

SCHEDULES

SCHEDULE 4

Section 4.

ENACTMENTS AMENDED

A: CUSTOMS DUTIES

A(i): Import Duty Reliefs etc.

- 1 (1) Save as provided by paragraphs (a) and (b) below, for the words "the Treasury", wherever occurring in Part II (including Schedule 3) of the Import Duties Act 1958, and for the words " the Board of Trade " or " the Board ", wherever occurring in that Act or in section 1 of the Finance Act 1966, there shall be substituted the words " the Secretary of State " (and in section 6(1) to (3) of the Act of 1958 and section 1(1) (a) of that of 1966 there shall be made any consequential substitution of words in the singular for words in the plural); but in the Act of 1958—

- (a) there shall be omitted section 5(7), in section 8(5) the words " on the recommendation of the Board of Trade " , in section 9(2) the words preceding the first " in" and the words " to recommend that" and in section 13(4) the words " of the Treasury " ; and
- (b) for section 13(1) there shall be substituted—

“(1) Any power to make orders which is conferred by this Act shall include power to vary or revoke any order made in the exercise of that power.”

The coming into force of this sub-paragraph shall not affect the continuance in force of any order, regulations or direction previously made or given ; but where any condition previously imposed under Part II of the Import Duties Act 1958 requires any consent of the Treasury or of the Board of Trade, it shall thereafter be construed as requiring instead that of the Secretary of State.

- (2) In section 5(4) of the Import Duties Act 1958 (power to provide by order for administration of any relief from duty under the section) after the words " any relief from duty under this section " there shall be inserted the words " or for the implementation or administration of any like relief provided for by any Community instrument " , and after paragraph (a) there shall be inserted—

“(aa) where the relief is limited to a quota of imported goods, provide for determining the allocation of the quota or for enabling it to be determined by the issue of certificates or licences or otherwise ;”.

- (3) In section 6(1) of the Import Duties Act 1958 (power to exempt importations meant for research or other special purposes) before the words " any import duty" there shall be inserted the words " the whole or part of ".

- (4) In section 7 of the Import Duties Act 1958 (which confers power to exempt importations intended for export, but with power to attach conditions on the grant of

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exemption) there shall be added at the end of subsection (3) the words " or that, in such circumstances as the Commissioners may require, there shall be paid by way of duty such amount as may be so required " ; and after subsection (3) there shall be inserted the following subsections:—

“(3A) For purposes of this section the Commissioners may treat any imported articles as if it were intended to re-export goods incorporating them or manufactured or produced from them, if the Commissioners are satisfied that goods incorporating, or manufactured or produced from, like articles have been or are intended to be exported and that in the circumstances it is proper for the imported articles to be so treated.

(3B) References in this section to goods manufactured or produced from any articles shall, in such cases and to such extent as the Commissioners may allow, be treated as including goods in the manufacture, production or repair of which those articles are used as an agent to carry out or facilitate any process or are used to treat, protect or test the goods or any component of them.”

(5) In section 13(4) of the Import Duties Act 1958 (orders lapsing unless approved by resolution of House of Commons) before the words " the statutory instrument" there shall be inserted the words " unless the order states that it does not do so otherwise than in pursuance of a Community obligation ".

(6) In Schedule 3 to the Import Duties Act 1958 at the end of paragraph 8 (which allows relief under section 5 to be given with a view to conforming with international agreements) there shall be added at the end the words " or with a view to conforming with any Community obligations or otherwise affording relief provided for by or under the Community Treaties. "

A(ii): Customs and Excise Act 1952

2 (1) In the Customs and Excise Act 1952 there shall be made, with effect from the entry date, the amendments provided for by the following sub-paragraphs.

(2) In section 34, there shall be inserted after subsection (1) a new subsection—

“(1A) Where security for the payment of duty is given to the satisfaction of the Commissioners in accordance with such arrangements as may be prescribed by regulations of the Commissioners, then subject to such conditions as may be so prescribed or as the Commissioners may see fit to impose, the Commissioners may permit payment under this section of the duty to be deferred for such period as may be so prescribed, and duty of which payment is deferred under this subsection shall be deemed to have been paid for purposes of any relief from duty by way of drawback, for purposes of sections 35, 36 and 46 of this Act, and for such other purposes as may be so prescribed ; but the regulations may provide for payment to be deferred in the case of some duties of customs or some goods but not of others”;

and in section 86 (removal of warehoused goods) there shall be added at the end of subsection (4) the words " but section 34(1A) of this Act shall apply to warehoused goods with the substitution of a reference to this section for any reference to that section.

(3) At the end of section 67 there shall be added as a separate subsection (2)—

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“(2) Without prejudice to subsection (1) above, where any question as to the duties of customs chargeable on any goods, or the operation of any prohibition or restriction on importation, depends on any question as to the place from which the goods were consigned, or any question where they or other goods are to be treated as grown, manufactured or produced, or any question as to payments made or relief from duty allowed in any country or territory, then—

- (a) the Commissioners may require the importer of the goods to furnish to them, in such form as they may prescribe, proof of any statement made to them as to any fact necessary to determine that question, or of the accuracy of any certificate or other document furnished in connection with the importation of the goods and relating to the matter in issue, and if such proof is not furnished to their satisfaction, the question may be determined without regard to that statement or to that certificate or document; and
- (b) if in any proceedings relating to the goods or to the duty chargeable thereon the accuracy of any such certificate or document comes in question, it shall be for the person relying on it to furnish proof of its accuracy.”

(4) At the end of section 70 there shall be added as a separate subsection (2)—

“(2) Where, in pursuance of any Community requirement or practice as to the movement of goods between countries, a seal, lock or mark is used (whether in the United Kingdom or elsewhere) to secure or identify any goods for customs purposes, and the seal, lock or mark is at any time wilfully and prematurely removed or tampered with in the United Kingdom, the person then in charge of the goods shall be liable to a penalty of £100.”

(5) In section 80(1) (which provides for the approval of warehouses for the goods mentioned in paragraphs (a) to (d)) there shall be inserted after paragraph (d) as a new paragraph—

“(e) subject to such conditions and restrictions as aforesaid, of such other goods as the Commissioners may allow to be warehoused for exportation or for use as stores in cases where relief from or repayment of any duty of customs or other payment is conditional on their exportation or use as stores;”

and in section 88(1) (duty chargeable on warehoused goods) there shall be inserted after the words " warehoused goods " the words " (other than those falling within section 80(1)(e) of this Act) ".

(6) In section 88(4) after the word " hops " there shall be inserted the words " the proprietor of the goods may elect, if any permitted operation has been carried out on the goods in warehouse, that the amount of any duty chargeable thereon under this section, not being a duty of excise or a duty of customs other than an import duty, shall be calculated in accordance with the account last taken of the goods before any permitted operation was so carried out, but otherwise ".

(7) After section 255 there shall be inserted as a new section 255A—

“**255A** Where any question as to the duties of customs chargeable on any goods depends on the use to be made of any goods or on any other matter not reasonably ascertainable from an examination of the goods, and that question is not in law conclusively determined by the production of any certificate or

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other document, then on the importation of those goods the Commissioners may impose such conditions as they see fit for securing that the goods will be so used or otherwise for the prevention of abuse or the protection of the revenue (including conditions requiring security for the observance of any conditions so imposed)”.

- (8) For section 258(1) and (2) there shall be substituted, except for cases in which the value of goods falls to be determined as at a time before the entry date, a new subsection—

“(1) For the purposes of any duty of customs for the time being chargeable on any imported goods by reference to then-value, whether a Community customs duty or not, the value of the goods shall be taken according to the rules applicable in the case of Community customs duties, and duty shall be paid on that value:

Provided that in relation to an importation in the course of trade within the Communities the value shall be determined on the basis of a delivery to the buyer at the port or place of importation into the United Kingdom.”

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”;

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- and in section 124(2) of the Act of 1955 (statutory instruments subject to annulment), in paragraph (a) after the words " eighty-nine " there shall be inserted the words " or section 123A ".
- (b) After section 56 of the Act of 1956 there shall be inserted as section 56A the same section as is set out in paragraph (a) above but with the substitution for the words " the Ministers, " their opinion" and " they consider" of the words " the Secretary of State ", " his opinion " and " he considers " respectively.
- (c) 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).

C: GRADING ETC. OF HORTICULTURAL PRODUCE

- 4 (1) Part III of the Agriculture and Horticulture Act 1964 (grading and transport of fresh horticultural produce) shall be amended as follows:—
- (a) in section 11 (power to prescribe grades) there shall be added at the end as a new subsection (3)—
- “(3) Regulations under subsection (1) above shall not apply to produce of any description for the time being subject to Community grading rules ; but in relation to any such produce the Ministers may by regulations—
- (a) make additional provision as to the form of any label required for the purpose of those rules or as to the inclusion in any such label of additional particulars (not affecting the grading of the produce);
- (b) provide for the application, subject to any modifications specified in the regulations, of all or any of the following provisions of this Part of this Act as if the produce were regulated produce and as if the standards of quality established by those rules were prescribed grades.”;
- (b) at the end of section 22(3) (which provides against the grading etc. of produce by agricultural marketing boards otherwise than in conformity with regulations under section 11(1) or 21 or, in Northern Ireland, any corresponding provisions for the time being in force there) there shall be added—

“This subsection shall apply in relation to Community grading rules as it applies in relation to regulations under section 11(1) or 21 of

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this Act or, as regards Northern Ireland, under any corresponding provisions.”;

- (c) in section 24 (interpretation of Part III) there shall be inserted after the definition of " authorised officer " the following definition:—

“" Community grading rules " means any directly applicable Community provisions establishing standards of quality for fresh horticultural produce.”

- (2) In section 2(4) of the Trade Descriptions Act 1968 (which provides that certain statutory descriptions and markings are to be deemed not to be trade descriptions) after the words " the Agriculture and Horticulture Act 1964 " there shall be inserted the words " or any Community grading rules within the meaning of Part III of that Act

D: SEEDS AND OTHER PROPAGATING MATERIAL

- 5 (1) In the Plant Varieties and Seeds Act 1964 there shall be made the amendments provided for by sub-paragraphs (2) to (5) below.

- (2) In section 16(1)(c) (preventing spread of plant disease by the sale of seeds) for the words " the sale " there shall be substituted the word " means ", and after section 16(1) there shall be inserted as subsection (1A):—

“(1A) Seeds regulations may further make provision for regulating the marketing, or the importation or exportation, of seeds or any related activities (whether by reference to officially published lists of permitted varieties or otherwise), and may in that connection include provision—

- (a) for the registration or licensing of persons engaged in the seeds industry or related activities ;
- (b) for ensuring that seeds on any official list remain true to variety;
- (c) for the keeping and inspection of records and the giving of information ;
- (d) for conferring rights of appeal to the Tribunal ;
- (e) for excluding, extending or modifying, in relation to or in connection with any provision of the regulations, the operation of any provision made by the following sections of this Part of this Act or of Part IV of this Act, and for the charging of fees”;

and the provisions relating to offences connected with seeds regulations shall be amended as follows:—

- (a) in section 16, for the words from " which concerns" in subsection (7)(b) to the end of subsection (8) there shall be substituted the words " he shall be liable on summary conviction to a fine not exceeding £400 " ; and
- (b) in section 18(2) for the words from " for an offence " in paragraph (b) to the end of paragraph (c) there shall be substituted the words " for any other offence " ; and
- (c) in section 25(7) for paragraphs (a) and (b) there shall be substituted the words " to a fine not exceeding one hundred pounds ".

- (3) At the end of section 16 there shall be added a subsection (8)—

“(8) The Ministers acting jointly may make seeds regulations for the whole of Great Britain”.

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- (4) In section 29 (which extends Part II to seed potatoes) after the words " seed potatoes ", in both places, there shall be inserted the words " to any other vegetative propagating material and to silvicultural planting material " , and at the end of that section there shall be added as subsections (2) and (3)—

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

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

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

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

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

- (5) In section 10(1) for the name " Plant Variety Rights Tribunal " there shall be substituted the name " Plant Varieties and Seeds Tribunal " , and in paragraph 5(1) of Schedule 4 there shall be added at the end of paragraph (b) (which sets up, to furnish members of the Tribunal, a panel of persons with specialised knowledge) the words " or of the seeds industry " .
- (6) In Part III of Schedule 1 to the House of Commons Disqualification Act 1957, as amended by the Plant Varieties and Seeds Act 1964 (both for the Parliament of the United Kingdom and for the Parliament of Northern Ireland), and in Schedule 1 to the Tribunals and Inquiries Act 1971, for the name ' Plant Variety Rights Tribunal ' there shall be substituted in each place the name ' Plant Varieties and Seeds Tribunal ' ."

E: FERTILISERS AND FEEDING STUFFS

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

“~~74~~A1) Regulations under this Part of this Act, with a view to controlling in the public interest the composition or content of fertilisers and of material intended for the feeding of animals, may make provision—

- (a) prohibiting or restricting, by reference to its composition or content, the importation into and exportation from the United Kingdom, the sale or possession with a view to sale, or the use, of any prescribed material;

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

F: ANIMAL HEALTH

- 7 (1) In the Diseases of Animals Act 1950 there shall be made, with effect from the entry date, the amendments provided for by the following sub-paragraphs.
- (2) At the end of section 25 (imported animals to be slaughtered on landing) there shall be added—

“other than animals of any such description as may be prescribed by order of the Minister which are brought from a member State and in relation to which any conditions so prescribed are satisfied ; but where Part I (slaughter) of the First Schedule to this Act is under this section not to apply to animals so brought, the Minister may by order provide that Part II (quarantine) and Part III (ancillary provisions) shall apply, with or without modification.

An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) After section 36 there shall be inserted a new section 36A—

“**36A** The Minister may by order make provision in the interests of animal health or of human health, for regulating the exportation from Great Britain to a member State of animals or poultry or carcasses thereof, and in particular for prohibiting exportation without such certificate or licence as may be prescribed by the order, and as to the circumstances in which and conditions on which a certificate or licence may be obtained”.
- (4) In section 49(1)(a) (control of import of poultry) after the word " poultry", in the first two places where it occurs, there shall be inserted the words " or carcasses of poultry ".

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- (5) At the end of section 19(6) (power to withhold or reduce compensation for slaughter of animal imported when diseased) there shall be added the words " or, before or while being brought from a member State, exposed to the infection of disease ".

G: PLANT HEALTH

- 8 (1) In the Plant Health Act 1967 there shall be made, with effect from the entry date, the amendments provided for by the following sub-paragraphs.
- (2) In section 1(1) (by which the Act has effect for the control in Great Britain of plant pests and diseases) the words " in Great Britain " shall be omitted ; and—
- (a) in section 2(1) and section 3(1) (orders for control of pests) after the words " thinks expedient" there shall be inserted the words " or called for by any Community obligation " ;
 - (b) at the end of section 3(1), after the words " preventing the spread of pests in Great Britain ", there shall be added the words " or the conveyance of pests by articles exported from Great Britain " ;
 - (c) in section 3(5) (which extends the time limit for summary prosecutions of certain offences) there shall be omitted the words " where the offence is one in connection with the movement, sale, consignment or planting of potatoes ".
- (3) In section 3(2)(a) (which provides for the removal or destruction of infected crops etc.) there shall be inserted after the word " removal " the word " treatment " and after the words " any seed, plant or part thereof" the words " or any container, wrapping or other article ", and in section 3(2)(b) (which provides for entry on land for those and other purposes) there shall be inserted after the word " removal " the word " treatment" and after the word " land " the words " or elsewhere " ; and the words " or elsewhere " shall also be inserted after the word " land " in section 4(1)(b) (which also relates to entry).
- (4) At the end of section 6(1) there shall be added the words " or, in the case of an order prohibiting or regulating the landing in or exportation from Great Britain of any articles, shall be subject to annulment in pursuance of a resolution of either House of Parliament ".

H: ROAD VEHICLES (DRIVING UNDER AGE, AND DRIVERS' HOURS)

- 9 (1) In section 4(4) of the Road Traffic Act 1972 (offence of driving below the permitted age) there shall be added at the end the words " and this subsection shall apply to a contravention in Great Britain of any directly applicable Community provision relating to the driving of road vehicles on international journeys, being a provision as to the minimum age for driving a vehicle of any description, as it applies to a contravention of the provisions of this section ".
- (2) In Part VI of the Transport Act 1968, in section 103(1), after the definition of " employer " there shall be inserted the words " ' the international rules' means any directly applicable Community provision relating to the driving of road vehicles on international journeys " ; and—
- (a) after section 96(11) there shall be inserted as subsection (11 A)—
“(11A) Where, in the case of a driver or member of the crew of a motor vehicle, there is in Great Britain a contravention of any requirement of the international rules as to periods of driving, or distance driven,

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or periods on or off duty, then the offender and any other person (being the offender's employer or a person to whose orders the offender was subject) who caused or permitted the contravention shall be liable on summary conviction to a fine not exceeding £200 ;”;

and in section 98(4) (failure to comply with regulations as to keeping of records etc.) after the words "regulations made under this section " there shall be inserted the words " or any requirement as to books or records of the international rules ", in section 98(5) after the words " of regulations under this section " there shall be inserted the words " or of the international rules ", and in section 99(5) (falsification of records) after the words " regulations under section 98 thereof " there shall be inserted the words " or the international rules "

- (b) in section 99(1) (power of enforcement officer to inspect records and other documents) there shall be inserted after paragraph (c)—

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

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

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

- (3) At the end of section 95(1) of the Transport Act 1968 there shall be added the words—

“but the Secretary of State may by regulations make such provision supplemental or incidental to, or by way of adaptation of, this Part of this Act as is in his opinion called for to take account, in relation to journeys and work to which the international rules apply, of the operation of those rules and to ensure compatibility of operation between section 96(1) to (9) as they apply to other journeys and work and the international rules ; and regulations made under this subsection—

- (a) may in particular make exceptions from the operation of section 96(1) to (6), and include provision as to the circumstances in which a period of driving or duty to which the international rules apply is to be included or excluded in reckoning any period for purposes of section 96(1) to (6) ; and
- (b) may contain such transitional and supplementary provisions as the Secretary of State thinks necessary or expedient;

and a reference to the international rules shall be deemed to be included in any reference to this Part of this Act in sections 35(2)(b), 62(4)(b) and 64(2) (c) of this Act and in paragraph 2(5) of Schedule 9 thereto.”

- (4) In the following provisions as amended by the Transport Act 1968 (which, as so amended, allow records kept under Part VI of that Act to be inspected), that is to say,

in section 11(1)(a) of the Road Haulage Wages Act 1938 and in section 19(3)(b) of the Wages Councils Act 1959, after the words " Part VI of the Transport Act 1968 " there shall be inserted the words " or of the international rules within the meaning of the said Part VI " ; and in Schedule 2 to the Road Traffic (Foreign Vehicles) Act 1972, in the entry relating to sections 96 to 98 of the Transport Act 1968 and regulations and orders thereunder, there shall be added at the end of the words in the first column the words " and the international rules within the meaning of Part VI of that Act " .

I: ROAD TRANSPORT (INTERNATIONAL PASSENGER SERVICES)

10 In section 160(1) of the Road Traffic Act 1960 (regulations with respect to licensing of public service vehicles), in paragraph (k) after the word " vehicles " there shall be inserted the words " registered elsewhere than in Great Britain or " and the following shall be added at the end of the subsection:—

- “(l) exempting vehicles from the requirement of a road service licence when used under an authorisation granted in pursuance of any directly applicable Community provision regulating the provision of international passenger-carrying road transport services ;
- (m) requiring documents of any prescribed description relevant to the administration or enforcement of any such Community provision to be kept and produced on demand for the inspection of a prescribed person ;
- (n) prescribing persons to act as authorised inspection officers for the purposes of any such Community provision ;”