STATUTORY INSTRUMENTS

1978 No. 194

CUSTOMS AND EXCISE

RELIEFS AND REDUCED DUTIES (CUSTOMS)

The Agricultural Levy Reliefs (Frozen Beef and Veal) Order 1978

Made - - - -	9*th February* 1978
Laid before the House of Commons - -	13*th February* 1978
Coming into Operation	14*th February* 1978

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 1978, and shall come into operation on 14th February 1978.

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;

"entered for home use" means entered for home use in the United Kingdom within the meaning of the Customs and Excise Act 1952(**d**) and regulation 8 of the Warehousing Regulations 1975(**e**);

(**a**) 1958 c. 6.
(**b**) 1972 c. 68.
(**c**) S.I. 1969/388.
(**d**) 1952 c. 44.
(**e**) S.I. 1975/1789.

"licence" means an import licence issued by the Board under the provisions of Council Regulation (EEC) No. 805/68 of 27th June 1968(**a**), on the common organisation of the market in beef and veal, as amended(**b**), Commission Regulation (EEC) No. 193/75 of 17th January 1975(**c**), 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(**d**), and Commission Regulation (EEC) No. 585/77 of 18th March 1977(**e**) on the system of import and export licences for beef and veal, as amended(**d**);

"local authorities" means

(*a*) in Greater London the Inner London Education Authority and the councils of outer London boroughs,

(*b*) in England and Wales outside Greater London the councils of non-metropolitan counties and metropolitan districts,

(*c*) in Scotland the councils of islands areas and regions,

(*d*) in Northern Ireland Education and Library Boards;

"the Lomé Convention" means the ACP-EEC Convention of Lomé, signed at Lomé on 28th February 1975 between the African, Caribbean and Pacific States of the one part and the European Economic Community of the other part as set out in Council Regulation (EEC) No. 199/76 of 30th January 1976(**f**);

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

"the quota" means the Community quota for the importation of frozen beef and veal provided for by Council Regulation (EEC) No. 2861/77 of 19th December 1977(**g**) opening, allocating and providing for the administration of a Community tariff quota for frozen beef and veal falling within subheading 02.01 A II b) of the Common Customs Tariff (1978).

(2) The Interpretation Act 1889(**h**) 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 local authorities, 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

(**a**) O.J. No. L148, 28.6.68, p. 24.
(**b**) The relevant amending instrument is Council Regulation (EEC) No. 425/77 of 14th February 1977, O.J. No. L61, 5.3.77, p. 1.
(**c**) O.J. No. L25, 31.1.75, p. 10.
(**d**) There is no amendment which relates expressly to the subject matter of this order.
(**e**) O.J. No. L75, 23.3.77, p. 5.
(**f**) O.J. No. L25, 30.1.76, p. 1.
(**g**) O.J. No. L330, 23.12.77, p. 7.
(**h**) 1889 c. 63.

imported from outside the European Economic Community and entered for home use within the United Kingdom during the period from 1st January 1974 to 31st October 1977, other than any amounts imported free of duty pursuant to the Lomé Convention during the period from 27th March 1975 to 31st October 1977. 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 under the authority of a licence endorsed with the statement referred to in article 4(*a*) of this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd February 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

6th February 1978.

Bruce Millan,
Secretary of State for Scotland.

9th February 1978.

Roy Mason,
Secretary of State for Northern Ireland.

7th February 1978.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which comes into operation on 14th February 1978 and applies throughout the United Kingdom, requires the Minister of Agriculture, Fisheries and Food to allocate the United Kingdom's share of a quota for the levy-free import of frozen beef and veal under the provisions of Council Regulation (EEC) No. 2861/77.

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 local authorities 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 imported from outside the European Economic Community into the United Kingdom during the period 1st January 1974 to 31st October 1977, other than amounts imported free of duty pursuant to the Lomé Convention during the period from 27th March 1975 to 31st October 1977.

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