

1988 No. 2135

AGRICULTURE

The Agricultural Levies (Export Control) Regulations
1988

Made - - - - 6th December 1988

Laid before Parliament 8th December 1988

Coming into force 1st January 1989

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated (a) for the purposes of section 2(2) of the European Communities Act 1972 (b) in relation to the recovery and payment of agricultural levies, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:-

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Agricultural Levies (Export Control) Regulations 1988 and shall come into force on 1st January 1989.

(2) In these Regulations—

“agricultural levy” means any tax or charge, not being a customs duty, chargeable under Community arrangements on agricultural products or on goods which are processed from agricultural products and are the subject of arrangements under Article 235 of the EEC Treaty;

“the Board” means the Intervention Board for Agricultural Produce;

and, without prejudice to paragraph (3) below, other expressions have the meaning that they have in the Customs and Excise Management Act 1979 (c).

(3) For the purposes of these Regulations “specified commodities” are products that are subject to the provisions of articles 39 to 46 of the EEC Treaty (which are listed in Annex II to that Treaty) and such goods processed from those products as are set out in Annexes B and C to Council Regulation (EEC) No. 3035/80 (d), as substituted by Commission Regulation (EEC) No. 4055/87 (e).

Entry outwards of specified commodities

2.—(1) Every specified commodity shall be entered before exportation, or shipment as stores for use on a voyage or flight to an eventual destination outside the United Kingdom and the Isle of Man, and accordingly shall be dutiable or restricted goods for the purposes of Part V of that Act by virtue of section 52(1)(f) thereof and shall be entered in the manner provided by section 53 of the Customs and Excise Management Act 1979 (which relates to entry outwards of goods).

(a) S.I. 1976/897.

(b) 1972 c.68.

(c) 1979 c.2; sections 53 to 58E were substituted by section 10(2) of, and Schedule 7 to, the Finance Act 1981 (c.35); sections 58A and 58D were amended by section 8 of the Finance Act 1987 (c.16).

(d) OJ No. L323, 29.11.80, p.27.

(e) OJ No. L379, 31.12.87, p.1.

(2) Nothing in paragraph (1) above shall be taken to require entry to be made of Community transit goods.

(3) Part V of the Customs and Excise Management Act 1979 shall apply to entries of goods under this regulation as they apply to entries of goods under section 53 of that Act.

(4) Exportation of a specified commodity, or its shipment as stores, other than in compliance with the requirements of section 53 or 58A of the Customs and Excise Management Act 1979 or the Commissioners' substituted requirements is prohibited.

Security for levies

3.—(1) Where, on the exportation of a specified commodity, a payment may become due to the Board in respect of agricultural levy, then before the exportation takes place, security for the payment shall be given to the satisfaction of the Board or, if the Commissioners in their discretion so permit and subject to any conditions they may impose, to the satisfaction of the Commissioners.

(2) Exportation of a specified commodity for which security is required under this regulation is prohibited unless that security has been given.

Revocation

4. The Agricultural Levies (Export Control) Regulations 1983(a) are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th December 1988.



Trumpington
Parliamentary Secretary,
Ministry of Agriculture, Fisheries and Food

6th December 1988

Sanderson of Bowden
Minister of State, Scottish Office

(a) S.I. 1983/61.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Agricultural Levies (Export Control) Regulations 1983 ("the 1983 Regulations"), which are revoked. They are made in implementation of the obligation to protect funds of the European Agricultural Guidance and Guarantee Fund contained in article 8 of Council Regulation (EEC) No. 729/70 (OJ No. L94, 28.4.70, p.13; OJ/SE 1970(I) p.218) on the financing of the common agricultural policy.

The Regulations require the agricultural products and processed goods mentioned in regulation 1(3) to be entered before exportation or shipment as stores in the manner provided by section 53 of the Customs and Excise Management Act 1979 (regulation 2(1)), and prohibit export without such entry (regulation 2(4)). They provide that where agricultural levy may become payable on the exportation of such agricultural products and processed goods security must be given and export is forbidden unless it has been given (regulation 3).

There are no changes of substance from the 1983 Regulations. The reason for replacing the 1983 Regulations by these Regulations is that the method used in the 1983 Regulations to describe the commodities subject to those Regulations did not accord with the International Convention on the Harmonised Commodity Description and Coding System, which has been adopted by the EEC.

Penalties for contravention of a requirement as to exportation or shipment as stores under a provision of an Act of Parliament are prescribed by Part V of the Customs and Excise Management Act 1979.