STATUTORY INSTRUMENTS

# 1973 No. 288

# AGRICULTURE

## The Common Agricultural Policy (Agricultural Produce) (Protection of Community Arrangements) (No. 2) Order 1973

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|---|---|
| *Made* - - - - | 23*rd February* 1973 |
| *Laid before Parliament* | 26*th February* 1973 |
| *Coming into Operation* | 19*th March* 1973 |

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Northern Ireland (being the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland) and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by sections 5 and 35(3) of the Agriculture Act 1957(**a**) and section 70 of the Agriculture Act 1967(**b**), as read with the Transfer of Functions (Wales) Order 1969(**c**) and as applied by section 6(3) and (4) of the European Communities Act 1972(**d**), and of all other powers enabling them in that behalf, hereby make the following order :—

*Citation and commencement*

**1.** This order may be cited as the Common Agricultural Policy (Agricultural Produce) (Protection of Community Arrangements) (No. 2) Order 1973 and shall come into operation on 19th March 1973.

*Interpretation*

**2.**—(1) In this order, unless the context otherwise requires—

" the appropriate Minister " means—

(*a*) in relation to England, the Minister of Agriculture, Fisheries and Food ;

(*b*) in relation to Scotland and Northern Ireland, respectively the Secretary of State concerned with agriculture therein ; and

(*c*) in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, acting jointly ;

" the Board " means the Intervention Board for Agricultural Produce established under section 6 of the European Communities Act 1972 ;

" Community " means the European Economic Community ;

" export " means export to a destination outside the Community ;

" the Minister " in relation to any part of the United Kingdom means either the appropriate Minister in relation to that part, or that Minister and any or all of the other Ministers acting jointly ;

(a) 1957 c. 57. (b) 1967 c. 22. (c) S.I. 1969/388 (1969 I, p. 1070). (d) 1972 c. 68.

" specified commodity " means, in relation to any commodity mentioned in the first column of the Schedule to this order in respect of which there is no entry in the second column of the said Schedule, that commodity, or, in relation to any commodity so mentioned of which there is a description in the second column of the said Schedule, that description only of that commodity.

(2) The Interpretation Act 1889(a) 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 order hereby revoked were Acts of Parliament.

*Keeping and retention of records*

**3.**—(1) Every person who is engaged in the purchasing, selling or using of any specified commodity shall keep or cause to be kept, if so required by a notice in writing served on him by the Board, such records relating to his activities and transactions in relation to any such specified commodity, and in such form, as may be specified in the said notice and shall produce those records on request to any authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland.

(2) Every such person shall retain or cause to be retained all such records which he is or was required to keep pursuant to this article for three years from the end of the calendar year to which such records relate.

*Right of entry*

**4.** Any authorised officer of the Board, of the Minister, or in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may at all reasonable times enter upon land used for the production, storage, grading, packing, slaughter or sale of any specified commodity and may inspect and take samples of any specified commodity found upon land so used.

*Production of books, accounts and records*

**5.** Any authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may require any person engaged in the production, storage, grading, packing, slaughter or sale of any specified commodity, to produce on demand any books, accounts or records in his possession or control relating to such activities or transactions in respect of any specified commodity; and that person shall comply with every such requirement made of him.

*Notification of, and the keeping and production of records relating to, export levies*

**6.**—(1) Any person who exports or ships as stores any specified commodity shall notify the Board, at such time and in such manner as the Board may require by notice in writing, of the description, quantity, destination and port of entry outward of any specified commodity for which on the date of export or shipment as stores an agricultural export levy is chargeable under Community arrangements.

(2) Any person who exports or ships as stores any specified commodity shall keep or cause to be kept and shall produce on demand to an authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland an accurate record in such form as the Board may require by notice in writing of all exports and shipments as stores which he is required to notify to the Board pursuant to paragraph (1) of this article.

(a) 1889 c. 63.

(3) Any person who is required to keep or cause to be kept a record pursuant to this article shall retain such record and all books and accounts relating to it for the period of three years from the end of the calendar year to which it relates.

*Right of entry relating to export levies*

**7.** Any authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may at all times enter upon land used for the production or storage of any specified commodity on which agricultural export levies may be chargeable and may inspect and take samples of any such goods found upon land so used.

*Production of books, accounts and records relating to export levies*

**8.** Any authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may require any person who exports or ships as stores any specified commodity to produce on demand any books, accounts or records in his possession or control relating to any such export or shipment, and that person shall comply with every such requirement made of him.

*Service of notices*

**9.**—(1) Any notice required or authorised by this order to be given to or served on any person shall be sufficiently given or served if it is delivered to him personally or left at his last known place of abode or business or sent to him by post in a letter addressed to him at the aforesaid place of abode or business.

(2) Any notice required or authorised by this order to be given to or served on an incorporated company or body shall be sufficiently given or served if given to or served on the secretary or clerk of the company or body. For the purpose of this order and of section 26 of the Interpretation Act 1889, the proper address of such secretary or clerk shall be that of the registered or principal office of the company or body.

*Revocation*

**10.** The Common Agricultural Policy (Agricultural Produce) (Protection of Community Arrangements) Order 1973(**a**) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd February 1973.

(L.S.) *Joseph Godber,*
Minister of Agriculture, Fisheries and Food.

*Gordon Campbell,*
Secretary of State for Scotland.

23rd February 1973.

*W. S. I. Whitelaw,*
Secretary of State for Northern Ireland.

23rd February 1973.

Given under my hand on 23rd February 1973.

*Peter Thomas,*
Secretary of State for Wales.

(a) S.I. 1973/204 (1973 I, p. 812).

## SCHEDULE

Article 2(1)

SPECIFIED COMMODITIES

| Commodity | Description |
|---|---|
| Beef and Veal ... ... | Live animals of the bovine species, domestic, other than pedigree breeding stock.<br>Edible meat of domestic bovine species, fresh, chilled or frozen.<br>Edible offal of domestic bovine species, fresh, chilled or frozen. |
| Cereals ... ... ... | Common wheat, rye, barley, oats, maize or durum wheat. |
| Eggs ... ... ... ... | Poultry eggs in shell, fresh. |
| Flax and Hemp ... ... | Raw flax.<br>Raw true hemp. |
| Fruit and Vegetables ... | |
| Hops ... ... ... ... | Hops other than vegetable saps and extracts of hops. |
| Live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage | |
| Milk ... ... ... ... | Milk and cream, fresh, not concentrated or sweetened. |
| Oils and Fats ... ... | Olives, fresh or chilled, and oilseeds and oleaginous fruit, whole or broken. |
| Pigmeat ... ... ... | Live swine of domestic species, other than pure-bred breeding animals.<br>Meat of domestic swine, fresh, chilled or frozen.<br>Offals of domestic swine, fresh, chilled or frozen. |
| Poultrymeat ... ... ... | Live poultry, that is fowls, ducks, geese, turkeys and guinea fowls.<br>Dead poultry as aforesaid and edible offals thereof (except liver), fresh, chilled or frozen. |
| Raw Tobacco | |
| Rice ... ... ... ... | Paddy rice. |
| Seeds | |
| Wine ... ... ... ... | Fresh grapes other than dessert grapes. |

A reference in this Schedule to any specified commodity shall be construed as a reference to everything (whether live or dead) which is for the time being subject to Community arrangements for or related to the regulation of the market for that specified commodity and not to anything which is not so subject.

## EXPLANATORY NOTE

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

This Order replaces the Common Agricultural Policy (Agricultural Produce) (Protection of Community Arrangements) Order 1973 which had technical defects in the Schedule which have now been corrected.

The Order —

(*a*) requires persons engaged in the purchasing, selling or using of any commodity specified in the Schedule to the order to keep, retain and to produce records on the request of an authorised officer;

(*b*) provides that authorised officers may enter upon land used in the production, storage, grading, packing, slaughter or sale of any commodity and inspect, take samples and may require the production of books, accounts and records;

(*c*) requires persons who export any commodity to notify the Intervention Board for Agricultural Produce of the description, quantity, destination and port of entry outward of any commodity subject to an agricultural export levy and to keep, retain and to produce records at the request of an authorised officer;

(*d*) provides that authorised officers may enter upon land used for the production and storage of any commodity on which agricultural export levies may be chargeable and inspect, take samples and may require the production of books, accounts and records.

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