

Statutory Instrument 2004 No. 1046

The Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2004

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STATUTORY INSTRUMENTS

2004 No. 1046

AGRICULTURE, ENGLAND

AGRICULTURE, NORTHERN IRELAND

The Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2004

Made

2nd April 2004

Laid before Parliament

5th April 2004

Coming into force

29th April 2004

The Secretary of State^[1], being a Minister designated^[2] for the purposes of section 2(2) of the European Communities Act 1972^[3] in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on her by that section, hereby makes the following Regulations -

Title and commencement

1. These Regulations may be cited as the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2004 and shall come into force on 29th April 2004.

Amendment of the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001

2. The Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001^[4] shall be amended -

(a) in regulation 2(1) -

(i) by substituting for the definition of "Community provision" the following definition -

" "Community provision" means any provision of the Regulations and Decisions of the European Communities which are listed in Schedule 1 including any amendments made to any of those provisions by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded^[5] signed on 16th April 2003;" and

(ii) by inserting, in its appropriate alphabetical place, the following definition -

" "Council Regulation (EC) No. 1493/1999" means Council Regulation (EC) No. 1493/1999^[6] on the common organisation of the market in wine as last amended by Council Regulation (EC) No. 2585/2001^[7];"

(b) by substituting for regulation 6, the following regulations -

" Geographical indications for table wine

5A. - (1) In pursuance of Article 51(3) of Council Regulation (EC) No. 1493/1999, the use of a geographical indication for the designation of a table wine produced in any part of England or Northern Ireland is prohibited unless the wine comes from a batch of wine -

(a) for which the maximum yield for each hectare of land cultivated with vines for producing the wine was 100 hectolitres;

(b) that has been produced wholly from one or more of the

varieties of vine specified in Schedule 3;

(c) that has been produced exclusively from grapes harvested in the geographical unit the name of which is used for the designation of that table wine;

(d) that has a minimum natural alcoholic strength of 6%;

(e) that has a minimum acidity of 4 g/l;

(f) for which a certificate has been issued by the producer of the wine certifying that, in accordance with the provisions of Schedule 6, analytical tests of the wine in that batch have been carried out in respect of the factors specified in that Schedule, and it has been found to satisfy the standards specified in that Schedule; and

(g) that has been found to be of a satisfactory organoleptic standard for a regional wine in accordance with paragraph (3).

(2) Notwithstanding paragraph (1)(c) above, a geographical indication may be used to designate a table wine obtained by the coupage of wines as permitted by Article 51(2) of Council Regulation (EC) No. 1493/1999.

(3) For the purposes of paragraph (1)(g), a wine shall be regarded as being of a satisfactory organoleptic standard for a regional wine if -

(a) a certificate has been issued by a recognised organoleptic assessment panel certifying that it has carried out an organoleptic assessment of the wine and has found it to be of a satisfactory organoleptic standard for a regional wine, or

(b) the wine has been highly commended or awarded a bronze, silver or gold award at a competition -

(i) authorised by the Secretary of State and notified to the Commission pursuant to Article 21 of Commission Regulation (EC) No. 753/2002^[8] laying down certain rules for applying Council Regulation (EC) No. 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products, as last amended by Commission Regulation (EC) No. 316/2004^[9], and

(ii) run with complete impartiality.

(4) Subject to point A, paragraph 2, of Annex VII to Council Regulation (EC) No. 1493/1999, no geographical indication other than the name of a geographical unit shall be used on the labelling or advertising of a table wine produced in any part of England or Northern Ireland.

(5) For the purposes of this regulation, "geographical unit" means any of the geographical units to which Schedule 7 applies.

(6) In this regulation and regulation 6 -

"accredited organiser" means a person accredited by the Secretary of State as specified in regulation 6(2); and

"organoleptic assessment panel" means a panel appointed to carry out an organoleptic assessment of wine submitted to it to determine whether such wine is of a satisfactory organoleptic standard for a regional wine, and "recognised organoleptic assessment panel" means an organoleptic assessment panel appointed by an accredited organiser which carries out assessments and issues certificates in accordance with the accreditation.

Accreditation as an organiser of an organoleptic assessment panel

6. - (1) An application for accreditation as an organiser of an organoleptic assessment panel shall be made to the Secretary and State and shall specify -

- (a) the criteria the applicant will use in selecting panel members;
- (b) the method of organoleptic assessment that a panel appointed by him will be required to use to determine whether wine submitted to it is of a satisfactory standard for regional wine; and
- (c) the basis on which a determination will be made by the panel as to whether the wine is of a satisfactory organoleptic standard for a regional wine.

(2) The Secretary of State shall -

(a) grant accreditation to the applicant as an organiser of an organoleptic assessment panel if she is satisfied that -

- (i) the applicant is a fit and proper person to appoint such a panel;
- (ii) the criteria that the applicant will use in selecting panel members will result in persons with a wide variety of interests in wine and the wine industry (which may include consumers of wine) being selected as members of the panel;
- (iii) the method of organoleptic assessment that the panel will use is a satisfactory method of assessment for determining whether wine is of a satisfactory standard for a regional wine; and
- (iv) the basis on which a determination will be made by a panel as to whether the wine is of a satisfactory organoleptic standard for a regional wine is a satisfactory basis for making such a determination, and

(b) in any other case refuse the application.

(3) The Secretary of State shall notify the applicant of her decision

under paragraph (2) within fourteen days of reaching a decision.

(4) Where the decision notified under paragraph (3) is a decision to refuse accreditation, the notification shall include the reason for that decision.

(5) Subject to paragraph (7), where accreditation is granted under paragraph (2), it shall remain in force for such period as may be specified by the Secretary of State in the accreditation.

(6) An accredited organiser shall select panel members in accordance with the criteria specified in his application and shall require any panel appointed by him to use the method of assessment specified in that application and to make determinations as to whether the wine has been found to be of a satisfactory standard for a regional wine on the basis specified in that application.

(7) The Secretary of State may cancel the accreditation of an organiser of an organoleptical assessment panel where it appears to her that the person who is accredited is not a fit and proper person to organise such a panel or has failed to comply with the requirements of paragraph (6).

(8) Where the Secretary of State in accordance with paragraph (7) cancels an accreditation, she shall serve on the organiser concerned notice of -

- (a) her decision;
- (b) the reason for the decision; and
- (c) the date when the cancellation will take effect.

(9) The accreditation of an organiser of an organoleptic assessment panel shall be deemed to be cancelled in a case where the person who is accredited requests that his accreditation should be cancelled and such cancellation shall take effect from the date of cancellation specified by that person.";

(c) in regulation 16 (maximum yield), by substituting for the number "100" the number "80";

(d) in regulation 19(1) (offences and penalties), by substituting for "regulation 6" the words "regulation 5A";

(e) by substituting for Schedule 1, the Schedule set out in Schedule 1 to these Regulations;

(f) by substituting for items 1 and 2 of the table set out in Part III of Schedule 2, the items set out in Schedule 2 to these Regulations;

(g) in column (1) of Schedule 3, by deleting the asterisk before the name of the "Perle of Alzey" vine variety; and

(h) by adding after Schedule 5, the Schedules set out in Schedule 3 to these Regulations.

Whitty
Parliamentary Under Secretary of State, Department for Environment, Food
and Rural Affairs

2nd April 2004

SCHEDULE 1
Regulation 2(e)

" SCHEDULE 1
Regulation 2(1)

COMMUNITY PROVISIONS

<i>Measures containing Community provisions</i>	<i>Official Journal of the European Communities: Reference</i>
1. Council Regulation (EEC) No. 357/79 on statistical surveys of areas under vines, as last amended by Council Regulation (EC) No. 2329/98 (OJ No. L 29, 30.10.98,p. 2)	OJ No. L 54, 5.3.79, p. 124
2. Commission Regulation (EEC) No. 1907/85 on the list of vine varieties and regions providing imported wine for the making of sparkling wines in the Community	OJ No. L 179, 11.7.85, p. 21
3. Council Regulation (EEC) No. 3805/85 adapting, on account of the accession of Spain and Portugal, certain Regulations relating to the wine sector	OJ No. L 367, 31.12.85, p. 39
4. Council Regulation (EEC) No. 2392/86 establishing a Community vineyard register, as last amended by Council Regulation (EC) No. 1631/98 (OJ No. L 210, 28.7.98,p. 14)	OJ No. L 208, 31.7.86, p. 1
5. Commission Regulation (EEC) No. 649/87 laying down detailed rules for the establishment of a Community vineyard register, as amended by	OJ No. L 62, 5.3.87, p. 10

Commission Regulation (EEC) No. 1097/89 (OJ No. L 116, 28.4.89, p. 20)	
6. Commission Regulation (EEC) No. 2676/90 determining Community methods for the analysis of wines, as last amended by Commission Regulation (EC) No. 128/2004 (OJ No. L 19, 27.1.2004, p. 3)	OJ No. L 272, 3.10.90, p. 1
7. Council Regulation (EEC) No. 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails, as last amended by Regulation (EC) No. 2061/96 of the European Parliament and of the Council (OJ No. L 277, 30.10.96, p. 1)	OJ No. L 149, 14.6.91, p. 1
8. Commission Regulation (EEC) No. 2009/92 determining Community analysis methods for ethyl alcohol of agricultural origin used in the preparation of spirit drinks, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails	OJ No. L 203, 21.7.92, p. 10
9. Council Decision 93/722/EC concerning the conclusion of an Agreement between the European Community and the Republic of Bulgaria on the reciprocal protection and control of wine names	OJ No. L 337, 31.12.93, p. 11
10. Council Decision 93/723/EC concerning the conclusion of an Agreement between the European Community and Hungary on the reciprocal establishment of tariff quotas for certain wines	OJ No. L 337, 31.12.93, p. 83
11. Council Decision 93/726/EC concerning the conclusion of an Agreement between the European Community and Romania on the reciprocal protection and control of wine names	OJ No. L 337, 31.12.93, p. 177
12. Commission Regulation (EC) No. 122/94 laying down certain detailed rules for the application of Council	OJ No. L 21, 26.1.94, p. 7

Regulation (EEC) No. 1601/91 on the definition, description and presentation of aromatized wines, aromatized wine-based drinks, and aromatized wine-product cocktails	
13. Council Decision 94/184/EC concerning the conclusion of an Agreement between the European Community and Australia on trade in wine	OJ No. L 86, 31.3.94, p. 1
14. Council Regulation (EC) No. 1493/1999	OJ No. L 179, 14.7.1999, p. 1
15. Commission Regulation (EC) No. 1227/2000 laying down detailed rules for the application of Council Regulation (EC) No. 1493/1999 on the common organisation of the market in wine, as regards production potential, as last amended by Commission Regulation (EC) No. 1203/2003 (OJ No. L 168, 5.7.2003, p. 9)	OJ No. L 143, 16.6.2000, p. 1
16. Commission Regulation (EC) No. 1607/2000 laying down detailed rules for implementing Regulation (EC) No. 1493/1999 on the common organisation of the market in wine, in particular the Title relating to quality wine produced in specified regions	OJ No. L 185, 25.7.2000, p. 17
17. Commission Regulation (EC) No. 1622/2000 laying down certain detailed rules for implementing Regulation (EC) No. 1493/1999 on the common organisation of the market in wine and establishing a Community code on oenological practices and processes, as last amended by Commission Regulation (EC) No. 1410/2003 (OJ No. L 201, 8.8.2003, p. 9)	OJ No. L 194, 31.7.2000, p. 1
18. Commission Regulation (EC) No. 1623/2000 laying down detailed rules for implementing Regulation (EC) No. 1493/1999 on the common organisation of the market in wine with regard to market mechanisms, as last amended by Commission Regulation	OJ No. L 194, 31.7.2000, p. 45

(EC) No. 1710/2003 (OJ No. L 243, 27.9.2003, p. 98)	
19. Commission Regulation (EC) No. 2729/2000 laying down detailed implementing rules on controls in the wine sector	OJ No. L 316, 15.12.2000 , p. 16
20. Council Regulation (EC) No. 678/2001 concerning the conclusion of Agreements in the form of Exchanges of Letters between the European Community and the Republic of Bulgaria, the Republic of Hungary and Romania on reciprocal preferential trade concessions for certain wines and spirits, and amending Regulation (EC) No. 933/95	OJ No. L 94, 4.4.2001, p. 1
21. Commission Regulation (EC) No. 883/2001 laying down detailed rules for implementing Council Regulation (EC) No. 1493/1999 as regards trade with third countries in products in the wine sector, as last amended by Commission Regulation (EC) No. 2338/2003 (OJ No. L 346, 31.12.2003, p. 28)	OJ No. L 128, 10.5.2001, p. 1
22. Commission Regulation (EC) No. 884/2001 laying down detailed rules of application concerning the documents accompanying the carriage of wine products and the records to be kept in the wine sector, as last amended by Commission Regulation (EC) No. 1782/2002 (OJ No. L 270, 8.10.2002, p. 4)	OJ No. L 128, 10.5.2001, p. 32
23. Council Regulation (EC) No. 1037/2001 authorising the offer and delivery for direct human consumption of certain imported wines which have undergone oenological processes not provided for in Regulation (EC) No. 1493/1999, as last amended by Council Regulation (EC) No. 2324/2003 (OJ No. L 345, 31.12.2003, p. 24)	OJ No. L 145, 31.5.2001, p. 12
24. Commission Regulation (EC) No. 1282/2001 laying down detailed rules for the application of Council Regulation (EC) No. 1493/1999 as	OJ No. L 176, 29.6.2001, p. 14

regards the gathering of information to identify wine products and to monitor the wine market and amending Regulation (EC) No. 1623/2000	
25. Commission Regulation (EC) No. 2597/2001 opening and providing for the administration of Community tariff quotas for certain wines originating in the Republic of Croatia, in the former Yugoslav Republic of Macedonia and in the Republic of Slovenia	OJ No. L 345, 29.12.2001, p. 35
26. Council Decision 2002/51/EC on the conclusion of an Agreement between the European Community and the Republic of South Africa on trade in wine	OJ No. L 28, 30.1.2002, p. 3
27. Council and Commission Decision 2002/309/EC as regards the agreement on scientific and technological cooperation of 4th April 2002 on the conclusion of seven Agreements with the Swiss Confederation, specifically the provisions of Annex 7 on Trade in Wine Sector products contained in the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products	OJ No. L 114, 30.4.2002, p. 1
28. Commission Regulation (EC) No. 753/2002 laying down certain rules for applying Council Regulation (EC) No. 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products as last amended by Commission Regulation (EC) No. 316/2004 (OJ No. L 55, 24.2.2004, p. 16).	OJ No. L 118, 4.5.2002, p. 1
29. Council Regulation (EC) No. 527/2003 authorising the offer and delivery for direct human consumption of certain wines imported from Argentina which may have undergone oenological processes not provided for in Regulation (EC) No. 1493/1999, as last amended by Council Regulation (EC) No. 1776/2003 (OJ No. L 260,	OJ No. L 78, 25.3.2003, p. 1

11.10.2003, p. 1)	
30. Commission Decision 2003/898/EC concerning the conclusion of an agreement amending the Agreement between the European Community and Australia on trade in wine	OJ No. L 336, 23.12.2003, p. 99
31. Commission Regulation (EC) No. 2303/2003 on specific labelling rules for wines imported from the United States of America	OJ No. L 342, 30.12.2003, p. 5
32. Commission Decision 2004/91/EC on the conclusion of the agreement between the European Community and Canada on trade in wines and spirit drinks	OJ No. L 35, 6.2.2004, p. 1"

SCHEDULE 2

Regulation 2(f)

ITEMS TO BE SUBSTITUTED IN PART III OF SCHEDULE 2

" 1. Regulation 1493/1999: Articles 48 and 49 and Annex VII	Commission Regulation (EC) No. 753/2002 as last amended by Commission Regulation (EC) No. 316/2004 (OJ No. L55, 24.2.2004, p. 16). All Articles except, insofar as they relate to sparkling wines, Articles 41 to 46	General rules and particular requirements relating to the description, designation, presentation and protection of certain products other than sparkling wines
2. Regulation 1493/1999: Articles 48 and 49 and Annex VIII	Commission Regulation (EC) No. 753/2002 as last amended by Commission Regulation (EC) No. 316/2004 (OJ No. L55, 24.2.2004, p. 16). All Articles except, insofar as they relate to aerated semi-sparkling	General rules and particular requirements relating to the description, designation, presentation and protection of sparkling wines"

	wines, Articles 41 to 46	
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Regulation 2(h)

SCHEDULE 3

" SCHEDULE 6

Regulation 5A(1)(f)

ANALYTICAL TESTS FOR TABLE WINES WITH A GEOGRAPHICAL INDICATION

Wine shall undergo analytical tests in respect of each of the factors specified in column 1 of the following table and shall meet the standard specified in the corresponding entry in column 2 of the table.

<i>Column 1</i>	<i>Column 2</i>
<i>Factor</i>	<i>Standard to be met</i>
Actual alcoholic strength by volume	A minimum of 8.5%
Total alcoholic strength by volume	(a) in the case of an enriched white wine, a maximum of 11.5%; (b) in the case of an enriched red and rosé wine, a maximum of 12%; and (c) in the case of any other wine, a maximum of 15%
Natural alcoholic strength by volume	A minimum of 6%
Total dry extract (obtained by densimetry)	A minimum of 14 grams per litre
Total acidity	A minimum of 4 grams per litre expressed as tartaric acid
Volatile acidity	In the case of a sweet wine with 45 grams per litre or more of residual sugar, a maximum of 1.14 grams per litre
Free sulphur	(a) in the case of a dry wine, a maximum of 45

dioxide	milligrams per litre, and (b) in the case of any other wine, a maximum of 60 milligrams per litre
Total sulphur dioxide	(a) in the case of a red wine with less than 5 grams per litre of residual sugar, a maximum of 160 milligrams per litre; (b) in the case of red wine with 5 grams per litre or more of residual sugar, a maximum of 210 milligrams per litre; (c) in the case of a white or rosé wine with less than 5 grams per litre of residual sugar, a maximum of 210 milligrams per litre; and (d) in the case of a white or rosé wine with 5 grams per litre or more of residual sugar, a maximum of 260 milligrams per litre
Copper	A maximum of 0.5 milligrams per litre
Iron	A maximum of 8 milligrams per litre
Sterility	There must be no indication of yeasts or bacteria liable to cause spoilage of the wine
Protein stability	The wine must remain unchanged in appearance after being held at 70°C for 15 minutes and subsequently cooled to 20°C

SCHEDULE 7

Regulation 5A(5)

GEOGRAPHICAL UNITS PRODUCING REGIONAL WINES

1. This Schedule applies to the geographical units specified in column 1 of the following table comprising in each case of the area specified in the corresponding entry in column 2 of the table other than land within that area that is situated at an altitude of more than 250 metres above sea level -

<i>Column 1</i>	<i>Column 2</i>
<i>Name of Geographical unit</i>	<i>Geographical extent of unit</i>
1. Cornwall	The area consisting of the county of Cornwall
2. Devon	The area consisting of the counties of Devon, Plymouth and Torbay

3. Dorset	The area consisting of the counties of Bournemouth, Dorset and Poole
4. East Anglia	The area consisting of the counties of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Luton, Norfolk, Peterborough, Southend-on-Sea, Suffolk and Thurrock
5. England	The area consisting of England
6. Gloucestershire	The area consisting of the counties of Bristol, Gloucestershire and South Gloucestershire
7. Hampshire	The area consisting of the counties of Hampshire, Portsmouth and Southampton
8. Herefordshire	The area consisting of the county of Herefordshire
9. Isle of Wight	The area consisting of the county of Isle of Wight
10. Isles of Scilly	The area consisting of the Isles of Scilly
11. Kent	The area consisting of the counties of Kent and the Medway ^[10]
12. Lincolnshire	The area consisting of the counties of Lincolnshire, North East Lincolnshire and North Lincolnshire
13. Oxfordshire	The area consisting of the county of Oxfordshire
14. Shropshire	The area consisting of the counties of Shropshire and the Wrekin
15. Somerset	The area consisting of the counties of Bath and North East Somerset, Somerset and North West Somerset
16. Surrey	The area consisting of the county of Surrey
17. Sussex	The area consisting of the counties of Brighton and Hove, East Sussex and West Sussex
18. Worcestershire	The area consisting of the county of Worcestershire
19. Yorkshire	The area consisting of the counties of the City of Kingston upon Hull, East Riding of Yorkshire, North Yorkshire, South Yorkshire, West Yorkshire

and York

2. In this Schedule any reference to a named county is a reference to a county established by or under the Local Government Act 1972[[11](#)] or by an order made under section 17 of the Local Government Act 1992[[12](#)]."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001 ("the 2001 Regulations"), which provide for the enforcement in England and Northern Ireland of European Community Regulations concerned with the production and marketing of wine and related products.

These Regulations -

- (a) make changes to the rules to be observed before a table wine originating in England may be described as a "regional wine" and changes to the geographical indications that may be used for the designation of such wines (regulation 2(b) and (h) and Schedule 3);
- (b) provide for the accreditation of organisers of organoleptic assessment panels to determine whether a table wine is of a satisfactory organoleptic standard for a regional wine (regulation 2(b));
- (c) update references to European Community legislation by making changes to the definitions in the 2001 Regulations (regulation 2(a)), substituting a new Schedule 1 to the 2001 Regulations (regulation 2(e) and Schedule 1) and updating Part III of Schedule 2 to the 2001 Regulations (regulation 2(f) and Schedule 2); and
- (d) make a minor change to the vine varieties which may be used in the production of quality wines psr (regulation 2(g)).

A full regulatory impact assessment has not been prepared for this instrument as it has no impacts on the cost of business.

Notes:

[1] The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).[back](#)

[2] S.I. 1972/1811. The continued power of the Secretary of State to make Regulations for Northern Ireland is confirmed by article 3(2) of S.I. 2000/2812.[back](#)

[3] 1972 c. 68.[back](#)

[4] S.I. 2001/686, amended by S.I. 2003/114.[back](#)

[5] OJ No. L 236, 23.9.2003, p. 33.[back](#)

[6] OJ No. L 179, 14.7.1999, p. 1.[back](#)

[7] OJ No. L 345, 29.12.2001, p. 10.[back](#)

[8] OJ No. L 118, 4.5.2002, p. 1.[back](#)

[9] OJ No. L 55, 24.2.2004, p. 16.[back](#)

[10] The name of the county was changed from Medway Towns to Medway with effect from midnight on 1st April 1998 by a resolution passed by Medway Towns Council under section 74 of the Local Government Act 1972 (c. 70) on 1st April 1998.[back](#)

[11] 1972 c. 70. See, in particular, section 1(2) of, and Schedule 1 to, the 1972 Act and any amendments made to county areas by orders made under section 51 of the 1972 Act (section 51 was repealed by the Local Government Act 1992 (c. 19) but the provisions of Orders made under that section continue in force by virtue of section 29(3) of the 1992 Act) and section 17 of the 1992 Act.[back](#)

[12] 1992 c. 19; section 17 was amended by the Police and Magistrates' Courts Act 1994 (c. 29), section 39(4) and (5); the Police Act 1996 (c. 16), paragraph 44 of Schedule 7; the Local Government and Rating Act 1997 (c. 29), section 20(1); the Local Government Act 2000 (c. 22), section 89(3) and S.I. 2001/3962.[back](#)

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