SCOTTISH STATUTORY INSTRUMENTS

2003 No. 502

HORTICULTURE

The Horticultural Produce (Community Grading Rules) (Scotland) Regulations 2003

Made - - - -	*22nd October 2003*
Laid before the Scottish Parliament - - - -	*27th October 2003*
Coming into force - -	*17th November 2003*

The Scottish Ministers, in exercise of the powers conferred by section 11(3) of the Agriculture and Horticulture Act 1964(**1**) and section 2(2) of the European Communities Act 1972(**2**), and of all other powers enabling them in that behalf, after consultation with such organisations as appear to them to be representative of interests affected by the Regulations, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Horticultural Produce (Community Grading Rules) (Scotland) Regulations 2003 and shall come into force on 17th November 2003.

(2) These Regulations extend to Scotland only.

Application of the Agriculture and Horticulture Act 1964

2.—(1) This regulation applies to references to Community grading rules in–

(a) sections 11(3) and 22(3) of the Agriculture and Horticulture Act 1964(**3**) ("the 1964 Act");

(b) regulation 2 of the Grading of Horticultural Produce (Amendment) Regulations 1973(**4**) (application of Part III of the 1964 Act to produce for the time being subject to Community grading rules) ("the 1973 Regulations"); and

(**1**) 1964 c. 28; section 11(3) was inserted by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 4(1)(a). Section 26(2) contains the definition of "the Ministers". The functions of the Ministers were vested in the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland and the Secretary of State for Wales acting jointly by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), article 4(2) and Schedule 2. Section 26(2) was amended by article 11(2) of and paragraph 1 of Schedule 5 to that Order. The functions of the Ministers, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998, section 125(1) and Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**3**) Section 22(3) was amended by the European Communities Act 1972, section 4(1) and Schedule 4, paragraph 4(1)(b).

(**4**) S.I. 1973/22 amended by S.I. 1983/053.

(c) the provisions of Part III of the 1964 Act as applied with modifications by the 1973 Regulations.

(2) For the avoidance of doubt (and without prejudice to their generality), those references are to be regarded as including the provisions of the Community Regulations specified in the Schedule to these Regulations.

St Andrew's House, Edinburgh
22nd October 2003

ROSS FINNIE
A member of the Scottish Executive