
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 77

The Quality Meat Scotland Order 2008

Citation and commencement

- 1.—(1) This Order may be cited as the Quality Meat Scotland Order 2008.
- (2) This Order comes into force on 1st April 2008.

Scope and Interpretation

- 2.—(1) This Order relates to the red meat sector in Scotland.
- (2) For these purposes—
 - “beef, sheepmeat and pork industry” means all of the activities comprised in the production, marketing and distribution of—
 - (i) cattle, sheep and pigs, including the carrying on of slaughterhouses and cattle, sheep and pig auctions and markets;
 - (ii) cattle, sheep and pig products other than milk and milk products and fleece wool;
 - “export” means the transportation of cattle, sheep and pigs outwith the United Kingdom;
 - “levy payer” means a producer, slaughterer or exporter of cattle, sheep or pigs or the owner of any of these animals at the time of slaughter; and
 - “red meat sector” means the beef, sheepmeat and pork industry.

Establishment of Quality Meat Scotland

- 3.—(1) A body called Quality Meat Scotland is hereby established.
- (2) Its purposes are—
 - (a) increasing efficiency or productivity in the red meat sector;
 - (b) improving marketing in the red meat sector;
 - (c) improving or developing services that the red meat sector provides or could provide to the community;
 - (d) improving the ways in which the red meat sector contributes to sustainable development.
- (3) It has the functions specified in Schedule 1.
- (4) It may do anything that appears to it to be conducive or incidental to the discharge of its functions.

Constitution etc. of Quality Meat Scotland

4. Schedule 2 (constitution, related matters and proceedings of Quality Meat Scotland) has effect.

Acting through subsidiaries

5.—(1) Quality Meat Scotland may delegate any of its functions to a subsidiary company with the approval of the Scottish Ministers but may continue to carry out any function it has delegated.

(2) A subsidiary company must carry out the functions that Quality Meat Scotland delegates to it.

Levies

6.—(1) Quality Meat Scotland may impose levies to enable it to provide services to the red meat sector as specified in Schedule 3.

(2) All maximum levies in that Schedule exclude VAT.

(3) The levies are to enable Quality Meat Scotland to—

- (i) meet its expenses in the exercise of its functions;
- (ii) meet its administrative expenses;
- (iii) further a purpose in article 3(2);
- (iv) establish a reserve fund.

(4) The rate of levy (and any higher rate for late payment of the levy) must be approved annually by the Scottish Ministers.

(5) Quality Meat Scotland may enter into contracts with other persons, companies or bodies for the purpose of collecting levies in terms of this Order.

Estimates

7.—(1) If any person liable to pay levy fails to notify Quality Meat Scotland by the date specified in Schedule 3, Quality Meat Scotland may estimate the amount that should have been notified, and notify the person of the estimate.

(2) Any person failing to make a return within 28 days of notification of the estimate becomes liable to pay levy on that estimate.

(3) Quality Meat Scotland may provide that a higher rate of levy is payable on the estimated amount, but that higher rate may not exceed the maximum rates provided for in Schedule 3.

Charges for services

8. Quality Meat Scotland may make such charges for any services in addition to the services referred to in article 6 as appear to Quality Meat Scotland to be reasonable.

Ballots

9.—(1) Quality Meat Scotland may hold a ballot at any time on whether or not a levy should continue.

(2) It must do so—

- (a) if directed by the Scottish Ministers; or
- (b) if it receives within a three month period one or more requests for such a ballot signed by at least 5% of persons entitled to vote in a ballot.

(3) The three month period is calculated from the first day of any month.

(4) Ballots on the same levy can be held, at the request of the persons entitled to vote, no more frequently than once every five years.

(5) A request for a ballot is not valid if it is made within five years of the coming into force of this Order.

Who can vote

10.—(1) Persons are entitled to vote provided they are currently levy payers or have been levy payers in the twelve months preceding the ballot.

(2) Each person entitled to vote has one vote (if there is a partnership or legal personality representing a group of individuals then each partnership or legal personality has one vote).

(3) Separate ballots may be held for different categories of voters.

The result of a ballot

11. Quality Meat Scotland must inform the Scottish Ministers forthwith of the outcome of any ballot but the Scottish Ministers are not bound by the result of the ballot.

Reports and accounts

12.—(1) For each financial year Quality Meat Scotland must—

- (a) prepare an annual report on how it has discharged its functions during the year; and
- (b) send a copy of the report to the Scottish Ministers within such period as the Scottish Ministers may specify.

(2) In this article, “financial year” means—

- (a) the period beginning with the day on which Quality Meat Scotland is established and ending with the next 31st March; and
- (b) each subsequent period of 12 months ending with 31st March.

(3) Quality Meat Scotland must keep proper accounts and proper records.

(4) For each financial year, Quality Meat Scotland must—

- (a) prepare a statement of accounts in respect of that financial year; and
- (b) send copies of the statement to the Scottish Ministers and the Auditor General for Scotland within such period as the Scottish Ministers may specify.

(5) The statement must be in such form as the Scottish Ministers may specify.

(6) The Auditor General for Scotland must—

- (a) examine, certify and report on the statement; and
- (b) send a copy of the certified statement of its reports to the Scottish Ministers as soon as possible.

(7) The Scottish Ministers must lay a copy of the report sent under paragraph (1) and a copy of the statement sent under paragraph (4) before the Scottish Parliament.

Provision of information by Quality Meat Scotland

13.—(1) Quality Meat Scotland must provide the Scottish Ministers with such information as they may require relating to its property or to the discharge or proposed discharge of its functions.

(2) Quality Meat Scotland must also—

- (a) permit any person authorised by the Scottish Ministers to inspect and make copies of its accounts or other documents, and
- (b) provide such explanation of them as that person or the appropriate authority may require.

Provision of information to Quality Meat Scotland

14.—(1) Any person obliged to pay levy under this Order must keep sufficient records to enable Quality Meat Scotland or a person acting on behalf of Quality Meat Scotland to establish how much levy is due, and must produce them to an officer of Quality Meat Scotland or a person acting on behalf of Quality Meat Scotland on demand.

(2) It is an offence knowingly to provide false or misleading information relating to the requirements of this Order to Quality Meat Scotland.

Offences and penalties

15.—(1) A person guilty of an offence under this Order is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Proceedings for an offence under paragraph (1) may be brought—

- (a) within six months after the contravention occurred;
- (b) in the case of a continuous contravention, within six months after the last date of such contravention,

(3) The entire period of the contravention under paragraph (2)(b) may be included in any prosecution provided that the commencement of such proceedings is not more than 2 years after the date on which the offence was committed.

(4) Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that individual is guilty of the offence as well as the body corporate.

(5) For the purposes of paragraph (4), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(6) Where an offence under this Order that has been committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of the offence.

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