STATUTORY INSTRUMENTS

1986 No. 68

AGRICULTURE

The Butter (EEC Special Sale) Regulations 1986

Made - - - - -	*16th January* 1986
Laid before Parliament	*28th January* 1986
Coming into Operation	*18th February* 1986

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 agricultural 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 1986 and shall come into operation on 18th February 1986.

Interpretation

2. In these regulations—

"the Board" means the Intervention Board for Agricultural Produce:

"the Commission Regulation" means Commission Regulation (EEC) No. 3143/85(**c**) on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter, as amended by Commission Regulation (EEC) No. 3338/85(**d**), and by Commission Regulation (EEC) No. 3562/85(**e**);

"concentrated butter" means butter to which the provisions of Articles 4(1) and 5 of the Commission Regulation apply;

"nominal quantity" has the same meaning as it has, as respects Great Britain, in Part V of the Weights and Measures Act 1985(**f**) and, as respects

(**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 (c.48), 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. L298, 12.11.85, p.9.
(**d**) O.J. No. L318, 29.11.85, p.13.
(**e**) O.J. No. L339, 18.12.85, p.34.
(**f**) 1985 c.72.

Northern Ireland, in Part VI of the Weights and Measures (Northern Ireland) Order 1981(**a**); and

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

Requirements relating to the packaging of special sale butter and concentrated butter

3.— (1) No person shall sell or export for sale any special sale butter unless the requirements of Article 3 of the Commission Regulation (which deals with the wrapping and marking of butter removed from storage) are observed in respect of that butter.

(2) No person shall sell or export for sale any concentrated butter unless the requirements of Article 5(4) and (5) of the Commission Regulation (which deal with the size and marking of packs) are observed in respect of that butter, except where such sale or export for sale falls within the provisions of Article 4(3) of the Commission Regulation (which permits the total quantity of concentrated butter to be packed for marketing at an establishment other than the establishment where the butter was processed).

Maximum retail price

4. For the purposes of Article 8 of the Commission Regulation (which requires the reduction in price to be reflected at the level of direct consumption) no person shall sell by retail any concentrated butter on a sale in the United Kingdom at a price exceeding the following:—

(a) in the case of butter packed in metal containers, 42p per 250g nominal quantity;

(b) in the case of butter packed in plastic containers, 37p per 250g nominal quantity;

(c) in any other case, 34p per 250g nominal quantity.

Enforcement in England and Wales and Northern Ireland

5. These regulations shall be enforced and executed by the Board in England and Wales and Northern Ireland.

Offences, penalties and liability

6.— (1) Subject to paragraph (3) below, if any person contravenes regulation 3 or 4 above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1000.

(2) In the case of any sale of butter contrary to the terms of Articles 1 and 8 of the Commission Regulation (which require butter to be sold as concentrated butter at reduced prices for direct consumption), an amount equivalent to the reduction in the price of that butter under Article 2(1) of the Commission

(**a**) S.I. 1981/231 (N.I. 10).

Regulation (which deals with price reductions) shall be payable as a debt due to the Board by the person who made that sale.

(3) In any proceedings against any person for an offence against regulation 3(2) 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(4) and (5) of the Commission Regulation were observed in respect of retail sales of concentrated butter by him.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 16th January 1986.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

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

9th January 1986.

EXPLANATORY NOTE

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

These regulations prescribe maximum retail prices for concentrated butter (in the form of butter oil or butter ghee) produced from butter sold out of intervention stocks at a reduced price in accordance with the provisions of Commission Regulation (EEC) No. 3143/85 as amended (regulation 4). The maximum retail price per 250g is 42p for butter packed in metal containers, 37p for butter packed in plastic containers, and 34p for butter packed in any other way. The regulations 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 the Commission Regulation which relate to the maximum net content (3 kilograms) and the information to be printed on the container (regulation 3(2)).

The regulations also require that the wrapping and marking of butter removed from storage is in accordance with Article 3 of the Commission Regulation (regulation 3(1)).

The regulations also make provision for their enforcement and create criminal offences for contravention of, or failure to comply with, their provisions (regulations 5 and 6(1)), and provide, for the purposes of Articles 1 and 8 of the Commission Regulation, for payment to the Intervention Board for Agricultural Produce of the price reduction equivalent by any retail trader who sells otherwise than for direct consumption (regulation 6(2)).

These regulations apply throughout the United Kingdom.

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