STATUTORY INSTRUMENTS

1971 No. 856

AGRICULTURE

The Price Stability of Imported Products (Levy Arrangements) (Milk and Milk Products) Order 1971

Made - - -	21*st May* 1971
Laid before Parliament	26*th May* 1971
Coming into Operation	1*st 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), (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) (Milk and Milk Products) 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 ;

"minimum import price level" means in relation to imports into the United Kingdom of any specified commodity a minimum 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 ;

"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**) 6 & 7 Eliz. 2. c. 6.

"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 for the time being exercisable by virtue of the Price Stability of Imported Products (Specified Commodities) (Milk and Milk Products) Order 1971(a) (being an order made by 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 susbequent 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 or country levy are references respectively to that kind of levy as hereinafter described.

4.—(1) Subject to the provisions of this order a general levy or country levy shall be charged on all imports into the United Kingdom of any specified commodity 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) No general levy shall be chargeable on any specified commodity imported into the United Kingdom which the Commissioners are satisfied falls within any case 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.

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 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—

(*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. 1971/803. (1971 II, p. 2301). (b) 1889 c. 63.

(2) 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.

Classification of Certain Mixtures

6. In the case of any mixture of two or more specified commodities 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.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th May 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 20th May 1971.

(L.S.)

Gordon Campbell,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 20th May 1971.

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

Approved,
21st May 1971.

P. L. Hawkins,

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

Article 4(2)

SCHEDULE

PART I

Dried milk, block milk or other milk falling within tariff heading 04.02 (A) (2) which the Commissioners are satisfied—

(*a*) has a fat content exceeding 1·5 per cent. by weight;

(*b*) was produced in the Commonwealth of Australia or New Zealand; and

(*c*) was consigned to the United Kingdom from the country in which it was produced.

PART II

Case 1

Any specified commodity produced in the Republic of Ireland and consigned to the United Kingdom from that Country.

Case 2

Canned cream falling within tariff heading 04.02 (B) (1) and any specified commodity falling within tariff heading 18.06 or 21.07, being in each case goods of Convention area origin within the meaning of section 10 of the European Free Trade Association Act 1960(a).

EXPLANATORY NOTE

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

This order, which comes into operation on 1st July 1971, provides for the charging of levies on imports of milk and milk 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. Two kinds of levy are provided for—general levy and country levy—and criteria for prescribing the rate of each kind of levy are specified.

Subject to the exemptions provided for by article 4(2) of, and the Schedule to, this order a general levy or country levy will be chargeable on all imports of any specified commodity for which a rate of general or country levy is for the time being fixed by the Minister by order.

(a) 1960 c. 19.