STATUTORY INSTRUMENTS

1985 No. 135

CUSTOMS AND EXCISE

GENERAL RELIEFS

The Agricultural Levy Reliefs (Frozen Beef and Veal) Order 1985

Made - - -	*4th February* 1985
Laid before the House of Commons	*7th February* 1985
Coming into Operation	*28th February* 1985

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 by section 4 of the Customs and Excise Duties (General Reliefs) Act 1979(**a**), as applied in relation to agricultural levies of the Economic Community by section 6(5) of the European Communities Act 1972(**b**), and now vested in them(**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 1985 and shall come into operation on 28th February 1985.

2. 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 within the meaning of the Customs and Excise Management Act 1979(**d**) or regulation 13 of the Customs Warehousing Regulations 1979(**e**);

"licence" means an import licence issued by the Board under the provisions of Council Regulation (EEC) No. 805/68(**f**) on the common organisation

(**a**) 1979 c.3.
(**b**) 1972 c.68; section 6(5) was amended, so far as is relevant to this order, by section 19(1) of, and paragraph 4 of Schedule 2 to, the Customs and Excise Duties (General Reliefs) Act 1979; by virtue of section 6(8) of the European Communities Act 1972 the reference to the Ministers in section 6(5) of that Act is to be construed as if contained in Part I of the Agriculture Act 1957 (c.57).
(**c**) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.
(**d**) 1979 c.2. (**e**) S.I. 1979/207.
(**f**) O.J. No. L148, 28.6.68, p.24. (O.J./S.E. 1968 (I) p. 187).

of the market in beef and veal, as amended(**a**), Commission Regulation (EEC) No.3183/80(**b**) laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, and Commission Regulation (EEC) No. 2377/80(**c**) on special detailed rules for the application of the system of import and export licences in the beef and veal sector, as amended(**d**);

"local authorities" means —

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

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

"the quota" means the Community quota for the levy-free importation of frozen beef and veal provided for by Council Regulation (EEC) No. 105/85(**e**) opening, allocating and providing for the administration of a Community tariff quota for frozen beef and veal falling within subheading 02.01 A 11 b) of the Common Customs Tariff (1985);

"the reference period" means the period from 1st October 1982 to 30th September 1984;

"the Second Lomé Convention" means the second ACP-EEC Convention signed at Lomé on 31st October 1979 between the African, Caribbean and Pacific States of the one part and the Economic Community and its Member States of the other part as set out in Council Regulation (EEC) No. 3225/80(**f**).

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

(**a**) The relevant amending instrument is Council Regulation (EEC) No. 425/77 (O.J. No. L61, 5.3.77, p.1).
(**b**) O.J. No. L338, 13.12.80, p.1.
(**c**) O.J. No. L241, 13.9.80, p.5.
(**d**) Amended by Commission Regulations (EEC) Nos. 3469/80 (O.J. L363, 31.12.80, p.31), 2137/81 (O.J. No. L209, 29.7.81, p.15), 2798/81 (O.J. No. L275, 29.9.81, p.24), 3583/81 (O.J. No. L359, 15.12.81, p.15), 1617/82 (O.J. No. L180, 24.6.82, p.24), 3578/82 (O.J. No. L373, 31.12.82, p.59), 1699/84 (O.J. No. L161, 19.6.84, p.6) and 1994/84 (O.J. No. L186, 13.7.84, p.17).
(**e**) O.J. No. L14, 17.1.85, p.1.
(**f**) O.J. No. L347, 22.12.80, p.1.

United Kingdom's share to Government Departments and local authorities, and allocating the remainder as follows:—

(*a*) as to 70% thereof to importers of frozen beef and veal by reference to the amounts of frozen beef and veal which such importers have imported from outside the Economic Community and entered for home use during the reference period, other than amounts imported free of duty pursuant to the second Lomé Convention;

(*b*) as to 20% thereof to exporters of fresh chilled or frozen beef and veal by reference to the amounts of fresh chilled or frozen beef and veal which such exporters have exported during the reference period from the United Kingdom to countries outside the Economic Community; and

(*c*) as to the remaining 10% thereof to purchasers of frozen beef and veal from the Board by reference to the amounts of frozen beef and veal which they have purchased from the Board during the reference period, other than under Commission Regulation (EEC) No. 985/81(**a**) laying down detailed rules on the sale of frozen beef and veal for export from intervention stocks.

Any such allocation shall be made subject to such conditions as appear to the Minister to be expedient to secure the object or prevent 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; and

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

5. A licence endorsed with the statement referred to in article 4 (*a*) of this order shall not 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.

(**a**) O.J. No. L99, 10.4.81, p.38.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th January 1985.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

29th January 1985.

Douglas Hurd,
Secretary of State for Northern Ireland.

4th February 1985.

Nicholas Edwards,
Secretary of State for Wales.

29th January 1985.

EXPLANATORY NOTE

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

This order, which 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. 105/85.

This 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 —

(*a*) as to 70% thereof, 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 reference period other than amounts imported free of duty pursuant to the Second Lomé Convention;

(*b*) as to 20% thereof, to exporters of fresh chilled or frozen beef or veal by reference to the amounts of fresh chilled or frozen beef or veal which they have exported during the reference period to countries outside the European Economic Community; and

(*c*) as to 10% thereof, to purchasers of frozen beef or veal from the Intervention Board for Agricultural Produce by reference to the amounts of frozen beef or veal which they have purchased from the Board during the reference period other than under Commission Regulation (EEC) No. 985/81, laying down detailed rules on the sale of frozen beef and veal for export from intervention stocks.

For the purposes of (*a*), (*b*) and (*c*) above the reference period is the period from 1st October 1982 to 30th September 1984.

The order comes into operation on 28th February 1985.

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