1970 No. 359

AGRICULTURE

The Price Stability of Imported Products (Levy Arrangements) (Eggs) Order 1970

Made - - - -	*9th March* 1970
Laid beore Parliament	*12th March* 1970
Coming into Operation	*31st March* 1970

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly in exercise of the powers conferred upon them by section 1(2), (4) and (6) of the Agriculture and Horticulture Act 1964(**a**) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following order:—

Citation and Commencement

1. This order may be cited as the Price Stability of Imported Products (Levy Arrangements) (Eggs) Order 1970, and shall come into operation on 31st March 1970.

Interpretation

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

"the Act" means the Agriculture and Horticulture Act 1964;

"the Commissioners" means the Commissioners of Customs and Excise;

"Customs Tariff" means the Customs Tariff 1959 (as provided under section 1(4) of the Import Duties Act 1958(**b**)); and "tariff heading" means a heading of the Customs Tariff;

"delivery of the customs entry" means, in relation to any goods, the delivery of the entry thereof in accordance with section 28 of the Customs and Excise Act 1952(**c**);

"minimum import price level" means in relation to imports into the United Kingdom of any specified commodity the minimum import price level which is prescribed therefor by the Ministers, with the approval of the Treasury, by order made under section 1(2), (4) and (6) of the Act and which is for the time being in force;

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

"the Ministers" means the Minister and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly;

"produce" and "related product" have the meaning respectively assigned to them by section 1(10) of the Act;

(a) 1964 c. 28. (b) 1958 c. 6. (c) 1952 c. 44.

" specified commodity " means any description of produce or related product in relation to which the powers conferred by section 1(2) of the Act are exercisable by virtue of the Price Stability of Imported Products (Specified Commodities) (Eggs) Order 1970(**a**) (being an order made by the the Ministers under section 1(1) of the Act).

(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.

(3) Any reference in this order to any other order shall be construed as a reference to that order as amended by any subsequent order, and if any order referred to in this order is replaced by any subsequent order the reference shall be construed as a reference to that subsequent order.

Charging of Levies

3.—(1) With a view to maintaining the minimum import price level for any specified commodity or allowing for the effect for that or other specified commodities of its maintenance there shall be charged for the use of Her Majesty such levy on any specified commodity imported into the United Kingdom as may be determined in accordance with the provisions of this order.

(2) References in this order to any general levy, country levy or consignment levy are references respectively to that kind of levy as hereinafter described.

Kinds of Levy

4.—(1) A general levy or country levy shall be charged on those imports into the United Kingdom of specified commodities for which a rate of general levy or country levy, as the case may be, prescribed by order made by the Minister is for the time being in force.

(2) Notwithstanding any general or country levy, a consignment levy shall be charged on any consignment of a specified commodity imported into the United Kingdom for which a rate of consignment levy prescribed by order made by the Minister is for the time being in force.

Prescribing of Levies

5.—(1) Before prescribing the rate of any general or country levy to be charged on any specified commodity imported into the United Kingdom the Minister shall compare the appropriate minimum import price level with prices, assessed on a similar basis to that which applies to the minimum import price level, at which consignments are or might reasonably be available for import into the United Kingdom having regard to prices at which supplies are or have recently been on offer—

(*a*) in the case of a general levy, from any country or countries from which it appears likely to the Minister that supplies of the specified commodity might be imported ;

(*b*) in the case of a country levy, from the country to which such levy is to relate ;

and the Minister shall take into account any other factors which he considers relevant with a view to maintaining the appropriate minimum import price level or to allowing for the effect for that or other specified commodities of its maintenance.

(a) S.I. 1970/341(1970I, p.1227). (b) 1889 c. 63.

(2) The rate of any consignment levy may be prescribed as a rate equal to the amount, assessed by the Commissioners, by which the relevant minimum import price level exceeds the sum of the relevant amount prescribed in paragraph (3) of this article, the amount of any duty chargeable on the goods and the amount of any general or country levy applicable to the goods calculated at the rate in force at the time of the delivery of the customs entry with respect to such goods.

(3) The relevant amount referred to in paragraph (2) of this article is:—

(*a*) in the case of goods imported under a contract of sale, the price paid or payable pursuant to the contract, inclusive of the cost of delivery at the port or place of importation;

(*b*) in the case of goods imported otherwise than under a contract of sale, for sale on behalf of a person outside the United Kingdom, the price at which the goods are so sold, diminished by the cost (to the extent that it is included in the price) of any transport or storage of the goods, and any operations carried out on them, after their delivery at the port or place of importation;

(*c*) in the case of other goods, the sum of the price at which the imported goods were last sold before importation or, if the imported goods were not so sold, the price at which the goods from which they were produced were last so sold, and of the cost (to the extent that it is not included in such price) of any transport or storage of the imported goods or the goods from which they were produced, and of any operations carried out on them (with such additions as may appear to the Commissioners to be reasonable in respect of profit), before their delivery at the port or place of importation.

(4) Any imports of a specified commodity may be distinguished for the purposes of any levy referred to in this article by reference to quality, origin or in any way which appears to the Minister to be required.

General Levy and Country Levy

6.—(1) Subject to the provisions of this order, any general levy for the time being in force shall be chargeable on all imports into the United Kingdom of the specified commodity to which it relates.

(2) No general levy shall be chargeable on any specified commodity imported into the United Kingdom which the Commissioners are satisfied falls within any of the cases described in Part I of the Schedule to this order; and no general levy or country levy shall be chargeable on any specified commodity so imported which the Commissioners are satisfied falls within any case described in Part II of that Schedule.

Classification of Certain Goods

7. If in any case any certificate or other information required by the Minister or the Commissioners to be furnished in order to establish the classification and qualification of any goods for the charge of any levy or for any exception from such a charge is not so furnished, the Commissioners may charge the highest rate of levy for the time being in force appropriate to whatever class of goods they deem them to be, having regard to such information as is available.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th March 1970.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 9th March 1970.

(L.S.)

William Ross,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 9th March 1970.

James Callaghan,
Secretary of State for the Home Department.

Approved
9th March 1970.

Neil McBride,
Joseph Harper,
Two of the Lords Commissioners of Her Majesty's Treasury.

Article 6(2)

SCHEDULE

PART I

No general levy is chargeable on any specified commodity imported into the United Kingdom which the Commissioners are satisfied falls within any of the cases described below:—

1. Any specified commodity being eggs in shell falling within Chapter 4 of the Customs Tariff which the Commissioners are satisfied have been produced in the Kingdom of Denmark or the Republic of Ireland and consigned to the United Kingdom from the country in which they were produced.

2. Any specified commodity being liquid, frozen or dried whole egg falling within Chapter 4 of the Customs Tariff which the Commissioners are satisfied has been processed from eggs in shell in the Commonwealth of Australia, New Zealand, the Republic of South Africa or the Kingdom of the Netherlands and consigned to the United Kingdom from the country in which it was so processed.

PART II

No general levy or country levy is chargeable on any specified commodity imported into the United Kingdom which the Commissioners are satisfied falls within any case described below:—

Any consignment of a specified commodity, being eggs in shell falling within Chapter 4 of the Customs Tariff, which is the subject of a certificate that the eggs are exempt from levy as being imported for use for hatching such a certificate being issued, in relation to eggs imported into Northern Ireland, by the Ministry of Agriculture for Northern Ireland and in any other case by the Ministry of Agriculture, Fisheries and Food or the Department of Agriculture and Fisheries for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order, which comes into force on 31st March 1970, provides for the charging of levies on imports of those eggs and egg products which are specified commodities for the purposes of section 1 of the Agriculture and Horticulture Act 1964. Such levies may be charged in support of the minimum import prices already prescribed under that same section. Three kinds of levy are referred to—general levy, country levy and consignment levy—and criteria for prescribing the rate for each kind of levy are specified.

The general levy will be chargeable on all imports of the specified commodities other than those imports which are specifically exempt as falling within any of the cases described in the Schedule to the order. Additionally, those imports of eggs for hatching which fall within the case described in Part II of that Schedule will be exempt from country levy.

SI 1970/ 359
ISBN 0-11-000359-4

