# 1971 No. 631

# AGRICULTURE

## The Price Stability of Imported Products (Levy Arrangements) (Cereals) Order 1971

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| *Made* - - - | *7th April* 1971 |
| *Laid before Parliament* | *22nd April* 1971 |
| *Coming into Operation* | *1st July* 1971 |

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) (Cereals) Order 1971, and shall come into operation on 1st July 1971.

*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 a mimimum import price level for the time being prescribed therefor by the Ministers, with the approval of the Treasury, by order made under section 1(2), (4) and (6) of the Act ;

(**a**) 1964 c. 28.
(**b**) 6 & 7 Eliz. 2. c. 6.
(**c**) 1952 c. 44.

"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 ;

"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**) as amended (**b**) (being orders made by the Ministers under section 1(1) of theAct).

(2) In the interpretation and application of this order any reference to—

(*a*) barley having a potential diastatic activity value of not less than a specified number of degrees shall be construed as a reference to barley having such a value when calculated in accordance with the method of determination set forth in Schedule 1 to this order ;

(*b*) "denatured" means—

(i) in relation to wheat, treated with any one of the dyes specified in Schedule 2 to this order in such manner that the wheat shall contain not less than the quantity of that dye specified in relation thereto in column 4 of that Schedule evenly distributed throughout so that not less than 5 per cent. of the grains are dyed and so distributed ;

(ii) in relation to wheat meal, treated with any one of the dyes specified in the said Schedule in such manner that the wheat meal shall contain not less than the quantity of that dye specified in relation thereto in column 4 of the said Schedule evenly distributed throughout ;

(iii) as an alternative, in relation to wheat meal, treated with potassium iodate in such a manner that the wheat meal shall contain iodine equivalent to not less than 40 parts per million by weight and not more than 80 parts per million by weight of potassium iodate 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 and as if this order and the orders hereby revoked were Acts of Parliament.

(4) Any reference in this order, except article 16 hereof, 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, except as aforesaid, is replaced by any subsequent order the reference shall be construed as a reference to that subsequent order.

(**a**) S.I. 1964/655 (1964 II, p. 1225). (**b**) S.I. 1965/1556 (1965 II, p. 4551).
(**c**) 1889 c. 63.

## 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) Any such levy shall be charged on those imports into the United Kingdom of specified commodities for which a rate of levy prescribed by order made by the Minister under section 1 of the Act is for the time being in force.

*Prescribing of Levies*

**4.**—(1) Before prescribing the rate of any 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 basis similar 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 from any country or countries from which it appears likely to the Minister that supplies of the specified commodity might be imported; 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) Any imports of a specified commodity may be distinguished for the purposes of any levy by reference to quality, origin or in any way which appears to the Minister to be required.

*Extent of Levy*

**5.**—(1) Subject to the provisions of this order, any 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 levy shall be chargeable on any specified commodity imported into the United Kingdom which the Commissioners are satisfied falls within any case described in Schedule 3 to this order.

*Classification of Certain Cereal Mixtures*

**6.** 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 which is subject to the highest rate of levy.

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

*Granting of Reliefs*

**7.** Where in the case of any specified commodity a minimum import price level is prescribed or any 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*

**8.** 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 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*

**9.**—(1) In determining any prospective rate of levy in relation to any specified commodity (other than the prospective rate referred to in article 10(5) of this order) for despatch to the United Kingdom during any period, the Minister shall compare the appropriate minimum import price level with prices, assessed on a basis similar to that which applies to the minimum import price level, at which consignments of the specified commodity might reasonably be made available for despatch 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 from any country or countries from which it appears to the Minister that supplies of the specified commodity may be available for despatch during the relevant period; 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*

**10.**—(1) Subject to the provisions of this order, a person who contracts for the purchase of any specified commodity for despatch 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 despatch is to take place and the prospective rate of levy which, at the date of registration, relates to the period during which despatch is to take place.

(2) In any case where a period of despatch 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 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 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 (5) of this article.

(5) Any person who, in accordance with paragraph (4) 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 despatch is to take, or took, place and any prospective rate of levy which the Minister decides is appropriate after making a comparison (where he considers this to be practicable) of the kind described in article 9(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*

**11.**—(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 10(4) 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*

**12.** 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*

**13.**—(1) Every certificate of registration is and shall remain the property of the Minister and shall be surrendered 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 and any net rate per ton of levy chargeable, after allowance of any relief in accordance with article 14 hereof, indicated in any certificate of registration which was issued before the change and indicates a period of despatch to the United Kingdom the whole or any part of which occurs after the change has become effective shall be adjusted by such amounts and in such a manner as are 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*

**14.**—(1) Subject to the provisions of this order, where the rate of any levy 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 or as a consequence of a determination under article 13(3) of this order) reduced by so much of the rate of the charge paid, in accordance with article 12 of this order, on application for registration of the contract as does not exceed that prospective rate, so much of that consignment as is covered by the certificate may be imported without payment of so much of the rate of levy as represents the difference between that rate and the prospective rate as so reduced.

(2) The granting of any relief as above is subject to the certificate of registration being surrendered 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 the Commissioners being satisfied that the certificate is valid and relates to goods in that consignment.

*Conditions and Requirements*

**15.**—(1) The Ministers may from time to time, with the approval of the Treasury, impose such conditions and requirements as appear to them to be necessary or expedient with respect to the administration of any relief provided for in this Part of this order.

(2) The Ministers shall take reasonable steps to bring any such conditions and requirements to the notice of persons concerned and, in particular, to the notice of any person making an application with a view to the granting of any such relief.

(3) The granting of any such relief is conditional upon the provisions of this order relating thereto, and any such conditions and requirements for the time being imposed in respect of which the requisite steps under paragraph (2) of this article have been taken, being observed and complied with.

## PART IV

*Revocation and transitional provisions*

**16.**—(1) The Price Stability of Imported Products (Levy Arrangements) Order 1966(**a**) (hereinafter referred to as "the 1966 Order"), the Price Stability of Imported Products (Levy Arrangements) (Amendment) Order 1969(**b**) and the Price Stability of Imported Products (Levy Arrangements) (Amendment No. 2) Order 1969(**c**) are hereby revoked.

(2) Any prospective rate of levy or certificate of registration determined or issued by the Minister under or pursuant to any provision of the 1966 Order, any announcement made by the Ministers for the purposes of article 12 of that order and any conditions or requirements imposed by the Ministers pursuant to article 17 of that order with respect to the administration of reliefs shall, if in force immediately before the commencement of this order, continue in force and have effect as if determined, issued, made or imposed under, pursuant to or for the purposes of the corresponding provisions of this order.

(3) Any reference to the 1966 Order in any document issued by the Ministry of Agriculture, Fisheries and Food, the Department of Agriculture and Fisheries for Scotland, the Home Office or H.M. Customs and Excise, or any two or more of those Departments, and having effect in connection with the administration of the minimum import price or levy arrangements or of any relief of the kind provided for under Part III of this order shall, unless the contrary intention appears, be construed as a reference to this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd April 1971.

(L.S.)

*J. M. L. Prior,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 6th April 1971.

(L.S.)

*Gordon Campbell,*
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 5th April 1971.

*R. Maudling,*
Secretary of State for the Home Department.

Approved.
7th April 1971.

*Walter Clegg,*
*H. S. P. Monro,*
Two of the Lords Commissioners of Her Majesty's Treasury.

(**a**) S.I. 1966/936 (1966 II, p. 2271). (**b**) S.I. 1969/758 (1969 II, p. 2137).
(**c**) S.I. 1969/1564 (1969 III, p. 5018).

## SCHEDULE 1

Article 2(2)

### DETERMINATION OF THE POTENTIAL DIASTATIC ACTIVITY VALUE OF BARLEY

*Reagents*

(1) Papain solution, 1 per cent w/v—Dissolve 5g papain in water and dilute to 500ml.

(2) Starch dispersion. (Use Lintner's starch—for diastatic activity determination)—Cream 20g of starch with water and pour into about 700ml of boiling water. Bring to the boil, continue heating for a further 2 minutes then cool to about 20°C (shake frequently to avoid skin formation). Add 20ml of acetate buffer solution (reagent 3) and dilute to 1 litre with water.

(3) Acetate buffer solution—Dissolve 68g sodium acetate ($CH_3COONa.\ 3H_20$) in 500ml of N-acetic acid and make up to 1 litre with water.

(4) Alkaline ferricyanide solution, 0·05N—Dissolve 16·5g potassium ferricyanide and 22g anhydrous sodium carbonate in water and dilute to 1 litre.

(5) Sodium thiosulphate solution, 0·05N.

(6) Acetic acid—salt solution—Dissolve completely 70g potassium chloride and 20g zinc sulphate ($ZnSO_4.\ 7H_20$) in 750ml water, add slowly 200ml glacial acetic acid and dilute to 1 litre.

(7) Soluble starch-potassium iodide solution—Suspend 2g soluble starch in a small quantity of cold water and pour slowly into boiling water with constant stirring. Cool thoroughly, add 50g potassium iodide, dilute to 100ml and add 1 drop of sodium hydroxide solution (50 per cent w/v).

(8) Sodium hydroxide solution, 0·5N.

*Preparation of sample*

Grind to pass a 1·0mm sieve(a) not less than 50g of a sample which has been cleaned free from awns, empty hulls, foreign seeds, etc.

*Procedure*

(1) Mix 2·5g of the prepared sample with 50ml of papain solution and allow to stand at 20°C for 20 hours.

(2) Filter the mixture through a suitable paper, rejecting the first few mls.

(3) Pipette 100ml buffered starch dispersion into a 200ml volumetric flask and place in a constant temperature bath maintained at 20°C (± 0·05°C).

(4) When solution has reached the temperature of 20°C add exactly 1·0ml of the filtrate (2) and allow to react for exactly 30 minutes.

(5) Stop reaction by adding rapidly 10ml 0·5N sodium hydroxide solution and mixing. Dilute to 200ml and again mix thoroughly.

(6) Pipette 5ml of the digested starch solution into a 100ml conical flask, add exactly 10·0ml alkaline ferricyanide reagent and immerse flask in a vigorously boiling water bath.

(7) Exactly 20 minutes after immersion, remove flask from bath and cool.

(8) Add 25ml acetic acid-salt reagent and 1ml soluble starch-potassium iodide solution, mix well and titrate with sodium thiosulphate solution. (Use a 10ml microburette).

(a) British Standard Test Sieve, Mesh No. 16 is suitable (British Standard for Test Sieves 401: 1962).

(9) Carry out a blank determination by proceeding as above except that 1·0ml of the activated barley filtrate is mixed with the 0·5N sodium hydroxide solution before adding to the starch dispersion.

*Calculation*

The volume (mls) of potassium ferricyanide reduced by the sugars of the digested starch solution, less that volume due to the blank, is multiplied by 36 to give the potential barley diastatic activity value in degrees.

Article 2(2) SCHEDULE 2

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Common name of dye | Scientific name | Colour Index (1956) number | Minimum quantity in parts per million by weight |
| Amaranth | trisodium salt of 1-(4-sulpho-1- naphthylazo)—2—naphthol-3: 6-disulphonic acid | 16185 | 20 |
| Green S | sodium salt of di-(p-dimethylaminophenyl) —2—hydroxy—3: 6—disulphonaphthylmethanol anhydride ... ... ... | 44090 | 20 |
| Indigo Carmine | disodium salt of indigotin-5: 5—disulphonic acid ... ... ... ... ... | 73015 | 20 |
| Orange G | disodium salt of 1-phenylazo—2—naphthol-6: 8-disulphonic acid ... ... ... | 16230 | 100 |

Article 5(2) SCHEDULE 3

*Case* 1

Any consignment of a specified commodity, being maize, other than sweet corn on the cob, falling within Chapter 10 of the Customs Tariff, which is the subject of a certificate given by the Ministry of Agriculture, Fisheries and Food that the maize is exempt from levy as being imported for use in the manufacture of starch, glucose or spirituous beverages.

*Case* 2

Any consignment of a specified commodity, being durum wheat within Chapter 10 of the Customs Tariff.

*Case* 3

Any consignment of a specified commodity, being wheat within Chapter 10 of the Customs Tariff, which is the subject of a certificate given by the Ministry of Agriculture Fisheries and Food that the wheat is exempt from levy as being imported for use as seed.

## EXPLANATORY NOTE

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

This order re-enacts the Price Stability of Imported Products (Levy Arrangements) Order 1966, as amended, with modifications.

The principal changes are that—

(*a*) country levies and consignment levies are no longer provided for;

(*b*) although general levies continue to be provided for, exemptions for certain imports previously specified are now omitted. Provision is included, however, for exemption from levy of those imports which fall within any case described in Schedule 3 to the order (article 5(2));

(*c*) in addition to the relief from levy which is already provided for on imports made pursuant to registered forward contracts, and which is retained, provision is now made for relief in specified circumstances to offset charges paid in connection with applications for the registration of forward contracts (article 14).