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STATUTORY INSTRUMENTS

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**1998 No. 3080**

**AGRICULTURE**

**The Meat and Livestock Commission Levy  
(Variation) Scheme (Confirmation) Order 1998**

*Approved by both Houses of Parliament*

*Made - - - - 9th December 1998*

*Coming into force - - 10th December 1998*

Whereas the Meat and Livestock Commission (hereinafter called “the Commission”) established by the Agriculture Act 1967(1), after consultation in accordance with section 13(1A) of that Act with such persons as appear to them to represent the interests concerned, have submitted to the Ministers hereinafter named a Scheme which varies the Scheme confirmed by the Meat and Livestock Commission Levy Scheme (Confirmation) Order 1987(2) for the imposition of charges for enabling the Commission to meet their expenses;

Now, therefore, the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with agriculture in Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by section 13 of that Act and now vested in them(3), and of all other powers enabling them in that behalf, being satisfied that the bringing into force of the Scheme is desirable, hereby make the following Order, a draft whereof has been laid before and approved by resolution of each House of Parliament:

**Title and commencement**

1. This Order may be cited as the Meat and Livestock Commission Levy (Variation) Scheme (Confirmation) Order 1998 and shall come into force on the day after the day on which it is made.

**Confirmation of the Scheme**

2. The Scheme which is set out in the Schedule to this Order is hereby confirmed and shall come into force on the day that this Order comes into force.

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(1) 1967 c. 22; section 13 was amended by the Agriculture Act 1970 (c. 40), section 106(6) and the Agriculture Act 1986 (c. 49), section 7. See section 25(1) for a definition of “the Ministers”.

(2) S.I. 1987/1303, amended by S.I. 1988/838, S.I. 1990/1590 and S.I. 1993/1899.

(3) In the case of the Secretary of State for Wales, by virtue of S.I. 1969/388 and S.I. 1978/272.

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**Status:** This is the original version (as it was originally made).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

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4th December 1998

*Donoghue*  
Parliamentary Secretary, Minister of Agriculture,  
Fisheries and Food

9th December 1998

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

7th December 1998

*Jon Owen Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

## SCHEDULE

Article 2

## MEAT AND LIVESTOCK COMMISSION LEVY (VARIATION) SCHEME 1998

1. The Meat and Livestock Commission Levy Scheme, which is set out in the Schedule to the Meat and Livestock Commission Levy Scheme (Confirmation) Order 1987 (as varied by the Meat and Livestock Commission Levy (Variation) Scheme (Confirmation) Order 1988, the Meat and Livestock Commission Levy (Variation) Scheme (Confirmation) Order 1990 and the Meat and Livestock Commission Levy (Variation) Scheme (Confirmation) Order 1993) is now further varied in accordance with the following provisions of this Scheme.

2. In sub-paragraph (2) of paragraph 4 there shall be substituted the following maximum charges which are leviable under the Scheme:

	<i>General Expenses</i>	<i>Species Promotion Expenses</i>
(a) (a) Cattle (other than calves not exceeding 68 kg deadweight)	350p	350p
(b) (b) Calves not exceeding 68 kg deadweight	100p	—
(c) (c) Sheep	40p	40p
(d) (d) Pigs	55p	80p

3. For sub-paragraph (ii) of paragraph 5(2)(a) there shall be substituted the following sub-paragraph:

“(ii) where the slaughterer slaughters livestock (not being livestock which the slaughterer has purchased or of which he has agreed to purchase all or part of the carcass after slaughter) on the instructions of another person, the Commission may determine that there shall be recoverable on demand as a debt due to that slaughterer from that person the whole of any sum payable by the said slaughterer under this Scheme by reference to that livestock.”

4. At the end of sub-paragraph (iii) of paragraph 5(2)(a), for the full stop there shall be substituted “; and”, and after that sub-paragraph there shall be inserted the following sub-paragraph:

“(iv) where an auctioneer auctions livestock which is then slaughtered or exported by any purchaser who is entitled to claim from the auctioneer any sum attributable either to general expenses or to species promotion expenses or to both, the Commission may determine that any such sum which is claimed by the purchaser from the auctioneer shall be recoverable on demand as a debt due to the auctioneer from the person for whom he auctioned the livestock.”

5. After sub-paragraph (5) of paragraph 5 there shall be inserted the following sub-paragraphs:

“(6) Where a slaughterer or an exporter has not made payment of a charge due to the Commission under this Scheme within 21 days of a written request for the charge concerned being made then, in order to enable the Commission to meet their expenses of administering the Scheme, interest will become payable (after as well as before judgment) on the amount of the unpaid charge from the date of the written request, will be charged at the rate of one per cent above the London Interbank Offer Rate offered for a three month deposit in Sterling and will accrue daily until the charge is paid.

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- (7) Any sum recovered as a debt by a slaughterer or exporter pursuant to paragraph 5(2)(a) shall be deemed to be received by him in trust for the Commission.”
6. For sub-paragraph (c) of paragraph 7 there shall be substituted the following sub-paragraph:
- “(c) to produce for examination on demand by a person authorised for that purpose by the Commission any such record and any other books or documents in the possession or under the control of the slaughterer or exporter; and”.
7. After paragraph 7 there shall be inserted the following paragraph—
- “7A. A person authorised to act in the exercise of the power conferred by paragraph 7(c) shall carry a warrant of his authority so to act and shall produce the same on demand.”.
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## EXPLANATORY NOTE

*(This note is not part of the Order)*

1. This Order confirms a variation to the Meat and Livestock Commission Levy Scheme 1987 which was confirmed by the Meat and Livestock Commission Levy Scheme (Confirmation) Order 1987 (S.I. [1987/1303](#)). S.I. [1987/1303](#) has been varied by the Meat and Livestock Commission Levy (Variation) Scheme (Confirmation) Order 1988 (S.I. [1988/838](#)), the Meat and Livestock Commission Levy (Variation) Scheme (Confirmation) Order 1990 (S.I. [1990/1590](#)) and the Meat and Livestock Commission Levy (Variation) Scheme (Confirmation) Order 1993 (S.I. [1993/1899](#)).
2. Certain maximum charges payable in respect of general and species promotion expenses have been increased.
3. The maximum charges payable in respect of general expenses have been increased—
- (a) for cattle (other than calves of a deadweight of 68 kg. or less), from 219p per head to 350p per head;
- (b) for calves, from 14p per head to 100p per head; and
- (c) for sheep, from 39p per head to 40p per head.
4. The maximum charges payable in respect of species promotion expenses have been increased for cattle (as described in paragraph 3(a) above) from 280p per head to 350p per head.
5. Changes have also been made to the Meat and Livestock Commission’s levy collection procedures.
6. A regulatory appraisal has been prepared in respect of this Order. A copy of it has been placed in the library of each House of Parliament.