
STATUTORY INSTRUMENTS

1987 No. 1303

AGRICULTURE

**The Meat and Livestock Commission
Levy Scheme (Confirmation) Order 1987**

Made - - - - 23rd July 1987
Coming into force - - 24th July 1987

Whereas the Meat and Livestock Commission (hereinafter called “the Commission”) established by the Agriculture Act 1967,⁽¹⁾ after consultation in accordance with section 13(1A) of that Act with such persons as appear to them to represent the interests concerned, have submitted to the Ministers hereinafter named, a Scheme (hereinafter called “the Scheme”) for the imposition of charges for enabling the Commission to meet their expenses:

Now, therefore, the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with agriculture in Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by section 13 of that Act and now vested in them⁽²⁾, and of all other powers enabling them in that behalf, being satisfied that the bringing into force of the 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:—

Title and commencement

1. This Order may be cited as the Meat and Livestock Commission Levy Scheme (Confirmation) Order 1987 and shall come into force on the day after the day on which it is made.

Confirmation of the Scheme

2. The Scheme, which is set out in the Schedule to this Order, is hereby confirmed and shall come into force on the day that this Order comes into force.

Revocation

3. The Meat and Livestock Levy Scheme (Confirmation) Order 1979⁽³⁾ and the Meat and Livestock Commission Levy (Variation) Scheme (Confirmation) Order 1981⁽⁴⁾ are hereby revoked.

(1) 1967 c. 22; section 13 was amended by the Agriculture Act 1970 (c. 40), section 106(6) and the Agriculture Act 1986 (c. 49), section 7.
(2) In the case of the Secretary of State for Wales by virtue of S.I. 1969/388 and 1978/272.
(3) S.I. 1979/393.
(4) S.I. 1981/1066.

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In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd July 1987.

L.S.

John MaGregor
Minister of Agriculture, Fisheries and Food

22nd July 1987

Sanderson of Bowden
Parliamentary Under-Secretary of State, Scottish
Office

23rd July 1987

Peter Walker
Secretary of State for Wales

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 1987.

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 carcase 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;

“general expenses” means expenses incurred by the Commission other than species promotion expenses;

“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⁽⁵⁾ or Part II of the Slaughterhouses Act 1954⁽⁶⁾, 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;

“species promotion expenses” means expenses incurred in the exercise of the Commission’s functions under paragraph 15 of Part I of Schedule 1 to the said Act relating to particular species of livestock and the livestock products thereof.

3. Slaughterers and exporters are 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 funds) 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 comprise a sum in respect of general expenses and may comprise a sum in respect of species promotion expenses, not exceeding the following:—

(5) 1974 c. 3.

(6) 1954 c. 42.

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	General Expenses	Species Promotion Expenses
(a) (a) Cattle (other than calves not exceeding 68 kg deadweight)	100p	140p
(b) (b) Calves not exceeding 68 kg deadweight	12p	—
(c) (c) Sheep	24p	20p
(d) (d) Pigs	40p	40p

(3) Subject to sub-paragraphs (1) and (2) of this paragraph, the Commission are authorised to levy such amounts as they think fit from time to time or to suspend the levy or any of the charges comprised therein for any period:

Provided that no charges shall be levied under this Scheme in respect of livestock slaughtered under the Animal Health Act 1981(7) or any order or arrangements made thereunder or in accordance with any scheme under section 106 of the Agriculture Act 1970(8).

(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 authorised if they think fit from time to time to levy different amounts in respect of expenses incurred by the Commission for different purposes, 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 thinks 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.

- (a) (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, the Commission may determine that there shall be recoverable 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 the sum attributable to general expenses and the whole of any sum attributable to species promotion expenses:
 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 Commission may determine that there shall be recoverable 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 apply only where the person from whom the slaughterer is authorised to recover is a person engaged in the production, marketing

(7) 1981 c. 22.

(8) 1970 c. 40.

(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 deductions from his payments to the Commission in respect of his expenses in exercising his right of recovery under sub-paragraph (2) of this paragraph but such deduction shall not exceed one penny 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 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 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 in writing 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;

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- (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 wholetime 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 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 1979(9) is hereby revoked but without prejudice to any right or liability arising thereunder before the coming into force 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 Levy Scheme which revokes and replaces that confirmed by the Meat and Livestock Commission Levy Scheme (Confirmation) Order 1979 (S.I.1979/393), as varied (S.I. 1981/1066).

The Scheme—

- (a) provides, in specified circumstances, for the imposition on and recovery from slaughterers and exporters of charges for the purpose of enabling the Commission to meet their expenses (paragraphs 3 and 4(1));
- (b) specifies maximum charges in respect of general expenses and of species promotion expenses (paragraph 4(2));
- (c) subject to these maximum charges and to an exemption for livestock slaughtered under the Animal Health Act 1981 or for brucellosis eradication under section 106 of the Agriculture Act 1970, authorises the Commission to levy such amounts as they think fit or to suspend the levy (paragraph 4(3) and (4));
- (d) provides for the payment of charges to the Commission and their recovery from slaughterers and exporters (paragraph 5(1));
- (e) authorises the Commission to determine that slaughterers may recover—
 - (i) from specified persons from whom they have purchased livestock, half of the sums attributable to general expenses and the whole of sums attributable to species promotion expenses;
 - (ii) from specified persons on whose instructions they have slaughtered livestock, the whole of any sum paid under the Scheme (paragraph 5(2));

(9) S.I. 1979/393 varied by the Scheme confirmed by S.I. 1981/1066.

- (f) entitles slaughterers to make deductions from payments to the Commission in respect of expenses in exercising such right of recovery (paragraph 5(3));
- (g) authorises the Commission to recover directly, in case of default in payment by slaughterers, the amounts which would otherwise have been payable indirectly (paragraph 5(4)) and to afford relief in respect of any sum which might reasonably be treated as irrecoverable by slaughterers (paragraph 5(5));

The Scheme also provides for registration of slaughterers and exporters (paragraph 6) and for keeping records and making returns by them (paragraph 7).

The principal changes to the 1979 Levy Scheme are the new provisions for levying separate charges in respect of species promotion expenses (paragraph 4(2)), and for the recovery of the whole of these charges by slaughterers (paragraph 5(2)).

Penalties are provided in section 14 of the Agriculture Act 1967, which has been amended by section 32(2) of the Magistrates' Courts Act 1980 (c. 43) and sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48).