

1987 No. 85

AGRICULTURE

The Suckler Cow Premium Regulations (Northern Ireland) 1987

Made 3rd March 1987

Coming into operation 1st April 1987

The Department of Agriculture being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred upon it by that section and of every other power enabling it in that behalf, hereby makes the following regulations:—

Title and commencement

1. These regulations may be cited as the Suckler Cow Premium Regulations (Northern Ireland) 1987 and shall come into operation on 1st April 1987.

Interpretation

2.—(1) In these regulations:—

“authorised officer” means an officer of the competent authority authorised by it to discharge that authority’s functions under the principal Council Regulation, the additional Council Regulation, the Commission Regulation and these Regulations;

“the Commission Regulation” means Regulation (EEC) No. 1244/82 of the Commission of 19 May 1982(c) as amended by Regulation (EEC) No. 1709/83 of 24 June 1983(d);

“the principal Council Regulation” means Regulation (EEC) No. 1357/80 of the Council of 5 June 1980(e) as amended by Regulation (EEC) No. 1417/81 of the Council of 19 May 1981(f), Regulation (EEC) No. 1198/82 of the Council of 18 May 1982(g) and Regulation (EEC) No. 3802/85 of the Council of 20 December 1985(h);

(a) S.I. 1972/1811

(b) 1972 c. 68; Section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253

(c) O.J. No. L143, 20.5.82, p. 20

(d) O.J. No. L166, 25.6.83, p. 16

(e) O.J. No. L140, 5.6.80, p. 1

(f) O.J. No. L142, 28.5.81, p. 4

(g) O.J. No. L140, 20.5.82, p. 28

(h) O.J. No. L367, 31.12.85 p. 35

“the additional Council Regulation” means Regulation (EEC) No. 1199/82 of the Council of 18 May 1982(a) as amended by Regulation (EEC) No. 1216/83 of the Council of 17 May 1983(b), Regulation (EEC) No. 870/84 of the Council of 31 March 1984(c), Regulation (EEC) No. 1309/85 of the Council of 23 May 1985(d) and Regulation (EEC) No. 1348/86 of the Council of 6 May 1986(e);

“the competent authority” has the meaning assigned to it by regulation 3;

“the Department” means the Department of Agriculture for Northern Ireland;

“the Minister” means the Minister of Agriculture, Fisheries and Food; and

“premium” means a suckler cow premium which is payable under the principal Council Regulation or the additional Council Regulation or the payment of which from national funds is authorised by Article 3(2) of the principal Council Regulation or Article 2 of the additional Council Regulation.

(2) Other expressions used in these regulations have, in so far as the context admits, the same meanings as in the principal Council Regulation, the additional Council Regulation and the Commission Regulation.

(3) The Interpretation Act (Northern Ireland) 1954(f) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Appointment of competent authority

3. For the purpose of the principal Council Regulation, the additional Council Regulation, the Commission Regulation and these regulations, the competent authority is the Department.

Obligations to permit inspection

4.—(1) Where a producer has given an undertaking under Article 2(2) of the principal Council Regulation, or where the successor of a producer has given an undertaking under Article 4(3) of the Commission Regulation, that producer or successor shall permit an authorised officer, accompanied by such persons acting under his instructions as appear to him to be necessary for the purpose, at all reasonable times and on production of his authority on demand, to—

- (a) verify the total area of land farmed by that producer or successor;
- (b) inspect and count any cattle kept by that producer or successor on such land;
- (c) inspect, and make such copies or take such extracts as the officer thinks fit of,

(a) O.J. No. L140, 20.5.82, p. 30
 (b) O.J. No. L132, 21.5.83, p. 16
 (c) O.J. No. L90, 1.4.84, p. 34
 (d) O.J. No. L137, 27.5.85, p. 18
 (e) O.J. No. L119, 8.5.86, p. 42
 (f) 1954 c. 33 (N.I.)

- (i) any bill, account, voucher or record in his possession or under his control (which the authorised officer requires him to furnish for inspection) relating to the number of cattle kept or formerly kept by him, or relating to transactions carried out by him or in respect of which he has or has had an interest, concerning cattle, milk or milk products, and
- (ii) any book, account or record in his possession or under his control (which the authorised officer requires him to furnish for inspection) relating to his holding or relating to a holding in which he has or has had an interest and which the authorised officer considers necessary to substantiate his claim for eligibility as a producer for the purposes of the principal Council Regulation.

(2) The producer or successor and any person in charge of cattle on the land shall render all reasonable assistance to an authorised officer in relation to any of the matters mentioned in the preceding paragraph.

Recovery of premiums

5.—(1) Where any person with a view to obtaining the payment to himself or to any other person of any premium—

(a) makes any statement which is untrue or misleading in a material respect, or

(b) furnishes to the competent authority any inaccurate information, the competent authority shall be entitled to recover on demand as a civil debt the whole or any part of any premium paid to him or to any other person by reason of the making of the said statement or the furnishing of the said information. In such a case the competent authority shall be entitled to recover the premium from the person to whom the premium was paid.

(2) Where any producer—

(a) having given an undertaking under Article 2(2) of the principal Council Regulation, fails in any way to comply with that undertaking, or

(b) fails to satisfy the competent authority with regard to the matters mentioned in Article 2(1) of the principal Council Regulation, or

(c) fails to grant permission to or to assist an authorised officer for the purposes of regulation 4,

the competent authority shall be entitled to recover on demand as a civil debt from the producer the whole or any part of any premium paid to him.

(3) Where any successor of a producer, having given an undertaking under Article 4(3) of the Commission Regulation, fails in any way to comply with that undertaking or fails to grant permission to or to assist an authorised officer for the purposes of regulation 4, the competent authority shall be entitled to recover on demand as a civil debt from the successor an amount equal to the whole or any part of any premium paid to the producer.

(4) Where any person in charge of cattle on land fails to assist an authorised officer for the purposes of regulation 4, the competent authority shall be entitled—

- (a) where such a person was at the time of such failure in charge of cattle kept by a producer, to recover on demand as a civil debt from that producer the whole or any part of any premium paid to that producer;
- (b) where such a person was at the time of such failure in charge of cattle kept by the successor of a producer, to recover on demand as a civil debt from the successor an amount equal to the whole or any part of any premium paid to the producer.

Offences

6. Any person who knowingly or recklessly makes a false statement for the purpose of obtaining the payment to himself or to any other person of a premium shall be liable on summary conviction to a fine not exceeding £400.

Revocation and transitional provisions

7. The Suckler Cow Premium Regulations 1980(a), the Suckler Cow Premium Regulations 1981(b) and the Suckler Cow Premium Regulations 1982(c) are revoked insofar as they form part of the law of Northern Ireland.

8. Without prejudice to section 28 of the Interpretation Act (Northern Ireland) 1954 where, immediately before the coming into operation of these regulations, the Minister was entitled to recover the whole or any part of a premium under the statutory provisions revoked by regulation 7, the Department shall be entitled to recover that premium or part thereof as if it had been recoverable under these regulations.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 3rd March 1987.

(L.S.)

D. A. J. Hirrell

Assistant Secretary

(a) S.I. 1980/1239
(b) S.I. 1981/1700
(c) S.I. 1982/1683

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Council Regulation (EEC) No. 1357/80 introduced a scheme ("the scheme") for the payment of premiums for maintaining suckler cows. Council Regulations (EEC) No. 1417/81, No. 1198/82 and No. 3802/85 subsequently amended the scheme. Council Regulation (EEC) No. 1199/82 as amended by Council Regulations (EEC) No. 1216/83, No. 870/84, No. 1309/85 and No. 1348/86 further provided for the granting of additional premiums for maintaining suckler cows in Northern Ireland (replacing Council Regulation (EEC) No. 1056/81). Commission Regulation (EEC) No. 1244/82 as amended by Commission Regulation (EEC) No. 1709/83 laid down detailed rules implementing the scheme in respect of applications for premiums made during the 1982/83 marketing year and successive years (replacing Commission Regulation (EEC) No. 1581/81).

In addition to premiums payable directly under the scheme from community funds Member States are authorised within specified limits to pay further premiums from national funds. During the 1987/1988 marketing year this option is being exercised in Northern Ireland in the form of an additional national premium of 5 ECU per suckler cow.

These regulations re-enact corresponding regulations which applied throughout the United Kingdom (which are revoked insofar as they form part of the law of Northern Ireland) with amendments to facilitate the transfer of responsibility for administering the scheme in Northern Ireland from the Minister of Agriculture, Fisheries and Food ("the Minister") to the Department of Agriculture for Northern Ireland ("the Department"). They make provision for those matters which are left to Member States by the scheme and which are necessary for its proper implementation in Northern Ireland. They appoint "the competent authority" responsible for administering the scheme (Regulation 3), and impose an obligation on a producer (and his successor if he has given an undertaking to continue the scheme) to permit an authorised officer acting on behalf of the competent authority to inspect and count cattle kept by him and to inspect relevant documents (Regulation 4). The regulations specify the circumstances in which premiums may be recovered and the persons from whom recovery may be made (Regulation 5) and they also create offences relating to the making of false statements (which are punishable on summary conviction by a fine not exceeding £400) (Regulation 6). For the purposes of Regulations 5 and 6 "premium" is defined to include both a premium payable under the principal Council Regulation or the additional Council Regulation and an additional premium payment of which is authorised by those regulations at the discretion of the Member State (Regulation 2 (1)).

The regulations also provide that where the Minister is entitled to recover payments made under the regulations revoked by these regulations, the Department shall be entitled to recover those payments in his stead.