STATUTORY INSTRUMENTS

1968 No. 265

AGRICULTURE

LIVESTOCK INDUSTRIES

The Calf Subsidies (Supervision and Enforcement) Order 1968

Made - - -	*22nd February* 1968
Laid before Parliament	*4th March* 1968
Coming into Operation	*1st April* 1968

The Minister of Agriculture, Fisheries and Food and the Secretary of State, in exercise of the power conferred on them by section 11 of the Agriculture Act 1967(a), and of all other powers enabling them in that behalf, hereby order as follows:—

Citation, extent and commencement

1. This order, which may be cited as the Calf Subsidies (Supervision and Enforcement) Order 1968, shall apply to the United Kingdom and shall come into operation on 1st April 1968.

Interpretation

2.—(1) In this order the following expressions have the meanings hereby respectively assigned to them:—

"the Act of 1952" means the Agriculture (Calf Subsidies) Act 1952(b);

"the Act of 1957" means the Agriculture Act 1957(c);

"the Act of 1967" means the Agriculture Act 1967;

"the appropriate Minister" means, in relation to England and Wales and Northern Ireland, the Minister of Agriculture, Fisheries and Food, and, in relation to Scotland, the Secretary of State;

"carcases" means carcases of cattle;

"the Commission" means the Meat and Livestock Commission established under section 1 of the Act of 1967;

"proper officer" means in relation to any purpose referred to in this order a person for the time being authorised to act for that purpose, in England and Wales by the Minister of Agriculture, Fisheries and Food, in Scotland by the Secretary of State and in Northern Ireland by the Ministry of Agriculture for Northern Ireland.

(a) 1967 c. 22. (b) 1952 c. 62. (c) 1957 c. 57.

(2) References in this order to any scheme are references to any scheme made under the Act of 1952 whether as originally enacted or (as the case may be) as amended by sections 10 and 11 of the Act of 1967.

(3) References in the Schedule to this order—

(*a*) to the fatstock guarantee scheme are references to such arrangements as are in force for payments to be made in respect of fat cattle under the Fatstock (Guarantee Payments) Order 1964(**a**) including any order amending or replacing it;

(*b*) to the calf subsidies scheme are to so much of any scheme as relates to the payment of subsidies in respect of carcases; and

(*c*) to marks used for carcases approved for the fatstock guarantee scheme are references to the appropriate marks prescribed in paragraph 4 of the Schedule to the Fatstock (Protection of Guarantees) Order 1958 as amended(**b**) or to such other appropriate marks as may be from time to time prescribed by order made under the Act of 1957.

(4) The Interpretation Act 1889(**c**) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Repeal (specified date)

3. For the purpose of section 11(6) of the Act of 1967 the date as from which so much of section 1(4)(*c*) of the Act of 1952 as relates to the marking of calves, and sections 2 and 3 of that Act (which respectively relate to imported calves and to offences), shall cease to have effect is the date of the coming into operation of this order.

Marking of calves and carcases

4.—(1) No payment shall be made under any scheme in respect of any calf or carcase to which that scheme applies unless the proper officer has, after satisfying himself that it has not been marked for the purposes of that scheme or any earlier scheme, marked it as having been certified in accordance with the following provisions of this article.

(2) The marking referred to in paragraph (1) above shall consist—

(*a*) in the case of a live calf, of a circular punch hole of approximately one half inch in diameter punched in the calf's right ear; and

(*b*) in the case of a carcase, of such one of the marks respectively prescribed for England and Wales, Scotland and Northern Ireland in the Schedule to this order as is appropriate to the circumstances of the case.

Prohibitions

5.—(1) No person shall—

(*a*) remove any calf or carcase which has been certified under any scheme from the premises where it is to be marked in accordance with article 4 above unless it has been so marked;

(*b*) present for certification under any scheme any animal or carcase which has already been certified under that scheme or any earlier scheme, or which has been imported into the United Kingdom.

(**a**) S.I. 1964/463 (1964 I, p. 746).
(**b**) S.I. 1958/958, 1960/293 (1958 I, p. 84; 1960 I, p. 103).
(**c**) 1889 c. 63.

(2) In any proceedings in respect of a contravention of paragraph (1) (*b*) above, until the contrary is proved—

(*a*) if any animal or any carcase bears the mark prescribed for a live calf in article 4(2)(*a*) above it shall be deemed to be an animal, or (as the case may be) the carcase of an animal, certified under so much of any scheme as relates to the payment of subsidies in respect of live calves;

(*b*) if any carcase bears any such mark as is prescribed under article 4(2)(*b*) above and the Schedule to this order it shall be deemed to be a carcase certified under so much of any scheme as relates to the payment of subsidies in respect of carcases;

(*c*) if any animal or any carcase bears the mark prescribed under article 6(1)(*a*) of the Imported Livestock Order 1958(**a**), or such other mark in relation to cattle imported, removed or brought into the United Kingdom as may be from time to time prescribed by order made under the Act of 1957, it shall be deemed to have been imported into the United Kingdom.

Records

6. Every person who produces or deals in cattle, or who owns or controls a slaughterhouse and every auctioneer, or any other person being a person who is required under the Movement of Animals (Records) Order 1960 as amended(**b**), (or in relation to Northern Ireland under the Movement of Animals (Records) Order (Northern Ireland) 1962 as amended(**c**) or the Transit of Animals (Amendment) (Northern Ireland) Order 1941(**d**)), or the Fatstock (Protection of Guarantees) Order 1958 as amended to keep a record of the movement of animals, or whether or not being so required, keeps any book, account or record relating to the purchase, sale or use of cattle or carcases in the normal conduct of his business, shall produce on request any such book, account or record for inspection by a person authorised by or on behalf of the appropriate Minister.

Any reference in this article to any order includes any modification or re-enactment thereof for the time being in force.

Powers of entry and to obtain evidence

7.—(1) An authorised officer of the Ministry of Agriculture for Northern Ireland, and (except in Northern Ireland) an authorised officer of the appropriate Minister or, if he accompanies an authorised officer of the appropriate Minister, of the Commission may at all reasonable times enter on land used for the production, keeping, slaughter, grading or sale of cattle, or for the storage, grading, packing or sale of carcases, and may inspect any cattle or carcase found upon land so used.

(2) In any case where an authorised person has reason to suspect that there has been a contravention of this order, or of section 7 of the Act of 1957 (as applied by section 11(3) of the Act of 1967) or of section 69 of the Act of 1967, or that a subsidy payment under any scheme has been illegally obtained or that there has been an attempt to obtain such payment illegally, he may—

(*a*) take possession of any ear of any carcase presented for certification under any scheme; and

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(**a**) S.I. 1958/558 (1958 I, p. 89).
(**b**) S.I. 1960/105, 1961/1493 (1960 I, p. 302; 1961 II, p. 3016).
(**c**) S.R. & O. (N.I.) 1962/100, 1966/199.
(**d**) S.R. & O. (N.I.) 1941/145.

(*b*) take possession of any book, account or record relating to the movement, purchase, sale or use of carcases or cattle which is required to be kept under any of the orders mentioned in article 6 above, or is kept in the normal course of business, and take any copy or extract from any such book, account or record.

(3) In paragraph (2) of this article "authorised person" means in relation to sub-paragraph (*a*) of that paragraph a proper officer for the purposes of so much of any scheme as relates to the payment of subsidies in respect of carcases or any other person authorised by or on behalf of the appropriate Minister; and in relation to sub-paragraph (*b*) of that paragraph any person authorised by or on behalf of the appropriate Minister.

Delegation of functions

8.—(1) The appropriate Minister may, to such extent and in such manner as he may from time to time direct, delegate to the Commission any of his functions in relation to Great Britain conferred on him by articles 4, 6 and 7(2) above.

(2) The appropriate Minister may, to such extent and in such manner as he may from time to time direct, delegate to the Ministry of Agriculture for Northern Ireland any of his functions in relation to Northern Ireland conferred on him by articles 6 and 7(2) above.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd February 1968.

(L.S.)

Frederick Peart,
Minister of Agriculture,
Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 22nd February 1968.

(L.S.)

William Ross,
Secretary of State
for Scotland.

SCHEDULE

APPROPRIATE MARKS FOR CARCASES

England and Wales	1. Where the carcase is certified under the fatstock guarantee scheme and under the calf subsidies scheme	1. A mark consisting of the mark used for carcases approved for the fatstock guarantee scheme, applied twice on each brisket
	2. Where the carcase is certified under the calf subsidies scheme only	2. The like mark applied once on the ribs inside the carcase
Scotland	3. Where the carcase is certified under the fatstock guarantee scheme and under the calf subsidies scheme	3. A mark consisting of the letters "CS" within a circle approximately 1½ inches in diameter applied at least once to the outer surface of the carcase adjacent to the mark used for carcases approved for the fatstock guarantee scheme
	4. Where the carcase is certified under the calf subsidies scheme only	4. The like mark applied in the place where the mark used for carcases approved for the fatstock guarantee scheme would normally be applied
Northern Ireland	5. Where the carcase is certified under the fatstock guarantee scheme and under the calf subsidies scheme	5. A mark consisting of the mark used in Northern Ireland for carcases approved for the fatstock guarantee scheme, applied twice on each brisket
	6. Where the carcase is certified under the calf subsidies scheme only	6. The like mark applied once on the ribs inside the carcase

EXPLANATORY NOTE

(This Note is not part of the order.)

This order, made under section 11 of the Agriculture Act 1967, makes provision for securing that subsidies payable under the Agriculture (Calf Subsidies) Act 1952, whether as originally enacted or as amended by the 1967 Act, are made in proper cases only.

The principal provisions—

(*a*) require the marking of any calf or carcase approved for certification for subsidy and the production of specified records;

(*b*) prohibit the presentation for certification for subsidy of any animal or carcase previously certified or which has been imported into the United Kingdom;

(*c*) provide for entry by duly authorised officers on land used for the purposes mentioned in article 7(1) of the order, and for inspection of cattle and carcases found thereon.

The order, which applies to the whole of the United Kingdom, contains provision enabling certain functions in Great Britain to be delegated to the Meat and Livestock Commission, and certain functions in Northern Ireland to be delegated to the Ministry of Agriculture for Northern Ireland.