
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 4

ENACTMENTS AMENDED

B: FOOD

- 3 (1) In the Food and Drugs Act 1955 (" the Act of 1955 "), and in the Food and Drugs (Scotland) Act 1956 (" the Act of 1956 "), there shall be inserted in section 4(1) (regulations as to composition of food etc.) after the words " protection of the public " the words " or to be called for by any Community obligation ".
- (2) (a) After section 123 of the Act of 1955 there shall be inserted as section 123A the following section:—
- “(1) The Ministers may, as respects any directly applicable Community provision relating to food for which, in their opinion, it is appropriate to make provision under this Act, by regulations make such provision as they consider necessary or expedient for the purpose of securing that the Community provision is administered, executed and enforced under this Act, and may apply such of the provisions of this Act as may be specified in the regulations in relation to the Community provision with such modifications, if any, as may be so specified.
- (2) For the purpose of complying with any Community obligation, or for conformity with any provision made for that purpose, the Ministers may by regulations make provision as to—
- (a) the manner of sampling any food specified in the regulations, and the manner in which samples are to be dealt with ; and
- (b) the method to be used in analysing, testing or examining samples of any food so specified ;
- and regulations made by the Ministers for that purpose, or for conformity with any provision so made, may modify or exclude any provision of this Act relating to the procuring or analysis of, or dealing with, samples or to evidence of the results of an analysis or test”;
- and in section 124(2) of the Act of 1955 (statutory instruments subject to annulment), in paragraph (a) after the words " eighty-nine " there shall be inserted the words " or section 123A ".
- (b) After section 56 of the Act of 1956 there shall be inserted as section 56A the same section as is set out in paragraph (a) above but with the substitution for the words " the Ministers, " their opinion" and " they consider" of the words " the Secretary of State ", " his opinion " and " he considers " respectively.

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- (c) In section 22(2) of the Trade Descriptions Act 1968 (admissibility of evidence of analysis where offence is one under both that Act and food and drugs laws) after the words " 123 " there shall be inserted the words " or 123A " and after the word " 56 " there shall be inserted the words " or 56A ".
- (3) As from the end of the year 1975, or any earlier date which, for any provision, the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may by order made by statutory instrument appoint, there shall be omitted the following provisions of the Act of 1955 or the Act of 1956, that is to say.—
- (a) section 32(2) of the Act of 1955 and section 17(1)(6) of the Act of 1956, and the words "any separated milk, or" in section 32(4) of the Act of 1955 and in section 17(2) of the Act of 1956 ;
 - (b) section 33 of the Act of 1955, together with the words from " (being " to " Act)" in section 29(1)(f) of that Act, and in section 16 of the Act of 1956 subsection (1), together with the words from " (being " to " subsection) " in subsection (2).