



# European Communities Act 1972

## 1972 CHAPTER 68

### PART II

#### AMENDMENT OF LAW

#### **6 The common agricultural policy.**

- (1) There shall be a Board in charge of a government department, which shall be appointed by and responsible to the Ministers, and shall be by the name of the Intervention Board for Agricultural Produce a body corporate (but not subject as a statutory corporation to restrictions on its corporate capacity); and the Board (in addition to any other functions that may be entrusted to it) shall be charged, subject to the direction and control of the Ministers, with such functions as they may from time to time determine in connection with the carrying out of the obligations of the United Kingdom under the common agricultural policy of the Economic Community.
- (2) Her Majesty may by Order in Council make further provision as to the constitution and membership of the Board, and the remuneration (including pensions) of members of the Board or any committee thereof, and for regulating or facilitating the discharge of the Board's functions, including provision for the Board to arrange for its functions to be performed by other bodies on its behalf and any such provision as was made by Schedule 1 to the Ministers of the <sup>M1</sup>Crown Act 1964 in relation to a Minister to whom that Schedule applied; and the Ministers—
  - (a) may, after consultation with any body created by a statutory provision and concerned with agriculture or agricultural produce, by regulations modify or add to the constitution or powers of the body so as to enable it to act for the Board, or by written directions given to the body require it to discontinue or modify any activity appearing to the Ministers to be prejudicial to the proper discharge of the Board's functions; and
  - (b) may by regulations provide for the charging of fees in connection with the discharge of any functions of the Board.
- (3) Sections 5 and 7 of the <sup>M2</sup>Agriculture Act 1957 (which make provision for the support of arrangements under section 1 of that Act for providing guaranteed prices or assured

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markets) shall apply in relation to any Community arrangements for or related to the regulation of the market for any agricultural produce as if references, in whatever terms, to payments made by virtue of section 1 were references to payments made by virtue of the Community arrangements by or on behalf of the Board and as if in section 5(1)(d) the reference to the Minister included the Board.

(4) Agricultural levies of the Economic Community, so far as they are charged on goods exported from the United Kingdom or shipped as stores, shall be paid to and recoverable by the Board; and the power of the Ministers to make orders under section 5 of the <sup>M3</sup>Agriculture Act 1957, as extended by this section, shall include power to make such provision supplementary to any directly applicable Community provision as the Ministers consider necessary for securing the payment of any agricultural levies so charged, including provision for the making of declarations or the giving of other information in respect of goods exported, shipped as stores, or otherwise dealt with.

(5) Except as otherwise provided by or under any enactment, agricultural levies of the Economic Community, so far as they are charged on goods imported into the United Kingdom, shall be levied, collected and paid, and the proceeds shall be dealt with, as if they were Community customs duties, and in relation to those levies the following enactments shall apply as they would apply in relation to Community customs duties, that is to say:—

[<sup>F1</sup>(a) the <sup>M4</sup>Customs and Excise Management Act 1979 (as for the time being amended by any later Act) and any other statutory provisions for the time being in force relating generally to customs or excise duties on imported goods; and]

[<sup>F2</sup>(b) sections 1, 3, 4, 5, 6 (including Schedule 1), 7, 8, 9, 12, 13, 15, 17 and 18 of the <sup>M5</sup>Customs and Excise Duties (General Reliefs) Act 1979 but so that—

(i) any references in sections 1, 3 and 4 to the Secretary of State shall include the Ministers; and

(ii) the reference in section 15 to an application for an authorisation under regulations made under section 2 of that Act shall be read as a reference to an application for an authorisation under regulations made under section 2(2) of this Act;]

and, if, in connection with any such Community arrangements as aforesaid, the Commissioners of Customs and Excise are charged with the performance, on behalf of the Board or otherwise, of any duties in relation to the payment of refunds or allowances on goods exported or to be exported from the United Kingdom, then in relation to any such refund or allowance [<sup>F3</sup>section 133 (except subsection (3) and the reference to that subsection in subsection (2) and section 159 of the <sup>M6</sup>Customs and Excise Management Act 1979 shall apply as they apply in relation to a drawback of excise duties], and other provisions of that Act shall have effect accordingly.

(6) The enactments applied by subsection (5)(a) above shall apply subject to such exceptions and modifications, if any, as the Commissioners of Customs and Excise may by regulations prescribe, and shall be taken to include section 10 of the <sup>M7</sup>Finance Act 1901 (which relates to changes in customs import duties in their effect on contracts), but shall not include [<sup>F4</sup>section 126 of the <sup>M8</sup>Customs and Excise Management Act 1979] (charge of duty on manufactured or composite articles).

<sup>F5</sup>(7) .....

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- (8) Expressions used in this section shall be construed as if contained in Part I of the <sup>M9</sup>Agriculture Act 1957; and in this section “agricultural levy” shall include any tax not being a customs duty, but of equivalent effect, that may be chargeable in accordance with any such Community arrangements as aforesaid, and “statutory provision” includes any provision having effect by virtue of any enactment and, in subsection (2), any enactment of the Parliament of Northern Ireland or provision having effect by virtue of such an enactment.

#### Textual Amendments

- F1** S. 6(5)(a) substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12** Table Pt. I
- F2** S. 6(5)(b) substituted by Customs and Excise Duties (General Reliefs) Act 1979 (c. 3, SIF 40:1), s. 19(1), **Sch. 2 para. 4**
- F3** Words substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12** Table Pt. I
- F4** Words substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12** Table Pt. I
- F5** S. 6(7) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993 but 4.8.1993 so far as relating to potatoes) by 1993, c. 51, ss. 64, 65, Sch. 5 (subject to provision at the end of Sch. 5); S.I. 1993/2038, **art.2**.

#### Modifications etc. (not altering text)

- C1** S. 6 excluded (N.I.) by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), s. 2(2), **Sch. 2 para. 3**
- C2** Functions of the Ministers under s. 6 now exercisable by the Ministers and the Secretary of State for Wales jointly: S.I. 1978/272, **art 4(2)**, **Sch. 2**
- C3** S. 6 modified (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 52(1)**; S.I. 1998/3178, **art. 2(1)**  
S. 6: transfer of functions (27.12.1999) by S.I. 1999/3141, arts. 2(1)(5), 3, **Sch.**
- C4** S. 6(2)(a)(b) restricted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 15 Pt. II para. 2(3)**

#### Marginal Citations

- M1** 1964 c. 98.
- M2** 1957 c. 57(2:10).
- M3** 1957 c. 57(2:10).
- M4** 1979 c. 2(40:1).
- M5** 1979 c. 3(40:1).
- M6** 1979 c. 2(40:1).
- M7** 1901 c. 7(40:1).
- M8** 1979 c. 2(40:1).
- M9** 1957 c. 57(2:10).

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