

1974 No. 605

## AGRICULTURE

## EGGS MARKETING

**The Eggs Authority Levy Scheme (Approval) Order 1974**

<i>Made - - - -</i>	<i>14th March 1974</i>
<i>Laid before Parliament</i>	<i>14th March 1974</i>
<i>Coming into Operation</i>	<i>29th March 1974</i>

Whereas the Eggs Authority constituted under section 2 of the Agriculture Act 1970<sup>(a)</sup> (hereinafter referred to as “the Act”), have prepared and submitted to the Ministers hereinafter named, pursuant to section 16(1) of the Act, a Scheme for imposing and for recovering a levy for the purposes of Part I of the Act (which Scheme is hereinafter referred to as “the Scheme”):

Now, therefore, the Minister of Agriculture, Fisheries and Food, the Secretary of State for Wales, the Secretary of State for Scotland and the Secretary of State concerned with agriculture in Northern Ireland, acting jointly in exercise of powers conferred upon them by section 16(5) of the Act and of all other powers enabling them in that behalf, hereby make the following order:—

*Citation and commencement*

1. This order may be cited as the Eggs Authority Levy Scheme (Approval) Order 1974, and shall come into operation on the day after it has been approved by a resolution of each House of Parliament.

*Approval of scheme under section 16 of the Agriculture Act 1970*

2. The Scheme is hereby approved with the following modifications:—

- (a) in paragraph 1 thereof for the figures and word “31st March 1974” there shall be substituted the figures and words “the day on which the order approving it under section 16(5) of the Act comes into operation”;
- (b) in paragraph 2(1) thereof for the definitions “ ‘chicks’ means day-old pullet chicks of domestic fowls” and “ ‘day-old’ in relation to chicks refers not merely to the day of hatching but to any period within 72 hours after hatching” there shall be substituted the following definition:—  
“ ‘chicks’ means pullet chicks of domestic fowls being chicks which have been hatched for not more than 72 hours;”;

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(a) 1970 c. 40.

(c) in paragraph 2(1) thereof for the definitions “ ‘numbers of chicks’ in relation to chicks placed by way of sale does not include chicks supplied by way of tolerance (or replacement) for mortality” and “ ‘place’ in relation to chicks, means place by way of sale or in any business of rearing domestic fowls for egg production or for use in any business of egg production and ‘placed’ shall be construed accordingly” there shall be substituted the following definitions:—

“ ‘place’ in relation to chicks means place by way of sale or in any business of rearing domestic fowls for egg production or for use in any business of egg production but does not include supply, as part of or in connection with any sale, a quantity by way of free replacement, or tolerance not exceeding two per cent. of the quantity ordered by the buyer, in either case to compensate for chick mortality; and ‘placed’ shall be construed accordingly.”;

(d) at the beginning of paragraph 3 thereof there shall be inserted the words “Subject to paragraph 4A of this Scheme,”;

(e) in paragraph 4 thereof there shall be inserted after the words “(whether by the person with whom they are placed or by any other person)” the words “in Great Britain or Northern Ireland”;

(f) after paragraph 4 thereof there shall be inserted the following paragraph:—

“4A. Where any order under subsection (2)(b) of section 13 of the Act specifying the rate of levy for any accounting period comes into operation on a date after the beginning of that accounting period, each hatcher and each importer shall be exempt from the provisions of paragraph 3 of this Scheme in respect of the numbers of chicks placed by him during that accounting period before that date.”;

(g) in paragraphs 6(1) and 7 thereof for the figures and word “31st March 1974” there shall be substituted the words “the date on which this Scheme comes into operation”.

3. The Scheme as so modified and approved is set forth in the Schedule to this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th March 1974.

(L.S.)

*Frederick Peart,*  
Minister of Agriculture, Fisheries and Food.

12th March 1974. *John Morris,*  
Secretary of State for Wales.

13th March 1974. *William Ross,*  
Secretary of State for Scotland.

14th March 1974. *Merlyn Rees,*  
Secretary of State for Northern Ireland.

## SCHEDULE

## EGGS AUTHORITY LEVY SCHEME

under Section 16 of the Agriculture Act 1970

1. This Scheme, which applies in the United Kingdom, may be cited as the Eggs Authority Levy Scheme 1974, and shall come into operation on the day on which the order approving it under section 16(5) of the Act comes into operation.

2.—(1) In this Scheme, unless the context otherwise requires—

“the Act” means the Agriculture Act 1970;

“the Authority” means the Eggs Authority constituted under section 2 of the Act;

“chicks” means pullet chicks of domestic fowls being chicks which have been hatched for not more than 72 hours;

“hatcher” means any person engaged by way of business in the hatching of domestic fowls for egg laying in Great Britain or Northern Ireland other than any person who during any period of twelve months does not place more than 300 chicks for egg laying;

“importer” means any person engaged by way of business in the bringing (otherwise than only as a carrier) of live domestic fowls of laying stock into Great Britain or Northern Ireland from outside those areas other than any person who during any period of twelve months does not place more than 300 chicks for egg laying;

“place” in relation to chicks means place by way of sale or in any business of rearing domestic fowls for egg production or for use in any business of egg production but does not include supply, as part of or in connection with any sale, a quantity by way of free replacement, or tolerance not exceeding two per cent. of the quantity ordered by the buyer, in either case to compensate for chick mortality; and “placed” shall be construed accordingly;

AND other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889 shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

3. Subject to paragraph 4A of this Scheme, for each accounting period beginning on or after 31st March 1974, there is hereby imposed on hatchers and importers a levy for the purposes of Part I of the Act at such rate as may be specified in any order for that accounting period made under subsection (2)(b) of section 13 of the Act:

Provided that, where as respects part of an accounting period an order is made under subsection (3) of the said section specifying a rate of additional levy, then in relation to that part the rate of levy hereby imposed shall be the aggregate of the rate specified in the said order for that period made under subsection (2)(b) of section 13 of the Act and the rate of additional levy.

4. Where, in any order under section 13 of the Act—

(a) a rate of levy is specified for any accounting period beginning on or after 31st March 1974, or

(b) an additional rate of levy is specified as respects any part of an accounting period beginning on or after 31st March 1974,

by reference to numbers of chicks, such numbers shall be determined for the purposes of the levy as the numbers of chicks placed in Great Britain or Northern Ireland by each hatcher or each importer for the production (whether by the person with whom they are placed or by any other person) in Great Britain or Northern Ireland of eggs for human consumption, as contained in returns in respect of that accounting period or that part of such an accounting period furnished to the Authority by that hatcher or importer in accordance with paragraph 7(a) of this Scheme:

Provided that if the Authority are unable to obtain from any hatcher or importer a sufficient return of the numbers of chicks placed by him during any period, he shall, if the Authority think fit, be treated as having placed during that period such numbers of chicks as the Authority think proper having regard to such information (if any) as may be in the possession of the Authority, whether in respect of that period or of any earlier period, but, before taking action under this proviso, the Authority shall send the hatcher or importer concerned notice that the Authority propose to do so and shall have regard to any information which may be supplied to the Authority within 21 days of the sending of such notice.

4A Where any order under subsection (2)(b) of section 13 of the Act specifying the rate of levy for any accounting period comes into operation on a date after the beginning of that accounting period, each hatcher and each importer shall be exempt from the provisions of paragraph 3 of this Scheme in respect of numbers of chicks placed by him during that accounting period before that date.

5.—(1) Any levy imposed in accordance with this Scheme shall, subject to sub-paragraph (3) of this paragraph, be payable to the Authority on such date or dates (not being sooner than the end of the second month next following the month during which the chicks were placed) and at such place or places as the Authority may from time to time require and shall be recoverable as a debt due to the Authority from the hatcher or importer on whom it is imposed.

(2) Every hatcher and importer on whom a levy is imposed in accordance with this Scheme is hereby empowered (as respects chicks sold by him) to recover as a debt due to him from the person to whom he sells chicks the amount of levy imposed on the hatcher or importer by reference to the chicks so sold.

(3) Every hatcher and importer shall be entitled, as respects chicks sold by him, to deduct from the amount otherwise payable by him by way of the levy, or to be otherwise reimbursed by the Authority, a sum calculated in such manner as the Authority may determine in respect of any expenses incurred by him in recovering that amount in accordance with sub-paragraph (2) of this paragraph.

6.—(1) So far as is necessary for determining the liability of persons to any levy which is or is to be imposed in accordance with this Scheme for any accounting period, the Authority shall as from the date on which this Scheme comes into operation have power to require hatchers and importers to be registered in a register kept by the Authority for the purpose of this Scheme and such power may be exercised in accordance with sub-paragraphs (2) and (3) of this paragraph.

(2) The Authority may, by notice published in at least one newspaper having a national circulation in England and Wales, in Scotland and in Northern Ireland respectively and in such other newspapers and other periodicals as the Authority consider appropriate to bring the matter to the notice of persons affected, from time to time require every hatcher and importer to be registered with the Authority in a register kept by the Authority for the purposes of this Scheme.

(3) Without prejudice to the preceding sub-paragraph, the Authority may by notice served upon any hatcher or importer require him to be registered as aforesaid.

(4) Any hatcher or importer who is required to be registered as aforesaid shall apply to the Authority to be registered upon such form as the Authority may from time to time prescribe; and any person so registered who has ceased to be a hatcher or importer and who desires that his name shall be removed from the register shall apply for such removal upon such form as the Authority may from time to time prescribe.

7. So far as is necessary for determining the liability of any hatcher or importer to any levy which is or is to be imposed in accordance with this Scheme for an accounting period, the Authority may from time to time (as from the date on which this Scheme comes into operation) by notice in writing served upon him require him:—

(a) to furnish returns to the Authority at such address and at such time or times as may be specified in the notice:—

(i) in the case of a hatcher, of the numbers of chicks placed by the hatcher during any monthly or other period specified in the notice, whether for use in Great Britain or Northern Ireland or for export therefrom and whether from the hatcher's own production or imported;

- (ii) in the case of an importer, of the numbers of chicks placed by the importer during any monthly or other period specified in the notice;
- (b) to keep an accurate record in writing, to be duly completed and dated each day, specifying:—
  - (i) in the case of a hatcher, the numbers of chicks placed and where placed, indicating separately the numbers placed for export from Great Britain and Northern Ireland;
  - (ii) in the case of an importer, the numbers of chicks placed and where placed;
- (c) to retain any such record for such period, not exceeding two years, as may be specified in the notice;
- (d) to produce any such record for examination on demand by an authorised officer of the Authority;
- (e) if he is a hatcher, to permit authorised officers of the Authority to enter upon any land or premises used by him by way of business for the hatching of domestic fowls and to inspect any domestic fowls found on those premises.

#### EXPLANATORY NOTE

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

By this Order the Ministers approve, with modifications, a Scheme submitted to them by the Eggs Authority under section 16 of the Agriculture Act 1970 ("the Act"). The Scheme, as modified, comes into force on the same day as this Order and provides for the imposition on and recovery from hatchers and importers, as defined in the Scheme, of a levy for the purposes of Part I of the Act at such rate or additional rate as may be specified in any Order under section 13 of the Act. Where such rate or additional rate is specified by reference to numbers of chicks, the Scheme requires those numbers to be determined as the numbers of chicks placed during the relevant accounting period in Great Britain or Northern Ireland by hatchers or importers for production of eggs in those areas for human consumption, as shown in returns furnished by hatchers and importers. Where an Order specifying the rate of levy for an accounting period comes into operation on a date after the beginning of that period, hatchers and importers are exempt from the levy in respect of chicks placed before that date. The Scheme empowers hatchers or importers on whom a levy is imposed to recover from anyone to whom they sell chicks the levy imposed by reference to the chicks so sold.

The Scheme also provides for the registration of hatchers and importers, for the keeping of records by them and for a power of entry to hatchers' premises by authorised officers of the Authority.

The modifications to the Scheme—

- (a) provide for the Scheme to come into force on the same day as this Order;
- (b) combine the definitions of "chicks" and "day-old" in a revised definition of the former;
- (c) substitute for the definitions of "numbers of chicks" and "place" a revised definition of the latter so as to exempt from liability for levy, in specified circumstances, the supply of chicks by way of replacement, or tolerance, for mortality;
- (d) limit the numbers of chicks liable in respect of levy, to those placed for production "in Great Britain or Northern Ireland" of eggs for human consumption.
- (e) exempt hatchers and importers from liability for levy in respect of numbers of chicks placed during an accounting period but before the operative date of the Order specifying the rate of the levy for that period under section 13(2)(b) of the Act.

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