

STATUTORY INSTRUMENTS

1980 No. 1990

AGRICULTURE

The Butter Subsidy (Protection of Community Arrangements) Regulations 1980*Made* - - - - 18th December 1980*Laid before Parliament* 31st December 1980*Coming into Operation* 21st January 1981

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated by the European Communities (Designation) Order 1972(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred on them by the said section 2(2), hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Butter Subsidy (Protection of Community Arrangements) Regulations 1980 and shall come into operation on 21st January 1981.

(2) In these regulations—

“the Board” means the Intervention Board for Agricultural Produce established under section 6 of the European Communities Act 1972;

“export” means export to any destination outside the United Kingdom, and includes the putting on board a ship or aircraft bound for such a destination of stores for consumption on board; but a reference to a person who exports butter does not include a reference to a person who does so only as a carrier;

“subsidy payment” means a sum paid in pursuance of either of the following provisions:

Council Regulation (EEC) No. 2574/78(c) on the granting of aid for the consumption of butter in the United Kingdom;

Council Regulation (EEC) No. 1269/79(d) on the marketing of reduced-price butter for direct consumption, as amended by Council Regulation (EEC) No. 1362/80(e).

(3) Any reference in these regulations to a refund of a subsidy payment includes a reference to the payment by any person to the Board of an amount equal to, and in respect of, that subsidy payment.

(a) S.I. 1972/1811.

(b) 1972 c. 68.

(c) O.J. No. L309, 1.11.78, p. 4.

(d) O.J. No. L161, 29.6.79, p. 8.

(e) O.J. No. L140, 5.6.80, p. 14.

(4) For the purpose of these regulations the use of butter for manufacture does not include its use by a caterer as an ingredient of food to be consumed in his catering establishment, but subject to that it includes any use other than household or domestic use or use for human consumption as butter.

Restrictions on use of butter

2.—(1) Except with the authority of the Board, no person who is aware that a subsidy payment has been made and not refunded in respect of any butter, or that there is a subsisting claim for such a payment, shall use the butter for manufacture or cause or permit it to be so used.

(2) An authority for the purposes of paragraph (1) above shall be in writing and may relate to butter not in existence at the date of the grant of the authority, but shall not be granted except to a person named in the authority and in respect of butter which in his opinion or in the opinion of some other person named in that behalf in the authority cannot be reclaimed for human consumption as butter.

(3) A person who contravenes any provision of paragraph (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine.

Recovery of subsidy

3. Where a subsidy payment has been made in respect of any butter and has not been refunded, or there is a subsisting claim for such a payment, and a person either exports the butter or, without the authority of the Board granted in accordance with regulation 2(2) above, uses it for manufacture or causes or permits it to be so used, he shall be liable to pay to the Board on demand an amount equal to the subsidy payment or shall forfeit all right to the subsidy claim, as the case may be.

Records and notification of exportation

4.—(1) A person who exports by way of trade any butter in respect of which a subsidy payment has been made or in respect of which there is a subsisting claim for such a payment shall—

- (a) within a period of 14 days from the end of the month in which the exportation took place furnish to the Board a written report of the exportation containing the particulars mentioned in the Schedule hereto;
- (b) within the same period make a written record of the exportation containing the same particulars;
- (c) retain the record, and all other documents in his possession relating to the exportation, for a period of three years from the end of the calendar year in which the exportation took place;
- (d) produce the record and those other documents to an authorised officer of the Board on demand made at any time during that period.

(2) A person who without reasonable excuse contravenes the provisions of sub-paragraph (a) of paragraph (1) above shall, subject to paragraph (3) below, be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, or on conviction on indictment to a fine, and a person who without reasonable excuse contravenes any other provision of the said paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(3) Where a person is charged with contravening any provision of paragraph (1) above it shall be a defence for him to prove that at all material times he believed that the payment or claim on which the charge is based had been refunded or was no longer subsisting.

Supplementary

5.—(1) Where an offence under these regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members the provisions of paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Revocations

6. The Butter Subsidy (Protection of Community Arrangements) Regulations 1979(a) and the Butter Subsidy (Protection of Community Arrangements) (Amendment) Regulations 1979(b) are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th December 1980.

(L.S.)

Peter Walker,
Minister of Agriculture,
Fisheries and Food.

18th December 1980.

George Younger,
Secretary of State for Scotland.

Regulation 4

SCHEDULE

PARTICULARS TO BE CONTAINED IN REPORT TO BOARD AND RECORD OF EXPORTATION

1. Name and address of the person making the report or record.
2. Description and quantity of the butter exported.
3. Name and address of the person from whom the butter was received and date of receipt.
4. Name and address of the person to whom the butter was consigned and date of consignment.
5. Date of exportation if known.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with amendments the provisions previously made—

- (a) enabling subsidy paid on butter under certain Council Regulations to be recovered where the butter has been exported from the United Kingdom, or has, without the authority of the Intervention Board for Agricultural Produce, been used for manufacture;
- (b) prohibiting the use of subsidised butter for manufacture unless the Board has authorised such use, and
- (c) requiring records to be kept and information to be furnished about exports of subsidised butter.

The Council Regulations are those referred to in regulation 1(2) of these Regulations, where a reference to Council Regulation (EEC) No. 1362/80 (amending Council Regulation (EEC) No. 1269/79) appears for the first time. "Export" has been redefined so as to include export as ships' or aircraft stores. Regulation 2(1) has been redrafted without change of substance. Otherwise the provisions are unchanged from those which were previously made and are now revoked.

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