STATUTORY INSTRUMENTS

1978 No. 214

AGRICULTURE

The Butter Subsidy (Protection of Community Arrangements) Regulations 1978

Made - - - -	*16th February* 1978
Laid before Parliament	*24th February* 1978
Coming into Operation	*20th March* 1978

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 on them by the said section 2(2), hereby make the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Butter Subsidy (Protection of Community Arrangements) Regulations 1978 and shall come into operation on 20th March 1978.

(2) In these regulations—

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

"export" means export (otherwise than as stores put on board a ship or aircraft at any place in the United Kingdom for consumption on board that ship or aircraft) to any destination outside the United Kingdom, but a reference to a person who exports butter does not include a reference to a person who does so only as a carrier;

"subsidy payment" means any sum paid in pursuance of Council Regulation (EEC) No. 880/77**(c)** (which relates to the granting of a consumer subsidy for butter).

(3) Any reference in these regulations to a refund of a subsidy payment includes a reference to the payment by any person to the Board of an amount equal to, and in respect of, that subsidy payment.

(4) For the purposes of these regulations the use of butter for manufacture does not include its use by a caterer as an ingredient of food to be consumed in his catering establishment, but subject to that it includes any use other than household or domestic use or use for human consumption as butter.

(5) The Interpretation Act 1889**(d)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) S.I. 1972/1811.
(b) 1972 c. 68.
(c) O.J. No. L106, 29.4.77, p. 31.
(d) 1889 c. 63.

Restrictions on use of butter

2.—(1) Where a subsidy payment has been made in respect of any butter, and has not been refunded, or there is a subsisting claim for such a payment, no person who is aware of the fact shall, except with the authority of the Board granted in accordance with paragraph (2) below, knowingly use the butter for manufacture or knowingly cause or permit it to be so used.

(2) An authority for the purposes of paragraph (1) above shall be in writing and may relate to butter not in existence at the date of the grant of the authority, but shall not be granted except to a person named in the authority and in respect of butter which in his opinion or in the opinion of some other person named in that behalf in the authority cannot be reclaimed for human consumption as butter.

(3) A person who contravenes any provision of paragraph (1) above shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine.

Recovery of subsidy

3. Where a subsidy payment has been made in respect of any butter and has not been refunded, or there is a subsisting claim for such a payment, and a person either exports the butter or, contrary to regulation 2 above, uses it for manufacture, he shall be liable to pay to the Board on demand an amount equal to the subsidy payment.

Records and notification of exportation

4.—(1) A person who exports by way of trade any butter in respect of which a subsidy payment has been made or in respect of which there is a subsisting claim for such a payment shall—

(*a*) within a period of 14 days from the end of the month in which the exportation took place furnish to the Board a written report of the exportation containing the particulars mentioned in the Schedule hereto;

(*b*) within the same period make a written record of the exportation containing the same particulars;

(*c*) retain the record, and all other documents in his possession relating to the exportation, for a period of 3 years from the end of the calendar year in which the exportation took place;

(*d*) produce the record and those other documents to an authorised officer of the Board on demand made at any time during that period.

(2) A person who without reasonable excuse contravenes or fails to comply with any provision of sub-paragraph (*a*) of paragraph (1) above shall, subject to paragraph (3) below, be liable on summary conviction to a fine not exceeding £400, or on conviction on indictment to a fine, and a person who without reasonable excuse contravenes or fails to comply with any other provision of that paragraph shall be liable on summary conviction to a fine not exceeding £200.

(3) Where a person is charged with contravening or failing to comply with any provision of sub-paragraph (*a*) of paragraph (1) above it shall be a defence for him to prove that at all material times he believed, and had reasonable grounds for believing, that the payment or claim on which the charge is based had been refunded or was no longer subsisting.

Supplementary

5.—(1) Where an offence under these regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members the provisions of paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th February 1978.

(L.S.)

John Silkin,
Minister of Agriculture,
Fisheries and Food.

16th February 1978.

Bruce Millan,
Secretary of State for Scotland.

Regulation 4

SCHEDULE

PARTICULARS TO BE CONTAINED IN REPORT TO BOARD AND RECORD OF EXPORTATION

1. Name and address of the person making the report or record.
2. Description and quantity of the butter exported.
3. Name and address of the person from whom the butter was received and date of receipt.
4. Name and address of the person to whom the butter was consigned and date of consignment.
5. Date of exportation if known.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations enable subsidy paid on butter under Council Regulation (EEC) No. 880/77 to be recovered where the butter has been exported from the United Kingdom, or has, without the authority of the Intervention Board for Agricultural Produce, been used for manufacture.

The Regulations prohibit the use of subsidised butter for manufacture unless the Board has authorised such use and require records to be kept and information to be furnished about exports of subsidised butter.

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