

1979 No. 393

AGRICULTURE

**The Meat and Livestock Commission Levy Scheme
(Confirmation) Order 1979**

Laid before Parliament in draft

Made - - - - 29th March 1979

Coming into Operation 30th March 1979

The Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with agriculture in Scotland and the Secretary of State for Wales (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 1979, and shall come into operation on the day immediately following the day on which it is made.

2. The said Scheme, which is set forth in the Schedule to this order, is hereby confirmed 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 27th March 1979.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries
and Food.

Bruce Millan,
Secretary of State for Scotland.

28th March 1979.

John Morris,
Secretary of State for Wales.

29th March 1979.

(a) 1967 c. 22; section 13 is to be read with the Transfer of Functions (Wales) (No. 1) Order 1978 (S.J. 1978/272).

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 1979.

2. 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 carcass after the head, skin and tail and the offal (except the kidneys) have been removed;

“exporter” means any person engaged in the production, marketing or distribution of livestock whose business includes the export of livestock;

“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 I of the Slaughterhouses Act 1974(a) or Part II of the Slaughterhouses Act 1954(b), or providing any similar facilities under any local enactment;

“slaughterhouse” has, in England and Wales, the meaning given by section 34 of the Slaughterhouses Act 1974 and, in Scotland, the meaning given by section 16 of the Slaughterhouses Act 1954.

3. Slaughterers and exporters are hereby specified as the classes 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—

(a) to livestock slaughtered in a slaughterhouse, or

(b) to livestock (other than pure bred breeding animals of the bovine species) exported by an exporter

and shall be recoverable by the Commission from the slaughterer having the control and management of the slaughterhouse where the livestock are slaughtered or from the exporter by whom they are exported, as the case may require.

(2) The maximum charge in respect of each head of livestock for which charges are leviable under this Scheme shall be in the case of:—

(a) Cattle (other than calves not exceeding 68kg. deadweight) ...	90p a head
(b) Calves not exceeding 68kg. deadweight	12p a head
(c) Sheep	16p a head
(d) Pigs	30p a head

(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:

(a) 1974 c. 3.

(b) 1954 c. 42.

Provided that no charges shall be levied under this Scheme in respect of livestock slaughtered under the Diseases of Animals Act 1950(a) or any order or arrangements made thereunder or in accordance with any scheme under section 106 of the Agriculture Act 1970(b).

(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 livestock slaughtered and livestock exported respectively and 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 or the exporter, as the case may require.

(2) (a) Subject to sub-paragraph (b) of this paragraph—

- (i) where the slaughterer slaughters livestock which he has purchased, or of which he has agreed to purchase all or part of the carcass after slaughter, he is hereby authorised to recover, as a debt due to him from the person from whom he has purchased the livestock or has agreed to purchase all or part of the carcass (as the case may be) one half of any sum paid by the slaughterer under this Scheme by reference to that livestock:

Provided that where the purchase was at auction the slaughterer is hereby authorised to recover from the Auctioneer instead of from the person from whom he purchased;

- (ii) where the slaughterer slaughters livestock on the instructions of another person (not being livestock which the slaughterer has purchased or of which he has agreed to purchase all or part of the carcass after slaughter) the slaughterer is hereby authorised to recover as a debt due to him from that person the whole of any sum paid by the slaughterer under this Scheme by reference to that livestock.

(b) Sub-paragraph (a) of this paragraph shall only apply where the person from whom the slaughterer is authorised to recover 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 0.43p 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.

(a) 1950 c. 36.

(b) 1970 c. 40.

(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 or exporters 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 exporter (or any class or classes of slaughterers or exporters 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 or exporter require him to be registered as aforesaid.

(3) Any slaughterer or exporter 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 or exporter 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 or exporter to charges under this Scheme, the Commission may from time to time by notice in writing served upon any slaughterer or exporter 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;
 - (iii) the total number of livestock (other than pure bred breeding animals of the bovine species) exported each day and sufficient information about each animal to enable the charge payable in respect of it 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 or exporter'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 General, Deputy Director General 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.

9. The Meat and Livestock Commission Levy Scheme 1968(a) is hereby revoked but without prejudice to any right or liability arising thereunder before the coming into operation of this Scheme or to any method of recovery or legal proceedings in respect thereof.

EXPLANATORY NOTE

(This Note is not part of the Order.)

By this Order the Ministers confirm the Meat and Livestock Commission's Scheme which revokes and replaces the Meat and Livestock Commission Levy Scheme 1968, as varied. The Scheme provides 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 and from exporters by reference to livestock (other than pure bred breeding animals of the bovine species) exported by them.

No charges shall be levied by the Commission in respect of livestock slaughtered under the Diseases of Animals Act 1950 or any order or arrangements made thereunder or in accordance with any scheme, relating to the eradication of brucellosis, under section 106 of the Agriculture Act 1970.

The slaughterer is authorised by the Scheme to recover half of any sum paid by him under the Scheme in relation to any livestock from the person (being a person who is engaged in the production, marketing or distribution of livestock or livestock products) from whom he has purchased such livestock or agreed to purchase all or part of the carcase of such livestock after slaughter. Where the purchase was at auction, however, the slaughterer is authorised to recover from the auctioneer instead of from such person.

Where the slaughterer has not purchased the livestock or agreed to purchase the whole or any part of the carcase of such livestock which he has slaughtered, he is authorised to recover the whole of any sum paid by him under the Scheme from such person, as is mentioned in the previous paragraph, on whose instructions such livestock was slaughtered.

The slaughterer is authorised to deduct from payments to the Commission expenses in respect of such recovery.

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

The principal changes made to the 1968 Scheme, as varied, are:

- (a) an increase in the maximum charge leviable in respect of each head of sheep from 8p to 16p; and
- (b) an extension of the leviable charges to livestock (other than pure bred breeding animals of the bovine species) exported by an exporter.

The Order provides that the Scheme shall come into force on the same day as the Order comes into operation.

(a) S.I. 1968/1224, varied by the Scheme confirmed by S.I. 1970/1964 and further varied by the Scheme confirmed by S.I. 1975/721

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