
STATUTORY INSTRUMENTS

1996 No. 2843

AGRICULTURE
CEREALS MARKETING

**The Home-Grown Cereals Authority Levy
(Variation) Scheme (Approval) Order 1996**

Approved by both Houses of Parliament

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|-------------------------------|---------|---------------------------|
| <i>Made</i> | - - - - | <i>12th November 1996</i> |
| <i>Laid before Parliament</i> | | <i>13th November 1996</i> |
| <i>Coming into force</i> | - - | <i>1st July 1997</i> |

Whereas the Home-Grown Cereals Authority, established under Part I of the Cereals Marketing Act 1965⁽¹⁾, have prepared, pursuant to sections 16 and 23(1) of that Act⁽²⁾, and, after consultation in accordance with section 16(1A) of that Act with such persons or organisations as appear to them to represent the interests concerned, have submitted to the Ministers hereinafter named, a Scheme (hereinafter called “the Scheme”) which varies the Scheme approved by the Home-Grown Cereals Authority Levy Scheme (Approval) Order 1987⁽³⁾ as varied by the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1990⁽⁴⁾ and the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1991⁽⁵⁾, for imposing levy on persons specified in that Scheme who are growers or processors of, or dealers in, home-grown cereals of a kind so specified, or who act as intermediaries in the selling and buying of such cereals:

Now, therefore, the Minister of Agriculture, Fisheries and Food, 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 by sections 16(4), 23(1) and 24(1)⁽⁶⁾ of that Act, and now vested in them⁽⁷⁾, and of all other powers enabling them in that behalf, after consultation in accordance with section 16(4) of that Act with such persons or organisations as appear to them to represent the interests concerned, hereby make the following Order—

(1) 1965 c. 14; Part I was amended by sections 4 and 24(4) and (5) of, and Schedules 3 and 4 to, the Agriculture Act 1986 (c. 49).
(2) Section 16 was amended by section 16(1) and (2) of the Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), by the Cereals Marketing Act 1965 (Amendment) Regulations 1979 (S.I. 1979/26) and by section 5 of the Agriculture Act 1986.
(3) S.I. 1987/671.
(4) S.I. 1990/1316.
(5) S.I. 1991/1302.
(6) See the definition of “the Ministers” in section 24(1).
(7) In the case of the Secretary of State for Wales by virtue of S.I. 1969/388 and 1978/272.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Title and commencement

1. This Order may be cited as the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1996 and shall come into force on 1st July 1997.

Approval of Scheme under section 16 of the Cereals Marketing Act 1965

2. The Scheme is approved subject to the following modifications to paragraph 4 thereof—
- (a) before “any records” there shall be inserted the words “to act on its behalf”; and
 - (b) before “in exercise” there shall be inserted the words “on behalf of the Authority”.
3. The Scheme as so modified and approved is set out in the Schedule to this Order.

11th November 1996

Tony Baldry
Minister of State, Ministry of Agriculture,
Fisheries and Food

Scottish Office
11th November 1996

Lindsay
Parliamentary Under Secretary of State,

12th November 1996

Denton
Parliamentary Under Secretary of State,
Northern Ireland Office

Signed by authority of the Secretary of State for Wales:

Welsh Office
11th November 1996

Jonathan Evans
Parliamentary Under Secretary of State,

SCHEDULE

Article 3

HOME-GROWN CEREALS AUTHORITY LEVY (VARIATION) SCHEME

Under section 16 of the Cereals Marketing Act 1965

Title and commencement

1. This Scheme may be cited as the Home-Grown Cereals Authority Levy (Variation) Scheme 1996 and shall come into force on 1st July 1997.

Variation of the Home-Grown Cereals Authority Cereals Levy Scheme 1987

2. The Home-Grown Cereals Authority Cereals Levy Scheme 1987, which is set out in the Schedule to the Home-Grown Cereals Authority Levy Scheme (Approval) Order 1987, as amended by the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1990 and the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1991, is hereby further varied in accordance with the following provisions of this Scheme.

3. In paragraph 4 (dealer levy) in paragraph 4(5) for “5 per cent” there shall be substituted “3.7 per cent”.

4. In paragraph 9 (returns and information) for paragraph 9(6) there shall be substituted the following—

“(6) Each registrable person shall produce for inspection on behalf of the Authority on demand by a person duly authorised by the Authority to act on its behalf any records required to be kept under paragraph 9(2). An authorised person acting on behalf of the Authority in exercise of the power conferred by this sub-paragraph shall carry a warrant of his authority so to act and shall produce the same on demand.”.

EXPLANATORY NOTE

(This note is not part of the Order)

By this Order, which comes into force on 1st July 1997, the Ministers approve, with two modifications, a Scheme which further varies that approved by the Home-Grown Cereals Authority Levy Scheme (Approval) Order 1987 (S.I.1987/671) as varied by the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1990 (S.I. 1990/1316) and the Home-Grown Cereals Authority Levy (Variation) Scheme (Approval) Order 1991 (S.I. 1991/1302).

The changes made by this Scheme are—

- (a) a reduction in the proportion (from 5 per cent to 3.7 per cent) which may be deducted by a dealer from any dealer levy he is required to pay (where he is entitled to recover a contribution from a grower or agent intermediary) in respect of the expenses of collection of that contribution; and
- (b) empowering any person authorised by the Home-Grown Cereals Authority (rather than just authorised officers of that Authority) to inspect, on behalf of the Authority, for

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the purposes of determining liability to the levy, any records required to be kept under paragraph 9 of the Scheme.

A Home-Grown Cereals Authority (Rate of Levy) Order is made annually specifying the rate of levy for each of the kinds of home-grown cereals in respect of which levy is to be imposed.

A compliance cost assessment has been prepared and has been deposited in the libraries of both Houses of Parliament.