1963 No. 378

AGRICULTURE

PIG INDUSTRY

The Pig Industry Development Authority Levy Scheme (Approval) Order 1963

Made - - - - 16*th January* 1963
Coming into Operation 1*st April* 1963

The Minister of Agriculture, Fisheries and Food and the Secretary of State (hereinafter referred to as "the Ministers"), acting jointly in exercise of the powers conferred upon them by section 25 of the Agriculture Act 1957(a) and of all other powers enabling them in that behalf, hereby make the following order:—

1. This order may be cited as the Pig Industry Development Authority Levy Scheme (Approval) Order 1963; and shall come into operation on 1st April 1963.

2. The scheme set forth in the Schedule to this order, being a scheme made by the Pig Industry Development Authority for the imposition of charges and submitted by that Authority to the Ministers for their approval under section 25 of the Agriculture Act 1957, is hereby approved.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on the 16th January 1963.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on the 16th January 1963.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

(a) 5 & 6 Eliz. 2. c. 57.

SCHEDULE

Pig Industry Development Authority Scheme

Under Section 25 of the Agriculture Act 1957, for the Imposition of Charges.

1. This Scheme, which applies in Great Britain, may be cited as the Pig Industry Development Authority Levy Scheme 1962; and shall come into operation on the 1st day of April 1963.

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

"the 1957 Act" means the Agriculture Act 1957;

"the appropriate Minister" means, in relation to England or Wales, the Minister of Agriculture, Fisheries and Food, and in relation to Scotland, the Secretary of State concerned with agriculture in Scotland;

"the Authority" means the Pig Industry Development Authority constituted under Part III of the 1957 Act;

"exemption period" means any period which may from time to time be specified by the Authority as a period as regards which, in the opinion of the Authority, it is unnecessary or inexpedient for any charge to become payable under this Scheme;

"the Fatstock Guarantee Scheme" means the arrangements applicable in Great Britain for the time being in force under Part I of the 1957 Act for providing guaranteed prices for producers of fat pigs;

"Pig" means a fat pig, or the carcase of a fat pig, of a class for the time being specified as a guarantee class for the purposes of the Fatstock Guarantee Scheme;

"Producer", in relation to any pig, means the person in whose name that pig is presented for certification under the Fatstock Guarantee Scheme;

"Score" means twenty pounds avoirdupois.

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

(3) References in this Scheme to any person as being liable for payment of a charge shall be construed as applying only to a person engaged in one or more of the activities mentioned in subsection (1) of section 23 of the 1957 Act.

3. The charge payable to the Authority in respect of any pig in accordance with the provisions of this Scheme shall be a charge at the rate of 4 pence per score deadweight, or 2·92 pence per score liveweight, as the case may be, the weight in each case to be that which is applicable for the purpose of calculating the guarantee payment under the Fatstock Guarantee Scheme:

Provided that no such charge shall be payable in respect of any pig which is certified under the Fatstock Guarantee Scheme during an exemption period.

4. Where, under the Fatstock Guarantee Scheme, any live pig is certified on the basis that it is to be slaughtered for sale in the producer's own butchery business, or any pig carcase is certified on the basis that it will be sold in the producer's own butchery business, the whole of the said charge shall forthwith be payable to the Authority by the producer.

5. In any other case the said charge shall be payable by the parties to the sale of the pig which immediately precedes its certification under the Fatstock Guarantee Scheme, and the charge shall be payable to the Authority in the shares, at the time and in the manner hereinafter specified, that is to say:—

(*a*) The party to the sale who is not the person who has presented or proposes to present the pig for certification under the Fatstock Guarantee Scheme shall, at the time of the sale, pay his share of the said charge to that person as agent for the Authority:

(a) 52 & 53 Vict. c. 63.

Provided that, where the pig is sold by auction on behalf of the producer, the buyer shall pay his share to the auctioneer at the time of the sale and the auctioneer shall forthwith pay the same to the producer as agent for the Authority.

(*b*) Subject to the provisions of sub-paragraph (*c*) of this paragraph, the share payable in accordance with sub-paragraph (*a*) of this paragraph shall be the appropriate sum shown in the Schedule hereto.

(*c*) Where two or more pigs are comprised in one sale, the share so payable shall be one half of the total charge payable in respect of all those pigs:

Provided that, for the purposes of this sub-paragraph, where the total weight of the pig is not an exact number of score, any fraction of a score which is more than 10 lb. shall be reckoned as one score and any fraction of a score which is 10 lb. or less shall be ignored.

(*d*) The share payable by the producer shall be the balance of the said charge.

(*e*) Notwithstanding the provisions of sub-paragraph (*d*) of this paragraph the producer shall be responsible to the Authority for payment of the whole of the charge but without prejudice to the right of the Authority (if the Authority so elect) to recover the other party's share direct from him in any case where it has not been duly paid by him.

6.—(1) Without prejudice to any other method of recovery, any charge payable under this Scheme in respect of a pig shall be recoverable by the Authority from the producer by deduction by the appropriate Minister from the guarantee payment under the Fatstock Guarantee Scheme in respect of that pig and by payment by the appropriate Minister to the Authority.

(2) The Authority may from time to time make arrangements with the appropriate Minister for the purposes of this paragraph and such arrangements may include provision for payment to or retention by the appropriate Minister of an amount in respect of his expenses of making such deductions and of paying the same to the Authority.

7. The Pig Industry Development Authority Levy Scheme 1958(a), is hereby revoked but without prejudice to any right or liability arising thereunder before the coming into operation of this Scheme or to any method of recovery or legal proceedings in respect thereof.

THE SCHEDULE

Deadweight Weight Range		*Share of Charge payable in accordance with Para. 5 (a)*	*Liveweight Weight Range*	
Exceeding	*Not Exceeding*		*Exceeding*	*Not Exceeding*
—	3 sc. 10 lb	6d.	—	4 sc. 15 lb
3 sc. 10 lb	4 sc. 10 lb	8d.	4 sc. 15 lb	6 sc. 5 lb
4 sc. 10 lb	5 sc. 10 lb	10d.	6 sc. 5 lb	7 sc. 10 lb
5 sc. 10 lb	6 sc. 10 lb	1/–	7 sc. 10 lb	9 sc. 0 lb
6 sc. 10 lb	7 sc. 10 lb	1/2d.	9 sc. 0 lb	10 sc. 5 lb
7 sc. 10 lb	8 sc. 10 lb	1/4d.	10 sc. 5 lb	11 sc. 10 lb
8 sc. 10 lb	9 sc. 10 lb	1/6d.	11 sc. 10 lb	13 sc. 0 lb
9 sc. 10 lb	—	1/8d.	13 sc. 0 lb	—

Made and submitted in accordance with the directions of the Authority.

Robert Oake, Chief Officer, 6th November 1962.

(a) Scheduled to S.I. 1958/871 (1958 I, p. 136).

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

By this order the Ministers approve the revisions to the Pig Industry Development Authority's scheme for the imposition of charges to meet their expenses. The scheme, which is set forth in the Schedule to the order, comes into operation on 1st April 1963 and supersedes the scheme which has operated since 2nd June 1958 (*see* S.I. 1958/871 (1958 I, p. 136)); it applies throughout Great Britain. The scheme provides for an increase in the charge from a rate of 2d. per score deadweight (or 1·46d. per score liveweight) to a rate of 4d. per score deadweight (or 2·92d. per score liveweight) to be paid to the Authority in respect of any pig that is eligible for a fatstock guarantee payment. The charge will become payable when such a pig is sold and will be shared between the parties to the sale. It will be collected on behalf of the Authority by way of deduction from the fatstock guarantee payment. The Authority may now also specify as an exemption period any period in which the Authority regards it unnecessary or inexpedient for a charge to be made under the scheme.

As required by section 31 (2) of the Agriculture Act 1957 this order was approved by a resolution of the House of Lords on 26th February 1963 and by a resolution of the House of Commons on 19th February 1963.