STATUTORY INSTRUMENTS

1977 No. 1577

AGRICULTURE

The Hops (Limitation of Growing Area) Regulations 1977

Made - - - -	23*rd September* 1977
Laid before Parliament	27*th September* 1977
Coming into Operation	1*st October* 1977

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

Citation, extent and commencement

1. These regulations, which may be cited as the Hops (Limitation of Growing Area) Regulations 1977, shall apply throughout the United Kingdom, and shall come into operation on 1st October 1977.

Interpretation

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

"applicant" means a producer or other person who applies for a licence under regulation 3(1) of these regulations;

"the Minister" and "the Ministry" mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

"producer" means a person engaged in the growing in the United Kingdom of hops for sale or for other commercial use;

"the Regulation of the Council" means Regulation (EEC) No. 1696/71(**c**), as amended by Regulation (EEC) No. 1170/77(**d**);

"relevant period" means any of the following periods, that is to say—

(*a*) the period from the date of the coming into operation of these regulations until the 30th June 1978,

(*b*) the period from the 1st July 1978 until the 30th June 1979, or

(*c*) the period from the 1st July 1979 until the 31st December 1979.

(2) The Interpretation Act 1889(**e**) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Restriction on the use of additional land for the growing of hops

3.—(1) Subject to paragraph (2) below, it shall, until the 1st January 1980, be unlawful—

(**a**) S.I. 1972/1811 (1972 III, p. 5216).
(**b**) 1972 c. 68.
(**c**) O.J. No. L175/1. 1971, p. 634.
(**d**) O.J. No. L137. 1977, p. 7.
(**e**) 1889 c. 63.

(*a*) for a producer to increase the total area of land used by him for the growing of hops, and

(*b*) for any person not being a producer to commence to use any land for the growing of hops for sale or for other commercial use,

except under the authority of a licence granted by the Minister, and in accordance with any conditions subject to which that licence was granted.

(2) Nothing in paragraph (1) above shall apply to a temporary increase in the total area of land used by a producer for the growing of hops if that increase—

(*a*) arises from the rotational replanting of hops in the ordinary course of cultivation; and

(*b*) is offset, within the same relevant period, by a corresponding decrease in the total area of land so used by that producer.

(3) An application for a licence under paragraph (1) above shall be in such form as the Minister may require, and an applicant shall furnish such information as the Minister may consider necessary for the purpose of determining whether any such licence should be granted.

(4) In determining whether a licence should be granted under paragraph (1) above, the Minister shall have regard to Article 9(1) of the Regulation of the Council (which prohibits any increase in the area of land under hops during the period from the 1st July 1977 until the 31st December 1979), and he may, when granting any such licence, impose such conditions in relation thereto as he considers necessary for the purpose of giving effect to that prohibition.

(5) If the Minister so requires, the Hops Marketing Board shall furnish him with such information as they possess with respect to any land in which producers have an interest, and the use being made or to be made of that land.

Power to require discontinuance of hop growing

4.—(1) Where an applicant's proposal—

(*a*) to increase the total area of land used by him for the growing of hops, or

(*b*) to commence to use any land for the growing of hops for sale or for other commercial use,

involves an arrangement by him with a producer under the terms of which that producer has agreed to give up the growing of hops, or to reduce the total area of land used by him for that purpose, the Minister may, if he decides to grant to the applicant a licence under regulation 3(1) above, by notice in writing served on that producer, require him to discontinue the growing of hops, or to discontinue the growing thereof on such land as may be specified in the notice, and to remove from any land in which he has an interest or, as the case may be, from such land as may be so specified, any hop plants which may be growing thereon, within such period as may be so specified.

(2) Where, without first having been granted a licence under regulation 3(1) above, or in contravention of any condition subject to which such a licence was granted,—

(*a*) a producer increases the total area of land used by him for the growing of hops, or

(*b*) any person not being a producer commences to use any land for the growing of hops for sale or for other commercial use,

the Minister may, by notice in writing served on that producer or other person, require him to discontinue the growing of hops on such land as may be specified in the notice, and to remove from that land any hop plants which may be growing thereon within such period as may be so specified.

(3) If any person fails to comply with the requirements of a notice served on him under paragraph (1) or paragraph (2) above, the Minister may, without prejudice to any proceedings for an offence arising out of such default, take all such steps as may be necessary to ensure that those requirements are complied with; and where the Minister exercises the power conferred on him by the foregoing provisions of this paragraph—

(*a*) an officer of the Ministry and any person acting for or on behalf of the Minister may enter any land for the purpose; and

(*b*) any expenses reasonably incurred by the Minister in connection with the exercise of that power shall be recoverable by him on demand as as a civil debt from the person in default.

General power of entry onto land

5. For the purposes of these regulations, an officer of the Ministry may, on production of his authority if so required, enter and inspect at any reasonable time any land which is being used for the growing of hops, or any land which he has reason to believe has been or is intended to be used for that purpose.

Offences

6. If any person—

(*a*) in contravention of regulation 3(1) above, or of a licence granted thereunder,—

(i) being a producer, increases the total area of land used by him for the growing of hops, or

(ii) not being a producer, commences to use any land for the growing of hops for sale or for other commercial use, or

(*b*) fails to comply with any condition subject to which a licence under regulation 3(1) above was granted, or

(*c*) fails to comply with any requirement of a notice served under regulation 4(1) or regulation 4(2) above, or

(*d*) obstructs an officer of the Ministry or other person acting for or on behalf of the Minister under regulation 4(3) above, or an officer of the Ministry acting under regulation 5 above,

he shall be liable on summary conviction to a fine not exceeding £400.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st September 1977.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

John Morris,
One of Her Majesty's Principal Secretaries of State.

23rd September 1977.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which are made under section 2(2) of the European Communities Act 1972, give effect to the prohibition on any increase in the area of land under hops (to last until the 31st December 1979) which has been imposed by a Regulation of the Council of the European Economic Community

Under their provisions, an existing producer of hops will only be able to increase his acreage (apart from temporary increases in the course of rotational replanting) with a licence of the Minister of Agriculture, Fisheries and Food, and a similar licence will be required by any person who wishes to begin growing hops on a commercial basis.

The Minister is required to take account of the prohibition imposed by the Community when considering whether to grant a licence, and the Hops Marketing Board are required to supply the Minister with information about the use of land for hop growing. The Regulations also provide that, in specified circumstances, the Minister may by written notice require the discontinuance of hop growing, or a reduction in the area of land used for that purpose by a producer. The Minister is empowered to enforce such discontinuance where the requirements of a notice are not met.

The Regulations contain power for officers of the Ministry to enter and inspect hop growing land, and they also create a number of summary offences punishable by a fine not exceeding £400.

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