STATUTORY INSTRUMENTS

1977 No. 76

CUSTOMS AND EXCISE

RELIEFS AND REDUCED DUTIES (CUSTOMS)

The Agricultural Levy Reliefs (Frozen Beef and Veal) Order 1977

Made - - -	19*th January* 1977
Laid before the House of Commons - -	28*th January* 1977
Coming into Operation	29*th January* 1977

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Northern Ireland (being the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland) and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by section 5(4) of the Import Duties Act 1958(**a**), as amended by section 4(1) of, and paragraph 1 of Schedule 4 to, the European Communities Act 1972(**b**) and as applied by section 6(5) of that Act, as read with the Transfer of Functions (Wales) Order 1969(**c**) and of all other powers enabling them in that behalf, hereby make the following order:—

1. This order may be cited as the Agricultural Levy Reliefs (Frozen Beef and Veal) Order 1977, and shall come into operation on 29th January 1977.

2.—(1) In this order, unless the context otherwise requires—

"the Board" means the Intervention Board for Agricultural Produce established under section 6 of the European Communities Act 1972;

"licence" means an import licence issued by the Board under the provisions of Council Regulation (EEC) No. 805/68 of 27th June 1968(**d**), on the common organisation of the market in beef and veal, as amended(**e**), Commission Regulation (EEC) No. 193/75 of 17th January 1975(**f**), laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, as amended(**e**), and Commission Regulation (EEC) No. 2045/75 of 25th July 1975(**g**) on special detailed rules for the application of the system of import licences and advance fixing certificates for beef and veal, as amended(**e**);

(**a**) 6 & 7 Eliz. 2. c. 6.
(**b**) 1972 c. 68.
(**c**) S.I. 1969/388 (1969 I, p. 1070).
(**d**) OJ No. L148, 28.6.68, p. 24.
(**e**) There is no amendment which relates expressly to the subject matter of this order.
(**f**) OJ No. L25, 31.1.75, p. 10.
(**g**) OJ No. L213, 11.8.75, p. 21.

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"the quota" means the Community tariff quota for the importation of frozen beef and veal provided for by Council Regulation (EEC) No. 3167/76 of 21st December 1976 (a) opening, allocating and providing for the administration of a Community tariff quota for frozen beef and veal falling within subheading 02.01 A II a) 2 of the Common Customs Tariff (1977).

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3.—(1) The Minister shall determine the allocation of the United Kingdom's share of the quota.

(2) The determination mentioned in paragraph (1) of this article shall be made by the Minister by allocating an amount not exceeding one third of the United Kingdom's share to Government Departments, and allocating the remainder to importers of frozen beef and veal by reference to the amounts of frozen beef and veal which such importers have previously imported from outside the European Economic Community into the United Kingdom during the period from 1st January 1973 to 31st October 1976, other than amounts imported during the period from 27th March 1975 to 31st October 1976 from Botswana, Kenya, Madagascar or Swaziland. Any such allocation shall be made subject to such conditions as appear to the Minister to be expedient to secure the object or prevent the abuse of the relief.

4. Any entitlement to relief under the United Kingdom's share of the quota shall be subject to:

(*a*) the production of the licence in respect of the goods on which relief is sought appropriately endorsed by the Board with a statement that the amount of frozen beef or veal appearing in the licence may be imported free of levy under the quota;

(*b*) the observance by the importer of any conditions subject to which the allocation was made.

5. No licence, endorsed with the statement referred to in article 4(*a*) of this order, may be issued to an importer unless the Board is satisfied, after taking into account any levy-free imports of beef or veal authorised under previous licences issued to that importer, that the amount of levy-free beef or veal allocated to him in pursuance of this order will not be exceeded by the import of beef or veal under that licence.

6. Goods shall be treated as forming part of the quota when they are entered for home use in the United Kingdom, within the meaning of the Customs and Excise Act 1952(c) and regulation 8 of the Warehousing Regulations 1975(d), under the authority of a licence endorsed with the statement referred to in article 4(*a*) of this order.

(a) O J No. L357, 29.12.76, p. 14.
(b) 1889 c. 63.
(c) 1952 c.44
(d) S.I. 1975/1789 (1975 III, p. 6764).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th January 1977.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

12*th January* 1977.

Bruce Millan,
Secretary of State for Scotland.

17*th January* 1977.

Roy Mason,
Secretary of State for Northern Ireland.

19*th January* 1977.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

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

This Order, which comes into operation on 29th January 1977 and applies throughout the United Kingdom, requires the Minister of Agriculture, Fisheries and Food to allocate the United Kingdom's share of quota for the levy-free import of frozen beef and veal under the provisions of Council Regulation (EEC) No. 3167/76.

The Order provides that not more than one third of the United Kingdom's share of the quota shall be allocated to Government Departments and that the remainder shall be allocated to importers of frozen beef and veal by reference to the amounts of frozen beef and veal which they have previously imported from outside the European Economic Community into the United Kingdom during the period 1st January 1973 to 31st October 1976, other than amounts imported during the period from 27th March 1975 to 31st October 1976 from Botswana, Kenya, Madagascar or Swaziland.

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