STATUTORY INSTRUMENTS

1964 No. 809

AGRICULTURE

The Price Stability of Imported Products (Levy Arrangements) Order 1964

Made - - - -	*4th June* 1964
Laid before Parliament	*8th June* 1964
Coming into Operation	
Parts I and III - -	*9th June* 1964
Part II - - -	*1st July* 1964

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), (3), (4), (6) and (7) 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:—

PART I

Citation and Commencement

1. This order may be cited as the Price Stability of Imported Products (Levy Arrangements) Order 1964; and shall come into operation on 9th June 1964 with the exception of Part II thereof which shall come into operation on 1st July 1964.

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;

(a) 1964 c. 28. (b) 6 & 7 Eliz. 2. c. 6. (c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

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

"shipment" includes loading into an aircraft and also includes, in relation to goods imported by land into Northern Ireland, loading on to road or rail transport;

"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) Order 1964(a), being an order made by the Ministers under section 1(1) of the Act.

(2) In the interpretation and application of this order and the Price Stability of Imported Products (Minimum Import Price Levels) Order 1964(b) the expression "denatured" means—

(*a*) in relation to wheat, wheat flour and wheat meal, treated with any one of the dyes magenta, crystal violet, methyl violet or methylene blue, of a standard in each case equivalent to that in the British Pharmacopoeia 1963, in such a manner that the wheat, wheat flour or wheat meal, as the case may be, shall contain 50 parts of such a dye (± 10 per cent.) per million evenly distributed throughout;

(*b*) as an alternative, in relation to wheat flour and wheat meal, treated with potassium iodate in such a manner that the wheat flour or wheat meal as the case may be, shall contain iodine equivalent to 50 parts of potassium iodate (± 10 per cent.) per million evenly distributed throughout;

and "denaturing" shall be construed accordingly.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

PART II—LEVIES

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.

(a) S.I. 1964/655 (1964 II, p. 1225). (b) S.I. 1964/687 (1964 II, p. 1305).
(c) 52 & 53 Vict. c. 63.

Prescribing of Levies

5.—(1) Subject to paragraph (2) of this article, 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.

(2) In the case of any rate of country levy to be charged on any imports into the United Kingdom of any wheat flour (including wholemeal flour) or wheat meal (containing not more than 5 per cent. by weight of fibre at the prescribed standard moisture content of 14 per cent. by weight), excepted in each case from any general levy by article 6(2) of this order, the Minister may prescribe a rate equivalent to the appropriate rate of country levy prescribed, in accordance with the provisions of paragraph (1) of this article, for the description of wheat used, or deemed by the Minister to have been used, in the production of such flour or meal, increased by two-fifths thereof.

(3) 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 (4) 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.

(4) The relevant amount referred to in paragraph (3) 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.

(5) 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

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 Schedule 1 to this order;

Provided that if at any time it appears to the Minister that imports of a description of wheat which fall within the provisions of paragraph 8 of that Schedule are available for importation into the United Kingdom at a price, assessed on a similar basis to that which applies to the minimum import price level, below the appropriate minimum import price level he may by order prescribe that the rate of general levy for wheat shall apply to imports of those descriptions of wheat covered by the said paragraph 8 as shall be specified in the order and during any such time and to such extent as the rate of general levy so applies the foregoing provisions of this paragraph of this article shall not have effect.

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 other than any mixture referred to in article 8 hereof for the charge of any levy or for any exception or relief 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.

Classification of Certain Cereal Mixtures

8. In the case of any mixture of two or more specified commodities falling within Chapter 10 of the Customs Tariff which would, prima facie, be classifiable under two or more tariff headings and which, in accordance with the interpretative rules as they apply in relation to duties, would fall to be classified under the heading involving the highest rate of duty, that mixture shall be classified for levy purposes under the heading which includes the component specified commodity for which the highest minimum import price level is prescribed or, where that price level is prescribed for more than one component specified commodity, under the heading which includes that one of those component specified commodities which is subject to the highest rate of levy.

PART III—RELIEFS RELATING TO CERTAIN SPECIFIED COMMODITIES IMPORTED UNDER FORWARD CONTRACTS

Granting of Reliefs

9. Where in the case of any specified commodity a minimum import price level is prescribed or any general or country levy is imposed under section 1(2) of the Act, reliefs in respect of the levy, if any, chargeable on any imports of the specified commodity may be granted in such circumstances and subject to such conditions as are provided for in this Part of this order.

Prospective Rates of Levy

10. The Minister may, for the purposes of calculating any such relief, from time to time determine in relation to any imports of any such specified commodity prospective rates of general or country levy related to such periods as are specified in relation thereto ; and any such determination may be varied or withdrawn at any time.

Determining Prospective Rates

11.—(1) In determining any prospective rate of general or country levy in relation to any specified commodity (other than the prospective rate referred to in article 12(6) of this order) for shipment to the United Kingdom during any period, 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 of the specified commodity might reasonably be made available for shipment to the United Kingdom during the period to which the prospective rate of levy relates having regard to prices at which supplies are or have recently been on offer—

(*a*) in the case of a prospective rate of general levy, from any country or countries from which it appears to the Minister that supplies of the specified commodity may be available for shipment during the relevant period ;

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

and the Minister shall take into account any other factors which he considers to be 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.

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

Registration of Forward Contracts

12.—(1) Subject to the provisions of this order, a person who contracts for the purchase of any specified commodity for shipment to the United Kingdom at any time during any period or periods for which a prospective rate of levy may be determined may apply for registration of the contract by the Minister and for a certificate (hereinafter called a " certificate of registration ") to be issued by him acknowledging such registration and indicating the period during which shipment is to take place and the prospective rate of levy which, at the date of registration, relates to the period during which shipment is to take place.

(2) In any case where a period of shipment so indicated overlaps periods in relation to which different rates of prospective levy are determined, the highest rate shall apply.

(3) Where, in the case of any specified commodity, no rate of country levy is for the time being prescribed but it appears to the Ministers that it is likely, in order to fulfil the objects referred to in article 3 of this order, that such a rate will need to be prescribed, they may make an announcement to that effect and that the announcement shall have effect for the purposes of this article.

(4) Where any such announcement has been made and has effect as aforesaid any person who has previously to such date as is specified for this purpose in the announcement contracted for the purchase of any such

specified commodity to which such a rate of country levy would relate for importation after that date may, in such circumstances and subject to such conditions as are specified in the announcement, make an application in accordance with paragraph (6) of this article.

(5) Any person who has before the date of coming into operation of this Part of this order contracted for the purchase of any specified commodity for importation after that date may, in such circumstances and subject to such conditions as the Ministers announce, make an application in accordance with paragraph (6) of this article.

(6) Any person who, in accordance with paragraph (4) or (5) of this article, may make an application in accordance with this paragraph may apply for the registration of the contract by the Minister and for a certificate of registration to be issued by him acknowledging such registration and indicating the period during which shipment is to take, or took, place and any prospective rate of general or country levy, as the case may be, which the Minister decides is appropriate after making a comparison (where he considers this to be practicable) of the kind described in article 11(1) of this order in relation to the circumstances which would have applied at or about the date of the contract and taking into account any other factors he considers to be 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.

Applications for Registration

13.—(1) Any application for registration of a contract, which shall be made to the Minister, shall be made in such form and in accordance with such requirements as the Ministers may from time to time specify; and the applicant shall furnish the Minister with such information as he may require for the purposes of the application.

(2) Except in such circumstances as the Ministers may determine, no application for registration of a contract will be considered—

(*a*) which is received by the Minister more than 10 days after the date of the contract, unless it is an application made under and in accordance with article 12(4) or (5) of this order;

(*b*) in any case where the Minister considers that there is no adequate basis for the determination of a prospective rate of levy;

(*c*) in any case where the Ministers consider it inexpedient or unnecessary that any relief in respect of the levy, if any, be provided for.

Fees and Charges in connection with Reliefs

14. There shall be paid to the Minister in connection with applications made to him with a view to the granting of any relief under section 1(3) of the Act such fees or other charges as the Ministers may from time to time with the approval of the Treasury determine for such applications or any class or description thereof.

Certificates of Registration

15.—(1) Every certificate of registration is and shall remain the property of the Minister and shall be delivered up or produced, as the case may be, forthwith in accordance with any provision of this order, any request made

by or on behalf of the Minister or by or on behalf of the Commissioners and in accordance with any terms or conditions subject to which it was issued or subject to which any relief from levy may be granted.

(2) The Minister may cancel the registration of any contract, and any certificate of registration issued by him, for the purposes of any relief, if after reasonable enquiry he is no longer satisfied that the contract qualifies for registration or that the goods qualify for relief.

(3) If at any time the minimum import price level which applies in respect of imports of any specified commodity is changed the Minister may, having regard to the extent of the change, determine that any prospective rate of levy indicated in any certificate of registration which was issued before the change and indicates a period of shipment the whole or any part of which occurs after the change has become effective shall be adjusted by such an amount as is specified in the determination; and the Commissioners shall have regard to every such determination in the granting of any relief to which it relates.

Amount of Relief

16. Subject to the provisions of this order, where the rate of any general levy or country levy, as the case may be, chargeable on the import into the United Kingdom of any specified commodity is, at the time of delivery of the customs entry relating to any consignment thereof, greater than the prospective rate of levy indicated on a certificate of registration (adjusted where appropriate in accordance with a determination under article 15(3) of this order) which is delivered up to the Commissioners at the time of delivery of the customs entry, or at such other time and subject to such conditions as they may specify, and which the Commissioners are satisfied is valid and relates to goods in that consignment, so much of that consignment as is covered by the certificate may be imported without payment of so much of the rate of general or country levy, as the case may be, as represents the difference between that rate and the prospective rate of levy indicated on the certificate of registration (adjusted as aforesaid).

Conditions and Requirements

17. The Ministers shall in connection with the granting of any reliefs provided for in this Part of this order determine from time to time, with the approval of the Treasury, any conditions and requirements which they consider necessary or expedient in that behalf and the granting of any such relief is conditional upon the provisions of this order relating thereto and such conditions and requirements for the time being in operation being observed and complied with.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st June 1964.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 2nd June 1964.

(L.S.) *Michael Noble,*
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 4th June 1964.

Henry Brooke,
Secretary of State for the Home Department.

Approved 4th June 1964.

John Hill,
M. A. Hamilton,
Two of the Lords Commissioners of Her Majesty's Treasury.

Article 6(2)

SCHEDULE 1

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 which, being a cereal in Chapter 10 of the Customs Tariff, has been grown in any of the countries named in Schedule 2 to this order and consigned to the United Kingdom from that country ;

2. Any specified commodity which, being a processed or worked, cereal, or cereal residue, is a product of the milling industry of any of the countries named in the said Schedule 2 and has been consigned from that country to the United Kingdom ;

3. Any specified commodity being (within the meaning of section 12 of the Import Duties Act 1958) goods of any country named in the said Schedule 2 which is part of the area referred to in the said Act as the Commonwealth preference area and being goods which are consigned from that country to the United Kingdom ;

4. Any wheat which is the subject of a grading certificate issued by the Board of Grain Commissioners of the Canadian Department of Agriculture and which is consigned from Canada to the United Kingdom ;

5. Any wheat which is the subject of a declaration of origin given by the Australian Wheat Board or a phytosanitary certificate issued by the Australian Department of Primary Industry and which is consigned from Australia to the United Kingdom ;

6. Any specified commodity falling within Chapter 10 of the Customs Tariff which is the subject of a grading certificate issued by an inspection agency under United States of America federal licence and supervision and which is consigned from the United States of America to the United Kingdom ;

7. Any specified commodity falling within the said Chapter 10 which is the subject of a grading certificate issued by the Junta Nacional de Granos of Argentina and which is consigned from Argentina to the United Kingdom ;

8. Any wheat which—

   (*a*) has been consigned from Canada or the United States of America to Amsterdam, Antwerp, Hamburg or Rotterdam ; and

   (*b*) is the subject of a grading certificate issued by the Board of Grain Commissioners of the Canadian Department of Agriculture or by an inspection agency under United States of America federal licence and supervision ; and

(*c*) has been segregated while in Amsterdam, Antwerp, Hamburg or Rotterdam from wheat of any other grade and from wheat consigned to that port from any country other than the country which issued the relevant certificate referred to in sub-paragraph (*b*) above ; and

(*d*) has been subjected while in Amsterdam, Antwerp, Hamburg or Rotterdam to no process other than denaturing or than the handling necessary for transhipment, or for unshipment and reshipment and any intervening storage ; and

(*e*) has remained in Amsterdam, Antwerp, Hamburg or Rotterdam until consignment therefrom to the United Kingdom.

Schedule I

SCHEDULE 2

1965/1208 Canada.

Commonwealth of Australia.

Argentine Republic.

United States of America.

1965/42 Belgium → Sch. 3

1965/98

EXPLANATORY NOTE

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

This order comes into operation by stages and provides in Part II thereof, which comes into operation on the 1st July 1964, for the charging of levies on imports of those cereals, cereal products and by-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 any specified commodity other than those which are specifically exempt as falling within any of the cases described in Schedule 1. These provide exemption from general levy for imports from a co-operating country and for imports of Canadian and United States wheat which has been transhipped via certain named European ports.

Part III of the order, which comes into operation on the 9th June 1964, provides for the granting, in the circumstances and subject to the conditions provided for, of certain reliefs from levy on imports made pursuant to forward contracts which have been registered with the Minister of Agriculture, Fisheries and Food. The order provides for the amount of relief to be the amount, if any, by which the actual rate of levy chargeable on importation exceeds a prospective rate determined by the Minister in accordance with criteria specified in the order. The prospective rate will be indicated on the certificate of registration issued by the Minister when the contract is registered.

The definition of " denatured ", in relation to wheat, wheat flour and wheat meal, which is included in article 2(2) of this order, applies also for the purposes of the Price Stability of Imported Products (Minimum Import Price Levels) Order 1964 (S.I. 1964/687).