STATUTORY INSTRUMENTS

1968 No. 1040

HORTICULTURE

GRADING AND TRANSPORT OF PRODUCE

The Grading of Produce (Apples) (Amendment) Regulations 1968

Made - - -	*2nd July* 1968
Laid before Parliament	*9th July* 1968
Coming into Operation	15*th July* 1968

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly in exercise of the powers conferred upon them by sections 11, 13 and 23 of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling them in that behalf, hereby make the following regulations after consultation with such organisations as appear to either of them to be representative of interests affected by the regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Grading of Produce (Apples) (Amendment) Regulations 1968; and shall come into operation on 15th July 1968.

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

Amendment of the Grading of Produce (Apples) Regulations 1967

2. The Grading of Produce (Apples) Regulations 1967(c) shall be amended as follows:—

(*a*) by substituting in Schedule 4 thereto for sub-paragraph (*c*) of the paragraph headed "Size" the following sub-paragraph:—

"(*c*) of any culinary variety other than Emneth Early shall be not less than 60 millimetres;";

(*b*) by adding at the end of the said paragraph the following sub-paragraph:—

"(*d*) of the Emneth Early variety shall be not less than 55 millimetres.";

(*c*) by substituting in Schedule 5 thereto for paragraph 1 the following paragraph:—

"1.—(1) Any label of the kind referred to in regulation 4 of these regulations shall bear the word "APPLES" unless the apples in connection with which it is used are clearly visible, and shall also

(a) 1964 c. 28. (b) 1889 c. 63. (c) S.I. 1967/1020 (1967 II, p. 3083).

convey the following true information relating to those apples:—

(*a*) the name of the variety;

(*b*) the grade of quality expressed by the word or numeral "EXTRA", "1", "2" or "3", as the case may be;

(*c*) in the case of any apples other than those described in sub-paragraph (2) of this paragraph, a length, expressed in millimetres or inches, which is not greater than the diameter of the apple with the shortest diameter and which does not fall short of the diameter of the apple with the longest diameter by more than—

(i) 5 millimetres, or 3/16 inch as the case may be, if the apples fall within Extra Class, or

(ii) 10 millimetres, or 3/8 inch as the case may be, if the apples are of a dessert variety and fall within Class 1 or Class 2, or

(iii) 20 millimetres, or 3/4 inch as the case may be, if the apples are of a culinary variety and fall within Class 1 or Class 2;

(*d*) in the case of apples of the kind described in sub-paragraph (2)(*a*) of this paragraph, a length, expressed in millimetres or inches, which is not less than 75 millimetres and not greater than the diameter of the apple with the shortest diameter.

(2) Sub-paragraph (1)(*c*) of this paragraph shall not apply in the case of apples which—

(*a*) are of a culinary variety and fall within Class 1 and are packed loose in a container and of which every one has a diameter of not less than 75 millimetres;

(*b*) fall within Class 2 and are packed loose in a container;

(*c*) fall within Class 3.

(3) Any label used in connection with apples of the kind described in sub-paragraph (2)(*b*) or (2)(*c*) of this paragraph may convey in relation to those apples the information required to be conveyed by virtue of sub-paragraph (1)(*c*) of this paragraph in relation to apples which fall within Class 2.

(4) If any label conveys, in accordance with these regulations and in relation to the apples in connection with which it is used, a length which is not greater than the diameter of the apple with the shortest diameter, that label may also convey in relation to those apples a length, expressed in millimetres or inches, which is not less than the diameter of the apple with the longest diameter and, in the case of apples to which sub-paragraph (1)(*c*) of this paragraph applies, which does not exceed the diameter of the apple with the shortest diameter by more than the length specified in the said paragraph 1(1)(*c*)(i), (ii) or (iii), as the case may require.

(5) Any reference to a label in sub-paragraphs (3) and (4) of this paragraph and in paragraphs 2 to 6 of this Schedule is a reference to a label of a kind referred to in regulation 4 of these regulations.";

(*d*) by substituting in Schedule 5 thereto for paragraph 4 the following paragraph:—

"4. Information required to be conveyed in accordance with paragraph 1(1)(*c*) or (*d*) above, or which may be conveyed in accordance with paragraph 1(3) or 1(4) above, shall appear in a third space either to the right of, contiguous with and similar in height to the second aforesaid space and not less than 2.5 centimetres in width, or to the left of,

contiguous with and similar in height to the first aforesaid space and not less than 2.5 centimetres in width. Each of the spaces referred to in this and the last preceding paragraph shall be rectangular in shape and bounded by lines and shall contain no information other than that specified in these paragraphs in relation to each.".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th June 1968.

(L.S.) *Cledwyn Hughes,*

Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 2nd July 1968.

(L.S.) *William Ross,*

Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These amending regulations, which come into operation on 15th July 1968—

(*a*) reduce by 5 millimetres the minimum diameter required for the Emneth Early variety in Class 3;

(*b*) amend the requirements as to the information to be conveyed on labels, permitting the indication of a minimum size for the range packed instead of the exact size of the smallest fruit and the giving of certain information as to size where this is not compulsory: an alternative form for the labels is also prescribed.