STATUTORY INSTRUMENTS

1989 No. 154

CUSTOMS AND EXCISE

GENERAL RELIEFS

The Agricultural Levy Reliefs (Frozen Beef and Veal) Order 1989

Made - - - -	*6th February 1989*
Laid before the House of Commons	*7th February 1989*
Coming into force	*28th February 1989*

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 1989 and shall come into force on 28th February 1989.

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**);

"international organisations established in the Economic Community" means the following:–

Delegation of the Commission of European Communities;
International Coffee Organisation;
International Labour Organisation;
International Sugar Council;
International Wheat Council;
United Nations International Children's Emergency Fund;
United Nations Information Centre;

(**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.

United Nations High Commission for Refugees;
Western European Union;
Commonwealth Secretariat;

"intervention agencies" means the Board or any other agency designated by a Member State of the Economic Community for the purposes of Article 6 of Council Regulation (EEC) No. 805/68(**a**) on the common organisation of the market in beef and veal;

"licence" means an import licence issued by the Board under the provisions of Council Regulation (EEC) No. 805/68. Commission Regulation (EEC) No. 3719/88(**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;

"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 county and metropolitan district councils,

(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. 4076/88(**d**) opening, allocating and providing for the administration of a Community tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91;

"the reference period" means the period from 1st October 1986 to 30th September 1988;

"the Third Lomé Convention" means the third ACP–EEC Convention signed at Lomé on 8th December 1984 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 and Commission Decision 86/125/EEC/ECSC(**e**);

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 local authorities and government departments (including Northern Ireland departments) and allocating the remainder to persons established within the United Kingdom 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 Third 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 or to one of the following destinations:–

(i) seagoing vessels, or aircraft serving on international routes, including routes between Member States of the Economic Community;

(ii) international organisations established in the Economic Community;

(iii) armed forces stationed in the territory of a Member State but not serving under its flag;

(**a**) OJ No. L148, 28.6.68, p. 24 (OJ/SE 1968 (I) p. 187); relevant amending instruments are Council Regulations (EEC) No. 2822/72 (OJ No. L298, 31.12.72, p. 1) (SE 1972 (30–31 December) p. 28), No. 568/76 (OJ No. L67, 15.3.76, p. 28), No. 425/77 (OJ No. L61, 5.3.77, p. 1) and No. 3905/87 (OJ No. L370, 30.12.87), p. 7).

(**b**) OJ No. L331, 2.12.88, p. 1.

(**c**) OJ No. L241, 13.9.80, p. 5; the relevant amending instrument is Commission Regulation (EEC) No. 3988/87 (OJ No. L376, 31.12.87, p. 31).

(**d**) OJ No. L359, 28.12.88, p. 5.

(**e**) OJ No. L86, 31.3.86, p. 1.

(iv) drilling or extraction platforms, including workpoints providing support services for such operations, situated within the area of the European continental shelf, or within the area of the continental shelf of the non-European part of the Community, but beyond a three mile zone starting from the base line used to determine the width of the territorial sea of a Member State of the Economic Community; and

(c) as to the remaining 10% thereof to purchasers of frozen beef and veal from intervention agencies by reference to the amounts of frozen beef and veal which they have purchased from such agencies during the reference period, other than frozen beef and veal sold on condition that it should be exported from the Economic Community.

(3) For the purposes of this article, the amounts of beef and veal imported, exported or purchased by a person during the reference period shall include any amounts so imported, exported or purchased during that period by any other person whose business relating to such import, export or purchase has been transferred to the first mentioned person.

(4) An allocation under this article 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;

(b) the entry for home use of such goods on or before 30th September 1989; and

(c) 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.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd February 1989.

L.S.

Trumpington
Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

6th February 1989

Sanderson of Bowden
Minister of State, Scottish Office

6th February 1989

Tom King
Secretary of State for Northern Ireland

6th February 1989

Peter Walker
Secretary of State for Wales

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 to persons established within the United Kingdom its share of a quota for the levy-free import of frozen beef and veal under the provisions of Council Regulation (EEC) No. 4076/88 (OJ No. L359, 28.12.88, p. 5).

This Order provides that not more than one third of the United Kingdom's share of the quota shall be allocated to local authorities and government departments including Northern Ireland departments (article 3(2)), 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 Third Lomé Convention (article 3(2)(a));

(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 destinations outside the European Economic Community and other similar destinations (article 3(2)(b)); and

(c) as to 10% thereof, to purchasers of frozen beef or veal from intervention agencies by reference to the amounts of frozen beef and veal which they have purchased from such agencies during the reference period other than frozen beef and veal sold on condition that it should be exported from the European Economic Community (article 3(2)(c)).

For the purposes of paragraphs (a), (b) and (c) above the reference period is the period from 1st October 1986 to 30th September 1988 (article 2) and an allocation to any person is to take account of amounts of beef and veal imported, exported or purchased by a business transferred to that person (article 3(3)).

The Order comes into force on 28th February 1989.

85p net

ISBN 0 11 096154 4

Printed in the United Kingdom by Her Majesty's Stationery Office at Edinburgh Press
845 WO 327 C23 3/89 452/4 19593 PS 9901487 (266019)