STATUTORY INSTRUMENTS

1983 No. 61

AGRICULTURE

The Agricultural Levies (Export Control) Regulations 1983

Made - - - -	*24th January* 1983
Laid before Parliament	*1st February* 1983
Coming into Operation	*22nd February* 1983

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:—

Title, commencement and interpretation

1.—(1) These regulations may be cited as the Agricultural Levies (Export Control) Regulations 1983 and shall come into operation on 22nd February 1983.

(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;

"the Commissioners" means the Commissioners of Customs and Excise;

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

Entry outwards of specified commodities

2.—(1) Subject to paragraph (2) below, 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, in manner provided by section 53 of the Customs and Excise Management Act 1979 (**c**) (which relates to entry outwards of goods) and accordingly shall be goods to which section 52 of that Act applies by virtue of subsection (1)(f) thereof.

(**a**) S.I. 1976/897.
(**b**) 1972 c.68.
(**c**) 1979 c.2; sections 53 to 58 were substituted by section 10(2) of, and Schedule 7 to, the Finance Act 1981 (c.35).

(2) Nothing in paragraph (1) above shall be taken—

(a) to require entry to be made of any specified commodity which is exported in accordance with the requirements of section 58A of that Act (which relates to local export control of goods); or

(b) to affect the powers of the Commissioners to relax, in relation to any commodity, all or any of the requirements imposed by the said section 53 or 58A and to impose substituted requirements.

(3) Exportation of a specified commodity, or its shipment as stores, other than in compliance with the requirements of the said section 53 or 58A 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 1981 (**a**) are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st January 1983.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

24th January 1983.

George Younger,
One of Her Majesty's Principal Secretaries of State.

(**a**) S.I. 1981/199.

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 3	Fish, crustaceans and molluscs.
Chapter 4	Dairy produce: birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included.
05.04	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof.
05.15	Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption.
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 9	Coffee, tea and spices, excluding maté (heading No. 09.03).
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.
ex 13.03	Pectin.
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	Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes.

Agricultural products

Common Customs Tariff Heading Number	Description
Chapter 16	Preparations of meat, of fish, of crustaceans or molluscs.
17.01	Beet sugar and cane sugar, in solid form.
17.02	Other sugars in solid form: sugar syrups, not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel.
17.03	Molasses.
18.01	Cocoa beans, whole or broken, raw or roasted.
18.02	Cocoa shells, husks, skins and waste.
Chapter 20	Preparations of vegetables, fruit or other parts of plants.
21.07F	Flavoured or coloured sugar syrups.
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).
22.08	Ethyl alcohol or neutral spirits, undenatured, of an alcoholic strength of 80° vol or higher: denatured spirits (including ethyl alcohol and neutral spirits) of any strength.
22.09	Spirits (other than those of heading No. 22.08); liqueurs and other spirituous beverages; 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.
24.01	Unmanufactured tobacco, tobacco refuse.
45.01	Natural cork, unworked, crushed, granulated or ground; waste cork.
54.01	Flax, raw or processed but not spun, flax tow and waste (including pulled or garnetted rags).
57.01	True hemp (Cannabis Sativa) raw or processed but not spun; tow and waste of true hemp (including pulled or garnetted rags or ropes).

PART II

Goods 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. 3035/80(a).

(a) O.J. No. L323, 29.11.80, p. 27.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace with amendments provisions previously made by the Agricultural Levies (Export Control) Regulations 1981 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 (O.J. No. L94, 28.4.70, p.13; O.J./S.E. 1970 (I) p.218) on the financing of the common agricultural policy.

The Regulations require the agricultural products and processed goods mentioned in the Schedule to the Regulations to be entered before exportation or shipment as stores pursuant to section 53 of the Customs and Excise Management Act 1979 (Regulation 2(1)), and prohibit export without such entry (Regulation 2(3)). The processed goods are specified by reference to the lists in Annexes B and C of Council Regulation (EEC) No. 3035/80 (O.J. No. L323, 29.11.80, p. 27).

The Regulations provide that where agricultural export levy may become payable security must be given and export is forbidden unless it has been given (Regulation 3).

The changes from the 1981 Regulations are needed primarily because the Finance Act 1981 substituted new sections for sections 53 to 58 of the 1979 Act. The main purpose of this substitution was to implement Council Directive 81/77/EEC (O.J. No. L83, 30.3.81, p.40) on the harmonisation of procedures for the export of Community goods.

The opportunity has been taken to bring agricultural products and processed goods shipped as stores into the requirement for entry outwards in Regulation 2(1). This does not affect the power of the Commissioners of Customs and Excise to relax the requirements as to entry outwards in section 53 of the 1979 Act.

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 1979 Act which relates to the control of exportation.

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