



# European Communities Act 1972

## 1972 CHAPTER 68

### PART I U.K.

#### GENERAL PROVISIONS

#### 1 Short title and interpretation. U.K.

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

(2) In this Act . . . <sup>F1</sup>—

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

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

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

- (a) the treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the 22nd January 1972; and
- (b) the decision, of the same date, of the Council of the European Communities relating to the accession of the United Kingdom to the European Coal and Steel Community; [<sup>F4</sup>and
- (c) the treaty relating to the accession of the Hellenic Republic to the European Economic Community and to the European Atomic Energy Community, signed at Athens on 28th May 1979; and
- (d) the decision, of 24th May 1979, of the Council relating to the accession of the Hellenic Republic to the European Coal and Steel Community;]and

[<sup>F5</sup>(e) the decisions of the Council of 7 May 1985, 24 June 1988, 31 October 1994, 29 September 2000 and 7 June 2007 on the Communities' system of own

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resources, and the decision of the Council of 26 May 2014 on the EU's system of own resources; ]

- (g) the treaty relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and to the European Atomic Energy Community, signed at Lisbon and Madrid on 12th June 1985; and
- (h) the decision, of 11th June 1985, of the Council relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Coal and Steel Community;]<sup>F6</sup> and
- (j) the following provisions of the Single European Act signed at Luxembourg and The Hague on 17th and 28th February 1986, namely Title II (amendment of the treaties establishing the Communities) and, so far as they relate to any of the Communities or any Community institution, the preamble and Titles I (common provisions) and IV (general and final provisions); ]]<sup>F7</sup> and
- (k) Titles II, III and IV of the Treaty on European Union signed at Maastricht on 7th February 1992, together with the other provisions of the Treaty so far as they relate to those Titles, and the Protocols adopted at Maastricht on that date and annexed to the Treaty establishing the European Community with the exception of the Protocol on Social Policy on page 117 of Cm 1934 ]]<sup>F8</sup> and
- (l) the decision, of 1st February 1993, of the Council amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage annexed to Council Decision 76/787/ EC SC, EEC, Euratom of 20th September 1976. ]]<sup>F9</sup> and
- (m) the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993]]<sup>F10</sup> and
- (n) the treaty concerning the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24th June 1994;]]<sup>F11</sup> and
- (o) the following provisions of the Treaty signed at Amsterdam on 2nd October 1997 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts—
  - (i) Articles 2 to 9,
  - (ii) Article 12, and
  - (iii) the other provisions of the Treaty so far as they relate to those Articles, and the Protocols adopted on that occasion other than the Protocol on Article J.7 of the Treaty on European Union;]]<sup>F12</sup> and
- (p) the following provisions of the Treaty signed at Nice on 26th February 2001 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts—
  - (i) Articles 2 to 10, and
  - (ii) the other provisions of the Treaty so far as they relate to those Articles, and the Protocols adopted on that occasion;]]<sup>F13</sup> and
- (q) the treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed at Athens on 16th April 2003;]]<sup>F14</sup> and
- (r) the treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, signed at Luxembourg on 25th April 2005;]]<sup>F15</sup> and

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- (s) the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13th December 2007 (together with its Annex and protocols), excluding any provision that relates to, or in so far as it relates to or could be applied in relation to, the Common Foreign and Security Policy;]<sup>F16</sup>and
- (t) the Protocol amending the Protocol ( No. 36) on transitional provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, signed at Brussels on 23 June 2010;]<sup>F17</sup> and
- (u) the treaty concerning the accession of the Republic of Croatia to the European Union, signed at Brussels on 9 December 2011; and
- (v) the Protocol on the concerns of the Irish people on the Treaty of Lisbon, adopted at Brussels on 16 May 2012;]

and [<sup>F18</sup>any other treaty entered into by the EU (except in so far as it relates to, or could be applied in relation to, the Common Foreign and Security Policy)] , with or without any of the member States, or entered into, as a treaty ancillary to any of the Treaties, by the United Kingdom;

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

- (3) If Her Majesty by Order in Council declares that a treaty specified in the Order is to be regarded as one of [<sup>F19</sup>the EU Treaties] as herein defined, the Order shall be conclusive that it is to be so regarded; but a treaty entered into by the United Kingdom after the 22nd January 1972, other than a pre-accession treaty to which the United Kingdom accedes on terms settled on or before that date, shall not be so regarded unless it is so specified, nor be so specified unless a draft of the Order in Council has been approved by resolution of each House of Parliament.
- (4) For purposes of subsections (2) and (3) above, “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.

#### Textual Amendments

- F1** Words repealed by [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#) , s. 25 , **Sch. 3**
- F2** Words in s. 1(2) inserted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#) , s. **3(1)**; S.I. 2009/3143 , **art. 2**
- F3** Words in s. 1(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#) , s. 3 , **Sch. Pt. 1** ; S.I. 2009/3143 , **art. 2**
- F4** S. 1(2)(c)(d) inserted by [European Communities \(Greek Accession\) Act 1979 \(c. 57, SIF 29:5\)](#) , s. **1**
- F5** Words in s. 1(2) substituted (21.9.2015) by [European Union \(Finance\) Act 2015 \(c. 32\)](#) , **ss. 1(2)**, 2(3)
- F6** Words inserted by [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#) , s. **1**
- F7** S. 1(2)(k) and preceding word inserted (23.7.1992) by 1993, c. 32, s. 1(1)(7); resolution of House of Lords dated 27.7.1993; resolution of House of Commons dated 23.7.1993
- F8** S. 1(2)(l) and preceding word inserted (5.11.1993) by 1993 c. 41 , s. **3(2)**
- F9** S. 1(2)(m) and the preceding word added (5.11.1993) by 1993 c. 51 , s. **1**
- F10** S. 1(2)(n) and preceding word inserted (3.11.1994) by 1994 c. 38 , s. **1**
- F11** S. 1(2)(o) and preceding word inserted (11.6.1998) by 1998 c. 21 , s. **1**
- F12** S. 1(2)(p) and preceding word inserted (26.2.2002) by 2002 c. 3 , s. **1(1)**
- F13** S. 1(2)(q) and preceding word inserted (13.11.2003) by [European Union \(Accessions\) Act 2003 \(c. 35\)](#) , s. **1(1)**
- F14** S. 1(2)(r) inserted (16.2.2006) by [European Union \(Accessions\) Act 2006 \(c. 2\)](#) , s. **1(1)**
- F15** S. 1(2)(s) and preceding word added (19.6.2008) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#) , s. **2**

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- F16** S. 1(2)(t) and word inserted (19.7.2011) by [European Union Act 2011 \(c. 12\), ss. 15\(2\), 21](#)
- F17** S. 1(2)(u)(v) and word inserted (31.1.2013) by [European Union \(Croatian Accession and Irish Protocol\) Act 2013 \(c. 5\), ss. 3, 6\(2\)](#)
- F18** Words in s. 1(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), s. 3, Sch. Pt. 1](#) ; [S.I. 2009/3143, art. 2](#)
- F19** Words in s. 1(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), s. 3, Sch. Pt. 1](#) ; [S.I. 2009/3143, art. 2](#)

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

- C1** S. 1(2): Power to amend definitions conferred by (26.2.2002) by [2002 c. 3, s. 1\(1\)\(2\)](#)
- C2** S. 1(2)(l) and the word “and” preceding it continue to be inserted (24.10.2002) by [2002 c. 24, s. 15, Sch. 3 para. 1](#)

**2 General implementation of Treaties. U.K.**

- (1) All such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Treaties, and all such remedies and procedures from time to time provided for by or under the Treaties, as in accordance with the Treaties are without further enactment to be given legal effect or used in the United Kingdom shall be recognised and available in law, and be enforced, allowed and followed accordingly; and the expression [<sup>F20</sup> “enforceable EU right”] and similar expressions shall be read as referring to one to which this subsection applies.
- (2) Subject to Schedule 2 to this Act, at any time after its passing Her Majesty may by Order in Council, and any designated Minister or department may [<sup>F21</sup>by order, rules, regulations or scheme] , make provision—
- (a) for the purpose of implementing any [<sup>F22</sup>EU obligation] of the United Kingdom, or enabling any such obligation to be implemented, or of enabling any rights enjoyed or to be enjoyed by the United Kingdom under or by virtue of the Treaties to be exercised; or
  - (b) for the purpose of dealing with matters arising out of or related to any such obligation or rights or the coming into force, or the operation from time to time, of subsection (1) above;

and in the exercise of any statutory power or duty, including any power to give directions or to legislate by means of orders, rules, regulations or other subordinate instrument, the person entrusted with the power or duty may have regard to the [<sup>F23</sup>objects of the EU] and to any such obligation or rights as aforesaid.

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

- (3) There shall be charged on and issued out of the Consolidated Fund or, if so determined by the Treasury, the National Loans Fund the amounts required to meet any [<sup>F24</sup>EU obligation] to make payments to [<sup>F25</sup>the EU or a member State] , or any [<sup>F24</sup>EU obligation] in respect of contributions to the capital or reserves of the European Investment Bank or in respect of loans to the Bank, or to redeem any notes or obligations issued or created in respect of any such [<sup>F24</sup>EU obligation] and, except as otherwise provided by or under any enactment,—

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

#### Textual Amendments

- F20** Words in s. 2(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)
- F21** Words in s. 2(2) substituted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\), ss. 27\(1\)\(a\), 33](#)
- F22** Words in s. 2(2)(a) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)
- F23** Words in s. 2(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)
- F24** Words in s. 2(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)
- F25** Words in s. 2(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1; S.I. 2009/3143, art. 2](#)
- F26** Words in s. 2(4) substituted (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\), ss. 27\(1\)\(b\), 33](#)
- F27** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36 SIF 29:3\), Sch. 6 Pt. I](#)

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

- C3** S. 2 extended (1.7.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 15(2)**; S.I. 1998/3178, **art. 2(1)**  
 S. 2 modified (1.7.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 15(3)**; S.I. 1998/3178, **art. 2(1)**  
 S. 2: power to make certain corresponding provisions conferred (27.7.1999) by 1999 c. 24, s. 2, **Sch. 1 Pt. 1 para. 20(1)(d)**
- C4** S. 2(2) extended (27.9.1993) by 1993 c. 36, **s. 70(2)**
- C5** S. 2(2) extended (5.11.1993) by 1993 c. 51, **s. 2(5)**  
 S. 2(2) extended (1.12.1998) by 1998 c. 38, **s. 29(2)**; S.I. 1998/2789, **art. 2**  
 S. 2(2) amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 3, **Sch. 2**; S.I. 1998/3178, **art. 2(1)** (with art. 7(4))  
 S. 2(2) modified (30.11.2000) by 2000 c. 37, **s. 81(2)**
- C6** S. 2(2): Transfer of certain functions (27.3.2002) by S.I. 2002/794, **art. 3(11)**
- C7** S. 2(2) power made exercisable concurrently (15.2.2006) by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 {S.I. 2006/304}, {art. 3} (with art. 5)
- C8** S. 2(2) extended (3.5.2007) by Government of Wales Act 2006, (c. 32), {s. 59(1)}, (with Sch. 11 para. 22) the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.
- C9** S. 2(2)(a)(b) excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), **Sch. 2 para. 3**
- C10** Reference in s. 2(5) to "that subsection" means s. 2(2) of this Act. Reference to a Minister of the Government of Northern Ireland to be construed, as respects the discharge of functions, as a reference to the head of a Northern Ireland department: Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), **Sch. 5 para. 7(2)**

#### Marginal Citations

- M1** 1865 c. 63(26:1).

### 3 Decisions on, and proof of, Treaties and [F28EU instruments]etc. **U.K.**

- (1) For the purposes of all legal proceedings any question as to the meaning or effect of any of the Treaties, or as to the validity, meaning or effect of any [F29EU instrument] , shall be treated as a question of law (and, if not referred to the European Court, be for determination as such in accordance with the principles laid down by and any relevant [F30decision of [F31the European Court]]).
- (2) Judicial notice shall be taken of the Treaties, of the [F32Official Journal of the European Union] and of any decision of, or expression of opinion by, the [F33the European Court] on any such question as aforesaid; and the Official Journal shall be admissible as evidence of any instrument or other act thereby communicated of [F34the EU] or of any [F35EU institution] .
- (3) Evidence of any instrument issued by a [F36EU institution] , including any judgment or order of [F37the European Court] , or of any document in the custody of a [F36EU institution] , or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of that institution; and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.
- (4) Evidence of any [F38EU instrument] may also be given in any legal proceedings—

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- (a) by production of a copy purporting to be printed by the Queen's Printer;
- (b) where the instrument is in the custody of a government department (including a department of the Government of Northern Ireland), by production of a copy certified on behalf of the department to be a true copy by an officer of the department generally or specially authorised so to do;

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

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

#### Textual Amendments

- F28** Words in s. 3 heading substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F29** Words in s. 3(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F30** Words substituted by [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\), s. 2\(a\)](#)
- F31** Words in s. 3(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F32** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F33** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F34** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F35** Words in s. 3(2) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F36** Words in s. 3(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F37** Words in s. 3(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)
- F38** Words in s. 3(4) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\), ss. 3, 8, Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)

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

- C11** Sections 3(2)-(5) extended (5.11.1993) by [1993 c. 51, s. 4](#)  
S. 3(4) extended (1.7.1999) by [1998 c. 46, s. 125, Sch. 8 para. 15\(4\)](#); S.I. 1998/3178, [art. 2](#)  
S. 3(3)(4): power to modify conferred (2.12.1999) by [1998 c. 47, s. 7\(2\)](#); S.I. 1999/3208, [art. 2](#)

## PART II **U.K.**

### AMENDMENT OF LAW

#### 4 **General provision for repeal and amendment.** **U.K.**

- (1) The enactments mentioned in Schedule 3 to this Act (being enactments that are superseded or to be superseded by reason of [<sup>F39</sup>EU obligations] and of the provision

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made by this Act in relation thereto or are not compatible with [<sup>F39</sup>EU obligations]) are hereby repealed, to the extent specified in column 3 of the Schedule, with effect from the entry date or other date mentioned in the Schedule; and in the enactments mentioned in Schedule 4 to this Act there shall, subject to any transitional provision there included, be made the amendments provided for by that Schedule.

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

#### Textual Amendments

**F39** Words in s. 4(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)

**F40** S. 4(3)(b) repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [Sch. 6 Pt. I](#)

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

**C12** S. 4 modified by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 9 para. 6\(1\)\(b\)](#)

**C13** Power of appointment conferred by s. 4(2) partly exercised: [S.I. 1973/135](#), 1973/1019, 1973/2176; 1974/1816; 1975/1164, 1975/1484, 1975/1485, 1975/1487; 1976/509, 1976/548, 1976/840, 1976/914, 1976/975, 1976/1304, 1976/1831, 1976/1883, 1976/1886, 1976/1887, 1976/2016; 1977/76, 1977/901, 1977/358, 1977/1026, 1977/1049, 1977/2028; 1978/1003, 1978/1420; 1979/133; 1981/1192; 1982/1048

**C14** Reference in s. 4(3)(a) to an Act of the Parliament of Northern Ireland to be construed as including a reference to a Measure of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [Sch. 5 para. 1\(1\)](#)

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



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## 5 Customs duties. **U.K.**

(1) Subject to subsection (2) below, on and after the relevant date there shall be charged, levied, collected and paid on goods imported into the United Kingdom such [<sup>F41</sup>EU customs duty] , if any, as is for the time being applicable in accordance with the Treaties or, if the goods are not within the common customs tariff of the [<sup>F42</sup>EU] and the duties chargeable are not otherwise fixed by any directly applicable [<sup>F43</sup>EU provision] , such duty of customs, if any, as the Treasury, on the recommendation of the Secretary of State, may by order specify.

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

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

[<sup>F44</sup>(3) Schedule 2 to this Act shall also have effect in connection with the powers to make orders conferred by subsections (1) and (2) above.]

- (4) ..... F45  
(5) ..... F46  
(6A) ..... F47  
(7) ..... F48

### Subordinate Legislation Made

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

### Textual Amendments

- F41 Words in s. 5(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)  
F42 Words in s. 5(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)  
F43 Words in s. 5(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); [S.I. 2009/3143](#), [art. 2](#)  
F44 S. 5(3) substituted by [Customs and Excise Duties \(General Reliefs\) Act 1979 \(c. 3, SIF 40:1\)](#), s. 19(1), [Sch. 2 para. 3](#)  
F45 S. 5(4) repealed by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177, [Sch. 6 Pt. I](#), [Sch. 7 para. 5](#)  
F46 S. 5(5)(6) repealed by [Customs and Excise Duties \(General Reliefs\) Act 1979 \(c. 3, SIF 40:1\)](#), s. 19(2), [Sch. 3 Pt. I](#)  
F47 S. 5(6A) inserted by [Finance Act 1978 \(c. 42, SIF 40:1\)](#), s. 6(8), and repealed by [Customs and Excise Duties \(General Reliefs\) Act 1979 \(c. 3, SIF 40:1\)](#), s. 19(2), [Sch. 3 Pt. I](#)  
F48 S. 5(7)–(9) repealed by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177, [Sch. 6 Pt. I](#)

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

- C16 S. 5 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), **Sch. 2 para. 3**
- C17 S. 5(1) extended by Finance Act 1977 (c. 36, SIF 40:1), **s. 10(4)**

## 6 The common agricultural policy. **U.K.**

<sup>F49</sup>(1) .....

<sup>F49</sup>(2) .....

- (3) Sections 5 and 7 of the <sup>M2</sup>Agriculture Act 1957 (which make provision for the support of arrangements under section 1 of that Act for providing guaranteed prices or assured markets) shall apply in relation to any [<sup>F50</sup>EU arrangements] for or related to the regulation of the market for any agricultural produce as if references, in whatever terms, to payments made by virtue of section 1 were references to payments made by virtue of the [<sup>F50</sup>EU arrangements] by or on behalf of [<sup>F51</sup>the relevant Minister and as if for every reference in section 5 to the Minister there were substituted a reference to the relevant Minister.]
- (4) Agricultural levies of the [<sup>F52</sup>EU] , so far as they are charged on goods exported from the United Kingdom or shipped as stores, shall be paid to and recoverable by [<sup>F53</sup>the relevant Minister]; and the power of [<sup>F53</sup>the relevant Minister] to make orders under section 5 of the <sup>M3</sup>Agriculture Act 1957, as extended by this section, shall include power to make such provision supplementary to any directly applicable [<sup>F54</sup>EU provision] as [<sup>F53</sup>the relevant Minister considers] necessary for securing the payment of any agricultural levies so charged, including provision for the making of declarations or the giving of other information in respect of goods exported, shipped as stores, or otherwise dealt with.
- (5) Except as otherwise provided by or under any enactment, agricultural levies of the [<sup>F55</sup>EU] , so far as they are charged on goods imported into the United Kingdom, shall be levied, collected and paid, and the proceeds shall be dealt with, as if they were [<sup>F56</sup>EU customs duties] , and in relation to those levies the following enactments shall apply as they would apply in relation to [<sup>F56</sup>EU customs duties] , that is to say:—
- [<sup>F57</sup>(a) the <sup>M4</sup>Customs and Excise Management Act 1979 (as for the time being amended by any later Act) and any other statutory provisions for the time being in force relating generally to customs or excise duties on imported goods; and]
- [<sup>F58</sup>(b) sections 1, 3, 4, 5, 6 (including Schedule 1), 7, 8, 9, 12, 13, 15, 17 and 18 of the <sup>M5</sup>Customs and Excise Duties (General Reliefs) Act 1979 but so that—
- (i) any references in sections 1, 3 and 4 to the Secretary of State shall include the Ministers; and
- (ii) the reference in section 15 to an application for an authorisation under regulations made under section 2 of that Act shall be read as a reference to an application for an authorisation under regulations made under section 2(2) of this Act;]

and, if, in connection with any such [<sup>F59</sup>EU arrangements] as aforesaid, the Commissioners of Customs and Excise are charged with the performance, on behalf of the Board or otherwise, of any duties in relation to the payment of refunds or allowances on goods exported or to be exported from the United Kingdom, then in relation to any such refund or allowance [<sup>F60</sup>section 133 (except subsection (3) and the

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reference to that subsection in subsection (2) and section 159 of the <sup>M6</sup>Customs and Excise Management Act 1979 shall apply as they apply in relation to a drawback of excise duties], and other provisions of that Act shall have effect accordingly.

- (6) The enactments applied by subsection (5)(a) above shall apply subject to such exceptions and modifications, if any, as the Commissioners of Customs and Excise may by regulations prescribe, and shall be taken to include section 10 of the <sup>M7</sup>Finance Act 1901 (which relates to changes in customs import duties in their effect on contracts), but shall not include [<sup>F61</sup>section 126 of the <sup>M8</sup>Customs and Excise Management Act 1979] (charge of duty on manufactured or composite articles).

<sup>F62</sup>(7) .....

- (8) Expressions used in this section shall be construed as if contained in Part I of the <sup>M9</sup>Agriculture Act 1957; and in this section “agricultural levy” shall include any tax not being a customs duty, but of equivalent effect, that may be chargeable in accordance with any such [<sup>F63</sup>EU arrangements] as aforesaid, and “statutory provision” includes any provision having effect by virtue of any enactment and, in subsection (2), any enactment of the Parliament of Northern Ireland or provision having effect by virtue of such an enactment.

#### Textual Amendments

- F49** S. 6(1)(2) repealed (15.11.2001) by S.I. 2001/3686, **regs. 1(1), 3(a)**
- F50** Words in s. 6(3) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, **Sch. Pt. 1**; S.I. 2009/3143, **art. 2**
- F51** Words in s. 6(3) substituted (15.11.2001) by S.I. 2001/3686, **regs. 1(1), 3(b)**
- F52** Words in s. 6(4) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, **Sch. Pt. 1**; S.I. 2009/3143, **art. 2**
- F53** Words in s. 6(4) substituted (15.11.2001) by S.I. 2001/3686, **regs. 1(1), 3(c)**
- F54** Words in s. 6(4) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, **Sch. Pt. 1**; S.I. 2009/3143, **art. 2**
- F55** Words in s. 6(5) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, **Sch. Pt. 1**; S.I. 2009/3143, **art. 2**
- F56** Words in s. 6(5) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, **Sch. Pt. 1**; S.I. 2009/3143, **art. 2**
- F57** S. 6(5)(a) substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), **Sch. 4 para. 12** Table Pt. I
- F58** S. 6(5)(b) substituted by [Customs and Excise Duties \(General Reliefs\) Act 1979 \(c. 3, SIF 40:1\)](#), s. 19(1), **Sch. 2 para. 4**
- F59** Words in s. 6(5) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, **Sch. Pt. 1**; S.I. 2009/3143, **art. 2**
- F60** Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), **Sch. 4 para. 12** Table Pt. I
- F61** Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), **Sch. 4 para. 12** Table Pt. I
- F62** S. 6(7) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993 but 4.8.1993 so far as relating to potatoes) by 1993, c. 51, ss. 64, 65, Sch. 5 (subject to provision at the end of Sch. 5); S.I. 1993/2038, **art. 2**.
- F63** Words in s. 6(8) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, **Sch. Pt. 1**; S.I. 2009/3143, **art. 2**

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

- C18** S. 6 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), **Sch. 2 para. 3**
- C19** Functions of the Ministers under s. 6 now exercisable by the Ministers and the Secretary of State for Wales jointly: **S.I. 1978/272, art 4(2), Sch. 2**
- C20** S. 6 modified (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 52(1)**; S.I. 1998/3178, **art. 2(1)**  
S. 6: transfer of functions (27.12.1999) by S.I. 1999/3141, arts. 2(1)(5), 3, **Sch.**

**Marginal Citations**

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

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**U.K.**

- (1) ..... **F64**
- (3) ..... **F65**

**Textual Amendments**

- F64** S. 7(1)(2) repealed by Agriculture (Miscellaneous Provisions) Act 1976 (c. 55, SIF 2:1), **Sch. 4 Pt. I**
- F65** S. 7(3)(4) repealed by Food Act 1984 (c. 30, SIF 53:1), **Sch. 11**

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..... **F66 U.K.**

**Textual Amendments**

- F66** S. 8 repealed by Films Act 1985 (c. 21, SIF 45A), s. 74, **Sch. 2**

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..... **F67 U.K.**

**Textual Amendments**

- F67** S. 9 repealed by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 29, **Sch. 1**

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..... **F68 U.K.**

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### Textual Amendments

**F68** S. 10 repealed by [Restrictive Trade Practices Act 1976 \(c. 34, SIF 124:1\)](#), [Sch. 6](#)

## 11 <sup>F69</sup>EU offences]. **U.K.**

(1) A person who, in sworn evidence before the <sup>F70</sup>the European Court], makes any statement which he knows to be false or does not believe to be true shall, whether he is a British subject or not, be guilty of an offence and may be proceeded against and punished—

- (a) in England and Wales as for an offence against section 1(1) of the <sup>M10</sup>Perjury Act 1911; or
- (b) in Scotland as for an offence against <sup>F71</sup>section 44(1) of the Criminal Law (Consolidation) (Scotland) Act 1995]; or
- (c) in Northern Ireland as for an offence against <sup>F72</sup>Article 3(1) of the <sup>M11</sup>Perjury (Northern Ireland) Order 1979].

Where a report is made as to any such offence under the authority of the <sup>F70</sup>the European Court] then a bill of indictment for the offence may, <sup>F73</sup>in England or Wales or] in Northern Ireland, be preferred as in a case where a prosecution is ordered under <sup>F73</sup>section 9 of the <sup>M12</sup>Perjury Act 1911 or] <sup>F72</sup>Article 13 of the <sup>M13</sup>Perjury (Northern Ireland) Order 1979], but the report shall not be given in evidence on a person's trial for the offence.

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

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

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

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

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

### Textual Amendments

**F69** Words in s. 11 heading substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)

**F70** Words in s. 11(1) substituted (1.12.2009) by [European Union \(Amendment\) Act 2008 \(c. 7\)](#), ss. 3, 8, [Sch. Pt. 1](#); S.I. 2009/3143, [art. 2](#)

**F71** Words in s. 11(1) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), [Sch. 4 para. 8](#)

**F72** Words substituted by [S.I. 1979/1714 \(N.I. 19\)](#), [Sch. 1](#)

**F73** Words repealed (E.W.) by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), [s. 31\(6\) Sch. 2](#)

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

- C21** S. 11 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), **Sch. 2 para. 3**
- C22** S. 11(1): power to modify conferred (*prosp.*) by 1997 c. 47, s. 7(2)

#### Marginal Citations

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

## 12 Furnishing of information to <sup>[F74]</sup>EU]. **U.K.**

Estimates, returns and information that may under section 9 of the <sup>M15</sup>Statistics of Trade Act 1947 or section <sup>[F75]</sup>3 of the <sup>M16</sup>Agricultural Statistics Act 1979] be disclosed to a government department <sup>[F76]</sup>, the Scottish Ministers] or Minister in charge of a government department may, in like manner, be disclosed in pursuance of a <sup>[F77]</sup>EU obligation] to a <sup>[F78]</sup>EU institution] .

#### Textual Amendments

- F74** Words in s. 12 heading substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7), ss. 3, 8, **Sch. Pt. 1**; S.I. 2009/3143, **art. 2**
- F75** Words substituted by Agricultural Statistics Act 1979 (c. 13, SIF 2:1), s. 7(1), **Sch. 1 para. 4**
- F76** Words in s. 12 inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 52(3)**; S.I. 1998/3178, **art. 2(1)**
- F77** Words in s. 12 substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7), ss. 3, 8, **Sch. Pt. 1**; S.I. 2009/3143, **art. 2**
- F78** Words in s. 12 substituted (1.12.2009) by European Union (Amendment) Act 2008 (c. 7), ss. 3, 8, **Sch. Pt. 1**; S.I. 2009/3143, **art. 2**

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

- C23** S. 12 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), **Sch. 2 para. 3**

#### Marginal Citations

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

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