STATUTORY INSTRUMENTS

# 1974 No. 2083

## AGRICULTURE

### CEREALS MARKETING

# The Home-Grown Cereals Authority Levy Scheme (Approval) Order 1974

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| *Made* - - - | 11*th November* 1974 |
| *Laid before Parliament* | 19*th November* 1974 |
| *Coming into Operation* | 11*th December* 1974 |

Whereas the Home-Grown Cereals Authority (hereinafter called "the Authority"), established by the Cereals Marketing Act 1965(**a**), have prepared and submitted to the Ministers hereinafter named, pursuant to section 16 of that Act as amended by section 16 of the Agriculture (Miscellaneous Provisions) Act 1972(**b**) (which Act of 1965 as so amended is hereinafter referred to as "the Act"), a scheme for imposing a levy on persons or classes of persons specified in the scheme who are dealers in or processors of home-grown cereals of a kind so specified:

And whereas the Authority have published notice of the submission of the said scheme to the Ministers in the London, Edinburgh and Belfast Gazettes in accordance with section 14(1) (b) of the Act:

Now, therefore, 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 in exercise of the powers conferred upon them by section 16 of the Act, 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 after consultation with such persons or organisations as appear to them to represent the interests concerned:—

*Citation and commencement*

**1.** This order may be cited as the Home-Grown Cereals Authority Levy Scheme (Approval) Order 1974, and shall come into operation on the day after it has been approved by a resolution of each House of Parliament.

*Approval of scheme under section 16 of the Act*

**2.** The scheme set forth in the Schedule to this order, being a scheme made by the Home-Grown Cereals Authority for the imposition of a levy and submitted by that Authority to the Ministers for their approval under section 16 of the Act, is hereby approved.

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(**a**) 1965 c. 14.
(**b**) 1972 c.62.
(**c**) S.I. 1969/388 (1969 I, p. 1070).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st November 1974.

(L.S.)

*Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

4th November 1974.

*William Ross,*
Secretary of State for Scotland.

5th November 1974.

*Merlyn Rees,*
Secretary of State for Northern Ireland.

11th November 1974.

*John Morris,*
Secretary of State for Wales.

## SCHEDULE

### HOME-GROWN CEREALS AUTHORITY LEVY SCHEME

Under Section 16 of the Cereals Marketing Act 1965, as amended by Section 16 of the Agriculture (Miscellaneous Provisions) Act 1972, for the imposition of levy

**1.** This Scheme, which applies in the United Kingdom, may be cited as the Home-Grown Cereals Authority Levy Scheme and shall come into operation on the 1st January 1975.

**2.**—(1) In this Scheme, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely:—

"the Act" means the Cereals Marketing Act 1965 as amended by Section 16 of the Agriculture (Miscellaneous Provisions) Act 1972;

"the Authority" means the Home-Grown Cereals Authority as established under Part 1 of the Act;

"barley" means barley grown in the United Kingdom;

"cereals" means cereals grown in the United Kingdom being either wheat, barley or oats;

"dealer" means any person trading as a wholesale buyer and seller of cereals;

"grower" means any person who grows cereals;

"the levy" means the levy imposed by this Scheme;

"oats" means oats grown in the United Kingdom;

"processor" means a person who applies an industrial process to cereals with a view to selling the processed cereals in the course of a business carried on by him;

"quarter" means a period of three consecutive calendar months ending with 31st October, 31st January, 30th April or 31st July;

"wheat" means wheat grown in the United Kingdom;

"year" means any year as defined by Section 24 of the Act.

(2) The Interpretation Act 1889 shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(3) Any reference in this Scheme to the registration period, as respects any dealer or processor, shall be construed as the 30 day period immediately following the 1st January 1975 or, in the case of any person who commences trading as a dealer or processor after that date, to the 30 day period immediately following the date on which the said dealer or processor commenced trading.

(4) For the purposes of this Scheme any dealer or processor who grows cereals shall be deemed to be a grower in respect of the cereals grown and sold by him.

(5) Unless the context otherwise requires any reference in this Scheme to a dealer or processor shall refer only to a dealer or processor registered in accordance with the provisions of this Scheme.

(6) Any reference in this Scheme to a numbered paragraph shall be construed as a reference to the paragraph bearing that number in the Scheme.

*Register of dealers and processors*

**3.**—(1) The Authority shall keep a register of dealers and processors and shall enter therein the names and addresses of persons who carry on business as dealers or processors and each dealer or processor shall, during the registration period, apply to the Authority to be registered in such form and manner as the Authority may from time to time prescribe.

(2) As soon as practicable after registration the Authority shall provide the applicant with a certificate of registration indicating thereon the date upon which such registration became effective and the registration number which the Authority has allocated in respect of such registration.

(3) Any registered dealer or processor who ceases to carry on business as a dealer or processor may apply to the Authority for removal of his name from the register and the Authority shall, if satisfied that the said dealer or processor, as the case may be, has complied with the provisions of the Scheme and has ceased to carry on business as a dealer or processor, remove his name from the register.

*Rate of levy*

**4.** The levy for any year shall be at the rate specified for that year by order under Section 13 of the Act and shall be imposed on dealers or processors who are registered in accordance with paragraph 3 and who purchase cereals from the grower or from any person other than a dealer or processor.

*Liability to pay the levy*

**5.** Liability to pay the levy shall arise when the property in the cereals has passed to the dealer or processor as the case may be.

*Payment of the levy*

**6.** After liability to pay the levy imposed on any dealer or processor has arisen by virtue of paragraph 5 it shall be paid by such dealer or processor to the Authority within such time as may be prescribed by the Authority.

*Contributions towards the levy*

**7.** When liability to pay the levy arises as respects any dealer or processor by virtue of paragraph 5 he shall be paid and shall collect for his own account a contribution towards such levy of—

(*a*) an amount equal to 50% of the levy from the grower from whom he has bought the cereals, and

(*b*) an amount equal to 25% of the levy from any processor or dealer to whom he sells the cereals.

*Recovery of levy*

**8.**—(1) In the event of any default of any payment in relation to the levy required to be paid to the Authority by virtue of paragraph 6 any such payment shall be recoverable as a debt by the Authority.

(2) If any dealer or processor has paid the levy to the Authority and there has been a default of any payment in relation to any contribution required to be paid by virtue of paragraph 7 the Authority may at the request of the dealer or processor, as the case may be, recover the amount of any such contribution as a debt from the person or persons from whom it is due.

(3) In the event of recovery of the said contribution or any part thereof in accordance with the foregoing sub paragraph, the Authority shall pay to the dealer or processor, as the case may be, the amount of any such contribution, or any part thereof, so recovered.

*Returns and information*

**9.**—(1) Every grower shall keep or cause to be kept an accurate record of the date and quantity relating to each sale by him of cereals together with the name and address of the buyer thereof.

(2) Every dealer or processor shall keep or cause to be kept an accurate record of the date and quantity relating to:

(*a*) each purchase by him of cereals together with the name and address of the seller, and

(*b*) each sale by him of cereals together with the name and address of the purchaser.

(3) Every dealer or processor shall submit to the Authority within 14 days from the end of each quarter a return giving such information in relation to this Scheme as the Authority may from time to time require.

(4) Every grower, dealer or processor shall retain any records required to be kept by this paragraph for two calendar years from the end of the year to which that record relates.

*Production of records*

**10.** Every grower, dealer or processor shall produce for inspection on demand by an authorised officer of the Authority any records to be kept by virtue of paragraph 9.

## EXPLANATORY NOTE

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

By this order the Ministers approve a scheme submitted to them by the Home-Grown Cereals Authority which provides for the imposition of a levy on dealers in or processors of home-grown cereals for the purpose of financing the Authority.

The scheme, which is set forth in the Schedule to this order, comes into operation on 1st January 1975 and provides for the imposition of levy on dealers and processors buying home-grown wheat, barley or oats direct from growers of such cereals. It also enables any dealer or processor, as the case may be, to recover 50 per cent. of the levy so imposed from the grower concerned and enables him to recover a further 25 per cent. of the levy from the dealer or processor to whom the cereals are sold.

The scheme also provides for the registration of dealers and processors and requires growers to keep records of sales of cereals and dealers and processors to keep records of purchases and sales of cereals.

The scheme replaces the previous method of collecting the levy which was by means of a deduction from deficiency payments made in respect of wheat and barley.

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