

1984 No. 1739

AGRICULTURE

The Butter Subsidy (Protection of Community Arrangements) Regulations 1984

Made - - - - 5th November 1984

Laid before Parliament 7th November 1984

Coming into Operation 28th November 1984

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, commencement and interpretation

1.—(1) These regulations may be cited as the Butter Subsidy (Protection of Community Arrangements) Regulations 1984 and shall come into operation on 28th November 1984.

(2) In these regulations—

“the Board” means the Intervention Board for Agricultural Produce;

“export” includes removal to any destination outside the United Kingdom and the putting on board a ship or aircraft bound for such a destination of stores for consumption on board; but a reference to a person who exports butter does not include a reference to a person who does so only as a carrier;

“subsidy payment” means a sum paid in pursuance of any of the following provisions:

Council Regulation (EEC) No. 2574/78 **(c)** on the granting of aid for consumption of butter in the United Kingdom;

Council Regulation (EEC) No. 1269/79 **(d)** on the marketing of reduced-price butter for direct consumption as amended by Council Regulation (EEC) No. 1362/80 **(e)**, Council Regulation (EEC) No. 854/81 **(f)**, Council Regulation (EEC) No. 1186/82 **(g)**, Council Regulation (EEC) No. 1208/83 **(h)** and Council Regulation (EEC) No. 862/84 **(i)**;

(a) S.I. 1972/1811.

(c) O.J. No. L309, 1.11.78, p. 4.

(e) O.J. No. L140, 5.6.80, p. 14.

(g) O.J. No. L140, 20.5.82, p. 5.

(i) O.J. No. L90, 1.4.84, p. 22.

(b) 1972 c. 68.

(d) O.J. No. L161, 29.6.79, p. 8.

(f) O.J. No. L90, 4.4.81, p. 14.

(h) O.J. No. L132, 21.5.83, p. 5.

Commission Regulation (EEC) No. 2991/82(a) on the temporary marketing during the 1982/83 milk year of reduced-price butter for direct consumption;

Council Regulation (EEC) No. 3667/83(b) as amended by Council Regulation (EEC) No. 551/84(c), Council Regulation (EEC) No. 864/84(d), Council Regulation (EEC) No. 1384/84(e) and Council Regulation (EEC) No. 2007/84(f) on the continuing of the import of New Zealand butter into the United Kingdom on special terms.

(3) Any reference in these regulations to a refund of a subsidy payment includes a reference to the payment by any person to the Board of an amount equal to, and in respect of, that subsidy payment.

(4) For the purpose of these regulations the use of butter for manufacture does not include its use by a caterer as an ingredient of food to be consumed in his catering establishment, but subject to that it includes any use other than household or domestic use or use for human consumption as butter.

Restrictions on use of butter

2.—(1) No person who is aware that a subsidy payment has been made and not refunded in respect of any butter, or that there is a subsisting claim for such a payment, shall use the butter for manufacture or cause or permit it to be so used.

(2) A person who contravenes any provision of paragraph (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine.

Recovery of subsidy

3. Where a subsidy payment has been made in respect of any butter and has not been refunded, or there is a subsisting claim for such a payment, and a person either exports the butter (notwithstanding the prohibition in Article 6 of Council Regulation (EEC) No. 3667/83 on certain trade in butter outside the United Kingdom), or uses it for manufacture, or permits it to be so used, he shall be liable to pay to the board on demand an amount equal to the subsidy payment or shall forfeit all right to the subsidy claim.

Records and notification of exportation

4.—(1) A person who exports by way of trade any butter in respect of which a subsidy payment has been made or in respect of which there is a subsisting claim for such a payment shall—

- (a) within a period of 14 days from the end of the month in which the exportation took place furnish to the Board a written report of the exportation containing the particulars mentioned in Schedule 1 hereto;
- (b) within the same period make a written record of the exportation containing the same particulars;

(a) O.J. No. L314, 10.11.82, p. 27.

(c) O.J. No. L61, 2.3.84, p. 10.

(e) O.J. No. L133, 19.5.84, p. 1.

(b) O.J. No. L366, 28.12.83, p. 16.

(d) O.J. No. L90, 1.4.84, p. 24.

(f) O.J. No. L187, 14.7.84, p. 6.

- (c) retain the record, and all other documents in his possession relating to the exportation, for a period of three years from the end of the calendar year in which the exportation took place;
- (d) produce the record and those other documents to an authorised officer of the Board on demand made at any time during that period.
- (2) A person who without reasonable excuse contravenes the provisions of sub-paragraph (a) of paragraph (1) above shall, subject to paragraph (3) below, be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine, and a person who without reasonable excuse contravenes any other provision of the said paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.
- (3) Where a person is charged with contravening any provision of paragraph (1) above it shall be a defence for him to prove that at all material times he believed that the payment or claim on which the charge is based had been refunded or was no longer subsisting.

Supplementary

5.—(1) Where an offence under these regulations is proved to have been committed by a body corporate with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other 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 guilty of that offence and 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.

Revocations

6. The regulations set out in Schedule 2 hereto are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st November 1984.



Michael Jopling,
Minister of Agriculture,
Fisheries and Food.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

5th November 1984.

SCHEDULE 1

Regulation 4

PARTICULARS TO BE CONTAINED IN REPORT TO BOARD AND RECORD OF EXPORTATION

1. Name and address of the person making the report or record.
2. Description and quantity of the butter exported.
3. Name and address of the person from whom the butter was received and date of receipt.
4. Name and address of the person to whom the butter was consigned and date of consignment.
5. Date of exportation if known.

SCHEDULE 2

Regulation 6

Revocations

Column 1	Column 2
Regulations revoked	References
The Butter Subsidy (Protection of Community Arrangements) Regulations 1980.	S.I. 1980/1990.
The Butter Subsidy (Protection of Community Arrangements) (Amendment) Regulations 1981.	S.I. 1981/1026.
The Butter Subsidy (Protection of Community Arrangements) (Amendment) Regulations 1982.	S.I. 1982/1043.
The Butter Subsidy (Protection of Community Arrangements) (Amendment) (No. 2) Regulations 1982.	S.I. 1982/1725.
The Butter Subsidy (Protection of Community Arrangements) (Amendment) Regulations 1983.	S.I. 1983/1098.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations replace with amendments and extend, provisions previously made, and now revoked, for the purpose of implementing Council Regulation (EEC) No. 1269/79 (O.J. No. L161, 29.6.79, p. 8) as amended by Council Regulation (EEC) No. 1362/80 (O.J. No. L140, 5.6.80, p. 14), Council Regulation (EEC) No. 854/81 (O.J. No. L90, 4.4.81, p. 14), Council Regulation (EEC) No. 1186/82 (O.J. No. L140, 20.5.82, p. 5), Council Regulation (EEC) No. 1208/83 (O.J. No. L132, 21.5.83, p. 5) and Council Regulation (EEC) No. 862/84 (O.J. No. L90, 1.4.84, p. 22) on the marketing of reduced-price butter of Community origin for direct consumption. The regulations apply not only to Community butter but to New Zealand butter imported into the United Kingdom pursuant to Council Regulation (EEC) No. 3667/83 (O.J. No. L366, 28.12.83, p. 16) as amended by Council Regulation (EEC) No. 551/84 (O.J. No. L61, 2.3.84, p. 10), Council Regulation (EEC) No. 864/84 (O.J. No. L90, 1.4.84, p. 24), Council Regulation (EEC) No. 1384/84 (O.J. No. L133, 19.5.84, p. 1) and Council Regulation (EEC) No. 2007/84 (O.J. No. L187, 14.7.84, p. 6).

The regulations—

- (a) prohibit the use for manufacture of all subsidized butter (regulation 2);
- (b) make provision for the recovery of subsidy paid on all subsidized butter exported from the United Kingdom or used for manufacture (regulation 3);
- (c) require records to be kept and information to be furnished about exports of subsidized butter (regulation 4).

Certain trade in New Zealand butter is prohibited by virtue of Article 6 of Regulation 3667/83. Penalties for exportation in contravention of a prohibition are governed by section 68 of the Customs and Excise Management Act 1979 (c. 2).

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