

1988 No. 1001

AGRICULTURE

The Cereals Co-responsibility Levy Regulations 1988

<i>Made</i> - - - -	<i>8th June 1988</i>
<i>Laid before Parliament</i>	<i>9th June 1988</i>
<i>Coming into force</i>	<i>1st July 1988</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:-

Title and commencement

1. These Regulations may be cited as the Cereals Co-responsibility Levy Regulations 1988 and shall come into force on 1st July 1988.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“authorised officer” means—

- (a) in relation to any part of the United Kingdom, an officer of the Board authorised for the purposes of these Regulations by the Board;
- (b) in relation to England, an officer of the Ministry of Agriculture, Fisheries and Food so authorised by the Minister of Agriculture, Fisheries and Food;
- (c) in relation to Scotland, an officer of the Department of Agriculture and Fisheries for Scotland so authorised by the Secretary of State;
- (d) in relation to Wales, an officer of the Secretary of State so authorised by the Secretary of State;
- (e) in relation to Northern Ireland, an officer of the Department of Agriculture for Northern Ireland so authorised by that Department;

“the Board” means the Intervention Board for Agricultural Produce established under section 6(1) of the European Communities Act 1972;

“cereals” means cereals referred to in Article 1(a) and (b) of the Council Regulation produced in the Community;

“cereals co-responsibility levy” means levy imposed by Articles 4 and 4b of the Council Regulation;

“cereals co-responsibility levy legislation” means Articles 4 and 4b of the Council Regulation, the Commission Regulation and these Regulations;

(a) S.I. 1972/1811.

(b) 1972 c.68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, with sections 37, 40 and 46 of the Criminal Justice Act 1982 (c.48), and S.I. 1984/447, as regards Scotland, with section 289 F and 289 G of the Criminal Procedure (Scotland) Act 1975 (c.21), as inserted by section 54 of the Criminal Justice Act 1982 and S.I. 1984/526 and, as regards Northern Ireland, with S.I. 1984/703 (N.I. 3) and S.R. (N.I.) 1984 No. 253.

“cereals marketing year” means the marketing year specified in Article 2 of the Council Regulation;

“the Commission Regulation” means Commission Regulation (EEC) No. 1432/88 laying down detailed rules for applying the co-responsibility levy in the cereals sector(a);

“the Council Regulation” means Council Regulation (EEC) No. 2727/75 on the common organisation of the market in cereals(b), as amended(c);

“the Home-Grown Cereals Authority” means the Home-Grown Cereals Authority established under Part I of the Cereals Marketing Act 1965(d);

“trader” means—

- (a) any person who purchases from their producer cereals other than cereals placed on the market in the framework of a forward transaction;
- (b) any person who processes on behalf of another cereals produced by him; or
- (c) any person who places on the market cereals produced by him—
 - (i) by way of direct export from the United Kingdom; or
 - (ii) in the framework of a forward transaction.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in the Council Regulation and the Commission Regulation.

(3) When two or more persons jointly undertake purchasing of cereals by way of business, they shall, for the purposes of these Regulations, be treated as constituting a single person.

(4) In these Regulations—

- (a) any reference to a numbered regulation shall be construed as a reference to the regulation so numbered in these Regulations; and
- (b) for the purposes of regulations 4, 5, 6 and 7(1) any reference to the Board shall include a reference to the Home-Grown Cereals Authority.

Purpose

3. These Regulations provide for the administration, collection and enforcement of cereals co-responsibility levy.

Register of traders

4.—(1) For the purposes of these Regulations, the Board shall keep a register in which it shall enter the current particulars of traders furnished under regulation 5.

(2) The particulars of a trader which are specified in Parts I and II of the Schedule to these Regulations shall be entered in Parts I and II respectively of the register kept under this regulation.

(3) The Board shall, during normal working hours, permit any person to inspect any particulars entered in Part I of the register kept under this regulation or shall forward a copy of those particulars to him if he so requests.

(4) The Board shall, during normal working hours, permit any trader to inspect the particulars relating to his business entered in Part II of the register kept under this regulation or shall forward a copy of those particulars to him if he requests.

Registration of traders

5.—(1) Every person who on the date on which these Regulations come into force is, or on a subsequent date becomes, a trader, shall within 21 days of that date furnish to the Board for entry in the register kept under regulation 4 the particulars specified in the Schedule to these Regulations.

(a) OJ No. L131, 27.5.88, p.37.

(b) OJ No. L281, 1.11.1975, p.1.

(c) The relevant amending instruments are Council Regulations 1579/86 (OJ No. L139, 24.5.86, p.29 and 1079/88 (OJ No. L110, 29.4.88, p.7) and Commission Regulation 3989/87 (OJ No. L377, 31.12.87, p.1).

(d) 1965 c.14; Part I was amended by sections 4 and 24(3) of, and Schedule 3 to, the Agriculture Act 1986 (c.49).

(2) Where any change occurs in the particulars required to be furnished by a trader under paragraph (1) above he shall within 21 days of the change furnish amended particulars to the Board.

(3) Where a trader dies or becomes incapacitated or bankrupt or, in Scotland, where his estate is sequestrated or where he enters into a trust deed for his creditors, any person carrying on his business as a trader, being an executor, personal representative, trustee in bankruptcy, trustee in a trust deed for creditors, receiver, judicial factor, liquidator, or person otherwise acting in a representative capacity, shall within 21 days of commencing to do so furnish to the Board particulars of that fact, of his name and address for correspondence, of the date of the death or of the nature of the incapacity and the date on which it began.

(4) Where a person ceases to carry on a business as a trader he shall, within 10 days of the date on which he does so, furnish to the Board particulars of—

- (a) the date on which he ceased to carry on the business; and
- (b) the person (if any) succeeding to the business.

(5) The information required to be furnished under the foregoing provisions of this regulation shall be furnished to the Board in writing.

Information from seed merchants

6. Any seed merchant shall upon demand made by an authorised officer supply in writing such information relating to the quantity, variety and source of the cereal seed certified by him as the Board may require for the purposes of the collection of cereals co-responsibility levy.

Production of records and information

7.—(1) On or before any date on which a payment of co-responsibility levy is due by virtue of Article 4(1) of the Commission Regulation, a trader who during the period identified by that Article in relation to that date has not carried out any of the transactions referred to in Article 2(1) of that Regulation shall make to the Board a written declaration of that fact.

(2) Every trader shall on request produce the accounts and records referred to in Article 6 of the Commission Regulation to an authorised officer and permit him to take copies and make extracts from them.

(3) Every trader shall retain the accounts and records referred to in Article 6 of the Commission Regulation for a period of 5 years from the end of the cereals marketing year to which they relate.

(4) Any person engaged by way of business in the production, transport, storage, processing or sale of cereals shall upon demand made by an authorised officer, produce or cause to be produced any documents relating to such activities or transactions for inspection by the authorised officer and permit him to take copies from them.

(5) Any person engaged by way of business in the purchase, processing or sale of cereals shall on request supply in writing to an authorised officer such information relating to the stocks of cereals which have been held by him and to his purchases and sales of cereals as that officer may require.

Powers of entry

8.—(1) For the purpose of exercising any powers under these Regulations, an authorised officer may at any reasonable time enter premises used in connection with the production, transport, storage, processing or sale of cereals by way of business.

(2) Where an authorised officer has reasonable cause to believe that any premises are used in connection with cereals by way of business he may at any reasonable time enter and inspect those premises and inspect any cereals found on them.

Warrants of authorised officers

9. An authorised officer acting in exercise of the powers conferred by regulation 7 or 8 shall carry a warrant of his authority so to act and shall produce it on demand.

Recovery of cereals co-responsibility levy

10. Cereals co-responsibility levy due from any person shall be recoverable by the Board summarily as a civil debt.

Offences

11. If any person—

- (a) with intent to deceive produces, furnishes or sends for the purposes of the cereals co-responsibility levy legislation or otherwise makes use for those purposes of any document which is false in a material particular,
- (b) in furnishing any information for the purposes of the cereals co-responsibility levy legislation, knowingly or recklessly makes any statement which is false in a material particular,
- (c) fails without reasonable excuse to comply with a requirement imposed on him by or under—
 - (i) regulation 5, 6 or 7, or
 - (ii) Article 4 or 6 of the Commission Regulation (which provide for the payment of levy and the forwarding of declarations and for the keeping and production of accounts), or
- (d) intentionally obstructs an authorised officer who is exercising any of the powers conferred on him by regulations 7 or 8,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2000.

Offences by officers of bodies corporate

12.—(1) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or a similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Revocation

13. The Cereals Co-responsibility Levy Regulations 1986(a) are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th June 1988.

(L.S.)

John MacGregor
Minister of Agriculture, Fisheries and Food

6th June 1988

Sanderson of Bowden
Minister of State, Scottish Office

(a) S.I. 1986/1233.

SCHEDULE

Regulations 4(2) and 5(1)

PARTICULARS FOR ENTRY IN THE REGISTER OF TRADERS

PART I

1. The name of the trader.
2. The name under which the trader carries on the business, if different from that specified under paragraph 1 above.
3. The principal address of the business and other addresses from which cereals are purchased.

PART II

4. If the trader is a registered company, the number and date of the certificate of incorporation, and if the trader is a partnership, the full names of the partners.
5. If the trader is registered for any other purpose with the Board, his registration number with the Board.
6. If the trader was not dealing in cereals at 1st July 1988, the date on which trading commenced.
7. The estimated tonnage of cereals likely to be purchased during the cereals marketing year or, if the trader was not engaged in trading in cereals at that date, during the period of twelve months following the commencement of trading in cereals.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to the United Kingdom, supersede the Cereals Co-responsibility Levy Regulations 1986. They provide for the administration, collection and enforcement of co-responsibility levy imposed in respect of specified cereals by Article 4 of Council Regulation (EEC) 2727/75 (OJ No. L281, 1.11.1975, p.1), as amended in particular by Council Regulation (EEC) 1079/88 (OJ No. L110, 29.4.88, p.7). Detailed rules for the application of the levy have been laid down by Commission Regulation (EEC) 1432/88 (OJ No. L131, 27.5.88, p.37) and come into force in the United Kingdom at the beginning of the cereals marketing year on 1st July 1988.

By virtue of Article 4 of Regulation 2727/75 and Article 1 of Regulation 1432/88 co-responsibility levy is payable by producers on specified cereals which are produced in the Community and placed on the market or sold to an intervention agency. The levy is to be collected by traders as defined in regulation 2(1) of these Regulations.

By virtue of Article 4(1) of Regulation 1432/88 levy collected in respect of transactions which take place between 1st July 1988 and 31st August 1988 must be paid by 30th September 1988. Thereafter levy is payable in respect of transactions taking place within a three-month period and payment must be made by the end of the month following that period.

In implementation of these provisions, these Regulations—

- (a) require traders to furnish specified particulars to the Intervention Board for Agricultural Produce for entry in a register and make provision for inspection of these particulars (regulations 4 and 5);
- (b) require the supply of information by seed merchants and by persons engaged in the business of purchasing, processing or selling cereals and the production of records by traders and the production of documents by persons engaged by way of business in the production, transport, storage, processing or sale of cereals (regulations 6 and 7);
- (c) provide for powers of entry, for authorised officers' warrants and for offences (regulations 8, 9 and 11);
- (d) provide for the recovery by the Intervention Board of cereals co-responsibility levy (regulation 10).

In the United Kingdom co-responsibility levy will be collected by the Home-Grown Cereals Authority on behalf of the Intervention Board for Agricultural Produce.

£1.30 net

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