STATUTORY INSTRUMENTS

1976 No. 249

AGRICULTURE

GUARANTEED PRICES AND ASSURED MARKETS

The Fat Sheep (Guarantee Payments) Order 1976

Made - - -	18*th February* 1976
Laid before Parliament -	26*th February* 1976
Coming into Operation—	
Article 4(2) - -	3*rd January* 1977
Remainder - -	27*th February* 1976

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Northern Ireland (being the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland) and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by sections 1, 9(4) and 35(3) of the Agriculture Act 1957(**a**), as read with the Transfer of Functions (Wales) Order 1969(**b**), and of all other powers enabling them in that behalf, with the consent of the Treasury and after consultation with such bodies of persons as appear to the said Ministers to represent the interests of producers of fat sheep, hereby make the following order:—

PART I

Citation, commencement, interpretation and revocation

1. This order may be cited as the Fat Sheep (Guarantee Payments) Order 1976, and shall come into operation on 27th February 1976, except that article 4(2) hereof shall come into operation on 3rd January 1977.

2.—(1) In this order, except where the context otherwise requires—

"certification centre" means a place for the time being approved by the Minister for the certification for the purposes of this order of all or any particular class of fat sheep;

"certified", in relation to any fat sheep, means certified as being eligible for any relevant payment under this order by the proper officer in pursuance of this order in such manner and after compliance by the producer of such fat sheep with such conditions as may from time to time be specified by or on behalf of the Minister;

(**a**) 1957 c. 57.

(**b**) S.I. 1969/388 (1969 I, p. 1070).

"deadweight", in relation to any fat sheep, means the weight of an animal's carcase ascertained after such preparation of the carcase, and by weighing in such conditions, as may from time to time be specified by or on behalf of the Minister;

"deadweight certification centre" means a certification centre at which carcases are certified;

"description", in relation to any fat sheep, includes quality and, without prejudice to the general meaning of the expression, any kind of fat sheep distinguished by reference—

(*a*) to the area in which, or the season of the year in which it is produced, sold or dispatched or delivered on sale;

(*b*) to the purpose for which it is sold or used;

(*c*) to the methods by which it is marketed, including the places to which it is delivered on sale;

"determined" means determined by the Minister with the approval of the Treasury and, as respects any guaranteed price to be determined in pursuance of this order, means so determined by the Minister from time to time in the light of the conclusions of the Ministers from a review held under section 2 of the Agriculture Act 1947(**a**);

"fat sheep" includes the carcases of such animals;

"grade", in relation to fat sheep of any guarantee class, means the classification of fat sheep within that class by reference to such standards of quality, weight or other factors as may be determined for that grade;

"guarantee class" has the meaning assigned to it by article 3 of this order;

"guarantee period" means the period commencing on the last Monday before 2nd April in any year and ending at midnight on the Sunday immediately preceding the last Monday before 2nd April in the succeeding year;

"guaranteed price" means a price or prices determined by the Minister in pursuance of this order;

"liveweight certification centre" means a certification centre at which live animals are certified;

"the Minister", in relation to any part of the United Kingdom, means either that one of the Ministers who is concerned with agriculture in that part, or that Minister and any one or all of the others acting jointly;

"the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, and the Secretary of State for Wales acting jointly;

"producer", in relation to any fat sheep, means the person in whose name such fat sheep are presented for certification;

"proper officer" for any of the purposes of this order means the person for the time being authorised by the Minister to act for that purpose;

"standard price" means a price determined, by reference to the guaranteed price, in accordance with article 8;

(**a**) 1947 c. 48.

"week" means a period of seven days commencing with a Monday, except that when the period includes Christmas Day the expression shall, if the Minister so decides, mean that period and the immediately preceding or succeeding period as the Minister shall specify.

(2) The Interpretation Act 1889(**a**) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament, and as if this order and the order hereby revoked were Acts of Parliament.

(3) The Fatstock (Guarantee Payments) Order 1973(**b**) is hereby revoked.

PART II

Provisions as to guarantee class, rate of payment, etc.

3. This order shall apply to such description of fat sheep as may be determined from time to time as guarantee classes for the purposes of this order, and any class so determined is in this order referred to as a "guarantee class".

4.—(1) Any guaranteed price, standard price, average market price, or average return to producers determined or ascertained in accordance with this order shall be at a rate per pound actual or estimated deadweight.

(2) On the day on which this paragraph comes into operation paragraph (1) of this article shall be amended by substituting for the word "pound" the word "kilogramme".

5. A guaranteed price shall be determined in respect of each guarantee period and each guarantee class.

6. The Minister may, if he thinks fit, and subject to the provisions of this order, make payments to producers of fat sheep of sums ascertained in accordance with articles 8 and 9 of this order.

7.—(1) Any rate of payment—

(*a*) ascertained in accordance with this order for any guarantee class of fat sheep may be subject to such modifications as may be determined by the Minister in respect of grades or descriptions of fat sheep within such guarantee class;

(*b*) may be ascertained in accordance with this order to such nearest unit or fraction of a unit of currency as may from time to time be specified by or on behalf of the Minister and the amount of any individual payment to a producer made under this order may be calculated to such nearest unit or fraction of a unit of currency as may from time to time be specified by or on behalf of the Minister.

(2) In relation to animals imported or brought into the United Kingdom from any place outside the United Kingdom, or to carcases produced by the slaughter within the United Kingdom of animals which have been so imported or brought in, any rate of payment for any description of such animals or carcases may be reduced by such amount as may be determined for that description of animal or carcase and any payment in respect of any such description of animal or carcase shall be subject to such terms and conditions as may from time to time be specified by or on behalf of the Minister.

(**a**) 1889 c. 63.

(**b**) S.I. 1973/352 (1973 I, p. 1235).

PART III

Guarantee Payments

8. For the purpose of ascertaining the rate of payment which may be made under this order to producers of fat sheep of a guarantee class the Minister may determine for each week of a guarantee period a standard price and for those weeks of a guarantee period that he considers payment may be made under article 6 of this order he shall ascertain an average market price in accordance with the Schedule to this order.

9. Subject to the provisions of this order where the average market price of fat sheep ascertained as aforesaid is lower than the standard price, determined as aforesaid, the rate of any payment which may be made in respect of each guarantee class of fat sheep certified during any week shall be a rate equal to the difference between the standard price and the average market price.

PART IV

Provisions as to certification and payments, etc.

10.—(1) The proper officer may, subject to the provisions of this article, certify any fat sheep by the issue of a certificate in respect of such fat sheep in such manner and subject to such conditions as may from time to time be specified by or on behalf of the Minister.

(2) No animal or carcase shall be certified unless—

(*a*) it is presented for certification at a certification centre for the time being approved by the Minister; and

(*b*) the proper officer is satisfied that it is of a guarantee class.

(3) No live animal shall be certified unless—

(*a*) it has been sold by auction at the liveweight certification centre at which it is presented for certification; provided that the purchase of any animal by or on behalf of the vendor shall not constitute a sale for the purpose of this sub-paragraph; or

(*b*) the producer has made a declaration that it has been sold by private treaty; or

(*c*) the producer has made a declaration that it is to be slaughtered for sale in the producer's own butchery business.

(4) No carcase shall be certified unless the producer has made a declaration that—

(*a*) it has been sold; or

(*b*) it will be sold by or on behalf of the producer in a butchery business and is not intended for consumption in the producer's household; or

(*c*) it has been or will be transferred by the producer from the carcase owner's agricultural undertaking to another undertaking (not being an agricultural undertaking) in the same ownership for consumption therein.

In any case where a declaration has been made pursuant to sub-paragraph (*c*) above the carcase shall not be certified unless the Minister is satisfied that the carcase owner's agricultural undertaking is managed as a separate concern.

(5) No carcase shall be certified if the whole of that carcase has been condemned by virtue of any enactment as unfit for human consumption, and, if a carcase has been presented for certification and a part thereof has been so condemned, no payment shall be made under this order in respect of that part.

(6) No animal or carcase shall be certified unless the proper officer is satisfied that it has not been previously certified under this order or under the Fatstock (Guarantee Payments) Order 1973.

(7) No payment shall be made under this order in respect of—

(*a*) any excess weight of an animal or carcase of any description above such weight as may be determined for that description of animal or carcase;

(*b*) any live animal certified in accordance with paragraph (3)(*c*) of this article unless the proper officer receives from the producer within such time as may be specified by or on behalf of the Minister a declaration in a form so specified, that the animal has been slaughtered for sale in the producer's own butchery business.

(8) For the purposes of certification and payment under this order, where two or more animals or carcases are presented for certification in a single lot, the price and weight of each individual animal or carcase shall be taken to be the average price or, as the case may be, the average weight of the animals or carcases comprised in that lot.

(9) Except under arrangements approved by or on behalf of the Minister no carcase shall be certified unless it is derived from an animal slaughtered at the deadweight certification centre at which such carcase was presented for certification.

11. The Minister may in respect of any fat sheep presented for certification require an application for a guarantee payment, in such form as he may specify, to be completed by the producer of such fat sheep and submitted to the proper officer at the certification centre where such fat sheep is presented for certification and he may from time to time specify such conditions in relation to the presentation of any fat sheep for certification or in relation to the certification of any fat sheep as seem to him to be necessary or expedient and where the Minister is not satisfied that any such requirement or condition has been complied with in relation to any fat sheep he may, if he thinks fit, withhold certification of, or payment in respect of, such fat sheep, notwithstanding that such fat sheep has or have been marked under the provisions of the Fat Sheep (Protection of Guarantees) Order 1976(**a**), or any order amending or replacing it.

12. The Minister may, to such extent and in such manner as he may from time to time direct, delegate to the Meat and Livestock Commission (established under section 1 of the Agriculture Act 1967(**b**)) any of the functions in relation to Great Britain (other than the function of determining guaranteed prices or factors relevant to the operation of such prices) conferred or imposed on him by this order.

13. The functions of the Minister under this order (other than the function of determining guaranteed prices or factors relevant to the operation of such

(**a**) S.I. 1976/250. (1976 I, p. 702). (**b**) 1967 c. 22.

prices) may be exercised in relation to Northern Ireland by the Department of Agriculture for Northern Ireland.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th February 1976.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

William Ross,
Secretary of State for Scotland.

6th February 1976.

Mervyn Rees,
Secretary of State for Northern Ireland.

10th February 1976.

John Morris,
Secretary of State for Wales.

16th February 1976.

We consent

18th February 1976.

Donald R. Coleman,
J. Dormand,
Two of the Lords Commissioners of Her Majesty's Treasury.

Article 8

THE SCHEDULE

Weekly Average Market Prices

For the purpose of article 8 of this order, the average market price for any guarantee class of fat sheep in respect of any week shall be ascertained after the end of that week in such manner as appears to the Minister proper by reference to—

(*a*) market prices received in respect of fat sheep of that guarantee class certified during the week in respect of which the average market price is ascertained; and

(*b*) any other matter which the Minister may consider relevant.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order replaces the Fatstock (Guarantee Payments) Order 1973 to provide for changes in the arrangements for guarantee payments to producers of fatstock. The principal changes are—

(*a*) the arrangements for guarantee payments to producers of fat sheep will operate on a metric basis on and after 3rd January 1977;

(*b*) the provisions relating to the adjustment of guarantee payments by reference to the difference between a weekly average market price and an estimated price are discontinued;

(*c*) the provisions relating to the payment of further amounts ascertained by reference to an annual average market price and an annual average estimated price after each guarantee period are discontinued;

(*d*) the references to guarantee payments to producers of fat pigs are removed.

The system of guaranteed prices applicable in the United Kingdom in the market in pigmeat terminated in July 1975 in accordance with Council Regulation (EEC) No. 749/73 of 19th March 1973 (OJ No. L 72, 20.3.73, p. 1) and Commission Regulation (EEC) No. 1822/75 of 15th July 1975 (OJ No. L185, 16.7.75, p. 10).

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