

1968 No. 1224

AGRICULTURE

**The Meat and Livestock Commission Levy Scheme
(Confirmation) Order 1968**
Laid before Parliament in draft

<i>Made</i> - - - -	30th July 1968
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<i>Coming into Operation</i>	31st July 1968
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The Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland (hereinafter referred to as "the Ministers"), acting jointly in exercise of the powers conferred on them by section 13 of the Agriculture Act 1967(a) and of all other powers enabling them in that behalf, being satisfied that the bringing into force of a Scheme for the imposition of charges submitted to them by the Meat and Livestock Commission for their confirmation under the said section (which Scheme is hereinafter referred to as "the said Scheme") is desirable, hereby make the following order, a draft whereof has been laid before Parliament and approved by resolution of each House of Parliament:—

1. This order may be cited as the Meat and Livestock Commission Levy Scheme (Confirmation) Order 1968; and shall come into operation on the day immediately following the day on which it is made.

2. The said Scheme is hereby confirmed with the following modifications:—

(a) in paragraph 4(2) thereof (which specifies the maximum charge leviable in respect of each head of livestock slaughtered) there shall be substituted for the maximum charges of "8/-" for cattle (other than calves not exceeding 150 lb. deadweight), "2/-" for calves not exceeding 150 lb. deadweight and "10d." for sheep the following maximum charges respectively, that is to say, "6/-", "1/-" and "6d.";

(b) in paragraph 5(2) thereof there shall be substituted for the words "any person on whose instructions he slaughtered the livestock by reference to which the sum was paid" the words "any person on whose instructions the livestock by reference to which the sum was paid were slaughtered".

3. The said Scheme as so modified and confirmed is set forth in the Schedule to this order, and it shall come into force on the day on which this order comes into operation.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th July 1968.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 30th July 1968.

(L.S.)

William Ross,
Secretary of State for Scotland.

SCHEDULE

MEAT AND LIVESTOCK COMMISSION LEVY SCHEME

Under sections 13 and 14 of the Agriculture Act 1967, for the imposition of charges.

1. This Scheme, which applies in Great Britain, may be cited as the Meat and Livestock Commission Levy Scheme 1968.

2.—(1) In this Scheme, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely:—

“the Commission” means the Meat and Livestock Commission established under Part I of the Agriculture Act 1967;

“deadweight” means in relation to calves the weight of the carcase after the head, skin and tail and the offal (except the kidneys) have been removed;

“livestock” means cattle, sheep and pigs;

“livestock product” has the meaning assigned thereto by Section 25(2) of the said Act;

“slaughterer” means any person (including a local authority) having the control and management of a slaughterhouse in which livestock are slaughtered and includes a local authority providing slaughterhouse facilities under Part II of the Slaughterhouses Act 1954 or Part IV of the Food and Drugs Act 1955, or providing any similar facilities under any local enactment;

“slaughterhouse” has, in England and Wales, the meaning given by section 135(1) of the Food and Drugs Act 1955 and, in Scotland, the meaning given by section 16 of the Slaughterhouses Act 1954.

(2) The Interpretation Act 1889 shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

3. Slaughterers are hereby specified as the class of persons on whom charges may be imposed under this Scheme.

4.—(1) All charges leviable under this Scheme are for the purpose of enabling the Commission to meet their expenses (including any sums to be paid into their reserve fund) other than expenses which are to be met in some other way: they shall be leviable by reference to livestock slaughtered in a slaughterhouse and shall be recoverable by the Commission from the slaughterer having the control and management of the slaughterhouse where the livestock are slaughtered.

(2) The maximum charge leviable in respect of each head of livestock slaughtered shall be in the case of—

(a) Cattle (other than calves not exceeding 150 lb. deadweight)	6/-
(b) Calves not exceeding 150 lb. deadweight	1/-
(c) Sheep	6d.
(d) Pigs	2/-

(3) Subject to sub-paragraphs (1) and (2) of this paragraph, the Commission are hereby authorised to levy such amounts as they think fit from time to time or to suspend the levy for any period: Provided that no charges shall be levied under this Scheme in respect of livestock slaughtered under the Diseases of Animals Act 1950 or any order or arrangements made thereunder.

(4) Without prejudice to the generality of sub-paragraph (3) of this paragraph (but subject to the Proviso thereto and to sub-paragraphs (1) and (2) of this paragraph), the Commission are hereby authorised if they think fit from time to time to levy different amounts in respect of different classes of livestock, and all or any of such classes may be determined by reference to number, type or weight or to any one or more of those matters, as the Commission think fit.

5.—(1) Any charge duly levied under this Scheme shall, subject as mentioned in sub-paragraph (3) of this paragraph, be payable to the Commission on such date or dates and at such place or places as the Commission may from time to time require and shall be recoverable as a debt due to the Commission from the slaughterer.

(2) The slaughterer is hereby authorised to recover as a debt due to him any sum paid by him under this Scheme from any person on whose instructions the livestock by reference to which the sum was paid were slaughtered, provided that such person is a person engaged in the production, marketing (including marketing by a person concerned otherwise than as a buyer or seller) or distribution of livestock or livestock products.

(3) The slaughterer shall be entitled to make from his payments to the Commission deductions in respect of his expenses in exercising his right of recovery under sub-paragraph (2) of this paragraph but such deduction shall not in any case exceed 0.75d. for each head of livestock slaughtered or such higher amount as the Commission may from time to time determine as being reasonable.

(4) Where the slaughterer defaults in payment to the Commission of any sum due from him under this Scheme and would, if he had made payment, have been authorised to recover such sum from another person in accordance with sub-paragraph (2) of this paragraph, the Commission are hereby authorised, if they think fit, to recover directly from the last mentioned person as a debt due from him to the Commission the amount which would have been payable indirectly if the default had not occurred: Provided that this sub-paragraph shall not apply where the last-mentioned person satisfies the Commission that he has made payment to the slaughterer.

(5) Where in the opinion of the Commission (whose decision shall be final and conclusive) any sum which a slaughterer is authorised by sub-paragraph (2) of this paragraph to recover from another person ought reasonably to be treated as irrecoverable by the slaughterer, the Commission shall afford him relief either by permitting him to deduct such sum from payments to the Commission or by way of refund, whichever the Commission shall decide.

6.—(1) So far as is necessary for determining the liability of slaughterers to charges under this Scheme, the Commission may, by notice published in at least one newspaper having a national circulation in England and Wales and at least one newspaper having a national circulation in Scotland and in such other newspapers and other periodicals as the Commission consider appropriate to bring the matter to the notice of persons affected, from time to time require every slaughterer (or any class or classes of slaughterers specified in the notice) to be registered in a register kept for the purpose by the Commission.

(2) Without prejudice to the preceding sub-paragraph, the Commission may (so far as is necessary for the purpose mentioned in that sub-paragraph) by notice served upon any slaughterer require him to be registered as aforesaid.

(3) Any slaughterer who is required to be registered as aforesaid shall apply to the Commission to be registered upon such form as the Commission may from time to time prescribe; and any person so registered who has ceased to be a slaughterer and who desires that his name shall be removed from the register shall apply for such removal upon such form as the Commission may from time to time prescribe.

7. So far as is necessary for determining the liability of any slaughterer to charges under this Scheme, the Commission may from time to time by notice in writing served upon any slaughterer require him:—

- (a) to keep an accurate record in writing, to be duly completed and dated each day, specifying—
 - (i) for each head of livestock slaughtered on the instructions of another person, the name and sufficient other information to identify that person and a sufficient description of the animal to enable the charge payable in respect of it to be ascertained;
 - (ii) the total number of livestock slaughtered each day and sufficient information to enable the charges payable in respect thereof to be ascertained;
- (b) to retain any such record for such period (not exceeding two years) as may be specified in the notice;
- (c) to produce for examination on demand by an authorised officer in the whole-time employment of the Commission any such record and any other books or documents in the slaughterer's custody or under his control;
- (d) to furnish to the Commission at such address and at such time or times and in such form as may be specified in the notice such returns and other information as may be so specified.

8. For the purpose of establishing the liability of any person under this Scheme, the production of a certificate purporting to be signed by the Director, Deputy Director or other officer of the Commission authorised to give the certificate specifying the amounts levied by the Commission for any period shall be sufficient evidence of the facts so specified.

EXPLANATORY NOTE

(This Note is not part of the Order.)

By this order the Ministers confirm, with modifications, the Meat and Live-stock Commission's Scheme for the imposition of charges for enabling the Commission to meet their expenses and for the recovery of such charges (which must not exceed the maximum charges specified in the Scheme) by the Commission from slaughterers by reference to livestock slaughtered in the slaughterhouses in their control and management. The slaughterers are authorised to recover sums paid by them under the Scheme from persons on whose instructions the livestock were slaughtered and to deduct from payments to the Commission expenses in respect of such recovery.

The Scheme also provides for the registration of slaughterers, for the keeping of appropriate records by them and for the making of returns to the Commission.

The modifications referred to make reductions in the amounts of the maximum charges which may be levied under the Scheme in respect of cattle, calves and sheep (the maximum for pigs remains unchanged), and make a small textual alteration in paragraph 5(2) of the Scheme.

The order provides that the scheme shall come into force on the same day as the order comes into operation.