STATUTORY INSTRUMENTS

1983 No. 509

AGRICULTURE

The Pig Industry Levy Scheme 1983 (Confirmation) Order 1983

Laid before Parliament in draft

Made - - - - - 31*st March* 1983

Coming into Operation 1*st April* 1983

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by section 13 of the Agriculture Act 1967**(a)**, as applied for the purposes of a pig industry levy scheme by section 1(4) of the Pig Industry Levy Act 1983**(b)**, and now vested in them**(b)**, and of all other powers enabling them in that behalf, being satisfied, as required by section 13(9) of the said Act of 1967, that the bringing into force of the Pig Industry Levy Scheme 1983, which was submitted to them by the Meat and Livestock Commission under section 1(3) of the said Act of 1983, is desirable, hereby make the following order, a draft whereof has been laid before Parliament and approved by resolution of each House of Parliament:—

Title and commencement

1. This order may be cited as the Pig Industry Levy Scheme 1983 (Confirmation) Order 1983 and shall come into operation on the day after the day on which it is made.

Confirmation of scheme

2. The Pig Industry Levy Scheme 1983, which is set out in the Schedule to this order, is hereby confirmed and shall come into force on the day on which this order comes into operation.

(a) 1967 c. 22; section 13 was amended by section 106(6) of the Agriculture Act 1970 (c. 40) and paragraph 7 of Schedule 5 to the Animal Health Act 1981 (c. 22).

(b) 1983 c. 4.

(c) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 31st March 1983.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

31st March 1983.

Wyn Roberts,
Parliamentary Under-Secretary of State for Wales.

31st March 1983.

Article 2 SCHEDULE

THE PIG INDUSTRY LEVY SCHEME 1983

Title

1. This scheme may be cited as the Pig Industry Levy Scheme 1983.

Interpretation

2. In this scheme—

"the Commission" means the Meat and Livestock Commission;

"exporter", in relation to pigs, means a person engaged in the production, marketing or distribution of pigs whose business includes the export of pigs;

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"slaughterer", in relation to pigs, means a person (including a local authority) having the control and management of a slaughterhouse in which pigs are slaughtered and includes a local authority providing a slaughterhouse under Part I of the Slaughterhouses Act 1974**(a)** or under the Slaughter of Animals (Scotland) Act 1980**(b)** or providing similar facilities under a local enactment;

"slaughterhouse" has, in England and Wales, the meaning given by section 34 of the Slaughterhouses Act 1974 and, in Scotland, the meaning given by section 22 of the Slaughter of Animals (Scotland) Act 1980;

"the 1981 Act" means the Animal Health Act 1981**(c)**.

Persons subject to levy

3. The persons on whom charges may be imposed under this scheme are slaughterers of pigs and exporters of live pigs.

(a) 1974 c. 3. **(b)** 1980 c. 13. **(c)** 1981 c. 22.

The levy

4.—(1) For the purposes specified in sub-paragraph (2) of this paragraph the Commission may, after consultation with any person with whom arrangements under section 1(6) of the Pig Industry Levy Act 1983 are in force, impose such charges as they think fit from time to time on the persons specified in paragraph 3 of this scheme in respect of—

(*a*) each pig slaughtered by a slaughterer, and

(*b*) each live pig exported by an exporter,

up to a maximum charge of 30p per pig.

(2) The purposes for which charges may be imposed under this scheme are—

(*a*) to meet any costs incurred by the Minister (whether before or after the confirmation of this scheme) in consequence of exercising any of his powers under the 1981 Act—

(i) in relation to Aujeszky's disease, or

(ii) in relation to pigs which are affected or suspected of being affected with, or have been exposed to the infection of, that disease; and

(*b*) to compensate the owners of such pigs in respect of losses incurred by them in consequence of action taken by the Minister in relation to those pigs under that Act.

(3) Without prejudice to the generality of sub-paragraph (1) of this paragraph, the Commission may impose charges of different amounts in respect of pigs slaughtered and live pigs exported respectively and the amounts of charges imposed may (in either or both cases) differ according to the weight, quality or value of the pigs in respect of which the charges are imposed.

(4) The Commission may, after consultation with any person with whom arrangements under section 1(6) of the Pig Industry Levy Act 1983 are in force, at any time suspend the levy authorised by sub-paragraph (1) of this paragraph for any period.

(5) No charge shall be imposed under this scheme in respect of pigs slaughtered under the 1981 Act or any order or arrangements made thereunder.

(6) The production of a certificate purporting to be signed by the Director General or Deputy Director General of the Commission specifying the amounts of any charges imposed by the Commission under this scheme during any period specified in the certificate shall be sufficient evidence of those amounts.

Recovery of charges by slaughterers

5.—(1) Where a slaughterer slaughters a pig which he has purchased from another person, or of which he has agreed to purchase from another person all or part of the carcase after slaughter, or where, in any other circumstances, a slaughterer slaughters a pig on the instructions of another person, the slaughterer may recover as a debt due to him from that other person the whole of any sum paid by the slaughterer under this scheme in respect of that pig if that other person is a person engaged in the production, marketing or distribution of pigs.

(2) Where, by virtue of sub-paragraph (1) of this paragraph, a slaughterer has a right to recover from another person the sum paid by him in respect of a pig purchased at auction, he may instead recover that sum as a debt due to him from the auctioneer.

(3) A slaughterer may make from his payments to the Commission deductions in respect of his expenses incurred in exercising his right of recovery under sub-paragraph (1) or (2) of this paragraph, but the total amount of—

(*a*) any such deduction, and

(*b*) any deduction made in pursuance of a provision of any levy scheme (other than this scheme) made under section 13 of the Agriculture Act 1967 in respect of his expenses incurred in exercising a right of recovery under that scheme,

shall not exceed 0.43p in respect of any pig slaughtered or such higher amount as the Commission may from time to time determine as being reasonable.

(4) Where in the opinion of the Commission (whose decision shall be final and conclusive) any sum which a slaughterer is enabled to recover from another person by virtue of sub-paragraph (1) or (2) of this paragraph ought reasonably to be treated as irrecoverable by the slaughterer, the slaughterer shall have a right to relief, either by way of deduction from payments to the Commission or of refund by the Commission, as the Commission may decide.

Recovery of charges by Commission

6.—(1) Any charge imposed under this scheme shall be payable to the Commission on such date and at such place as the Commission may require and shall be recoverable as a debt due to the Commission from the slaughterer or exporter on whom the charge is imposed.

(2) Where a slaughterer defaults in payment to the Commission of any sum due from him under this scheme and would, if he had made payment, have been authorised to recover the sum from another person in accordance with paragraph 5 of this scheme, the Commission may recover directly as a debt due to the Commission from that other person the amount that would have been payable indirectly if the default had not occurred, unless that other person has already paid the sum to the slaughterer.

Registration of persons liable to levy

7.—(1) So far as is necessary for determining the liability of persons to charges under this scheme, the Commission may, by notice published in at least one newspaper having a national circulation in England and Wales and at least one newspaper having a national circulation in Scotland and in such other newspapers or other periodicals as the Commission consider appropriate to bring the matter to the attention of persons affected, at any time require every slaughterer of pigs or exporter of live pigs, or every such slaughterer or such exporter of a class specified in the notice, to be registered in a register kept for the purpose by the Commission.

(2) Without prejudice to sub-paragraph (1) of this paragraph, the Commission may, so far as is necessary for determining the liability of persons to charges under this scheme, by notice in writing served upon any slaughterer of pigs or exporter of live pigs require him to be registered as aforesaid.

(3) Any person who is required to be registered as aforesaid shall apply to the Commission to be so registered in such manner as the Commission may from time to time prescribe.

(4) Any person registered as aforesaid who has ceased to be a slaughterer of pigs or exporter of live pigs, or who has ceased to be such a slaughterer or such an exporter of a class for the time being required to be so registered, may apply to the Commission in such manner as the Commission may from time to time prescribe to have his name removed from the register.

Records and returns

8. So far as is necessary for determining the liability of persons to charges under this scheme, the Commission may by notice in writing served upon any slaughterer of pigs or exporter of live pigs require him—

(*a*) to keep an accurate record in permanent form, to be completed and dated each day, specifying—

(i) for each pig slaughtered on the instructions of another person the name of that person and sufficient other information to identify that person and a sufficient description of the pig to enable the charge payable in respect of the pig to be ascertained,

(ii) the total number of pigs slaughtered each day and sufficient information to enable the charges payable in respect of the pigs to be ascertained,

(iii) the total number of live pigs exported each day and sufficient information to enable the charges payable in respect of the pigs to be ascertained;

(*b*) to retain any such record for such period not exceeding two years as may be specified in the notice;

(*c*) to produce for examination on demand by an authorised officer of the Commission any such record or any other books or other documents in the custody or under the control, of the slaughterer or exporter;

(*d*) to furnish to the Commission at such time and place and in such manner as may be specified in the notice such returns or other information as may be so specified.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order confirms the Pig Industry Levy Scheme 1983, which was submitted to the Ministers making the order by the Meat and Livestock Commission, and which is set out in the Schedule to the order.

The scheme provides for the imposition of charges on slaughterers of pigs and exporters of live pigs for the purpose of meeting costs incurred by the Minister of Agriculture, Fisheries and Food as a result of action taken under the Animal Health Act 1981 ("the 1981 Act") in connection with Aujeszky's disease (principally the cost of compensating owners of pigs slaughtered under that Act) and for the purpose of making payments in respect of consequential losses suffered by the owners of pigs slaughtered under the 1981 Act because of Aujeszky's disease. The maximum charge that may be imposed is 30p per pig slaughtered or exported. Charges may not be imposed in respect of pigs slaughtered under the 1981 Act.

The scheme provides for the charges to be recovered by slaughterers from persons from whom they purchase pigs and provides the Meat and Livestock Commission with powers of recovery. The Meat and Livestock Commission may require the registration of persons subject to the levy and are given power to require records to be kept and retained by persons subject to the levy and to require the production of such records as well as such other books, documents, returns and information as may be necessary for determining the liability of such persons to charges under the scheme.

The scheme, which applies throughout Great Britain, comes into force on the day after the order is made.

SI 1983/509
ISBN 0-11-036509-7

