

1989 No. 576

AGRICULTURE

**The Cereals Co-responsibility Levy (Amendment)
Regulations 1989**

<i>Made</i> - - - -	<i>23rd March 1989</i>
<i>Laid before Parliament</i>	<i>7th April 1989</i>
<i>Coming into force</i>	<i>28th April 1989</i>

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 common agricultural policy of the European Economic Community, 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 and commencement

1. These Regulations may be cited as the Cereals Co-responsibility Levy (Amendment) Regulations 1989 and shall come into force on 28th April 1989.

Amendment of the Cereals Co-responsibility Levy Regulations 1988

2. The Cereals Co-responsibility Levy Regulations 1988(c) are hereby amended in accordance with the following provisions of these Regulations.

3. In regulation 2(1) (interpretation)-

(a) for the definition of "the Commission Regulation" there shall be substituted the following definition-

"the Commission Regulation" means Commission Regulation (EEC) No. 1432/88 laying down detailed rules for applying the co-responsibility levy in the cereals sector(d), as amended by Commission Regulation (EEC) No. 2324/88(e) and Commission Regulation (EEC) No. 3858/88(f) ;;

(b) for the definition of "trader" there shall be substituted the following definition-
"trader" means-

(a) any person who purchases from their producer cereals other than cereals placed on the market in the framework of a forward transaction; or

(b) any person who places on the market cereals produced by him-

(i) by way of direct export from the United Kingdom;

(ii) in the form of cereal products; or

(iii) in the framework of a forward transaction.'

(a) S.I. 1972/1811.

(b) 1972 c.68.

(c) S.I. 1988/1001.

(d) OJ No. L131, 27.5.88, p.37.

(e) OJ No. L202, 27.7.88, p.39.

(f) OJ No. L343, 13.12.88, p.21.

4. In regulation 5(3) (registration of traders) for the words "incapacitated or" there shall be substituted the words "incapacitated by reason of physical or mental illness or becomes".

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd March 1989.



John MacGregor
Minister of Agriculture, Fisheries and Food

23rd March 1989

Sanderson of Bowden
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cereals Co-responsibility Levy Regulations 1988 ("the principal Regulations") which provide for the administration, collection and enforcement of co-responsibility levy imposed in respect of specified cereals by Article 4 of Council Regulation (EEC) 2727/75 (OJ No. L281, 1.11.1975, p.1), as amended in particular by Council Regulation (EEC) 1097/88 (OJ No. L110, 29.4.88, p.7). These Regulations amend the principal Regulations in consequence of amendments to the detailed rules for the application of the levy laid down by Commission Regulation (EEC) 1432/88 (OJ No. L131, 27.5.88, p.37) set out in Commission Regulation (EEC) 2324/88 (OJ No. L202, 27.7.88, p.39).

Commission Regulation 2324/88 which, inter alia, gives effect to the judgment of the Court of Justice in Case 300/86 handed down on 29th June 1988 provides that—

- (a) cereals placed on the market by their producer in the form of processed products are subject to co-responsibility levy; but
- (b) cereals delivered but not sold by their producer to a processor with a view to the production of animal feedingstuffs to be used on that producer's farm are not subject to co-responsibility levy.

In implementation of those provisions these Regulations—

- (a) amend the definition of "the Commission Regulation" so as to refer to its amendment by Commission Regulations 2324/88 and 3858/88; and
- (b) amend the definition of "trader" so as to exclude from its scope persons who process cereals on behalf of their producer and to include therein persons who place on the market cereals produced by them in the form of cereal products (regulation 3).

In addition these Regulations amend regulation 5 of the principal Regulations so as to make clear that the reference therein to persons becoming incapacitated is a reference to persons becoming incapacitated by reason of physical or mental illness (regulation 4).

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