
STATUTORY INSTRUMENTS

1994 No. 2286

AGRICULTURE
COMMON AGRICULTURAL POLICY

The Organic Products (Amendment) Regulations 1994

Made - - - - *19th August 1994*
Laid before Parliament *5th September 1994*
Coming into force - - *26th September 1994*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Organic Products (Amendment) Regulations 1994 and shall come into force on 26th September 1994.

(2) In these Regulations “the principal Regulations” means the Organic Products Regulations 1992⁽³⁾.

Amendment of the principal Regulations

2. The principal Regulations shall be further amended in accordance with the following provisions of these Regulations.

3. Regulation 2(1) (interpretation) of the principal Regulations shall be amended as follows:—

(a) there shall be inserted at the appropriate place the following definition—

““the appropriate Minister” means—

- (a) in relation to England, the Minister of Agriculture, Fisheries and Food;
- (b) in relation to Scotland, Wales or Northern Ireland, the Secretary of State;”;

(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1992/2111, amended by S.I. 1993/405.

- (b) in the definition of “inspection body”, for the words “Food from Britain” there shall be substituted the words “the appropriate Minister”;
 - (c) the definition of “the Minister” shall be deleted.
- 4.** Regulation 3 (designation of authority for the reception of notifications and operation of inspection system, and information to local authorities) of the principal Regulations shall be amended as follows:—
- (a) in paragraph (1)(a) for the words “Food from Britain” there shall be substituted the words “the appropriate Minister”;
 - (b) in paragraph (1)(b) for the words “the Minister” there shall be substituted the words “the appropriate Minister”;
 - (c) for paragraph (2) there shall be substituted the following paragraph—
 - “(2) Where, following the attempted exercise of a function under Article 9.9 or 10.3 by the appropriate Minister or an inspection body, the appropriate Minister or such inspection body, as the case may be, has reason to believe that any person is using in any local authority area any indication which the appropriate Minister and the inspection body are required by that Article to prevent him from using—
 - (a) the appropriate Minister or the inspection body, as appropriate, shall notify in writing that use to the local authority of that area;
 - (b) where the notification referred to in sub-paragraph (a) above is given by a private inspection authority, it shall also notify in writing that use to the appropriate Minister, and
 - (c) the appropriate Minister or the inspection authority, as the case may be, giving such notification shall give the local authority any information which the local authority may reasonably require for the purpose of enforcement under regulation 6 in relation to the use of that indication.”
- 5.** The following provisions shall cease to have effect:—
- (a) section 3A of the Agricultural Marketing Act 1983⁽⁴⁾ (which was inserted by regulation 4 of the principal Regulations); and
 - (b) in consequence, the said regulation 4.
- 6.** Regulation 5 (inspection system and information to the Minister) of the principal Regulations shall be amended as follows:—
- (a) the words “and information to the Minister” shall be deleted from the heading;
 - (b) in paragraphs (1) and (2) for the words “Food from Britain” in each place where they occur there shall be substituted the words “the appropriate Minister”;
 - (c) paragraphs (3) and (4) shall be deleted.
- 7.** In paragraphs (1) and (2) of regulation 10 (protection of officers acting in good faith) of the principal Regulations for the words “Food from Britain” in each place where they occur there shall be substituted the words “the appropriate Minister”.
- 8.** An approval for a private inspection body granted by Food from Britain pursuant to the designation by regulation 3(1)(iii) of the principal Regulations shall, if in force immediately before the coming into force of these Regulations, continue in force as if such approval has been granted by the appropriate Minister.

(4) 1983 c. 3.

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

12th August 1994.

William Waldegrave
Minister of Agriculture, Fisheries and Food

19th August 1994

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Organic Products Regulations 1992 (S.I.1992/2111) (“the principal Regulations”).

The main amendment made by these Regulations is the transfer to the appropriate Minister of the functions conferred upon Food from Britain by the principal Regulations (regulations 4(a) and 6(b)). In consequence, the new powers conferred upon Food from Britain by section 3A of the Agricultural Marketing Act 1983 (1983 c. 3) which was added by the principal Regulations, also cease to have effect (regulation 5).

The Regulations also insert a new definition of “appropriate Minister” who is designated as the competent authority for the purposes of Articles 9.9(b) and 10.3(b) of the Council Regulation, defined in the principal Regulations (regulations 3(a) and 4(b)). Further consequential amendments have also been made (regulations 3(b), 4(c), 6(a) and (c), 7 and 8).

In carrying out his functions the appropriate Minister will act in consultation with the Board of the United Kingdom Register of Organic Food Standards whose address is c/o Ministry of Agriculture, Fisheries and Food, Room 320(c), Nobel House, 17 Smith Square, London SW1P 3JR.