STATUTORY INSTRUMENTS

1984 No. 1765

AGRICULTURE

The Butter (EEC Special Sale) Regulations 1984

Made - - - - -	*12th November* 1984
Laid before Parliament	*13th November* 1984
Coming into Operation	*16th November* 1984

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated **(a)** for the purposes of section 2(2) of the European Communities Act 1972 **(b)** in relation to the common argicultural policy of the European Economic Community, acting jointly in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Butter (EEC Special Sale) Regulations 1984 and shall come into operation on 16th November 1984.

Interpretation

2. In these regulations—

"the Commission Regulation" means Commission Regulation (EEC) No. 2956/84 on the disposal of butter at a reduced price **(c)**;

"local weights and measures authority" has the meaning assigned to it by section 201(2) to (4) of the Local Government Act 1972 **(d)**;

"nominal quantity" has the same meaning as it has, as respects Great Britain, in Part I of the Weights and Measures Act 1979 **(e)** and, as respects Northern Ireland, in Part VI of the Weights and Measures (Northern Ireland) Order 1981 **(f)**; and

"special sale butter" means butter to which the provisions of Title 1 of the Commission Regulation apply.

(a) S.I. 1972/1811.

(b) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, with section 40 of the Criminal Justice Act 1982 (c. 48) and S.I. 1984/447, as regards Scotland, with sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21), as inserted by section 54 of the Criminal Justice Act 1982, and S.I. 1984/526, and, as regards Northern Ireland, with S.I. 1984/703 (N.I. 3) and S.R. (N.I.) 1984 No. 253.

(c) O.J. No. L279, 23.10.84, p. 4, amended by Commission Regulation (EEC) No. 3073/84 (O.J. No. L288, 1.11.84, p. 83).

(d) 1972 c. 70. **(e)** 1979 c. 45. **(f)** S.I. 1981/231 (N.I. 10).

Requirements relating to the packaging of special sale butter

3.—(1) No person shall sell in the United Kingdom any special sale butter which is packed ready for sale by retail unless the requirements of Article 5(2) of the Commission Regulation (which deals with marking of retail packs) are observed in respect of that butter.

(2) No person shall sell in the United Kingdom any butter in a package to which Article 6(2) of the Commission Regulation (which deals with marking of outer containers) applies unless the requirements of the said Article 6(2) are observed in respect of that package.

(3) For the purpose of Article 5(2) of the Commission Regulation, there shall be printed on every pack of butter to which paragraph (1) above applies the inscription "Special sale—EEC".

Maximum retail price

4. For the purposes of Article 10(2) of the Commission Regulation (which deals with maximum retail prices), no person shall sell by retail any special sale butter on a sale in the United Kingdom at a price exceeding 42p per 250g nominal quantity.

Display in retail shops and promotion of consumption of butter

5.—(1) For the purposes of Article 10(3) of the Commission Regulation (which deals with promotion of consumption of butter), any person in whose shop special sale butter is on display for retail sale shall, during the period of such display commencing with the date specified in paragraph (2) below, display in that shop an advertisement promoting the consumption of butter.

(2) For the purposes of Article 11 of the Commission Regulation (which deals with commencement of promotion action), the date on which action to promote the consumption of butter is to begin shall be 14th January 1985.

Enforcement in England and Wales and Northern Ireland

6. These regulations shall be enforced and executed by—

(*a*) as respects England and Wales, each local weights and measures authority within their area; and

(*b*) as respects Northern Ireland, the Department of Economic Development.

Offences, penalties and liability

7.—(1) Subject to paragraph (3) below, if any person contravenes regulation 3 or 4 above, or without reasonable excuse fails to comply with regulation 5 above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(2) In the case of any sale of special sale butter contrary to the terms of Articles 5(1) and 7(3) of the Commission Regulation (which between them require the retail trade in the United Kingdom to sell special sale butter in the United Kingdom and for direct consumption), an amount equivalent to the reduction in the price of that butter under Article 2(1) of the Commission Regulation (which deals with price reductions) shall be payable as a debt due to the Intervention Board for Agricultural Produce established under section 6(1) of the European Communities Act 1972 by the person who made that sale.

(3) In any proceedings against any person for an offence against regulation 3(1) above in respect of a retail sale, it shall be a defence for him to prove that he had taken all reasonable steps to ensure that the requirements of Article 5(2) of the Commission Regulation were observed in respect of retail sales of special sale butter by him.

In Witness whereof the Official Seal of the Minister of Argiculture, Fisheries and Food is hereunto affixed on 9th November 1984.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
One of Her Majesty's Principal Secretaries of State.

12th November 1984.

EXPLANATORY NOTE

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

These regulations prescribe a maximum retail price for butter sold out of intervention stocks at a reduced price in accordance with the provisions of Commission Regulation (EEC) No. 2956/84 as amended by Commission Regulation (EEC) No. 3073/84 (regulation 4) and require such butter which is packed ready for sale by retail to be sold in packs which conform with the provisions of Article 5 of that Regulation which relate to—

(*a*) the permitted weights of such packs; and

(*b*) the information to be printed on their wrappings (regulation 3(1) and (3)).

The regulations also require that the marking of outer containers is in accordance with Article 6 of the Commission Regulation (regulation 3(2)). They also set a date for the commencement of action to promote the consumption of butter for the purposes of Article 11 of that Regulation and, from that date, require (for the purposes of Article 10(3) of that Regulation) that advertisements promoting the consumption of butter be displayed in shops in which reduced price butter is displayed for retail sale (regulation 5).

The regulations also make provision for their enforcement and create criminal offences for contravention of, or failure to comply with, their provisions (regulations 6 and 7(1)); they also provide, for the purposes of Articles 5(1) and 7(3) of the Commission Regulation, for payment of the price reduction equivalent to the Intervention Board for Agricultural Produce by any retail trader who sells otherwise than for direct consumption (regulation 7(2)).

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