STATUTORY INSTRUMENTS

1973 No. 1341

AGRICULTURE

The Common Agricultural Policy (Wine) Regulations 1973

Made - - - -	*26th July* 1973
Laid before Parliament	*6th August* 1973
Coming into Operation	*1st September* 1973

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 Economic Community, acting jointly in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and extent

1. These regulations may be cited as the Common Agricultural Policy (Wine) Regulations 1973, and shall come into operation on 1st September 1973.

Interpretation

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

"Community provision" means any provision of the regulations of the European Communities referred to in the Schedule to these regulations and includes any provision of any directly applicable Community instrument whereby any of those regulations are replaced or amended;

"the Minister" means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland and Northern Ireland, the Secretary of State;

"sale by retail" means any sale to a person buying otherwise than for the purpose of resale but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business; and "manufacturing" means using wine, for the purpose of a trade or business (other than a catering business), in the composition, manufacture or preparation of any product, and corresponding expressions have corresponding meanings.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) Designated by the European Communities (Designation) Order 1972—S.I. 1972/1811 (1972 III, p. 5216).

(b) 1972 c. 68.

(c) 1889 c. 63.

Enforcement authorities

3.—(1) Subject to the following provisions of this regulation, it shall be the duty of each local authority to secure the enforcement and execution of the Community provisions insofar as they relate to the sale by retail of wine in their area.

(2) Nothing in this regulation shall be taken as authorising in Scotland the Minister or such local authority to institute proceedings for an offence against a Community provision.

(3) In this regulation the expression "local authority" means—

(*a*) as respects England and Wales, a food and drugs authority for the purposes of the Food and Drugs Act 1955**(a)**;

(*b*) as respects Scotland, a local authority as defined in section 26 of the Food and Drugs (Scotland) Act 1956**(b)**;

(*c*) as respects Northern Ireland, a health authority for the purposes of section 29 of the Food and Drugs Act (Northern Ireland) 1958**(c)**.

(4) The foregoing provisions of this regulation are without prejudice to the duties of such local authorities under the provisions of the respective Acts referred to in the foregoing paragraph.

(5) Subject to paragraph (2) of this regulation it shall be the duty of the Minister to secure the enforcement and execution of the Community provisions with respect to which the duty is not expressly or by necessary implication imposed on a local authority.

Offences and penalty

4. If any person contravenes or fails to comply with any Community provision he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding four hundred pounds.

Defences

5.—(1) In England and Wales, sections 113 (which relates to a contravention due to some person other than the person charged) and 115 (which relates to the conditions under which a warranty may be pleaded as a defence) of the Food and Drugs Act 1955 shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought for an offence under these regulations.

(2) In Scotland, sections 45 (which relates to a contravention due to default of some other person) and 46 (which relates to conditions under which a warranty may be pleaded as a defence) of the Food and Drugs (Scotland) Act 1956 shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought for an offence under these regulations and as if references therein to a contravention of a provision of that Act included references to a contravention of a Community provision.

(a) 4 & 5 Eliz. 2. c. 16. **(b)** 1956 c. 30.
(c) 1958 c. 27 (NI).

(3) In Northern Ireland, sections 51 (which relate to a contravention due to some person other than the person charged) and 52 (which relates to the conditions under which a warranty may be pleaded as a defence) of the Food and Drugs Act (Northern Ireland) 1958 shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought for an offence under these regulations.

Trade Descriptions Act 1968

6. The descriptions and marks applied in pursuance of any Community provision shall be deemed not to be trade descriptions for the purposes of the Trade Descriptions Act 1968**(a)**.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th July 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

24th July 1973.

Gordon Campbell,
Secretary of State.

Regulation 2 SCHEDULE

Community Provisions	References
1. Council Regulation (EEC) No. 816/70 laying down additional provisions for the common organisation of the market in wine,	O.J. No. L. 99 of 5.5.1970 p. 1 (O.J./S.E. 1970 (I) p. 234).
as last amended by Council Regulation (EEC) No. 2680/72.	O.J. No. L. 289 of 12.12.1972 p. 1 (O.J./S.E. 1972 (9-28 Dec.) p. 30).
2. Council Regulation (EEC) No. 817/70 laying down special provisions relating to quality wines produced in specified regions,	O.J. No. L. 99 of 5.5.1970 p. 20 (O.J./S.E. 1970 (I) p. 252).
as last amended by Council Regulation (EEC) No. 2680/72.	O.J. No. L. 289 of 12.12.1972 p. 1 (O.J./S.E. 1972 (9-28 Dec.) p. 30).
3. Commission Regulation (EEC) No. 1594/70 on the notification, carrying out and control of the processes of enriching, acidifying and deacidifying wine.	O.J. No. L. 173 of 6.8.1970, p. 23 (O.J./S.E. 1970 (II) p. 23).
4. Commission Regulation (EEC) No. 1618/70 on measures for controlling the sweetening of table wines and of quality wines produced in specified regions.	O.J. No. L. 175 of 8.8.1970 p. 17 (O.J./S.E. 1970 (II) p. 562).

(a) 1968 c. 29.

Community Provisions	References
5. Council Regulation (EEC) No. 1093/70 concerning the addition of alcohol to products in the wine sector originating in the Community,	O.J. No. L. 128 of 12.6.1970 p. 1 (O.J./S.E. 1970 (II) p. 356).
as last amended by Council Regulation (EEC) No. 1564/72.	O.J. No. L. 167 of 25.7.1972 p. 3 (O.J./S.E. 1972 (III) p. 733).
6. Council Regulation (EEC) No. 1599/71 laying down additional conditions with which imported wines for direct human consumption have to comply,	O.J. No. L. 168, 27.7.1971 p. 3 (O.J./S.E. 1971 (II) p. 582).
as last amended by Council Regulation (EEC) No. 882/73.	O.J. No. L. 86, 31.3.1973, p. 32 (1973 Vol 16).
7. Commission Regulation (EEC) No. 1769/72 drawing up accompanying documents and determining the obligations of wine producers and traders other than retailers,	O.J. No. L. 191, 21.8.1972 p. 1 (O.J./S.E. 1972 (III) p. 909).
as last amended by Commission Regulation (EEC) No. 942/73.	O.J. No. L. 91, 7.4.1973 p. 13 (1973 Vol. 16).
8. Commission Regulation (EEC) No. 1770/72 on detailed rules of application relating to the additional conditions with which imported wines for direct human consumption have to comply,	O.J. No. L. 191, 21.8.1972 p. 31 (O.J./S.E. 1972 (III) p. 937).
as last amended by Commission Regulation (EEC) No. 942/73 of the Commission.	O.J. No. L. 91, 7.4.1973 p. 13 (1973 Vol. 16).
9. EEC Council Regulation No. 24 of 4 April 1962 on the progressive establishment of a common organisation of the market in wine,	O.J. No. 30, 4.4.1962 p. 989/62 (O.J./S.E. 1959/62 p. 123).
as amended by Council Regulation No. 92/63/EEC.	O.J. No. 125, 30.7.1963 p. 2239/63 (O.J./S.E. 1963/64 p. 44).
10. EEC Commission Regulation No. 134 of 25 October 1962 on the declaration of wine yields and stocks,	O.J. No. 111, 25.10.1962 p. 2604/62 (O.J. S.E. 1959/62 p. 276).
as last amended by Commission Regulation (EEC) No. 1136/70.	O.J. No. L. 134, 19.6.1970 p. 4 (O.J./S.E. 1970 (II) p. 381).
11. EEC Commission Regulation No. 143 of 23 November 1962 embodying initial provisions relating to the preparation of a register of vineyards,	O.J. No. 127, 23.10.1962 p. 2789/62 (O.J./S.E. 1959/62 p. 293).
as last amended by Commission Regulation (EEC) No. 39/68.	O.J. No. L. 9, 12.1.1968 p. 17 (O.J./S.E. 1968 (I) p. 3).
12. Commission Regulation No. 26/64/EEC supplementing provisions relating to the preparation of a register of vineyards,	O.J. No. 48, 28.2.1964 p. 753/64 (O.J./S.E. 1963/64 p. 112).
as amended by Commission Regulation (EEC) No. 39/68.	O.J. No. L. 9, 12.1.1968 p. 17 (O.J./S.E. 1968 (I) p. 3).

Community Provisions	References
13. Commission Regulation (EEC) No. 1135/70 on the notification of the planting and replanting of vines for the purpose of controlling the development of planting.	O.J. No. L. 134, 19.6.1970 p. 2 (O.J./S.E. 1970 (II) p. 379).
14. Council Regulation (EEC) No. 1338/70 on general rules for the classification of vine varieties,	O.J. No. L.155, 16.7.1970 p. 5 (O.J./S.E. 1970 (II) p. 420).
as last amended by Council Regulation (EEC) No. 985/73.	O.J. No. L. 99, 13.4.1973 p. 1 (1973 Vol. 16).
15. Commission Regulation (EEC) No. 2005/70 on the classification of vine varieties,	O.J. No. L. 224, 10.10.1970 p. 1 (O.J./S.E. 1970 (III) p. 623).
as last amended by Commission Regulation (EEC) No. 2244/72.	O.J. No. L. 242, 25.10.1972 p. 1 (O.J./S.E. 1972 (10-31 Oct.) p. 15).
16. Commission Regulation (EEC) No. 2314/72 on certain measures for examining the suitability of certain vine varieties for cultivation.	O.J. No. L. 248, 30.10.1972 p. 53 (O.J./S.E. 1972 (Nov.) p. 11).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into operation on 1st September 1973 and apply throughout the United Kingdom, implement the provisions of specified Regulations of the European Communities concerned with the production and marketing of wine and related products.

The Regulations:—

(*a*) designate the authorities who are to enforce the European Communities Regulations Regulation 3);

(*b*) prescribe offences and a penalty Regulation 4);

(*c*) provide for specified defences Regulation 5) and

(*d*) provide that Community descriptions and marks applied in accordance with Community Regulations shall not be trade descriptions for the purposes of the Trade Descriptions Act 1968 Regulation 6).

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