



# Agriculture Act 1967

## 1967 CHAPTER 22

### PART I

#### LIVESTOCK AND MEAT MARKETING

##### *The Meat and Livestock Commission*

#### **1 The Meat and Livestock Commission.**

- (1) There shall be established a body to be called the Meat and Livestock Commission (in this Part of this Act referred to as "the Commission") having the general duty of promoting greater efficiency in the livestock industry and the livestock products industry, and the particular functions specified in Part I of Schedule 1 to this Act, as well as the other functions conferred by this Part of this Act.
- (2) In carrying out their functions the Commission shall have regard to the interests of consumers as well as to the interests of the various sections of the livestock industry and the livestock products industry.
- (3) The Commission shall consist of not more than ten members appointed by the Ministers, and the Ministers shall appoint persons who in the Ministers' opinion are qualified to serve on the Commission by reason of their financial, commercial, technical, scientific, administrative or other relevant experience, and have no such financial or commercial interest as would be likely to prejudice the proper discharge of their functions as members.
- (4) The Commission shall have a chairman and deputy chairman appointed by the Ministers from among the members of the Commission.
- (5) The Minister of Agriculture, Fisheries and Food shall—
  - (a) pay to the members of the Commission out of money provided by Parliament such remuneration and such travelling or other allowances as the Ministers, with the approval of the Treasury, may determine, and
  - (b) in the case of any member of the Commission to whom the Ministers, with the approval of the Treasury, determine that this paragraph applies, pay out

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of money provided by Parliament such pension, or make such payments out of money provided by Parliament toward the provision of a pension, to or in respect of him as the Ministers and the Treasury may determine in his case, and if a person ceases to be a member of the Commission and it appears to the Ministers that there are special circumstances which make it right that that person should receive compensation, the Minister of Agriculture, Fisheries and Food may, with the approval of the Treasury, pay to that person out of money provided by Parliament a sum of such amount as the Ministers may with the approval of the Treasury determine.

- (6) Nothing in this Part of this Act shall be construed as authorising the Commission to engage in the business of buying and selling livestock or livestock products, except so far as is reasonably necessary for, and incidental to, the discharge of other functions of the Commission.
- (7) Part II of Schedule 1 to this Act shall have effect with respect to the Commission.

## **2 The Commission's committees.**

- (1) The Ministers shall appoint three committees to be called—
- (a) the Production Committee,
  - (b) the Distribution Committee, and
  - (c) the Consumers Committee.
- (2) If it appears to the Commission that any matter arising or likely to arise out of the exercise of the Commission's functions has or is likely to have a substantial effect on the interests of persons engaged in the production of livestock, the Commission shall, subject to the following provisions of this section, consult the Production Committee.
- (3) If it appears to the Commission that any such matter has or is likely to have a substantial effect on the interests of persons engaged in the marketing or distribution of livestock or livestock products, the Commission shall, subject to the following provisions of this section, consult the Distribution Committee.
- (4) If it appears to the Commission that any such matter has or is likely to have a substantial effect on the interests of consumers, the Commission shall consult the Consumers Committee.
- (5) Any of the three Committees mentioned in subsection (1) above may at any time submit proposals for the consideration of the Commission as to the manner in which any of the Commission's functions which are of concern to the Committee should be exercised, or make representations to the Commission on any matter which in their opinion has or is likely to have a substantial effect on the interests with which the Committee are concerned.
- (6) The Commission shall have power to employ in an executive as well as in an advisory capacity any of the said three committees.
- (7) The foregoing provisions of this section shall not be taken as preventing the Commission from setting up any other committees, including, subject to Part III of Schedule 1 to this Act, committees (in this Part of this Act referred to as "joint committees ") whose members include one or more members both of the Production Committee and of the Distribution Committee ; and the Commission may employ any of their committees in an executive as well as in an advisory capacity.

- (8) If the matter on which consultation is required under subsection (2) or subsection (3) of this section is one with which a joint committee is concerned, the Commission may consult that joint committee instead of the Production Committee or, as the case may be, the Distribution Committee.
- (9) When giving advice to the Commission, any of the said three committees or any other of the Commission's committees shall, where any of their members desires to give advice differing to any considerable extent from the advice of the majority, inform the Commission of that fact, giving particulars of that differing advice.
- (10) Part III of Schedule 1 to this Act shall have effect as respects the Commission's committees.

### **3 Commission's duties in connection with fatstock guaranteed prices and calf subsidies.**

- (1) It shall be the duty of the Commission to carry out such functions as the Ministers may confer on the Commission in connection with—
  - (a) any arrangements in force by virtue of an order under section 1 or section 5 of the Agriculture Act 1957 for providing guaranteed prices for fatstock, or
  - (b) any scheme or order under the Agriculture (Calf Subsidies) Act 1952 as extended by this Act,but not including any functions conferred on the Ministers or either of them by or under an Act of Parliament other than functions which the Ministers may delegate under section 9(4) of the Agriculture Act 1957 or any other enactment.
- (2) So far as relates to livestock or livestock products, in section 5(1)(d) of the Agriculture Act 1957 (power of entry in connection with guaranteed prices), and in any order made under that paragraph before the coming into force of this section, references to authorised officers of the Minister shall include references to authorised officers of the Commission where accompanying an authorised officer of the Minister.
- (3) Any relevant information obtained by either of the Ministers in the discharge of their functions in connection with—
  - (a) any arrangements in force by virtue of an order under section 1 or section 5 of the Agriculture Act 1957 for providing guaranteed prices for fatstock, or
  - (b) any scheme or order under the Agriculture (Calf Subsidies) Act 1952 as extended by this Act,may, for the purpose of assisting the Commission in the performance of their functions under this section, be disclosed to the Commission ; and any such disclosure shall not be treated as a breach of contract, trust or confidence.

### **4 Commission's functions in connection with Markets and Fairs (Weighing of Cattle) Acts.**

- (1) The Ministers, or either of them, may from time to time delegate to the Commission any powers exercisable by the delegating Ministers or Minister to make orders under—
  - (a) section 9 of the Markets and Fairs (Weighing of Cattle) Act 1887 as amended by section 2 of the Markets and Fairs (Weighing of Cattle) Act 1926 (order exempting from obligation to provide facilities for weighing cattle),

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- (b) section 2 of the Markets and Fairs (Weighing of Cattle) Act 1891 (order exempting a market authority from obligation to provide and maintain accommodation for weighing cattle),
  - (c) section 4 of the Markets and Fairs (Weighing of Cattle) Act 1891 (order exempting auctioneers from requirements relating to facilities for weighing cattle),
  - (d) section 1(4) of the Markets and Fairs (Weighing of Cattle) Act 1926 (order exempting auctioneers from certain requirements relating to weighing of cattle),
  - (e) section 56(2) of the Food and Drugs Act 1955 (order exempting market authorities from requirements relating to weighing machines for cattle).
- (2) An order under the said section 56(2) of the Food and Drugs Act 1955 shall not be made by statutory instrument.
- (3) Where any power delegated to the Commission under this section includes power to vary or revoke orders previously made under that power, the Commission may vary or revoke any such order notwithstanding that it was made by the delegating Ministers or Minister.

## **5 Systems for classification of carcasses.**

- (1) For the purpose of providing a standard method of describing as fully as practicable those characteristics of a carcass which are the principal features of interest to persons trading in livestock and carcasses, the Commission shall, as soon as practicable, compile systems for the descriptive classification of the carcasses of all types of livestock slaughtered in Great Britain and for marking carcasses according to that classification.
- (2) For the said purpose the Commission may at any time compile systems for the descriptive classification and marking of imported carcasses, or modify any system, so far as inappropriate for imported carcasses, so as to make it applicable to all or any imported carcasses.
- (3) The systems shall be operated by the Commission, and they shall take such steps as appear to them appropriate—
- (a) for bringing to the notice of those particularly concerned particulars of any system compiled by them, and
  - (b) with a view to developing the system, for inviting any person to enter into arrangements with the Commission for the Commission to operate the system on his behalf.
- (4) If at any time the Commission are satisfied—
- (a) that a system compiled under this section is practicable, and
  - (b) that they have obtained sufficient experience of the operation of the system, and
  - (c) that they have the resources and facilities required to operate the system,
- they shall submit particulars of the system to the Ministers with the view to the making of an order under the next following section.

## **6 Compulsory use of systems of classification of carcasses.**

- (1) The Ministers may, on the recommendation of the Commission, by order make provision for requiring that carcasses of such description as may be specified in the order shall be marked by the Commission in such circumstances and in such manner as may be prescribed by the order and in accordance with the system to which the recommendation relates.
- (2) The order may specify the carcasses to which it is to apply by reference to the type of livestock, and the type of carcasses, may distinguish between imported carcasses and carcasses of livestock slaughtered in Great Britain, and may make other distinctions for different cases, and shall be subject to such exceptions or exemptions as may be made by or under the order.
- (3) An order under this section—
  - (a) may impose duties and restrictions on any persons, and in particular on persons having the control and management of slaughterhouses, for the purposes of enabling the Commission to operate the system,
  - (b) without prejudice to paragraph (a) above, may restrict the cutting and other operations which may be carried out on carcasses before they are marked, and prohibit their removal from the place of slaughter or importation before being marked,
  - (c) may require persons responsible for premises where a system is operated in accordance with this section, and persons subsequently dealing with carcasses required to be marked in accordance with this section, to keep records relating to their dealings in such carcasses,
  - (d) may authorise the Ministers to give directions to the Commission as to the manner in which the system is to be operated,
  - (e) may make provision for any incidental or supplemental matters for which provision appears to the Ministers to be necessary or expedient.
- (4) If any person contravenes or fails to comply with any provision of an order under this section he shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both:

Provided that if in proceedings against any person for an offence under this subsection it is proved—

- (a) that the commission of the offence was due to an act or default of some other person, and
- (b) that the person charged took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by him or any person under his control,

then, subject to the next following subsection, the person charged shall be acquitted of the offence.

- (5) A person charged with an offence under the last foregoing subsection shall not be entitled to be acquitted by virtue of the proviso thereto unless, not less than fourteen clear days before the hearing, he has given notice in writing to the prosecutor of his intention to rely on that proviso, specifying the name and address of the person to whose act or default he alleges the commission of the offence was due, and has sent a like notice to that person; and that person shall be entitled to appear at the hearing and to give evidence.

This subsection shall not apply to Scotland.

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- (6) Where the commission by any person of an offence under subsection (4) above is due to an act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.
- (7) If any person wilfully obstructs an authorised officer of the Commission or other person in the performance of his duty in connection with the operation of a system in pursuance of an order under this section he shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (8) If any person—
- (a) with intent to deceive, removes, alters, conceals or defaces any mark applied in the course of the operation by the Commission of a system compiled under the last foregoing section (whether or not operated in pursuance of an order under this section), or
  - (b) applies to any carcase, without due authority and with intent to deceive, any mark prescribed by a system so compiled and operated, or applies to any carcase a mark so closely resembling a prescribed mark as to be calculated to deceive, or
  - (c) wilfully makes a false entry in any record which is required to be kept in pursuance of an order under this section or, with intent to deceive, makes use of any such entry which he knows to be false,
- he 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.
- (9) For the purpose of ascertaining whether an offence has been committed under this section an authorised officer of the Commission may, on producing if so required a duly authenticated document showing his authority, require a person carrying on or managing a slaughterhouse or other undertaking for the slaughter of livestock, or an undertaking for the storage, processing, grading, classification, packing or cutting of carcasses, or for the sale of carcasses by wholesale, to produce any books, accounts or records relating to the conduct of the undertaking which the officer may require to inspect, and may take a copy or extract from any such book, account or record produced to
- If a person fails to comply with a requirement under this subsection he 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.
- (10) An order under this section shall be made by statutory instrument and may be varied or revoked by a subsequent order under this section.
- (11) No order shall be made under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament; and an order terminating provision made under this section for the operation of a system shall not require the recommendation of the Commission under subsection (1) above.

## 7 **Systems of classifying meat, and codes of practice for butchers.**

- (1) With a view to assisting persons buying meat by retail the Commission may compile—

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- (a) systems of classifying meat and of marking and labelling it in accordance with the classification, and
- (b) standard codes of practice for the way in which meat is cut for sale by retail and for the way in which the cuts of meat are described,

and may take such steps as appear to them appropriate to encourage the use of the systems of classification and standard codes in all retail meat undertakings.

- (2) The Commission may operate any system compiled by them under this section.
- (3) References in this section to labelling meat include references to labelling it by means of any mark, label, tag or ticket made on, attached to or displayed with the meat, and, without prejudice to the construction of the expression " label " in section 6 of the Food and Drugs Act 1955 or in section 6 of the Food and Drugs (Scotland) Act 1956 or elsewhere, that expression in section 6 of the said Acts shall include any such mark, label, tag or ticket.

## **8 Information as to retail meat prices.**

- (1) The Commission may submit to the Ministers schemes for requiring information to be given in retail meat undertakings as to the prices asked for meat and for regulating the way in which that information is given.
- (2) A scheme under this section may in particular—
  - (a) require information to be given by the display of price lists and, in the case of meat exposed for sale, by the use of prices attached to or displayed with the meat,
  - (b) require the information to be given, in the case of meat exposed for sale, both by showing the prices of particular pieces of meat and also by showing the weight of particular pieces of meat and the price per pound weight,
  - (c) regulate the way in which meat is described in price lists and the language used for description,
  - (d) contain provisions to ensure that information about prices is not given in a misleading way, is conveniently presented and is accessible.
- (3) A scheme made under this section may be varied or revoked by a subsequent scheme so made, and may contain such supplemental and incidental provisions as appear to the Commission to be expedient, including in particular provisions—
  - (a) conferring such exemptions from the requirements of the scheme as may be specified by or under the scheme,
  - (b) conferring powers of entry on officers of local weights and measures authorities appointed, or deemed to have been appointed, under section 41 of the Weights and Measures Act 1963,
  - (c) in the case of a scheme varying or revoking a previous scheme, for any transitional matters.
- (4) A scheme under this section may include provisions making persons guilty of an offence against the scheme and, in particular, may make a person guilty of an offence against a scheme if he demands or accepts for any meat a price in excess of one displayed in connection with it.
- (5) A person guilty of an offence against a scheme under this section shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

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- (6) If the Ministers are satisfied that the bringing into force of a scheme submitted to them under this section is desirable they may confirm the scheme by order made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The Ministers may by order revoke a scheme under this section if it appears to them, after consultation with the Commission, that the scheme is not serving the purposes for which it was made, or that the continued operation of the scheme would be contrary to the public interest.

An order under this subsection—

- (a) may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient, and
- (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

## **9 Powers to meet future developments in livestock and livestock products industries.**

- (1) With a view to enabling the livestock industry and the livestock products industry to carry out such changes as the Commission may consider to be necessary or expedient, the Commission may submit to the Ministers a scheme (in this section referred to as a "development scheme") for the purpose of conducting to the better organisation, development or regulation of any section of the livestock industry or the livestock products industry.
- (2) A development scheme may make provision for the rationalisation or concentration of a section of either industry, including in particular—
  - (a) provisions compelling or encouraging the elimination of excess capacity,
  - (b) provisions compelling or encouraging a reduction in the number of undertakings engaged, and
  - (c) provisions requiring permission to be given for the setting up of a new undertaking or the relocation of an existing undertaking.
- (3) A development scheme shall provide—
  - (a) that the compensation payable under the development scheme in respect of loss or damage sustained in consequence of the provisions of the scheme shall be payable either out of funds provided by the industry, or a section of the industry, or by the Commission, or partly by one of those means and partly by another, and
  - (b) for questions of disputed compensation so payable to be determined otherwise than by the Commission.
- (4) A development scheme may be made for the purpose of providing facilities or services for a section of either industry, whether free of charge or not, and may provide for the expenses of providing the facilities or services to be met either out of funds provided by the industry, or a section of the industry, or by the Commission, or partly by one of those means and partly by another.
- (5) A development scheme—
  - (a) may be made for Great Britain or for England and Wales or for Scotland, or for one or more areas within England and Wales, or Scotland,



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- (b) may be by way of an experimental or pilot scheme restricted to a specified area or specified undertakings or specified persons.
- (6) The methods employed by a development scheme may include the licensing of undertakings or producers, the imposition of quotas on undertakings or producers or markets, and the registration of any category of undertakings or persons.
- (7) A development scheme shall have effect notwithstanding any provision inconsistent with the scheme which is contained in any Charter or letters patent, or is contained in or made under any Act of Parliament (including a local Act) passed before this Act or any local Act passed with or after this Act.
- (8) A development scheme may be varied or revoked by a subsequent development scheme and may contain such supplemental and incidental provisions as appear to the Commission to be expedient, including in particular provisions—
  - (a) conferring functions on the Commission,
  - (b) with respect to the funds to be paid by either industry, or a section of either industry, for the purposes of the scheme, including provisions authorising the Commission to obtain the funds by means of a levy scheme or provisions applying, with any necessary modifications, so much of this Part of this Act as relates to levy schemes,
  - (c) requiring the keeping of books, accounts and records,
  - (d) conferring powers of requiring the production of books, accounts or records and powers of entry on officers of the Commission and other persons authorised by the Commission to exercise those powers,
  - (e) conferring such exemptions from the requirements of the scheme as may be specified by or under the scheme,
  - (f) authorising the Commission to delegate any functions conferred on them by the scheme,
  - (g) in the case of a scheme varying or revoking a previous scheme, for any transitional matters.
- (9) The generality of the provisions of subsection (1) of this section is not to be read as qualified by or restricted to the particular matters mentioned above in this section.
- (10) A development scheme may include provisions making persons guilty of an offence where there is a contravention of the scheme, and for the imposition of penalties on summary conviction of any such offence, so however that a maximum fine specified in the scheme shall be a sum not exceeding one hundred pounds and a maximum term of imprisonment specified in the scheme shall be a term not exceeding three months.
- (11) The Ministers may, after consultation with the President of the Board of Trade, direct that any agreement or class of agreements specified in the direction, being agreements into which the Commission enter in connection with a development scheme, shall be ones to which Part I of the Restrictive Trade Practices Act 1956 does not

This subsection extends to Northern Ireland.

- (12) Schedule 2 to this Act shall have effect as respects the procedure for making a development scheme, and other matters concerning development schemes.

### *Calf subsidies*

#### **10 Calf subsidy schemes.**

- (1) A scheme under the Agriculture (Calf Subsidies) Act 1952 (subsidies in respect of calves born in the United Kingdom) may provide for the time when subsidy becomes payable in respect of a calf, the times by reference to which eligibility for a subsidy, or the rate of subsidy, is to be determined, or any other time relevant for the purposes of the scheme, to be times when the animal has ceased to be a calf, or when the animal whether still a calf or not is dead ; and accordingly—
  - (a) references in that Act to calves shall where the context admits include references to cattle or carcases, and
  - (b) section 1(1)(c) of that Act (under which the scheme must prescribe the limits of age for a calf eligible for subsidy) shall cease to have effect but without prejudice to the power to prescribe such a limit.
- (2) The period to be specified in a scheme under the said Act (which, under section 1(3) of that Act, must not exceed three years) shall either—
  - (a) be one within which the date of birth must fall, or
  - (b) in such cases as the appropriate Minister may determine and in particular in cases where, at the time when eligibility for a subsidy is to be determined, the animal's date of birth cannot be satisfactorily ascertained from an inspection of the animal or carcase, be one within which must fall the date of certification, or the date when subsidy becomes payable, or any other date relevant for the purposes of the scheme;

and accordingly in section 1(1)(a) of the said Act the words " within the period specified in the scheme " shall cease to have effect.
- (3) If under the last foregoing subsection periods are specified in different ways, the periods need not be concurrent.
- (4) Section 1(5)(b) of the said Act (under which a scheme must not be varied so as to exclude or reduce subsidy in respect of a calf born before the coming into operation of the varying scheme) shall only apply so far as any variation is of the provisions under which subsidy is restricted to animals certified when still calves.
- (5) Without prejudice to the generality of the foregoing provisions of this section, the provisions of a scheme under the said Act may be such as to make it possible for the administration of the scheme to be combined with the administration of arrangements for payments to be made in respect of fatstock under Part I of the Agriculture Act 1957 (guaranteed prices); and such a scheme may frame the description of animals or carcases in respect of which subsidy is payable by reference to the descriptions of animals or carcases (whether prescribed by or under an order made under the said Part I) which for the time being govern eligibility for payments under the said Part I.
- (6) In cases where subsidy is not restricted to animals certified when still calves, the appropriate Minister may, if he thinks fit, provide in the scheme that the rate of subsidy shall, instead of being specified in the scheme, be such amount as the appropriate Minister may with the approval of the Treasury determine as being approximately equivalent on the average to the rate of subsidy which would be payable if the case were one where subsidy is restricted to animals certified when still calves.
- (7) A scheme under the said Act may provide for the delegation by the appropriate Minister of any functions conferred on him by the scheme.

(8) This and the next following section extend to Northern Ireland.

## **11 Supervision and enforcement of calf subsidy schemes.**

- (1) For the purpose of securing that payments under the Agriculture (Calf Subsidies) Act 1952 are made in proper cases only, the appropriate Minister may by order make provision—
- (a) for requiring that cattle or carcasses shall be marked in such circumstances, in such manner, and by or under the supervision of such persons, as may be prescribed by or under the order,
  - (b) for prohibiting the removal from slaughterhouses or other premises where cattle or carcasses are required to be marked in pursuance of the order of any cattle or carcasses to which the order applies which have not been so marked,
  - (c) for enabling authorised officers of the appropriate Minister or of the Ministry of Agriculture for Northern Ireland, and authorised officers of the Commission where accompanying an authorised officer of the appropriate Minister, to enter on land used for the production, keeping, slaughter, grading or sale of cattle, or for the storage, grading, packing or sale of carcasses, and to inspect any cattle or carcasses found upon land so used,
  - (d) for requiring the production by producers, dealers, persons owning or controlling slaughterhouses, auctioneers and other persons of books, accounts or records relating to the purchase, sale or use of cattle or carcasses,
  - (e) for any other matters for which provision appears to the appropriate Minister to be necessary or expedient for the purposes described in this subsection.
- (2) In section 6(1) of the Agriculture Act 1957 (under which imported livestock may be marked, and the importation of livestock controlled, for purposes which include that of securing that payments under Part I of that Act are made in proper cases only) the reference to the purposes there mentioned shall include a reference to the purpose of securing that payments under the Agriculture (Calf Subsidies) Act 1952 are made in proper cases only.
- (3) Section 7 of the Agriculture Act 1957 (which imposes penalties in relation to the provisions of section 5 of that Act, being provisions which correspond to subsection (1) of this section) shall apply in relation to an order under subsection (1) of this section as it applies in relation to an order under the said section 5.
- (4) An order made under subsection (1) of this section—
- (a) may provide for the delegation by the appropriate Minister of any functions conferred or imposed on him by the order,
  - (b) may be varied or revoked by a subsequent order so made, and
  - (c) shall be made by statutory instrument.
- (5) A statutory instrument containing an order under subsection (1) of this section shall be laid before Parliament after being made, and shall cease to have effect (without prejudice to anything previously done thereunder or to the making of a new order) on the expiration of a period of forty days, calculated in accordance with section 7(1) of the Statutory Instruments Act 1946, beginning with the day on which it is made unless within that period it has been approved by resolution of each House of Parliament.
- (6) As from such date as may be specified in an order in a statutory instrument made by the appropriate Minister, so much of section 1(4)(c) of the Agriculture (Calf Subsidies)

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Act 1952 as relates to the marking of calves, and sections 2 and 3 of that Act (which are superseded by the provisions of subsections (1) and (2) of this section) shall cease to have effect, and orders under subsection (1) of this section, and under section 6 of the Agriculture Act 1957 as extended by subsection (2) of this section, may contain such supplemental and incidental provisions as appear to the appropriate Minister expedient for effecting the transition from the provisions so repealed.

- (7) An order under this section may be made for England and Wales, for Scotland, for Northern Ireland, or for any two or all of those parts of the United Kingdom jointly.
- (8) In this and the last foregoing section "carcasses" means carcasses of cattle.

### *Beef Cow subsidies*

## **12 New provision for payment of beef cow subsidies.**

- (1) The appropriate Minister may, in accordance with a scheme made by him with the approval of the Treasury, make out of money provided by Parliament payments in respect of cows, or cows of prescribed descriptions, which on any prescribed date are comprised in a herd with respect to which any prescribed conditions are fulfilled, being a herd appearing to the appropriate Minister to be maintained primarily for the purpose of breeding calves for beef.

In this section "cow" means a female bovine animal which has borne a calf, or has, in the opinion of the appropriate Minister, been brought into a herd to replace one which has borne a calf, and "prescribed" means prescribed by a scheme under this section; and the payments for which provision is made by any such scheme are in this section referred to as "subsidy payments".

- (2) A scheme under this section may be made for England and Wales, for Scotland, for Northern Ireland, or for any two or all of those parts of the United Kingdom jointly.
- (3) The duration of a scheme under this section shall be a period not exceeding five years.
- (4) The amount which may be paid by way of subsidy payment in respect of a cow shall be such as may be specified by an order made for the purposes of the scheme in question by the appropriate Minister with the approval of the Treasury, and any such order may specify different amounts in relation to different descriptions of cows.
- (5) A scheme under this section shall contain provision designed to secure that subsidy payments and payments under hill cattle schemes within the meaning of the Hill Farming Act 1946 are not made in respect of the same animals for the same, or substantially similar, periods.
- (6) A scheme under this section—
  - (a) may make provision as to the persons to whom subsidy payments may be made, and for securing that no such payment shall be made unless it is applied for at such time and in such manner as the appropriate Minister may direct;
  - (b) may determine the minimum number of cows in respect of which subsidy payments may be made to any person;
  - (c) may specify the manner in which the number of cows in respect of which subsidy payments may be so made is to be computed ;

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- (d) may provide for the number of cows in respect of which subsidy payments would otherwise fall to be so made to be reduced, in any prescribed circumstances, to an extent specified in or determined under the scheme;
  - (e) may provide for subsidy payments to be withheld in any prescribed circumstances, or for the amount of any such payment to be reduced in any such circumstances to an extent specified in or determined under the scheme;
  - (f) may authorise the making of subsidy payments subject to such conditions as the appropriate Minister may think fit to impose ; and
  - (g) may contain provisions generally for securing that subsidy payments are properly made, and such incidental and supplementary provisions as appear to the appropriate Minister to be requisite or expedient for the purposes of the scheme.
- (7) A scheme or order under this section—
- (a) may be varied (but not, in the case of a scheme, so as to extend its duration) or revoked by a subsequent scheme or order thereunder ; and
  - (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This section extends to Northern Ireland.

#### *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.
- (4) The maximum charges so specified—

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

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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.

### *Supplemental*

## **20 Directions to Commission by Ministers.**

- (1) The Ministers, after consultation with the Commission, may give to the Commission such directions of a general character with respect to the performance of any functions of the Commission as appear to the Ministers to be requisite in the public interest
- (2) The Commission's report for any year under section 19(1) above shall set out any direction given by the Ministers under subsection (1) of this section to the Commission during that year, unless the Ministers have notified the Commission their opinion that it is against the interests of national security to do so.

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- (3) It shall be the duty of the Commission to comply with any directions given by the Ministers under this section.

## **21 Inquiries by Commission.**

- (1) The Commission may hold such inquiries as they consider necessary or desirable for the discharge of any of their functions.
- (2) For the purpose of any inquiry under this section the Commission may by summons require any person to attend to give evidence on any of the matters specified in the summons, or to produce all documents in his possession or control which relate to any such matters.
- (3) The summons shall specify the hour and day, being a day not earlier than twenty-one days after the service of the summons, and the place, at which that person is to attend, and shall refer to the right of appeal conferred by subsection (4) below.
- (4) Within fourteen days of service of a summons under this section, the person served may appeal to the High Court on the ground that any of the evidence, or any document, which he may be required to give or produce in pursuance of the summons is not reasonably required by the Commission for the execution of their functions under this Act, and—
- (a) the operation of the summons shall be suspended until the final determination of the appeal, and
  - (b) the court may make such order either confirming or quashing or varying the summons as the court thinks fit and, except where the order is quashed, providing if need be for the time and place of attendance under the summons.
- (5) The jurisdiction conferred by this section on the High Court may be exercised by a Master, but subject to rules of court and to the rights of appeal from the decisions of a Master thereby conferred, and this subsection shall have effect notwithstanding section 63(1) of the Supreme Court of Judicature (Consolidation) Act 1925 (which requires an appeal from any person to the High Court to be heard and determined by a divisional court).
- (6) No person shall be compelled for the purposes of an inquiry under this section to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the High Court.
- (7) No person shall be required, in obedience to a summons under this section, to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.
- (8) For the purpose of any inquiry under this section the Commission may take evidence on oath and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined.
- (9) If any person who is to give evidence at any inquiry under this section so requests at the hearing, or by a notice in writing served on the Commission before the day of the hearing, the Commission shall exclude the public from the hearing while that person gives his evidence.
- (10) The procedure at any such inquiry shall, subject to the foregoing provisions of this section and any direction under section 20 above, be determined by the Commission,

but so that any person appearing thereat shall be entitled to representation by counsel, solicitor or any other person.

- (11) A person who—
- (a) refuses or wilfully neglects to attend in obedience to a summons under this section, or to give evidence as required by such a summons, or
  - (b) wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purposes of this section,
- shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both.
- (12) In the application of this section to Scotland—
- (a) for any reference to the High Court there shall be substituted a reference to the sheriff,
  - (b) subsection (5) shall not apply, and
  - (c) for any reference to a summons there shall be substituted a reference to a notice in writing.

## **22 Dissolution of Pig Industry Development Authority.**

- (1) On the date of the coming into force of this section the assets, liabilities and obligations of the Pig Industry Development Authority established under Part III of the Agriculture Act 1957 shall by virtue of this subsection and without further assurance be transferred to the Commission.
- (2) The Authority's financial year current on the said date shall be deemed to end on that date.
- (3) As soon as the Ministers are satisfied that the requirements of section 28 of the Agriculture Act 1957 (annual report and accounts) have been complied with on the part of the Authority in respect of years down to and including that financial year, they shall by order in a statutory instrument dissolve the Authority, and thereupon any expenses incurred by the Authority in complying with the said section 28 after the said date shall become a liability of the Commission.

## **23 Power of entry.**

- (1) For the purpose of obtaining information with respect to any matter which is of concern to the Commission, an authorised officer of the Commission, on producing if so required a duly authenticated document showing his authority, shall have a right to enter, at any reasonable time, any premises (other than a building used only as a private dwellinghouse) which he has reasonable cause to believe to be premises used for the slaughter of livestock or for the storage, processing, grading, classification, packing, cutting or sale of meat.
- (2) An authorised officer entering any premises by virtue of this section may take with him such other persons as may appear to him necessary.
- (3) A person may on any premises which he enters by virtue of this section inspect any livestock or meat or, if a retail meat undertaking is carried on the premises, any price lists or price marks, labels, tags or tickets or any other displays of prices of meat for sale.

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- (4) If any person wilfully obstructs an authorised officer or other person in the exercise of powers conferred on him by this section he shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (5) The foregoing provisions of this section shall apply in relation to a stall or vehicle as they apply in relation to premises, but nothing in this section shall authorise a person to stop any vehicle on a highway.

## **24 Disclosure of information.**

- (1) Returns or other information furnished or obtained by any person in pursuance of a requirement made under a levy scheme, and any other information with respect to any particular undertaking which has been obtained under or by virtue of this Part of this Act, shall not be disclosed except—
  - (a) with the consent of the person by whom the information was furnished, or
  - (b) to a member, officer or servant of the Commission or to any person exercising functions on behalf of the Commission, or
  - (c) to either of the Ministers or to an officer or servant appointed by, or by one of, the Ministers or to any person exercising functions on behalf of the Ministers, or either of them, or
  - (d) in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to any one person or undertaking to be ascertained from it, or
  - (e) for the purpose of any proceedings pursuant to this Part of this Act, or of any criminal proceedings which may be taken, whether pursuant to this Act or otherwise, or for the purpose of a report of any such proceedings.
- (2) This section shall not be taken as applying to information obtained at an inquiry under section 21 of this Act, except information derived from evidence given at the inquiry at a time when the public are excluded.
- (3) Any person who discloses any information in contravention of this section 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.
- (4) This section, except subsections (1)(b) and (2), extends to Northern Ireland.

## **25 Interpretation of Part I.**

- (1) In this Part of this Act " the Ministers " means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland and, in the case of anything falling to be done by the Ministers, means those two Ministers acting jointly, except that payments to the Commission under section 15 of this Act shall be separate payments by the two Ministers in proportions agreed by them with the approval of the Treasury.
- (2) In this Part of this Act, unless the context otherwise requires—
  - " carcasses " means whole carcasses of livestock, and sides, quarters and other wholesale cuts of carcasses;
  - " the Commission " has the meaning given by section 1 of this Act;

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" fatstock " means fat cattle, fat sheep and fat pigs and the carcasses of those animals ;

" imported " means imported, removed or brought into Great Britain from elsewhere, and cognate expressions shall be construed accordingly ;

" joint committee " has the meaning given by section 2(7) of this Act;

" levy scheme " has the meaning given by section 13 of this Act;

" livestock " means cattle, sheep and pigs;

" livestock industry " means all the activities comprised in the production, marketing and distribution of livestock in Great Britain, including the carrying on of slaughterhouses and livestock auctions and markets;

" livestock product " means any product for human consumption which is derived to any substantial extent, with or without any process of manufacture, from livestock, but excluding milk and milk products, so, however, that references to the production or processing or manufacture of livestock products include references to the production or processing or manufacture in slaughterhouses of any inedible products obtained from the slaughter of livestock in slaughterhouses;

" livestock products industry " means the activities comprised in the production, processing, manufacture, marketing and distribution of livestock products in Great Britain, including the carrying on of livestock product auctions and markets ;

" meat " means—

(a) carcase meat and offal obtained from livestock and intended for human consumption, and

(b) bacon and ham;

" retail meat undertaking " means a business which consists of or includes the selling of meat by retail;

" slaughterhouse " has, in England and Wales and Northern Ireland, the meaning given by section 135(1) of the Food and Drugs Act 1955 and, in Scotland, the meaning given by section 16 of the Slaughterhouses Act 1954.

- (3) Any reference in this Part of this Act to a person having the control and management of a slaughterhouse includes a reference to a local authority providing slaughterhouse facilities under Part II of the Slaughterhouses Act 1954 or Part IV of the Food and Drugs Act 1955, or providing any similar facilities under any local enactment.
- (4) Subsections (1), (2) and (3) of section 107 of the Agriculture Act 1947 or, as the case may be, subsections (1), (2) and (3) of section 83 of the Agriculture (Scotland) Act 1948 (manner of service of notice) shall apply to documents required or authorised to be served under this Part of this Act.