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Proposed Red Meat Industry (Wales) Measure 2010

[AS PASSED]

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Proposed Red Meat Industry (Wales) Measure 2010

[AS PASSED]

A Measure of the National Assembly for Wales to make provision about imposing a levy in relation to the red meat industry in Wales, and for connected purposes.

1 Meaning of the “red meat industry”

(1) In this Measure, “the red meat industry” means –

- (a) activities comprised in breeding, keeping, processing, marketing and distributing any of the following animals –
 - (i) cattle,
 - (ii) sheep, or
 - (iii) pigs; and
- (b) activities comprised in producing, processing, marketing, manufacturing and distributing products derived to any substantial extent from those animals (apart from milk and milk products, fleece wool and hides); and
- (c) slaughterhouses, auctions and markets used wholly or partly for activities falling within paragraphs (a) or (b).

(2) In this Measure –

“cattle sector” (“sector gwartheg”) means the red meat industry so far as it relates to cattle;

“pig sector” (“sector moch”) means the red meat industry so far as it relates to pigs;

“sheep sector” (“sector defaid”) means the red meat industry so far as it relates to sheep.

(3) The powers conferred on the Welsh Ministers by this Measure may be exercised –

- (a) in relation to the red meat industry as a whole, or
- (b) in relation to only some sectors of the industry;

and may be exercised differently in relation to different sectors of the industry.

(4) Any reference in this Measure to animals includes (where the context requires) a reference to animals that are dead.

2 Objectives

For the purposes of this Measure, the objectives are –

- (a) increasing efficiency or productivity in the red meat industry;
- (b) improving marketing in the industry;
- (c) improving or developing services that the industry provides or could provide to the community; and
- (d) improving the ways in which the industry contributes to sustainable development.

3 Functions

- (1) The Welsh Ministers may do anything that they consider appropriate to further the objectives.
- (2) For the purpose of furthering the objectives, the Welsh Ministers may, among other things, –
 - (a) exercise any of the functions listed in Schedule 1 in relation to the red meat industry, and
 - (b) establish a reserve fund.
- (3) The Welsh Ministers may by order amend Schedule 1 by –
 - (a) amending or omitting provisions;
 - (b) adding provisions; or
 - (c) amending or omitting any provisions which have been added.

4 Imposing a levy: designation of persons liable

- (1) The Welsh Ministers may impose a levy or levies in accordance with this section for the purpose of meeting expenditure incurred, or to be incurred, in –
 - (a) furthering any of the objectives;
 - (b) carrying out other functions relevant to the red meat industry; and
 - (c) otherwise providing services relevant to the red meat industry.
- (2) Levy paid by persons in respect of activities in the cattle sector, the sheep sector or the pig sector may not be used for the purpose of meeting expenditure incurred, or to be incurred, specifically in relation to a different sector.
- (3) The Welsh Ministers may impose a levy –
 - (a) on slaughterers if (and only if) slaughterers have been designated, by order made by the Welsh Ministers, as liable to levy under this Measure; and
 - (b) on exporters if (and only if) exporters have been designated, by order made by the Welsh Ministers, as liable to levy under this Measure.

- (4) The Welsh Ministers may impose a levy on persons who carry out a primary activity if (and only if) that primary activity has been designated, by order made by the Welsh Ministers, as liable to levy under this Measure.
- (5) The Welsh Ministers may impose a levy on persons who carry out a secondary activity if (and only if) that secondary activity has been designated, by order made by the Welsh Ministers, as liable to levy under this Measure.
- (6) In this section –
 - “primary activity” (“gweithgaredd cynradd”) means breeding, keeping, processing, marketing or distributing cattle, sheep or pigs (but does not include slaughtering or exporting cattle, sheep or pigs);
 - “secondary activity” (“gweithgaredd eilaidd”) means an activity which –
 - (a) is carried out in connection with the red meat industry;
 - (b) is not slaughtering or exporting cattle, sheep or pigs; and
 - (c) is not a primary activity.

5 Levies imposed on slaughterers or exporters - calculating the levy and payment

- (1) A levy imposed on slaughterers or exporters for any period is calculated by reference to the number of chargeable cattle, sheep or pigs.
- (2) In Schedule 2 –
 - (a) Part 1 makes further provision about how levies must be calculated, and
 - (b) Part 2 provides for the date by which levies must be paid.
- (3) In respect of levies imposed on slaughterers or exporters, the Welsh Ministers may make regulations about procedures relating to –
 - (a) the imposition of levies (including notification to persons liable to pay a levy of the amount which they are required to pay), and
 - (b) payment and collection of levies.
- (4) The Welsh Ministers may, by order, amend Schedule 2 by –
 - (a) amending or omitting provisions;
 - (b) adding provisions; or
 - (c) amending or omitting any provisions which have been added.
- (5) In this Measure “chargeable cattle, sheep or pigs” (“gwartheg, defaid neu foch y gellir codi ardoll amdanynt”), in respect of any period for which levy is imposed –
 - (a) in relation to a slaughterer, means cattle, sheep or pigs slaughtered by the slaughterer in that period; and
 - (b) in relation to an exporter, means cattle, sheep or pigs exported by the exporter in that period.

6 Power to make provision about levies imposed in respect of persons carrying out a designated primary activity or a designated secondary activity

- (1) A levy imposed on persons carrying out a designated primary activity or a designated secondary activity for any period is calculated by reference to the number of chargeable cattle, sheep or pigs.
- (2) The Welsh Ministers may, by order, make further provision about levies imposed on persons carrying out a designated primary activity or a designated secondary activity, including, but not limited to, provision about—
 - (a) rates and components of a levy, and how levies are calculated;
 - (b) how levies are to be held and paid;
 - (c) offences for non-compliance;
 - (d) exceptions from levy payment in certain circumstances;
 - (e) procedures relating to the imposition (including notification to persons liable to pay a levy of the amount which they are required to pay) and payment and collection of levies.
- (3) An order under subsection (2) may make any amendments to this Measure as appear necessary or expedient to the Welsh Ministers in connection with any provisions made under subsection (2).
- (4) In this Measure “chargeable cattle, sheep or pigs” (“gwartheg, defaid neu foch y gellir codi ardoll amdanynt”), in relation to a person carrying out a designated primary or secondary activity and in respect of any period for which levy is imposed, means cattle, sheep or pigs in respect of which that activity is carried out in that period.

7 Delegation and subsidiaries

- (1) The Welsh Ministers may, to any extent and subject to any conditions as they think appropriate, delegate any of their functions under this Measure (other than excepted functions) to any person.
- (2) The Welsh Ministers may acquire or establish subsidiaries to carry out any of their functions under this Measure (other than excepted functions).
- (3) An excepted function is any function relating to—
 - (a) making regulations or orders;
 - (b) giving directions.
- (4) A delegation under subsection (1) may be varied or revoked at any time.
- (5) Any agreement or arrangement made under this section by the Welsh Ministers for delegating a function, or for arranging that a subsidiary will carry out a function, does

not prevent the Welsh Ministers from exercising the function, if they consider that it is necessary or expedient for them to do so.

8 Returns and estimates

- (1) The Welsh Ministers may give directions requiring persons who are liable to pay a levy in respect of any period to submit a return relating to that period.
- (2) The return must contain –
 - (a) the number of chargeable cattle, sheep or pigs in respect of the period to which the return relates, and
 - (b) such other details as may be directed by the Welsh Ministers.
- (3) The return must be submitted by such date, and in such manner and form, as may be specified in a direction given by the Welsh Ministers.
- (4) If any person liable to submit a return –
 - (a) fails to submit the return by the date directed,
 - (b) fails to include in the return an estimate of the number of chargeable cattle, sheep or pigs, or
 - (c) includes in the return an estimate which in the opinion of the Welsh Ministers is unreasonably low,

the Welsh Ministers may estimate the number of animals that ought have been noted in the return.

- (5) If the Welsh Ministers estimate the amount in accordance with subsection (4), they must notify the person liable to pay the levy in writing of that estimate.
- (6) If, having been notified of the estimate, the person liable to pay the levy fails to submit a return containing an estimate within 28 days of receiving the notification, that person must pay a levy on the number of animals estimated.
- (7) The Welsh Ministers may determine that a higher rate of levy is payable where the number of animals is estimated by them under this section, but that rate must not exceed any maximum levy rates provided under this Measure.
- (8) A person who fails without reasonable excuse to submit a return in accordance with any direction is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) A person who provides false or misleading information relating to any requirements under this Measure is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

9 Provision of information

- (1) Persons liable to pay a levy under this Measure must –
 - (a) keep sufficient records to enable the Welsh Ministers to establish how much levy is due; and

(b) produce those records to an officer of the Welsh Ministers on demand.

- (2) A person who fails to comply with this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

10 Inspection

The Welsh Ministers may appoint a person (in this Measure referred to as an “appointed person”) to ascertain whether –

- (a) the information provided in any return is accurate;
- (b) the number of animals upon which the levy has been based is accurate;
- (c) the levy due under this Measure has been paid; and
- (d) an offence under this Measure is being or has been committed.

11 Powers of entry

- (1) A justice of the peace may, if satisfied on the application of an appointed person that the requirements set out in subsections (2) and (3) are met, issue a warrant authorising that person –
- (a) to enter land or premises (using reasonable force if necessary), and
 - (b) to search that land or those premises.
- (2) The first requirement is that there are reasonable grounds for believing that entry to the land or premises is necessary to ascertain whether –
- (a) the information provided in any return is accurate,
 - (b) the number of animals upon which any levy has been based is accurate,
 - (c) the levy due under this Measure has been paid, or
 - (d) an offence under this Measure has been or is being committed.
- (3) The second requirement is –
- (a) that entry to the land or premises has been sought and either has been refused or has not been possible, or
 - (b) that, if entry (without a warrant) to the land or premises were sought, any information, document or other item would be removed, tampered with, concealed or destroyed.
- (4) The right conferred by a warrant under this section includes power to –
- (a) enter premises used only as a dwelling-house if the appointed person has reasonable cause to believe that the premises are –
 - (i) occupied by a person liable to pay a levy under this Measure,
 - (ii) in the possession of such a person,

- (iii) occupied by any employee, agent, contractor or tenant of a person liable to pay a levy, or
 - (iv) in the possession of such a person;
 - (b) have access to and inspect any documents or records (in whatever form they are held) which are on the land or premises and are kept for purposes connected with any duties or obligations arising under this Measure;
 - (c) inspect any animals on the land or premises;
 - (d) copy any documents or records mentioned in paragraph (b), or to remove those documents or records in order to enable them to be copied;
 - (e) remove anything which the appointed person reasonably believes to be evidence of any failure to comply with any requirements under this Measure;
 - (f) require any person liable to pay a levy under this Measure to produce any document, records or information, and to provide any facilities or other assistance as the appointed person may reasonably request.
- (5) Entry and search under a warrant under this section must be at a reasonable hour and within one month of the date of its issue.
- (6) The appointed person may –
- (a) be accompanied by any other person as the appointed person considers necessary;
 - (b) require a person holding or accountable for any document to give any information or explanation as the appointed person thinks necessary; and
 - (c) require that person to attend before the appointed person to give the information or explanation or to produce the document.
- (7) In relation to a document kept in electronic form, the power in subsection (4)(f) to require a person to produce a document includes power to require it to be produced in a form in which it is legible and can be taken away.
- (8) In connection with inspecting such a document, an appointed person –
- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which the appointed person considers is or has been used in connection with the document;
 - (b) may require a person within subsection (9) to afford the appointed person such reasonable assistance as the appointed person may require for that purpose.
- (9) The persons within this subsection are –
- (a) any person by whom or on whose behalf the computer is or has been used; and
 - (b) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (10) An appointed person must, if so required, produce –

- (a) the warrant, and
 - (b) documentation which identifies the appointed person as a person authorised to impose requirements under this section.
- (11) If an appointed person enters any unoccupied land or premises, the appointed person must—
- (a) leave that land or those premises as effectively secured against unauthorised entry as the appointed person found them, and
 - (b) leave a copy of the warrant in a prominent place on the land or premises.
- (12) A person who without reasonable excuse obstructs the exercise of any power conferred by this section or fails to comply with a requirement of an appointed person under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (13) Any expenses incurred by an appointed person in proceedings for an offence under subsection (12) are, so far as not recoverable from any other source, recoverable from the person who committed the offence.

12 Offences committed by bodies or partnerships

- (1) Where a body corporate is guilty of an offence under this Measure, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of,—
- (a) any director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,
- that person is guilty of the offence as well as the body corporate, and is liable to be proceeded against and punished accordingly.
- (2) For the purposes of this section “director” (“cyfarwyddwr”) in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (3) Proceedings for an offence alleged to have been committed under this Measure by an unincorporated body are to be brought in the name of that body (and not in that of any of its members) and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a corporation.
- (4) Any fine imposed on an unincorporated body on its conviction of an offence under this Measure is to be paid out of the funds of that body.
- (5) If an unincorporated body is charged with an offence under this Measure, section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates’ Courts Act 1980 (c. 43) have effect as if a corporation had been charged.
- (6) Where an offence under this Measure committed by an unincorporated body (other than a partnership) is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of, any officer of the body or any member

of its governing body, that person as well as the body is guilty of the offence and liable to be proceeded against and punished accordingly.

- (7) Where an offence under this Measure committed by a partnership or a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

13 Time limits for bringing proceedings

- (1) Proceedings for an offence under this Measure may be brought at any time within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
- (2) But proceedings cannot be commenced more than 2 years after the date on which the offence was committed.

14 Definitions

In this Measure—

“cattle” (“gwartheg”) means bovine animals, including bison and buffalo;

to “export” (“allforio”) means to transport cattle, sheep or pigs outside the United Kingdom;

“exporter” (“allforiwr”) means any person who exports cattle, sheep or pigs;

“objectives” (“amcanion”) means the objectives set out in section 2;

“persons liable to pay a levy” (“personau sy'n agored i dalu ardoll”) means persons who have been designated, by order made by the Welsh Ministers, as liable to levy under this Measure, or persons carrying out a designated primary or designated secondary activity;

“pigs” (“moch”) means porcine animals, including wild boar and other feral pigs;

“slaughterer” (“cigyddwr”) means any person who has the control and management of a slaughterhouse.

15 Abolition of the Welsh Levy Board

- (1) The Welsh Levy Board is abolished.
- (2) Upon abolition of the Board its property, rights and liabilities vest in the Welsh Ministers.
- (3) A reference in any document to the Welsh Levy Board has effect, so far as necessary for the purposes of or in consequence of the provisions of subsection (2), as if it were a reference to the Welsh Ministers
- (4) The Welsh Levy Board Order 2008 (S.I.2008/420) is revoked.

16 Directions

- (1) Any direction given by the Welsh Ministers under this Measure –
 - (a) may be varied or revoked by a later direction; and
 - (b) must be given in writing.
- (2) Any power of the Welsh Ministers to give directions under this Measure includes power –
 - (a) to make different provision for different cases, different activities relating to the red meat industry, or different sectors of the industry;
 - (b) to make provision generally or in relation to specific cases.

17 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.
- (2) Any power of the Welsh Ministers to make an order or regulations under this Measure includes power –
 - (a) to make different provision for different cases, different activities relating to the red meat industry, or different sectors of the industry;
 - (b) to make provision generally or in relation to specific cases;
 - (c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) A statutory instrument made under any provision of this Measure, except sections 3(3), 4(4) or (5), 5(4), 6(3) or 18(2), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) Any statutory instrument containing an order under sections 3(3), 4(4) or (5), 5(4) or 6(3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

18 Commencement

- (1) The following provisions come into force at the end of a period of two months beginning on the day on which this Measure is approved by Her Majesty in Council –
 - section 17,
 - this section,
 - section 19.
- (2) The remaining provisions of this Measure come into force in accordance with provision made by the Welsh Ministers by order.

19 Short title

This Measure may be cited as the Red Meat Industry (Wales) Measure 2010.

SCHEDULE 1
(introduced by section 3)

FUNCTIONS

- 1 Promoting or undertaking scientific research.
- 2 Promoting or undertaking inquiry into—
 - (a) materials and equipment, and
 - (b) methods of production, management and use of labour.
- 3 Promoting or undertaking inquiry under paragraph 2 includes promoting or undertaking—
 - (a) the discovery and development of—
 - (i) new materials, equipment and methods, and
 - (ii) improvements in those already in use,
 - (b) the assessment of the advantages of different options, and
 - (c) the conduct of experimental establishments and of tests on a commercial scale.
- 4 Promoting the production and marketing of standard products.
- 5 Promoting the better definition of trade descriptions and consistency in the use of trade descriptions.
- 6 Developing, promoting, marketing or operating—
 - (a) standards relating to the quality of products, or
 - (b) systems for the classification of products.
- 7 Developing, reviewing or operating schemes for the certification of products or of operations connected with production or supply of products.
- 8 Undertaking the certification of products, the registration of certification trade marks, and the functions of proprietors of those marks.
- 9 Providing or promoting the provision of—
 - (a) training for persons engaged in or proposing to be engaged in the red meat industry, and
 - (b) their education in subjects relevant to the industry.
- 10 Promoting—
 - (a) the adoption of measures for securing safer and better working conditions, and
 - (b) the provision and improvement of amenities for persons employed in the red meat industry.
- 11 Promoting or undertaking inquiry as to measures for securing safer and better working conditions.
- 12 Promoting or undertaking research into the incidence, prevention and cure of industrial diseases.
- 13 Promoting or undertaking arrangements for encouraging the entry of persons into the red meat industry.

- 14 Promoting or undertaking research for improving arrangements for marketing and distributing products.
- 15 Promoting or undertaking research into matters relating to the consumption or use of goods and services supplied by the red meat industry.
- 16 Promoting arrangements—
 - (a) for co-operative organizations,
 - (b) for supplying materials and equipment, and
 - (c) for marketing and distributing products.
- 17 Promoting the development of export trade, including promoting or undertaking arrangements for publicity overseas.
- 18 Promoting or undertaking arrangements for better acquainting the public in the United Kingdom with the goods and services supplied by the red meat industry and methods of using them.
- 19 Promoting or undertaking the collection and formulation of statistics.
- 20 Advising on any matters relating to the red meat industry and undertaking inquiry for those purposes.
- 21 Undertaking arrangements for making information relating to the red meat industry available.
- 22 Engaging in any form of collaboration or co-operation with other persons in performing any of the functions.

SCHEDULE 2
(introduced by section 5)

PAYMENT

PART 1

CALCULATING A LEVY AND PAYMENT

- 1 Levy imposed on a slaughterer or exporter is to be calculated in accordance with this Part.
- 2 Levy is calculated by adding together the following separate components in respect of each animal slaughtered or exported –
 - (a) the production component, and
 - (b) the slaughter or export component.
- 3 (1) The Welsh Ministers may determine the rate of the production component and the slaughter or export component.
 - (2) The Welsh Ministers may determine different rates for different cases (including different descriptions of slaughterer or exporter and different descriptions of animal).
 - (3) The rates determined under this paragraph may include a nil rate, but cannot exceed the maximum rates set out in this Schedule.
- 4 For the purposes of the tables set out in the following paragraphs –
 - (a) a calf is an animal under six months old (in the case of an exported animal) or an animal with a dressed slaughter weight of less than 68 kg (in the case of a slaughtered animal); and
 - (b) a reference to “cattle” does not include calves.

Maximum rate of production component

- 5 The production component in respect of each animal cannot exceed the maximum rates set out in the following table –

<i>Animal</i>	<i>Maximum rate of production component per animal (£)</i>
Cattle	5.25
Calves	0.50
Sheep	0.60
Pigs	1.075

Maximum rate of slaughter or export component

- 6 The slaughter or export component in respect of each animal cannot exceed the maximum rates set out in the following table –

<i>Animal</i>	<i>Maximum rate of slaughter or export per animal (£)</i>
Cattle	1.75
Calves	0.50
Sheep	0.20
Pigs	0.275

PART 2
PAYMENT DATES

Payment of levy by slaughterers and exporters

- 7 A slaughterer or exporter must pay a levy imposed in respect of chargeable cattle, sheep or pigs in any month within 15 days from the end of that month.