STATUTORY INSTRUMENTS

1973 No. 330

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Bacon Curing Industry Stabilisation Scheme 1973

Laid before Parliament in draft

Made - - - *27th February* 1973

Coming into Operation *28th February* 1973

The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly in exercise of the powers conferred on them by sections 38, 39 and 51 of the Agriculture (Miscellaneous Provisions) Act 1968(a) and of all other powers enabling them in that behalf, it appearing to them appropriate to make a scheme under the said section 38 for the purpose of avoiding undue fiuctuations in income arising from carrying on the business of curing bacon in the United Kingdom, hereby, with the approval of the Treasury, make the following scheme a draft whereof has been laid before Parliament and approved by each House of Parliament:—

Extent, citation, commencement and cessation

1. This scheme, which applies throughout the United Kingdom, may be cited as the Bacon Curing Industry Stabilisation Scheme 1973, shall come into operation on the day after it is made and shall, unless previously revoked, cease to have effect on the expiration of the period of four months beginning with the day on which the scheme is made.

Interpretation

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

"the Act" means the Agriculture (Miscellaneous Provisions) Act 1968;

"bacon" means the pigmeat product commonly known as bacon or as ham, which comprises any part of the carcase of a pig, consisting principally of meat (other than the feet and the hocks, when separated from the leg, and other than the head, including the chaps and chawls), if such part of the carcase has been cured by salting or by pickling or by any similar process so as to alter the character of the meat, but does not include pickled pork;

(a) 1968 c. 34.

"bacon curer" means a producer of bacon to which this scheme applies; and "registered bacon curer" means a bacon curer whose name is for the time being entered in the register kept by the Minister in accordance with paragraph 4 of this scheme;

"carcase of a pig" does not include the carcase of any pig showing any of the characteristics of a boar or any pig which is emaciated or any pregnant pig or any pig which has been pregnant unless the carcase of such pregnant pig or pig which has been pregnant has been certified as being eligible for a fatstock guarantee payment;

"fatstock guarantee payment" means any payment payable under the provisions of the Fatstock (Guarantee Payments) Order 1964(**a**) as amended(**b**) or any order further amending or replacing it;

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

"the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly.

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

Application

3. The provisions of this scheme apply only as respects bacon produced during the period beginning with 28th February 1973 and ending with 31st May 1973.

Register of Bacon Curers

4.—(1) The Minister shall keep a register of bacon curers and shall enter therein the names and addresses of persons who carry on business as bacon curers and who apply to the Minister in writing to be registered.

(2) Any person whose name was immediately before the commencement of this scheme included in the register kept by the Minister under the provisions of the Bacon Curing Industry Stabilisation Scheme 1970(**d**) shall at such commencement be registered by the Minister under the foregoing provisions of this paragraph.

(3) If the Minister is satisfied that any person entered in the register has ceased to be a bacon curer he may remove the name of such person from the register.

Registration of bacon curers

5.—(1) Every person who carries on business as a bacon curer at the time of the commencement of this scheme, is not already registered and has not applied in writing to the Minister to be registered and every person who becomes a bacon curer after the commencement of this scheme shall apply in writing to the Minister to be registered.

(2) Any such person, when registered, shall be deemed to have been registered as from the date when the application for his registration was received by the Minister or any earlier date during the currency of this scheme upon which he was curing bacon, which appears to the Minister to be equitable in the circumstances.

(**a**) S.I. 1964/463 (1964 I, p. 746).
(**b**) S.I. 1968/398, 1971/801 (1968 I, p. 1078; 1971 II, p. 2294).
(**c**) 1889 c. 63.
(**d**) S.I. 1970/533 (1970 I, p. 1733).

(3) Where two or more persons jointly carry on business as bacon curers they shall, for the purpose of registration, be treated as constituting a single person.

Returns and information

6. The Minister may by notice in writing served on any bacon curer require him for the purposes of this scheme—

(*a*) to keep or cause to be kept, such records as are specified in the notice;

(*b*) to furnish such returns and other information relating to his bacon curing activities as may be so specified.

Production of records

7.—(1) Every bacon curer shall produce for inspection on demand by an authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture in Northern Ireland any records of his bacon curing activities kept by him and within his possession or control.

(2) In the application of this paragraph to Scotland, the "Minister" means the Secretary of State.

Stabilising payments

8. The Minister may, if he thinks fit, make stabilising payments to registered bacon curers of sums in respect of bacon produced by them if the Ministers, having regard to the prices of pigmeat, of bacon and of offal, any fatstock guarantee payment which is payable and the weight of bacon which in their estimation can reasonably be produced from a given quantity of pigmeat, consider that the return from the sale of such bacon is not sufficient to cover the cost of bacon production and of the capital employed.

Levy payments

9. The Minister may require registered bacon curers to make levy payments to him in respect of bacon produced by them if the Ministers, having regard to the prices of pigmeat, of bacon and of offal, any fatstock guarantee payment which is payable and the weight of bacon which in their estimation can reasonably be produced from a given quantity of pigmeat, consider that the return from the sale of such bacon is more than sufficient to cover the cost of bacon production and of the capital employed.

Determination of rates

10. The Ministers shall determine the rates of payments or levies, as the case may be, week by week, having taken into account the prices of pigmeat, of bacon and of offal, any fatstock guarantee payment which is payable and the weight of bacon which in their estimation can reasonably be produced from a given quantity of pigmeat.

Estimation of levy

11. The Ministers may estimate the amount of any levy payments payable by a bacon curer who, in the opinion of the Ministers, has failed to furnish any information necessary to enable that amount to be properly determined and to treat the estimated amount as the amount which is payable under the provisions of this scheme.

Recovery of levy

12. Any levy payment under paragraph 9 hereof which is required to be paid by any bacon curer shall be paid by him to the Minister and in the event of any default in any such payment it shall be recoverable by the Minister as a debt.

Service of Notices

13.—(1) Any notice authorised by this scheme to be served on any person shall be sufficiently served if it is delivered to him personally or left at his last known place of abode or business or sent to him by post in a letter addressed to him at the aforesaid place of abode or business.

(2) Any notice authorised by this scheme to be served on an incorporated company or body shall be sufficiently served if given to or served on the secretary or clerk of the company or body. For the purposes of this scheme and of section 26 of the Interpretation Act 1889, the proper address of such secretary or clerk shall be that of the registered or principal office of the company or body.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th February 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

Gordon Campbell,
Secretary of State for Scotland.

27th February 1973.

We approve,
27th February 1973.

V. H. Goodhew,
Oscar Murton,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme, which applies throughout the United Kingdom, authorises the Minister of Agriculture, Fisheries and Food to make stabilisation payments to registered bacon curers in respect of bacon produced by them during the period beginning with 28th February 1973 and ending with 31st May 1973 if he and the Secretary of State consider that the return from the sale of bacon is not sufficient to cover the costs of producing bacon. The scheme continues the authority to make stabilisation payments which existed in respect of bacon produced up to 27th February 1973 by virtue of the Bacon Curing Industry Stabilisation Scheme 1970.

Similarly, the Minister may require registered bacon curers to make levy payments in respect of bacon produced by them during the same period if he and the Secretary of State consider that the costs of producing bacon are more than covered by the return from the sale of bacon.

The scheme authorises the Ministers to determine the rates of payments or of levies each week according to relevant criteria. It also provides for the registration of bacon curers, and the inclusion of those registered under the Bacon Curing Industry Stabilisation Scheme 1970 in the new register, for the keeping of appropriate records and for the making of returns.

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