



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART I

#### EGGS

##### *Financial provisions as to Eggs Authority*

#### **12 Contributions, etc. by Minister**

- (1) The Minister may, with the consent of the Treasury, make to the Authority—
  - (a) contributions towards expenditure incurred or to be incurred by the Authority for the purposes of any functions conferred on them by or under any of the following provisions of this Act, namely, sections 2, 4 to 7 and 9 and Schedule 1 ;
  - (b) payments of such sums as the Minister may, with the approval of the Treasury, determine towards meeting any expenditure (including an appropriate proportion of overheads and other fixed and general expenses) incurred or to be incurred by the Authority in performing any functions in pursuance of section 11 of this Act.
- (2) Any contributions or other payments made to the Authority under subsection (1) of this section may be made subject to any conditions regulating or restricting the functions of the Authority, imposing requirements as to the inspection of accounts or records, or relating to other matters, which the Minister may specify; and the Minister may recover the whole or any part of any such contribution or other payment which is made subject to a condition if that condition is not complied with.

#### **13 Provision for levy**

- (1) Before the beginning of each accounting period the Authority shall prepare and submit to the Ministers an estimate of the amounts, if any, required to be raised by levy for that accounting period for the purposes of the following functions respectively of the

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Authority under this Part of this Act, namely, subject to the provisions of section 10 of this Act—

- (a) functions conferred by or under any provision of this Part of this Act other than section 3, 8 or 11 or paragraph (b) or (c) of section 17(1);
  - (b) functions under the said section 3 or paragraph (b) of the said section 17(1);
  - (c) functions under the said section 8 or paragraph (c) of the said section 17(1).
- (2) As soon as practicable after the submission to the Ministers of estimates for any accounting period under subsection (1) of this section, the Ministers shall—
  - (a) determine the respective amounts, if any, to be raised by levy for that accounting period for the purposes of the functions referred to in paragraphs (a), (b) and (c) respectively of that subsection; and
  - (b) make an order for that accounting period specifying such rate of levy as appears to the Ministers to be sufficient (but not more than sufficient) to meet the aggregate of the amounts so determined.
- (3) If at any time during an accounting period for which an order has been made under subsection (2)(b) of this section it appears to the Authority that the amount determined by the Ministers under subsection (2)(a) of this section as the amount to be raised by levy for that accounting period for the purposes of the functions referred to in paragraph (a), (b) or (c), as the case may be, of subsection (1) of this section will fall short of the amount required to be so raised for that accounting period, the Authority may prepare and submit to the Ministers an estimate of the amount of the deficiency, and as soon as practicable after the submission to the Ministers of one or more estimates for any accounting period under this subsection the Ministers shall—
  - (a) determine what additional amount, if any, is to be raised by levy for that accounting period for the purposes of the functions referred to in the said paragraph (a), (b) or (c), as the case may be ; and
  - (b) make an order for that accounting period specifying as respects such part of that accounting period as falls after such date as may be specified in the order such rate of additional levy as appears to the Ministers to be sufficient (but not more than sufficient) to meet the amount or, as the case may be, the aggregate of the amounts determined under paragraph (a) of this subsection;and where an order is made under this subsection the provisions of sections 15 and 16 of this Act shall have effect in relation to the part of that accounting period falling after the date so specified as if any reference in those provisions to the rate specified in the order for that accounting period made under subsection (2)(b) of this section were a reference to the aggregate of that rate and the rate of additional levy specified in the order under paragraph (b) of this subsection.
- (4) Before determining any amount under subsection (2)(a) or (3)(a) of this section as one to be raised for an accounting period the levy for which is, by virtue of section 14 of this Act, to be imposed in accordance with section 16(7) of this Act, the Ministers shall consult with such organisations appearing to them to represent the interests of producers as the Ministers consider appropriate, and, if the levy will or may be imposed on persons other than producers, with such other organisations as the Ministers consider appropriate having regard to that fact.
- (5) Where under subsection (2)(a) or (3)(a) of this section the Ministers determine that an amount is to be raised by levy for the purposes of the functions referred to in two or all of paragraphs (a), (b) and (c) of subsection (1) of this section, any order under subsection (2)(b) or (3)(b) of this section specifying the rate of the levy shall indicate

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how much of that rate is attributable to functions referred to in each respectively of those paragraphs.

- (6) The rate of levy specified in any order under this section may be expressed either by reference to numbers of eggs or by reference to numbers of domestic fowl or partly in the one way and partly in the other; and the order shall include provision as to the manner of determining any such numbers for the purposes of the levy which, in the case of a levy to be imposed in accordance with a scheme under section 16 of this Act, may be made by reference to the provisions of that scheme.
- (7) For the purposes of a levy, any sums paid by the Authority (whether by way of remuneration or otherwise) to or in respect of officers or servants of the Authority employed wholly or mainly in connection with functions referred to in paragraph (b) or (c) of subsection (1) of (this section and an appropriate proportion of overheads and other fixed and general expenses of the Authority (including an appropriate proportion of any sums paid as aforesaid in respect of other officers or servants of the Authority) shall be taken to be expenditure incurred for the purposes of those functions and not for the purposes of functions referred to in paragraph (a) of that subsection.

#### **14 Method of raising levy**

- (1) Any levy imposed for the purposes of this Part of this Act for the accounting period beginning with 28th March 1971. and ending with 1st April 1972 shall be imposed in accordance with section 15 of this Act.
- (2) Subject to subsection (3) of this section, any levy imposed for the purposes of this Part of this Act for any subsequent accounting period shall be imposed in accordance with section 16(7) of this Act.
- (3) If any accounting period beginning on or after 2nd April 1972. and ending with a date not later than 30th March 1974 is the same as a guarantee period prescribed by an order under section 1 of the Agriculture Act 1957 with respect to eggs and duck eggs, then, notwithstanding subsection (2) of this section, any levy imposed for the purposes of this Part of this Act for that accounting period shall be imposed in accordance with section 15 of this Act unless before the beginning of that accounting period the Authority by resolution determine that any said levy shall be imposed in accordance with section 16(7) of this Act; and where such a resolution is passed by the Authority they shall publish notice of it in the London, Edinburgh and Belfast Gazettes.
- (4) Where in the case of any accounting period, any levy for the purposes of this Part of this Act for that accounting period is to be imposed in accordance with section 16(7) of this Act and either—
  - (a) no scheme under the said section 16 is for the time being in force ; or
  - (b) the Authority intend that the scheme for the time being in force under that section shall be varied for the purposes of that accounting period,the Authority shall submit such a scheme or, as the case may be, a further scheme varying the existing scheme to the Ministers before the beginning of that accounting period and shall publish notice of the submission of that scheme or further scheme in the London, Edinburgh and Belfast Gazettes.

#### **15 Levy by deduction**

- (1) Where for any accounting period a levy is by virtue of section 14 of this Act to be imposed in accordance with this section, that levy—

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- (a) shall be imposed on all persons to or in respect of whom, as being producers of eggs, a payment would apart from this section fall to be made in respect of that accounting period in pursuance of an order under section 1 of the Agriculture Act 1957; and
  - (b) shall be so imposed at the rate specified in the order for that accounting period made under subsection (2)(b), and in accordance with any provisions contained in that order by virtue of subsection (6), of section 13 of this Act.
- (2) In the case of each such person as aforesaid the amount of the levy which by virtue of this section is imposed on him for any accounting period shall be deducted from the payment, or, if more than one, from the aggregate of the payments, which would apart from this section fall to be made as aforesaid to or in respect of him, and the payment or payments shall be reduced accordingly.
- (3) The Minister shall pay to the Authority any amounts deducted in pursuance of subsection (2) of this section.
- (4) The reference in subsection (2) of this section to deducting an amount from a payment shall, when the amount in question is equal to the payment, be construed as including a reference to setting off the amount against the payment so as to extinguish any claim to the payment, and the reference to reducing a payment shall be construed accordingly.
- (5) References in this section to payments falling to be made as mentioned in subsection (1) thereof include references to a payment in advance on account of any payment so falling to be made; and references to payments in respect of a person as being a producer of eggs are references to payments which, apart from this section, would be paid to a person other than that producer—
- (a) for transmission to that producer; or
  - (b) as being a person to whom the interest of that producer in the payment has passed.

## 16 Levy by scheme

- (1) The Authority may prepare and submit to the Ministers a scheme for imposing in such circumstances and subject to such exemptions, and for recovering in such manner otherwise than in accordance with section 15 of this Act, as may be specified in the scheme a levy for the purposes of this Part of this Act on such persons as may be so specified, being persons engaged in the production, marketing or distribution of eggs, in the hatching or rearing of domestic fowls, in the bringing (otherwise than only as carriers) of live domestic fowls into Great Britain or Northern Ireland from outside those areas, or in the distribution within those areas of live domestic fowls so brought.
- (2) So far as is necessary for determining the liability of persons to any levy which is to be imposed for an accounting period in accordance with a scheme under this section, such a scheme may confer on the Authority power as from such date as may be specified in the scheme, which may be a date before the beginning of that accounting period, to require persons engaged as aforesaid of such descriptions as may be so specified—
- (a) to be registered in a register kept for the purpose by the Authority;
  - (b) to furnish returns and other information, and to produce for examination on behalf of the Authority books and other documents in their custody or under their control;
  - (c) to keep records and to produce them for examination on behalf of the Authority;

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- (d) to permit authorised officers to enter at all reasonable times upon any land or premises used by way of business for the production, marketing or distribution of eggs or the hatching or rearing of domestic fowls and to inspect any eggs or domestic fowls found on those premises.
- (3) A scheme under this section which provides for imposing a levy on a person engaged in the hatching or rearing of domestic fowls for resale, on a person engaged in bringing live domestic fowls as mentioned in subsection (1) of this section for resale or in the distribution for resale of live domestic fowls so brought, or on a person purchasing eggs for resale from a producer, may make provision for enabling any such person—
- (a) to recover the amount of the levy imposed on him from the person to whom he sells any of the domestic fowls so hatched, reared, brought or distributed by him, or from whom he purchases the eggs, as the case may be;
- (b) to deduct from the amount otherwise payable by him by way of the levy, or to be otherwise reimbursed by the Authority, a sum calculated in such manner as the Authority may determine in respect of any expenses incurred by him in so recovering that amount.
- (4) Any scheme under this section may be varied or revoked by a subsequent scheme thereunder.
- (5) A scheme under this section shall not have effect unless it is approved by the Ministers by order; and any such order may approve the scheme with or without modifications, and may be revoked by a subsequent order whether the subsequent order is made for the purpose of approving another scheme under this section or not; and an order under this subsection shall be of no effect unless it is approved by a resolution of each House of Parliament.
- (6) Any person who fails to comply with a requirement imposed by or under a scheme by virtue of subsection (2) of this section shall be liable on summary conviction to a fine not exceeding £100 ; and any person who—
- (a) in furnishing any information for the purposes of a scheme under this section, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular; or
- (b) wilfully makes a false entry in any document which is required to be produced in pursuance of any such scheme,
- shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.
- (7) Where for any accounting period a levy is, by virtue of section 14 of this Act, to be imposed in accordance with this subsection, a levy for that accounting period shall be imposed at the rate specified in the order for that accounting period made under subsection (2)(b), and in accordance with any provisions contained in that order by virtue of subsection (6), of section 13 of this Act on the persons made liable to that levy by, and in accordance with the provisions of, any scheme for the time being in force under this section.
- (8) If the Ministry of Agriculture for Northern Ireland discharge on behalf of the Authority any functions of the Authority in connection with a levy under this section, the Ministry may deduct from any amount collected by the Ministry by way of the levy, or shall otherwise be reimbursed by the Authority for, any expenditure incurred by the Ministry in discharging those functions.

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- (9) Where a scheme under this section makes provision for imposing a levy on persons engaged in bringing live domestic fowls as mentioned in subsection (1) of this section, then, if the Authority so request at any time and the Commissioners of Customs and Excise are satisfied that the Authority require the information for the purpose of determining whether or not a person is liable to pay an amount by way of the levy and that the Authority will not use the information for any other purpose, the Commissioners may supply the Authority with such information in relation to any live poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) imported into Great Britain or Northern Ireland as may be requested by the Authority.

## **17 Reserve funds of Authority**

- (1) The Authority may establish and thereafter maintain—
- (a) a reserve fund for the purposes of any functions conferred on the Authority by or under any provision of this Part of this Act other than section 3, 8 or 11;
  - (b) a reserve fund for the purposes of their functions under the said section 3 ;
  - (c) a reserve fund for the purposes of their functions under the said section 8.
- (2) Any moneys for the time being comprised in a reserve fund maintained under this section, and any other moneys of the Authority which are not for the time being required for any other purpose, may be invested in accordance with subsection (3) of this section.
- (3) Sections 1, 2, 5, 6, 12 and 13 of the Trustee Investments Act 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Authority were the trustees of that trust fund.

## **18 Borrowing powers of Authority**

- (1) Subject to the following provisions of this section, the Authority may borrow money and may pledge, mortgage or charge any of their property, including the proceeds of any levy under this Part of this Act.
- (2) The Ministers may by order made with the consent of the Treasury, direct that the aggregate amount outstanding in respect of the principal of any moneys borrowed by the Authority shall not at any time exceed such a sum as may be specified in the order; and, at any time while such an order is in force, that aggregate amount shall not exceed the sum so specified.
- (3) Any order under this section may be revoked by a subsequent order thereunder.
- (4) An order under this section shall not have effect unless it is approved by a resolution of each House of Parliament.