



# Agriculture Act 1967

## 1967 CHAPTER 22

### PART I

#### LIVESTOCK AND MEAT MARKETING

##### *Financial*

#### **13 Levy on industries to meet Commission's expenses.**

- (1) The Commission may submit to the Ministers a scheme (in this Part of this Act referred to as a "levy scheme") for the imposition of charges for enabling the Commission to meet their expenses (including any sums to be paid into their reserve fund) so far as not met in any other way, and for the recovery of such charges by the Commission in such manner and from such persons as may be specified in the scheme.
- (2) A levy scheme shall specify the classes or descriptions of persons on whom or from whom charges may be imposed or recovered, but a class or description so specified shall include only persons who are within the following provisions of this subsection, that is—
  - (a) persons engaged in the production, marketing or distribution of livestock, or
  - (b) persons engaged in the production, processing, manufacture, marketing or distribution of livestock products, or
  - (c) persons (including local authorities) having the control and management of slaughterhouses in which livestock are slaughtered,including auctioneers, market authorities and other persons concerned with the marketing of livestock and livestock products otherwise than as buyers and sellers, and a levy scheme may contain provisions as to the evidence by which a person's liability to the levy may be established.
- (3) A levy scheme shall specify maximum charges leviable under the scheme, and the circumstances under which they are leviable, and shall authorise the Commission, subject to those maximum charges, to levy such amounts as they think fit, or to suspend the levy authorised by the scheme for any period.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The maximum charges so specified—
- (a) may be prescribed by reference to the number, quantity or type of the livestock or livestock products dealt with by the persons chargeable and, in the case of livestock, in particular by reference to the number of livestock slaughtered or exported by those persons, and
  - (b) may differ according to the weight, quality or value of the livestock or livestock products.
- (5) A levy scheme which provides for the imposition of charges in respect of the slaughter of livestock shall secure that no charges are made in respect of livestock slaughtered under the Diseases of Animals Act 1950 or any order or arrangements made thereunder.
- (6) A levy scheme may authorise persons of a class or description specified in the scheme, and in particular persons owning or controlling slaughterhouses, auctioneers, market authorities and other persons acting as intermediaries in the buying and selling of livestock and livestock products, to recover all or a specified part of sums paid by them under the levy scheme from persons of such other classes or descriptions as may be specified in the scheme, and may, in default of payment by any person of one of the first mentioned class or description, authorise the Commission to recover directly what might have been payable indirectly if the default had not occurred.
- (7) A levy scheme may confer on any person on whom such a right of recovery is conferred a further right to make from his payments to the Commission deductions of amounts determined in accordance with the levy scheme in respect of his expenses incurred in exercising his right of recovery, and a right to relief (whether by way of deduction from payments to the Commission or of refund by the Commission) in respect of any sum which, in the opinion of the Commission, ought reasonably to be treated as irrecoverable by him.
- (8) The power conferred by this section to make a levy scheme shall be construed as including power to make a levy scheme varying or revoking a previous levy scheme.
- (9) If the Ministers are satisfied that the bringing into force of a levy scheme submitted to them is desirable they may confirm the scheme with or without modifications by order made by statutory instrument, but they shall not make such an order unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (10) A levy scheme shall come into force on such date as may be specified in the order confirming the scheme, being a date after the latest date on which either House of Parliament resolves that the draft order be approved.
- (11) The Ministers may by order in a statutory instrument, of which a draft has been laid before and approved by resolution of each House of Parliament, revoke a levy scheme.
- An order under this section may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient.

#### **14 Levy: registration, returns and records.**

- (1) A levy scheme may, so far as is necessary for determining the liability of persons to charges thereunder, confer on the Commission power to require persons on whom charges may be imposed by a levy scheme—

- (a) to be registered in a register kept for the purpose by the Commission,
  - (b) to furnish returns and other information, and to produce for examination on behalf of the Commission, books and other documents in their custody or under their control, and
  - (c) to keep records and to produce them for examination as aforesaid.
- (2) Any person who fails to comply with a requirement made under a levy scheme by virtue of subsection (1) above shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both.
- (3) Any person who—
- (a) in furnishing any information for the purposes of a levy scheme, knowingly or recklessly makes a statement which is false in a material particular, or
  - (b) wilfully makes a false entry in any document which is required to be produced in pursuance of a levy scheme,
- shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

## **15 Ministers' contributions to Commission's expenses.**

- (1) The Ministers—
- (a) shall out of money provided by Parliament pay to the Commission such sums as the Ministers may with the approval of the Treasury determine towards meeting any expenditure (including an appropriate proportion of overheads and other fixed and general expenses) incurred or to be incurred by the Commission in performing any functions under section 3 or section 4 of this Act, and any other functions carried out at the request of the Ministers or either of them, and
  - (b) may out of money provided by Parliament make such payments to the Commission towards meeting their initial expenditure (including an appropriate proportion of overheads and other fixed and general expenses) incurred or to be incurred by the Commission in performing any other functions as the Ministers may, with the approval of the Treasury, and after consultation with the Commission, determine.

In paragraph (b) above " initial expenditure ", in relation to any activities carried on by the Commission in performing any of the functions within that paragraph, means expenditure incurred or to be incurred in respect of the carrying on of those activities in the first three years in which they are carried on.

- (2) Any payments under subsection (1) above may be made subject to any conditions regulating or restricting the Commission's functions, imposing requirements as to the giving of information and the keeping and inspection of accounts and records, or relating to other matters, which the Ministers may specify; and the Ministers may recover the whole or any part of a contribution which is made subject to a condition, if that condition is not complied with.
- (3) The giving of a direction under section 20 of this Act as respects any of the Commission's functions shall not make those functions ones performed at the request of the Ministers for the purposes of subsection (1) above.

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## **16 Payments for scientific research.**

- (1) For the purpose of providing funds to be applied for the purpose of scientific research which is connected with the livestock industry and the livestock products industry and which is to be carried out by the Agricultural Research Council, the Ministers may by order—
  - (a) impose charges of amounts specified in the order on any class or description of persons on whom charges could be imposed by a levy scheme, or
  - (b) require the making of payments by the Commission, or provide sums partly in the one way and partly in the other.
- (2) An order under this section may provide for the imposition and recovery of charges in any way which might be authorised by a levy scheme and—
  - (a) may set out a scheme containing any provisions which could be included in a levy scheme, or
  - (b) may extend a levy scheme, with or without an increase in any of the amounts leviable, and with any exceptions and modifications specified in the order, and direct that a part of the proceeds of the levy under the scheme as so extended shall be applied under this section.
- (3) An order made under this section—
  - (a) may provide for the collecting of charges under subsection (1)(a) above by the Commission or by any person or class of persons specified in the order, and may authorise the expenses incurred in collecting the charges, or a proportion of those expenses, to be paid out of the proceeds,
  - (b) shall specify the account into which the sums to be applied under this section are to be paid and the manner in which sums to be so applied are to be dealt with,
  - (c) shall be contained in a statutory instrument, and may be varied or revoked by a subsequent order so made,and the Ministers shall not make an order under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

## **17 Collection of statutory levies by Commission.**

- (1) It shall be the duty of the Commission to carry out such functions as the Ministers may direct them to perform in connection with the collection of any levy relating in any way to the livestock industry or the livestock products industry and payable by virtue of an Act of Parliament or of any instrument having effect under an Act of Parliament, but the Ministers shall not give a direction as respects any levy payable to a person other than the Ministers without the consent of that other person.
- (2) A direction under this section may specify the terms on which the Commission is to collect a levy, and may allow the Commission to deduct expenses out of the sums collected by them, and a direction given by virtue of this subsection shall have effect notwithstanding anything in any other Act, or in any instrument having effect under any Act.

## **18 Commission's reserve fund.**

- (1) The Commission may establish and thereafter maintain a reserve fund for the purposes of their functions under this Act.

- (2) Any moneys for the time being comprised in a reserve fund maintained under this section, and any other moneys of the Commission which are not for the time being required for any other purpose, may be invested in accordance with the next following subsection.
- (3) Sections 1, 2, 5, 6, 12 and 13 of the Trustee Investments Act 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Commission were the trustees of that trust fund.

## **19 Commission's annual report and accounts.**

- (1) The Commission shall prepare and transmit to the Ministers annually a report setting out what has been done in the discharge of their functions under this Act during their financial year last completed, and the Ministers shall lay a copy of the report before each House of Parliament.
- (2) The Commission shall keep proper accounts and shall prepare in respect of each financial year of the Commission statements of account in such form as the Ministers, with the approval of the Treasury, may direct; and the accounts of the Commission for each financial year shall be audited by auditors to be appointed by the Commission.
- (3) No person shall be qualified to be appointed auditor under the last foregoing subsection unless he is a member (or in the case of a firm unless all the partners therein are members) of one or more of the following bodies:—
  - The Institute of Chartered Accountants in England and Wales;
  - The Institute of Chartered Accountants of Scotland;
  - The Association of Certified and Corporate Accountants;
  - The Institute of Chartered Accountants in Ireland;
  - Any other body of accountants established in the United Kingdom for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Board of Trade.
- (4) As soon as may be after the accounts of the Commission have been audited, the auditors shall transmit to the Ministers copies of the statements of account together with their report thereon, and the Ministers shall lay a copy of the statement and report before each House of Parliament.