

1973 No. 424

## AGRICULTURE

**The Common Agricultural Policy (Protection of  
Community Arrangements) Regulations 1973**
*Laid before Parliament in draft**Made - - - - 11th March 1973**Coming into Operation 12th March 1973*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, being by virtue of Article 2 of, and the Schedule to, the European Communities (Designation) Order 1972(a) designated Ministers 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, in exercise of the power conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:--

*Citation and commencement*

1. These regulations may be cited as the Common Agricultural Policy (Protection of Community Arrangements) Regulations 1973 and shall come into operation on the day after they are made.

*Interpretation*

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

“the appropriate Minister” means—

(a) in relation to England, the Minister of Agriculture, Fisheries and Food;

(b) in relation to Scotland and Northern Ireland, the Secretary of State and

(c) in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly;

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

“Community” means the European Economic Community;

“export” means export to a destination outside the Community;

“the Minister” in relation to any part of the United Kingdom other than Wales means either the appropriate Minister in relation to that part, or the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;

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(a) S.I. 1972/1811 (1972 III, p. 5216).

(b) 1972 c. 68.

“ specified commodity ” means, in relation to any commodity mentioned in the first column of the Schedule to these regulations in respect of which there is no entry in the second column of the said Schedule, that commodity, or, in relation to any commodity so mentioned of which there is a description in the second column of the said Schedule, that description only of that commodity.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Keeping and retention of records*

3.—(1) Every person who is engaged in the purchasing, selling, using or processing of any specified commodity shall keep or cause to be kept, if so required by a notice in writing served on him by the Board, such records relating to his activities and transactions in relation to any such specified commodity, and in such form, as may be specified in the said notice and shall produce those records on request to any authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland.

(2) Every such person shall retain or cause to be retained all such records which he is or was required to keep pursuant to this regulation for three years from the end of the calendar year to which such records relate.

*Right of entry*

4. Any authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may at all reasonable times enter upon land used for the production, storage, grading, packing, processing, or sale of any specified commodity and may inspect and take samples of any specified commodity found upon land so used at any stage of manufacture or processing.

*Production of books, accounts and records*

5. Any authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may require any person engaged in the production, storage, grading, packing, processing, or sale of any specified commodity, to produce on demand any books, accounts or records in his possession or control relating to such activities or transactions in respect of any specified commodity ; and that person shall comply with every such requirement made of him.

*Notification of, and the keeping and production of records relating to, export levies*

6.—(1) Any person who exports or ships as stores any specified commodity shall notify the Board, at such time and in such manner as the Board may require by notice in writing, of the description, quantity, destination and port of entry outward of any specified commodity for which on the date of export or shipment as stores an agricultural export levy is chargeable under Community arrangements.

(2) Any person who exports or ships as stores any specified commodity shall keep or cause to be kept and shall produce on demand to an authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland an accurate record in such form as the

Board may require by notice in writing of all exports and shipments as stores which he is required to notify to the Board pursuant to paragraph (1) of this regulation.

(3) Any person who is required to keep or cause to be kept a record pursuant to this regulation shall retain such record and all books and accounts relating to it for the period of three years from the end of the calendar year to which it relates.

*Right of entry relating to export levies*

7. Any authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may at all times enter upon land used for the production or storage of any specified commodity on which agricultural export levies may be chargeable and may inspect and take samples of any such goods found upon land so used at any stage of manufacture or processing.

*Production of books, accounts and records relating to export levies*

8. Any authorised officer of the Board, of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may require any person who exports or ships as stores any specified commodity to produce on demand any books, accounts or records in his possession or control relating to any such export or shipment, and that person shall comply with every such requirement made of him.

*Service of notices*

9.—(1) Any notice required or authorised by these regulations to be given to or served on any person shall be sufficiently given or served if it is delivered to him personally or left at his last known place of abode or business or sent to him by post in a letter addressed to him at the aforesaid place of abode or business.

(2) Any notice required or authorised by these regulations to be given to or served on an incorporated company or body shall be sufficiently given or served if given to or served on the secretary or clerk of the company or body. For the purpose of these regulations and of section 26 of the Interpretation Act 1889, the proper address of such secretary or clerk shall be that of the registered or principal office of the company or body.

*Penalties*

10. If any person contravenes or fails to comply with any provision of these regulations he shall be liable on summary conviction to a fine not exceeding £100 or imprisonment for a term of 3 months or both.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th March 1973.

(L.S.)

*Joseph Godber,*  
Minister of Agriculture, Fisheries  
and Food.

*Gordon Campbell,*  
Secretary of State.

8th March 1973.

## SCHEDULE

Regulation 2(1)

## SPECIFIED COMMODITIES

| Commodity  | Description   |
|--|---|
| Beef and Veal ... ..   | Edible meat of bovine species, salted or in brine, dried or smoked.<br>Edible offal of domestic bovine species, salted or in brine, dried or smoked.<br>Other prepared or preserved meat or offal, unspecified containing meat or offal of the bovine species with the exception of that containing meat or offal of swine.<br>Unrendered fats of bovine cattle; tallow (including "premier jus") produced from those fats. |
| Cereals ... ..   | Worked cereal grains.<br>Malt.<br>Wheat or meslin flour, rye flour, wheat groats and meal, barley oats or other cereal flours, flour and meal of sago, manioc, arrowroot, salep and other roots and tubers, maize and potato starch, gluten and gluten flour, roasted or not, glucose and glucose syrup, sweetened forage, other preparations of a kind used in animal feeding.   |
| Eggs ... ..  | Preserved eggs in shell.<br>Poultry eggs and egg yolks suitable for human consumption, fresh, preserved, dried or sweetened.  |
| Fishery Products   |   |
| Flax and Hemp ... ..   | Flax and hemp other than raw flax and raw true hemp.  |
| Goods from time to time listed, or by virtue of any Community regulation or other directly applicable Community provision to be considered as listed, in either Annex B or Annex C to Regulation (EEC) No. 204/69 of the Council of 28 January 1969(a) |   |
| Hops ... ..  | Vegetable saps and extracts of hops.  |
| Milk Products ... ..   | Milk and cream preserved, concentrated or sweetened.<br>Butter.<br>Cheese and Curd.<br>Lactose and lactose sugar, whether or not flavoured or coloured.<br>Sweetened forage.  |
| Oils and Fats ... ..   | Oils and fats other than olives, fresh or chilled and oil seeds and oleaginous fruit, whole or broken.  |
| Pigmeat ... ..   | Unrendered pig fat free of lean meat, fresh, chilled, frozen, salted, in brine, dried or smoked.  |

(a) O.J. No. L29—5.2.69.

| Commodity   | Description   |
|---|---|
|   | Meat and edible meat offals of domestic swine, salted, in brine, dried or smoked.             |
|   | Lard and other rendered pig fat.  |
|   | Sausages and the like of meat, meat offal or animal blood containing meat or offals of swine. |
|   | Other prepared or preserved meat or meat offal containing liver of swine.                     |
|   | Other prepared or preserved meat or meat offal.   |
| Poultrymeat ... ..                                  | Poultry liver fresh, chilled, frozen, salted or in brine.                                     |
|   | Other prepared or preserved poultrymeat or poultry offal.                                     |
|   | Unrendered poultry fat, fresh, chilled, frozen, salted, in brine, dried or smoked.            |
|   | Rendered poultry fat.   |
| Processed Products based on<br>Fruit and Vegetables |   |
| Rice ... ..   | Rice other than paddy rice.   |
| Silkworms   |   |
| Sugar   |   |
| Wine ... ..   | Wine other than fresh grapes.   |

A reference in this Schedule to any specified commodity shall be construed as a reference to everything (whether live or dead) which is for the time being subject to Community arrangements for or related to the regulation of the market for that specified commodity and not to anything which is not so subject.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations—

- (a) require persons engaged in the purchasing, selling, using or processing of any commodity specified in the Schedule to the regulations to keep, retain and to produce records on the request of an authorised officer ;
- (b) provide that authorised officers may enter upon land used in the production, storage, grading, packing or sale of any commodity and inspect, take samples and may require the production of books, accounts and records ;
- (c) require persons who export any commodity to notify the Intervention Board for Agricultural Produce of the description, quantity, destination and port of entry outward of any commodity subject to an agricultural export levy and to keep, retain and to produce records at the request of an authorised officer ;
- (d) provide that authorised officers may enter upon land used for the production and storage of any commodity on which agricultural export levies may be chargeable and inspect, take samples and may require the production of books, accounts and records.

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