STATUTORY INSTRUMENTS

1977 No. 1021

AGRICULTURE

The Agricultural Levies (Export Control) Regulations 1977

Made - - - -	15*th June* 1977
Laid before Parliament	24*th June* 1977
Coming into Operation	1*st August* 1977

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated **(a)** in that behalf under section 2(2) of the European Communities Act 1972**(b)**, 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:—

Citation, operation, interpretation

1.—(1) These regulations may be cited as the Agricultural Levies (Export Control) Regulations 1977 and shall come into operation on 1st August 1977.

(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 products 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;

"specified commodity" means a commodity referred to in the Schedule to these regulations.

(3) The Interpretation Act 1889**(c)** shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Entry outwards of specified commodities

2.—(1) Subject to paragraph (2) below, every specified commodity shall be entered before exportation in manner provided in section 47 of the Customs and Excise Act 1952**(d)**, and accordingly shall be goods to which that section applies by virtue of subsection (5)(*f*) thereof.

(2) Nothing in paragraph (1) above, or in the said section 47 as applied by that paragraph, shall be taken to require entry to be made of any commodity to be shipped as stores, or to affect the power of the Commissioners of Customs and Excise to relax, in relation to any commodity, all or any of the requirements of subsection (1) of the said section.

Security for levies

3.—(1) Where, on the exportation of a specified commodity, a payment will

(a) S.I. 1976/897 (1976 II, p. 2330).
(b) 1972 c. 68.
(c) 1889 c. 63.
(d) 1952 c. 44.

become due to the Board in respect of agricultural levy, the Board may require security to be given to them of such amount as shall in their opinion be sufficient to cover the payment.

(2) Security under this regulation shall be given in such manner as the Board think fit, and by a person approved by the Board for that purpose.

(3) The exportation of a commodity in respect of which security has been required under this regulation, but has not been given, is hereby prohibited.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th June 1977.

(L.S.)

John Silkin,
Minister of Agriculture,
Fisheries and Food.

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

15th June 1977.

SCHEDULE Regulation 1(2)

SPECIFIED COMMODITIES

PART I

Agricultural products

Common Customs Tariff Heading Number	Description
Chapter 1	Live animals.
Chapter 2	Meat and edible meat offals.
Chapter 4	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included.
Chapter 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage.
Chapter 7	Edible vegetables and certain roots and tubers.
Chapter 8	Edible fruit and nuts; peel of melons or citrus fruit.
Chapter 10	Cereals.
Chapter 11	Products of the milling industry; malt and starches; gluten; inulin.
Chapter 12	Oil seeds and oleaginous fruit; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder.
15.01	Lard, other pig fat and poultry fat, rendered or solvent-extracted.
15.02	Fats of bovine cattle, sheep or goats, unrendered; rendered or solvent-extracted fats (including "premier jus") obtained from those unrendered fats.
15.03	Lard stearin, oleostearin and tallow stearin; lard oil, oleo-oil and tallow oil, not emulsified or mixed or prepared in any way.
15.04	Fats and oils, of fish and marine mammals, whether or not refined.
15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified.
15.12	Animal or vegetable oils and fats, wholly or partly hydrogenated, or solidified or hardened by any other process, whether or not refined, but not further prepared.
15.13	Margarine, imitation lard and other prepared edible fats.
15.17	Residues resulting from the treatment of fatty substances or animal or vegetable waxes.
Chapter 16	Preparations of meat, of fish, of crustaceans or molluscs.
17.01	Beet sugar and cane sugar, solid.
17.02	Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel.
17.03	Molasses, whether or not decolourised.
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion.
Chapter 20	Preparations of vegetables, fruit or other parts of plants.
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol.
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol.
22.07	Other fermented beverages (for example, cider, perry and mead).

Common Customs Tariff Heading Number	Description
ex 22.08 ex 22.09	Ethyl alcohol or neutral spirits, whether or not denatured, of any strength, obtained from agricultural products listed in Annex II to the EEC Treaty, excluding liqueurs and other spirituous beverages and compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages.
22.10	Vinegar and substitutes for vinegar.
Chapter 23	Residues and waste from the food industries; prepared animal fodder.

PART II

Products processed from agricultural products and subject to arrangements under Article 235 of the EEC Treaty

Goods listed in Annexes B and C to Council Regulation (EEC) No. 2682/72**(a)**, as amended **(b)**.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations require the agricultural products and processed products referred to in the Schedule to the Regulations to be entered before exportation in manner provided in section 47 of the Customs and Excise Act 1952, and enable the Intervention Board for Agricultural Produce to require security to be given for the payment of agricultural export levy chargeable on those products. The exportation of any goods subject to such security requirement without security having been given is prohibited. These measures are 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**(c)** on the financing of the common agricultural policy.

Failure to cause any goods to be entered renders them liable to forfeiture under section 47 of the 1952 Act, and fraudulent evasion of the requirement is an offence carrying a penalty of three times the value of the goods or £100, whichever is the greater, or imprisonment for not more than two years, or both.

Under section 56 of the 1952 Act the exportation or attempted exportation of any goods contrary to the prohibition in these Regulations renders them liable to forfeiture. It also renders the exporter or intending exporter, or any agent of his concerned in the exportation or intended exportation, liable to a penalty of three times the value of the goods or £100, whichever is the greater; and any person knowingly concerned in such exportation or attempted exportation with intent to evade the prohibition is liable to a similar penalty, or to imprisonment for not more than two years, or to both.

(a) O.J. No. L289, 27.12.72, p.13 (O.J./S.E. 1972 (9-28 December) p. 42).
(b) The relevant amending instruments are Council Regulation (EEC) No. 3058/75; O.J. No. L306, 26.11.75, p. 3 and Council Regulation (EEC) No. 3138/76; O.J. No. L354, 24.12.76, p. 1.
(c) O.J. No. L94, 28.4.70, p. 13 (O.J./S.E. 1970 (I), p. 218).

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