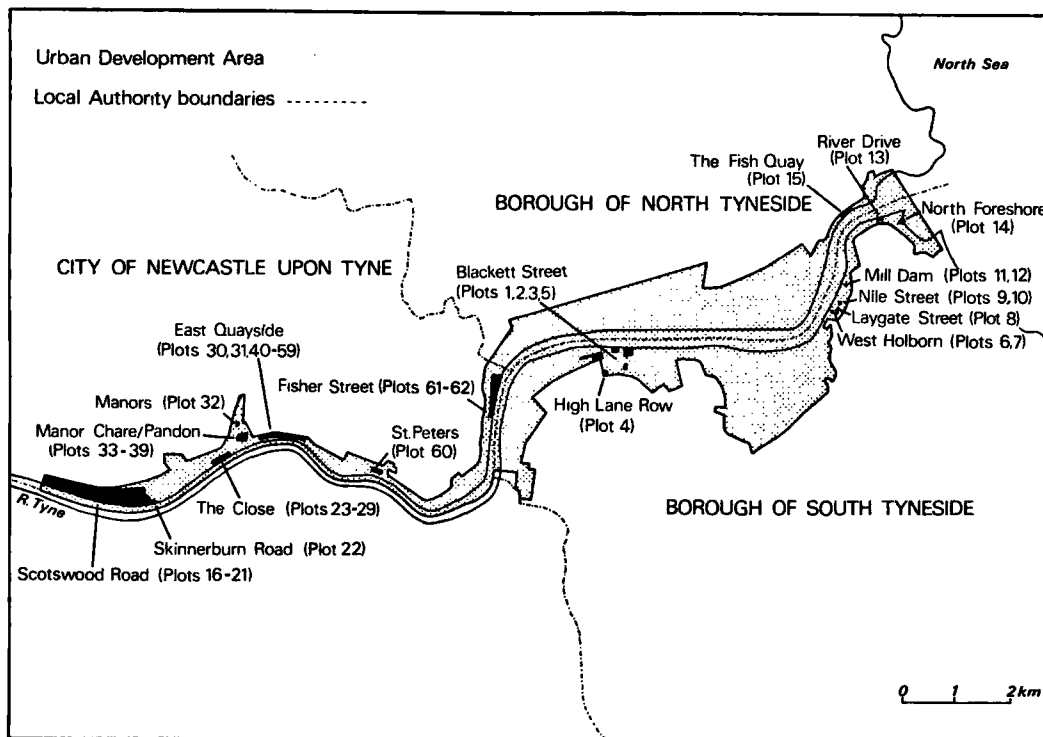
- 40 Approximately 0.01 hectares of land,  
41 Approximately 0.25 hectares of land,  
42 Approximately 0.02 hectares of land,  
43 Approximately 0.12 hectares of land,  
44 Approximately 0.06 hectares of land,  
45 Approximately 0.37 hectares of land,  
46 Approximately 0.23 hectares of land,  
47 Approximately 0.11 hectares of land,  
48 Approximately 0.33 hectares of land,  
49 Approximately 0.10 hectares of land,  
50 Approximately 0.07 hectares of land,  
51 Approximately 0.24 hectares of land,  
52 Approximately 0.02 hectares of land,  
53 Approximately 0.58 hectares of land,  
54 Approximately 0.06 hectares of land,  
55 Approximately 0.04 hectares of land,  
56 Approximately 0.17 hectares of land,  
57 Approximately 0.04 hectares of land,  
58 Approximately 0.07 hectares of land,  
59 Approximately 0.03 hectares of land,  
each at East Quayside, in the city of Newcastle upon  
Tyne, shown on map 7.
- 60 Approximately 2.73 hectares of land,  
at St Peter's in the city of Newcastle upon Tyne,  
shown on map 8.
- 61 Approximately 12.06 hectares of land,  
62 Approximately 0.13 hectares of land,  
each at Fisher Street, in the city of Newcastle upon  
Tyne, shown on map 9.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order vests in the Tyne and Wear Development Corporation certain land which is at present vested in the council of the city of Newcastle upon Tyne, the borough of North Tyneside and the borough of South Tyneside or any other local authority or other body mentioned in section 141(1) of the Local Government, Planning and Land Act 1980, and related easements and similar rights. The land is shown coloured black on the map forming part of this note.

The land and rights are in the area designated by the Tyne and Wear Development Corporation (Area and Constitution) Order 1987, which establishes the Tyne and Wear Development Corporation.



**1988 No.**

**URBAN DEVELOPMENT**

**The Tyne and Wear Development Corporation (Vesting  
of Land) (Various Local Authorities) Order 1988**

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**ISBN 0 11 088574 0**



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STATUTORY INSTRUMENTS

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1988 No.

URBAN DEVELOPMENT

The Tyne and Wear Development Corporation (Vesting of Land) (Borough of Sunderland) Order 1988

<i>Made</i> - - - -	<i>15th June 1988</i>
<i>Laid before Parliament</i>	<i>22nd June 1988</i>
<i>Coming into force</i> -	<i>1988</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 141(1) of the Local Government, Planning and Land Act 1980(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Tyne and Wear Development Corporation (Vesting of Land) (Borough of Sunderland) Order 1988 and shall come into force on the day after the day on which it is approved by resolution of each House of Parliament.

**Interpretation**

2.—(1) In this Order—

“the Corporation” means the Tyne and Wear Development Corporation;

“statutory undertakers” does not include any statutory undertakers in relation to whom the Secretary of State for the Environment is not the appropriate Minister;

“urban development area” means the area designated as an urban development area by the Tyne and Wear Development Corporation (Area and Constitution) Order 1987(b).

(2) Any reference in this Order to a map followed immediately by a number is a reference to the map so numbered in the set of maps numbered 1 to 4 entitled “Maps referred to in the Tyne and Wear Development Corporation (Vesting of Land) (Borough of Sunderland) Order 1988”, of which prints, signed by an Under Secretary in the Department of the Environment are deposited and available for inspection at the offices of the Secretary of State for the Environment, the council of the borough of Sunderland and the Corporation.

(3) Any reference in this Order to a numbered plot is a reference to the plot so numbered and shown bounded externally with a black line and edged internally with a stippled band on a numbered map.

---

(a) 1980 c.65.  
(b) S.I. 1987/924.

### **Vesting of Land**

3. The land described in the Schedule hereto and now vested in the council of the borough of Sunderland or any other local authority or statutory undertakers or other public body or in a subsidiary of any of them, being land within the urban development area, is hereby vested in the Corporation.

### **Easements and rights in or over land**

4. All existing easements and rights in or over other land within the urban development area which are vested in an authority or body mentioned in article 3 above, and which are annexed or appurtenant to land vested by that article or any part thereof, are hereby vested in the Corporation.

15th June 1988

*Nicholas Ridley*  
Secretary of State for the Environment

## **THE SCHEDULE**

Article 3

### **LAND VESTED IN THE CORPORATION**

**Plot  
Number**

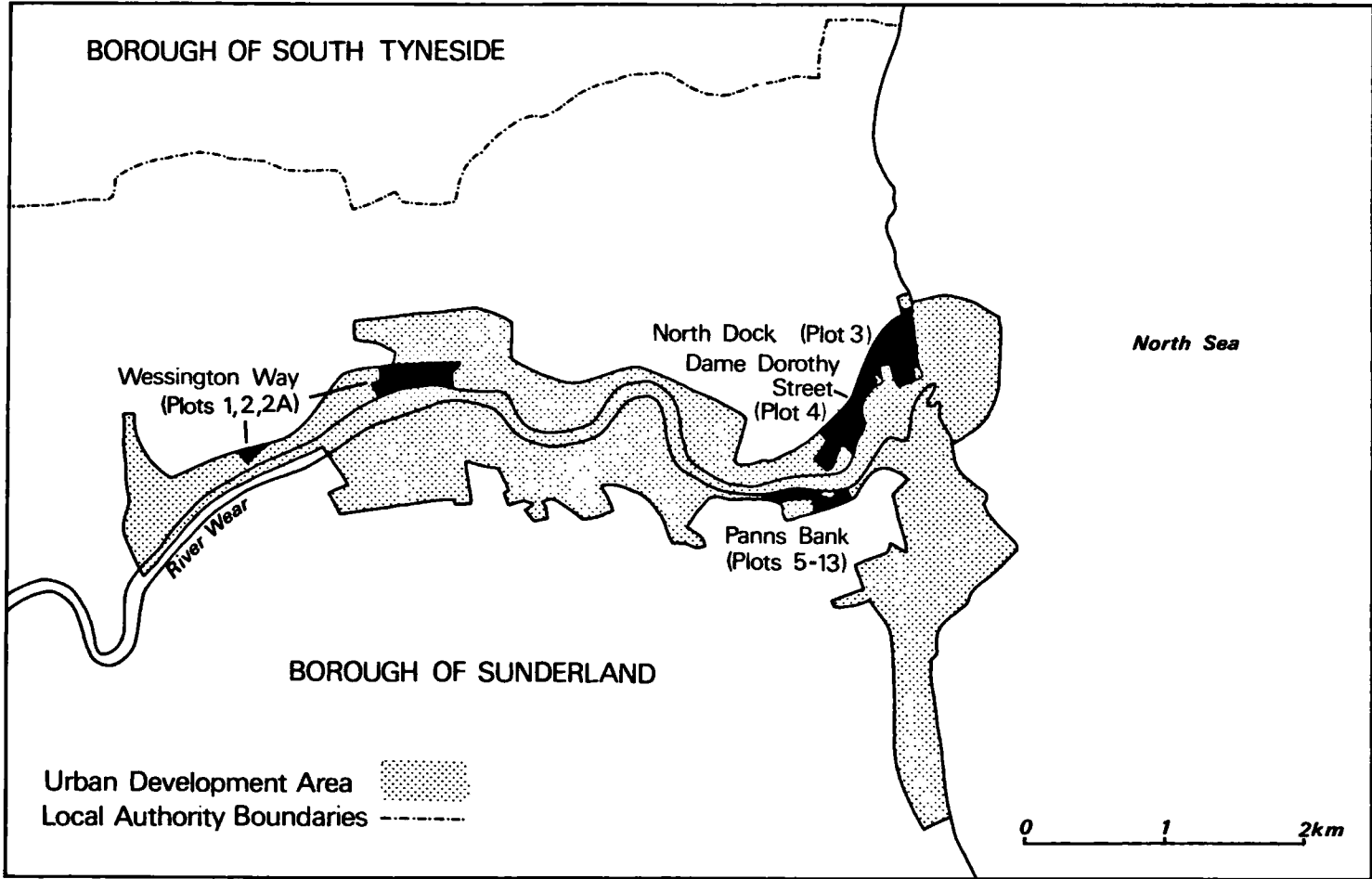
- 1** Approximately 0.15 hectares of land, at Wessington Way, North Hylton, in the borough of Sunderland, shown on map 1.
- 2** Approximately 12.45 hectares of land,
- 2A** Approximately 0.46 hectares of land, each at Wessington Way, North Hylton, in the borough of Sunderland, shown on map 2.
- 3** Approximately 14.78 hectares of land, at North Dock, in the borough of Sunderland, shown on map 3.
- 4** Approximately 11.80 hectares of land, at Dame Dorothy Street, in the borough of Sunderland, shown on maps 3 and 4.
- 5** Approximately 2.85 hectares of land,
- 6** Approximately 0.02 hectares of land,
- 7** Approximately 0.14 hectares of land,
- 8** Approximately 0.08 hectares of land,
- 9** Approximately 0.04 hectares of land,
- 10** Approximately 0.02 hectares of land,
- 11** Approximately 0.05 hectares of land,
- 12** Approximately 0.05 hectares of land,
- 13** Approximately 0.01 hectares of land, each at Panns Bank, in the borough of Sunderland, shown on map 4.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order vests in the Tyne and Wear Development Corporation certain land which is at present vested in the borough of Sunderland, or any other local authority or other body mentioned in section 141(1) of the Local Government, Planning and Land Act 1980, and related easements and similar rights. The land is shown coloured black on the map forming part of this note.

The land and rights are in the area designated by the Tyne and Wear Development Corporation (Area and Constitution) Order 1987, which establishes the Tyne and Wear Development Corporation.



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STATUTORY INSTRUMENTS

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1988 No.

URBAN DEVELOPMENT

The Tyne and Wear Development Corporation (Vesting of Land) (City of Newcastle upon Tyne) Order 1988

<i>Made - - - -</i>	<i>15th June 1988</i>
<i>Laid before Parliament</i>	<i>22nd June 1988</i>
<i>Coming into force</i>	<i>1988</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 141(1) of the Local Government, Planning and Land Act 1980<sup>(a)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Tyne and Wear Development Corporation (Vesting of Land) (City of Newcastle upon Tyne) Order 1988 and shall come into force on the day after the day on which it is approved by resolution of each House of Parliament.

**Interpretation**

2.—(1) In this Order—

“the Corporation” means the Tyne and Wear Development Corporation;

“statutory undertakers” does not include any statutory undertakers in relation to whom the Secretary of State for the Environment is not the appropriate Minister;

“urban development area” means the area designated as an urban development area by the Tyne and Wear Development Corporation (Area and Constitution) Order 1987<sup>(b)</sup>.

(2) Any reference in this Order to “the map” is a reference to the map entitled “Map referred to in the Tyne and Wear Development Corporation (Vesting of Land) (City of Newcastle upon Tyne) Order 1988”, of which prints, signed by an Under Secretary in the Department of the Environment are deposited and available for inspection at the offices of the Secretary of State for the Environment, the offices of the council of the city of Newcastle upon Tyne and the Corporation.

(3) Any reference in this Order to a numbered plot is a reference to the plot so numbered and shown bounded externally with a black line and edged internally with a stippled band on the map.

---

<sup>(a)</sup> 1980 c.65.

<sup>(b)</sup> S.I. 1987/924.

### **Vesting of Land**

3.—(1) The land described in the Schedule hereto and now vested in the council of the city of Newcastle upon Tyne or any other local authority or statutory undertakers or other public body or in a subsidiary of any of them, being land within the urban development area, is hereby vested in the Corporation.

(2) Nothing in this article shall operate to vest in the Corporation the highway known as Redheugh Bridge Approach Road and any land now vested in the council of the city of Newcastle Upon Tyne, as highway authority, for the purposes of that highway.

### **Easements and rights in or over land**

4. All existing easements and rights in or over other land within the urban development area which are vested in an authority or body mentioned in article 3 above, and which are annexed or appurtenant to land vested by that article or any part thereof, are hereby vested in the Corporation.

15th June 1988

*Nicholas Ridley*  
Secretary of State for the Environment

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## **THE SCHEDULE**

Article 3

### **LAND VESTED IN THE CORPORATION**

#### **Plot Number**

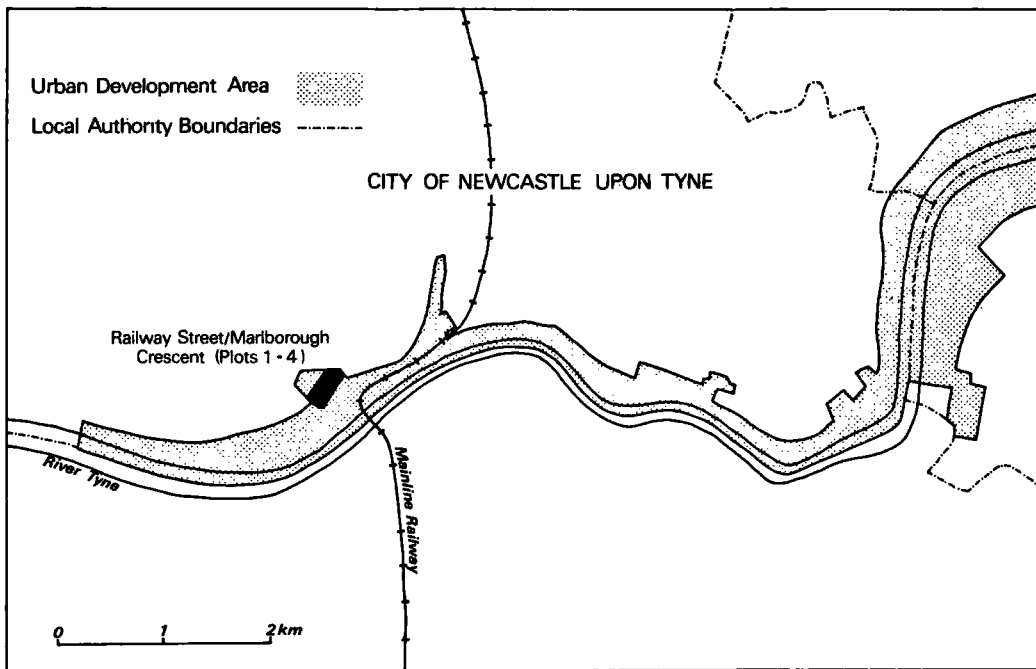
- |   |   |
|---|---|
| 1 | Approximately 0.55 hectares of land,  |
| 2 | Approximately 0.62 hectares of land,<br>each at Railway Street, in the city of Newcastle upon Tyne, shown on the map. |
| 3 | Approximately 0.37 hectares of land, at Marlborough Crescent, in the city of Newcastle upon Tyne, shown on the map.   |
| 4 | Approximately 1.20 hectares of land, at Railway Street, in the city of Newcastle upon Tyne, shown on the map.         |

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order vests in the Tyne and Wear Development Corporation certain land which is at present vested in the council of the city of Newcastle upon Tyne or any other local authority or other body mentioned in section 141(1) of the Local Government, Planning and Land Act 1980, and related easements and similar rights. The land is shown coloured black on the map forming part of this note.

The land and rights are in the area designated by the Tyne and Wear Development Corporation (Area and Constitution) Order 1987, which establishes the Tyne and Wear Development Corporation.



**1988 No.**

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STATUTORY INSTRUMENTS

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1988 No.

URBAN DEVELOPMENT

The Tyne and Wear Development Corporation (Vesting of Land) (City of Newcastle upon Tyne) (No. 2) Order 1988

<i>Made - - - -</i>	<i>15th June 1988</i>
<i>Laid before Parliament</i>	<i>22nd June 1988</i>
<i>Coming into force</i>	<i>1988</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 141(1) of the Local Government, Planning and Land Act 1980 (a), and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Tyne and Wear Development Corporation (Vesting of Land) (City of Newcastle upon Tyne) (No. 2) Order 1988 and shall come into force on the day after the day on which it is approved by resolution of each House of Parliament.

**Interpretation**

2.—(1) In this Order—

“the Corporation” means the Tyne and Wear Development Corporation;

“statutory undertakers” does not include any statutory undertakers in relation to whom the Secretary of State for the Environment is not the appropriate Minister;

“urban development area” means the area designated as an urban development area by the Tyne and Wear Development Corporation (Area and Constitution) Order 1987(b).

(2) Any reference in the Order to “the map” is a reference to the map entitled “Map referred to in the Tyne and Wear Development Corporation (Vesting of Land) (City of Newcastle upon Tyne) (No. 2) Order 1988”, of which prints, signed by an Under Secretary in the Department of the Environment are deposited and available for inspection at the offices of the Secretary of State for the Environment, the offices of the council of the city of Newcastle upon Tyne and the Corporation.

(3) Any reference in this Order to land shown on the map is a reference to that land shown bounded externally with a black line and edged internally with a stippled band on the map.

---

(a) 1980 c.65.  
(b) S.I. 1987/924.

### **Vesting of Land**

3. The land described in the Schedule hereto and now vested in the council of the city of Newcastle upon Tyne or any other local authority or statutory undertakers or other public body or in a subsidiary of any of them, being land within the urban development area, is hereby vested in the Corporation.

### **Easements and rights in or over land**

4. All existing easements and rights in or over land within the urban development area which are vested in an authority or body mentioned in article 3 above, and which are annexed or appurtenant to land vested by that article or any part thereof, are hereby vested in the Corporation.

15th June 1988

*Nicholas Ridley*  
Secretary of State for the Environment

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## **THE SCHEDULE**

Article 3

### **LAND VESTED IN THE CORPORATION**

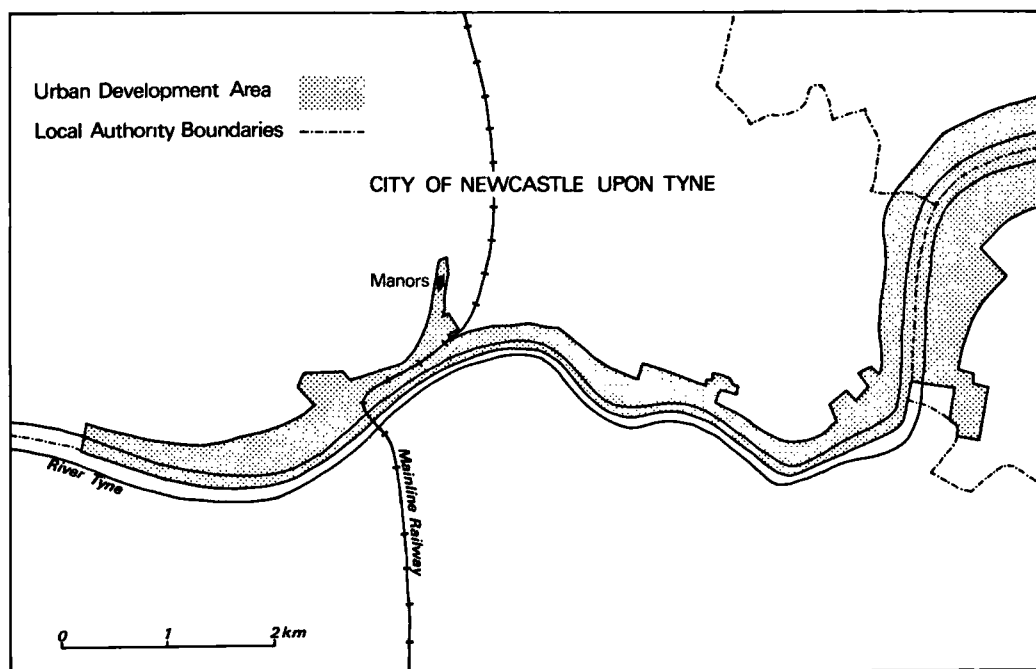
Approximately 3.03 hectares of land, at Manors, in the city of Newcastle upon Tyne, shown on the map.

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order vests in the Tyne and Wear Development Corporation certain land which is at present vested in the council of the city of Newcastle upon Tyne or any other local authority or other body mentioned in section 141(1) of the Local Government, Planning and Land Act 1980, and related easements and similar rights. The land is shown coloured black on the map forming part of this note.

The land and rights are in the area designated by the Tyne and Wear Development Corporation (Area and Constitution) Order 1987, which establishes the Tyne and Wear Development Corporation.



**1988 No.**

**URBAN DEVELOPMENT**

**The Tyne and Wear Development Corporation (Vesting  
of Land) (City of Newcastle upon Tyne) (No. 2) Order  
1988**

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850 WO 0971 C12 6/88 452/1 9385/3332/3658 PS 8910371

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DRAFT STATUTORY INSTRUMENTS

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1988 No. (S. )

**RATING AND VALUATION**

**The Docks and Harbours (Rateable Values) (Scotland)  
Amendment Order 1988**

*Made* - - - - - 1988  
*Coming into force* 1988

The Secretary of State, in exercise of the powers conferred on him by sections 6 and 35 of the Local Government (Scotland) Act 1975(a) and of all other powers enabling him in that behalf, and after consultation with such associations of local authorities, and of persons carrying on undertakings, as appeared to him to be concerned and with such local authority, person or association of persons with whom consultation appeared to him to be desirable, hereby makes the following Order, a draft of which has been laid before and approved by resolution of each House of Parliament:

**Citation and commencement**

1. This Order may be cited as the Docks and Harbours (Rateable Values) (Scotland) Amendment Order 1988, shall come into force on the day after the day on which it is made and shall have effect as from 1st April 1988.

**Interpretation**

2. In this Order, "the principal Order" means the Docks and Harbours (Rateable Values) (Scotland) Order 1985(b).

**Amendment of principal Order**

3. In respect of the years 1988-89 and 1989-90, the principal Order shall be amended as follows:-

- (a) in article 2(1), in the definition of "the Index", for the word "Index" there shall be substituted "General Index";
- (b) in article 4(b)-
  - (i) for the words "for any subsequent year" there shall be substituted "for the years 1988-89 and 1989-90", and
  - (ii) for the figure "355.5" there shall be substituted "90.1".

St. Andrew's House, Edinburgh  
1988

Minister of State,  
Scottish Office

---

(a) 1975 c.30; section 6 was substituted by the Local Government (Scotland) Act 1978 (c.4), section 1.  
(b) S.I. 1985/588.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The rateable values of lands and heritages occupied by statutory dock and harbour undertakings are, by virtue of the Docks and Harbours (Rateable Values) (Scotland) Order 1985, calculated by a formula applied to the undertaking's relevant income in the year preceding the year in respect of which the rateable values are being determined. That income is adjusted by reference to the retail prices index for September 1984 (in order to counteract the effect of inflation).

The retail prices index was re-referenced to January 1987, and one unintended effect of this – because of the wording of the formula in the 1985 Order – would be significantly to increase dock and harbour undertakings' rateable values for 1988-89 and 1989-90. In respect of those years this Amendment Order, therefore, amends the 1985 Order to take account of the re-referenced index and so maintain the intended effect of the 1985 Order.

By virtue of section 6(6) of the Local Government (Scotland) Act 1975, which confers a limited power to make retrospective provision, the Order makes provision for the whole of the year 1988-89, notwithstanding that it comes into force after 1st April 1988.

For the avoidance of any doubt, the Amendment Order also clarifies what index is to be used.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The aggregate rateable values of the lands and heritages comprising the operational undertaking of the British Waterways Board in Scotland are, by virtue of the British Waterways Board (Rateable Values) (Scotland) Order 1985, calculated by a formula applied to the Board's gross receipts in the years which are two and three years prior to the year in respect of which the aggregate rateable value is being determined. The formula provides however for the receipts in each year to be adjusted by reference to the retail prices index for September of that year (in order to counteract the effect of inflation).

The retail prices index was re-referenced to January 1987, and one unintended effect of this – because of the wording of the formula in the 1985 Order – would be significantly to increase the Board's aggregate rateable value in 1989-90. This Amendment Order therefore amends the 1985 Order to take account of the re-referenced index and so maintain the intended effect of the 1985 Order.

For the avoidance of any doubt, the Amendment Order also clarifies what index is to be used.

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D R A F T   S T A T U T O R Y   I N S T R U M E N T S

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**1988 No.**

**NORTHERN IRELAND**

**Northern Ireland Act 1974 (Interim Period Extension)  
Order 1988**

<i>Made - - - -</i>	<i>1988</i>
<i>Coming into force</i>	<i>1988</i>

Whereas a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred upon me by section 1(4) of the Northern Ireland Act 1974<sup>(a)</sup>, I hereby make the following Order:

1. This Order may be cited as the Northern Ireland Act 1974 (Interim Period Extension) Order 1988 and shall come into force forthwith.
2. The interim period specified by section 1(4) of the Northern Ireland Act 1974 shall continue until 16th July 1989.

Northern Ireland Office  
1988

One of Her Majesty's Principal Secretaries of State

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order extends until 16th July 1989 the period specified in section 1(4) of the Northern Ireland Act 1974 (as extended by the Northern Ireland Act 1974 (Interim Period Extension) Order 1987 (S.I. 1987/1207)) for the operation of the temporary provisions for the government of Northern Ireland contained in Schedule 1 to that Act.

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<sup>(a)</sup> 1974 c.28.

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