1976 No. 250

AGRICULTURE

GUARANTEED PRICES AND ASSURED MARKETS

The Fat Sheep (Protection of Guarantees) Order 1976

Made - - - -	16*th February* 1976
Laid before Parliament	26*th February* 1976
Coming into Operation—	
Paragraph 3 *of Schedule* 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 5 (as amended by sections 3(2) and 70(1) of the Agriculture Act 1967(**a**)), 9(4) and 35(3) of the Agriculture Act 1957(**b**), as read with the Transfer of Functions (Wales) Order 1969(**c**), and of all other powers enabling them in that behalf, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Fat Sheep (Protection of Guarantees) Order 1976, and shall come into operation on 27th February 1976, except that paragraph 3 of Schedule 2 to this order shall come into operation on 3rd January 1977.

Interpretation and revocation

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

"the appropriate Minister" means—

(*a*) in relation to England, the Minister of Agriculture, Fisheries and Food;

(*b*) in relation to Scotland and Northern Ireland, respectively, the Secretary of State concerned with agriculture therein; and

(*c*) in relation to Wales—

(i) for the purpose of the making, receipt or recovery of any payment, the Minister of Agriculture, Fisheries and Food;

(ii) for all other purposes, that Minister and the Secretary of State for Wales, acting jointly;

(**a**) 1967 c. 22. (**b**) 1957 c. 57.
(**c**) S.I. 1969/388 (1969 I, p. 1070).

"approved animal" means any animal approved by the proper officer for certification for a guarantee payment;

"approved carcase" means any carcase approved by the proper officer for certification for a guarantee payment;

"certified", in relation to an animal or carcase, means certified by the proper officer as being eligible for a guarantee payment and "certification" shall be construed accordingly;

"deadweight certification centre" means any place for the time being approved by the appropriate Minister for the certification of the carcases of livestock for a guarantee payment;

"fat sheep" includes the carcases of such animals;

"guarantee payment" means any sum payable by the appropriate Minister under the provisions of the Fat Sheep (Guarantee Payments) Order 1976 **(a)** or any order amending or replacing it;

"liveweight certification centre" means any place for the time being approved by the appropriate Minister for the certification of livestock for a guarantee payment;

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

"Proper officer" means, in relation to any purpose referred to in this order, a person for the time being authorised by the appropriate Minister to act for that purpose.

(2) The Interpretation Act 1889**(b)** 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 orders hereby revoked were Acts of Parliament.

(3) The orders specified in Schedule 1 hereto are hereby revoked.

Marking of fat sheep

3. Every approved animal and every approved carcase before being removed from a liveweight or a deadweight certification centre, as the case may be, at which such animal or carcase has been approved, shall, unless the appropriate Minister otherwise directs, be marked by or under the supervision of the proper officer with one of the appropriate marks prescribed in Schedule 2 to this order and in addition, if the appropriate Minister so requires, the ear or ears of any approved carcase shall be removed or mutilated.

Prohibition relating to removal of approved fat sheep

4. No person shall—

(*a*) remove any approved animal from a liveweight certification centre or, within a liveweight certification centre, from a pen or other place which is allocated for the marking of livestock;

(*b*) remove any approved carcase from a deadweight certification centre

unless any such approved animal or approved carcase, as the case may be, has been dealt with in accordance with article 3 of this order.

(a) S.I. 1976/249 (1976 I,p. 695). **(b)** 1889 c. 63.

Prohibition relating to approved fat sheep

5.—(1) No person shall—

(*a*) present for certification any approved animal or approved carcase or the carcase of any approved animal;

(*b*) use or permit or cause to be used any approved animal for breeding or permit or cause any such approved animal to have access to any animal with which it may mate.

(2) In any proceedings in respect of a contravention of any of the provisions of paragraph (1) of this article, if any animal or any carcase bears one of the marks prescribed for live animals in Schedule 2 hereto, it shall be deemed to be an approved animal or the carcase of an approved animal, as the case may be, and if any carcase bears one of the marks prescribed for carcases in Schedule 2 hereto it shall be deemed to be an approved carcase, unless the contrary be proved.

Records

6.—(1) Every person who buys, sells or transports any fat sheep and who is required by virtue of the Movement of Animals (Records) Order 1960**(a)**, as amended**(b)**, or the Transit of Animals (Amendment) (Northern Ireland) Order 1941**(c)**, to keep or retain a record of the movement of animals shall produce on request such record or register for inspection by a person authorised by or on behalf of the appropriate Minister for the purposes of this order.

(2) Any reference in paragraph (1) of this article to any order includes any modification or re-enactment thereof for the time being in force.

Keeping and retention of records

7.—(1) Every person who presents any fat sheep for certification shall keep an accurate record, showing, in respect of every purchase and sale by him of such fat sheep,

(*a*) the date of the transaction and the description of fat sheep;

(*b*) in the case of a purchase or sale of a live animal by auction at an auction market, the name and address of the auctioneer, and in any other case the name and address of the other party to the transaction; and

(*c*) the price paid or received in respect of the fat sheep.

(2) The retention by any person of an invoice or similar account or of a copy of such invoice or similar account shall, in relation to the particulars mentioned in such document, be a sufficient compliance by that person with the provisions of this article.

(3) Every person who is required by this article to keep any record shall retain it for at least two years from the date of the transaction to which it relates and shall produce it for inspection if so required by any person authorised by or on behalf of the appropriate Minister to require its production.

(a) S.I. 1960/105 (1960 I, p. 302). **(b)** S.I. 1961/1493 (1961 II, p. 3016).
(c) S.R. & O. (N.I.) 1941/145.

Keeping and production of books, accounts and records

8. Any person who carries on any undertaking by way of trade or business in the course of which he buys or sells any approved animal or approved carcase shall if a notice in writing is served upon him by or on behalf of the appropriate Minister keep such books accounts or records relating to the purchase sale or use of livestock or the carcases of livestock or the slaughter of livestock as may be specified in the notice and shall produce such books accounts or records for inspection if required to do so by any person authorised by or on behalf of the appropriate Minister to require their production.

Powers of entry and to obtain evidence

9.—(1) Any authorised officer of the appropriate Minister or any authorised officer of the Meat and Livestock Commission where accompanying an authorised officer of the appropriate Minister may at all reasonable times enter upon land used for the production, slaughter or sale of fat sheep or for the storage, grading, packing or sale of the carcases of fat sheep and may inspect any fat sheep or carcases of fat sheep found thereon.

(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 Agriculture Act 1957 or that a guarantee payment has been illegally obtained or that there has been an attempt to obtain a guarantee payment illegally he may—

(*a*) take possession of any ear of any carcase presented for certification for a guarantee payment; and

(*b*) take possession of any book, account or record required to be kept by or under this order or 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 any person authorised by or on behalf of the appropriate Minister or a proper officer for the purpose of the approval or certification for a guarantee payment of any carcase of any livestock; and in relation to sub-paragraph (*b*) of that paragraph any person authorised by or on behalf of the appropriate Minister.

Service of notices

10.—(1) Any notice required or authorised by this order to be given to or served on any person shall be sufficiently given or served if it is delivered to him personally or left at his last known place of abode or business or sent by post addressed to him at the aforesaid place of abode or business.

(2) Any notice required or authorised by this order to be given to or served on an incorporated company or body shall be sufficiently given or served if given to or served on the secretary or clerk of the company or body. For the purposes of this order and of section 26 of the Interpretation Act 1889, the proper address of such secretary or clerk shall be that of the registered or principal office of the company or body.

Delegation of functions

11.—(1) The appropriate 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**(a)**) any of the functions in relation to Great Britain conferred or imposed on him by this order.

(a) 1967 c. 22.

(2) The functions of the appropriate Minister under this order 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.

Frederick Peart,
(L.S.) Minister of Agriculture, Fisheries and Food.

William Ross,
6th February 1976. Secretary of State for Scotland.

Merlyn Rees,
10th February 1976. Secretary of State for Northern Ireland.

John Morris,
16th February 1976. Secretary of State for Wales.

SCHEDULE 1

Article 2(3)

Orders revoked	References
The Fatstock (Protection of Guarantees) Order 1958	S.I. 1958/958 (1958 I, p. 84)
The Fatstock (Protection of Guarantees) (Amendment) Order 1960	S.I. 1960/293 (1960 I, p. 103)
The Fatstock (Protection of Guarantees) (Amendment) Order 1968	S.I. 1968/399 (1968 I, p. 1080)

SCHEDULE 2

Articles 3 and 5

APPROPRIATE MARKS FOR THE PURPOSES OF ARTICLES 3 AND 5 OF THIS ORDER

1. For live sheep: any of the following marks—

(*a*) a tattoo mark consisting of dots in a rectangular pattern measuring approximately three quarters of an inch across the diagonal, or

(*b*) a circular punch hole of approximately a quarter of an inch diameter surrounded by a tattoo mark consisting of dots in a rectangular pattern measuring approximately three quarters of an inch across the diagonal, or

(*c*) a circular punch hole of approximately half an inch in diameter surrounded by a tattoo mark consisting of dots in a circular or rectangular pattern measuring approximately one inch across the diameter or diagonal as the case may be

such mark to be placed—

(*a*) in the case of home-bred sheep, in the right ear,

(*b*) in the case of imported sheep, in the left ear.

2. For the carcases of sheep:

(*a*) approved in England and Wales—a mark comprising a circle of approximately one and one half inch diameter with the letters and word "M.A.F.F. Certified" on the inner circumference around the number allocated to the proper officer for the time being using the instrument which applies the mark. Such mark to be applied at least once to the outer surface of the carcase;

(*b*) approved in Scotland and Northern Ireland—a mark comprising a diagonal (or St Andrew's) cross within a circle of approximately one and a half inch diameter. Such mark to be applied at least once to the outer surface of the carcase.

3. On the day on which this paragraph comes into operation for the measures mentioned in paragraphs 1 and 2 of this Schedule there shall be substituted new measures as follows:—

Old Measure	*New Measure*
quarter of an inch	six millimetres
half an inch	thirteen millimetres
three quarters of an inch	nineteen millimetres
one inch	twenty-five millimetres
one and one half inch	thirty-eight millimetres

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order replaces the Fatstock (Protection of Guarantees) Order 1958, as amended, to provide for changes in the arrangements for the protection of guarantee payments to producers of fatstock following the discontinuance of guaranteed prices for fat pigs in July 1975. The order re-enacts the provisions of the Fatstock (Protection of Guarantees) Order 1958, as amended, in so far as they relate to fat sheep except that

(*a*) the appropriate Minister is enabled to direct that approved animals shall not be marked with one of the marks prescribed in the Schedule to the order; and

(*b*) such marks as are applied shall be on a metric basis on and after 3rd January 1977.

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