

1992 No. 569

## AGRICULTURE

**Beef Special Premium (Protection of Payments) Regulations  
(Northern Ireland) 1992**

*Made* . . . . . 30th December 1992

*Coming into operation* . . . . . 1st January 1993

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 Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1992 and shall come into operation on 1st January 1993.

*Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations:—

“animal” means a male animal of the bovine species;

“appointed officer” means an officer of the Department authorised by it to examine and mark animals under regulation 5;

“authorised person” means any person authorised in writing by the Department to act for the purposes of regulation 7;

“the Commission Regulation” means Commission Regulation (EEC) of 27th November 1992(d) laying down the implementing rules of the premium schemes provided for in Articles 4a to 4k of Regulation (EEC) No. 805/68 regarding the common organisation of the market in beef and veal;

---

(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) 1954 c. 33 (N.I.)

(d) O.J. No. L391, 31.12.92, p. 20

“the Council Regulation” means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal, as amended (a);

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

“first age premium” means the premium referred to in Article 4b 2 first indent of the Council Regulation;

“premium” means the special premium referred to in Article 4b 1 of the Council Regulation; and

“second age premium” means the premium referred to in Article 4b 2 second indent of the Council Regulation.

(3) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in the Council Regulation and the Commission Regulation.

#### *Application for first and second age premium payments*

3.—(1) Subject to the provisions of this regulation, a producer may apply to the Department for payment of first and second age premiums in respect of animals in such form as the Department may require.

(2) Applications for first age premium in respect of animals and for second age premium in respect of animals must be separate.

(3) A producer may lodge no more than 6 applications for each age premium in any one calendar year.

#### *Eligibility of animals for payment of first and second age premium*

4.—(1) To be eligible for payment of premium—

(a) animals must be identified in accordance with the Tuberculosis Control Order (Northern Ireland) 1964(b);

(b) animals must be recorded in accordance with the Movement of Animals (Records) Order (Northern Ireland) 1980(c); and

(c) animals which have been moved from one herd to another must have this movement authorised and recorded in accordance with the Brucellosis Control Order (Northern Ireland) 1972(d).

- 
- (a) O.J. No. L148, 28.6.68, p. 24 (O.J./S.E. 1968 (I) p. 187) as amended by Council Regulation (EEC) No. 1261/71 (O.J. No. L132, 18.6.71, p. 1), Council Regulation (EEC) No. 2822/72 (O.J. No. L298, 31.12.72, p. 1), Council Regulation (EEC) No. 1855/74 (O.J. No. L195, 18.7.74, p. 14), Council Regulation (EEC) No. 568/76 (O.J. No. L067, 15.3.76, p. 28), Council Regulation (EEC) No. 425/77 (O.J. No. L061, 5.3.77, p. 1), Council Regulation (EEC) No. 2916/79 (O.J. No. L329, 24.12.79, p. 15), Council Regulation (EEC) No. 3768/85 (O.J. No. L362, 31.12.85, p. 8), Council Regulation (EEC) No. 3905/87 (O.J. No. L370, 30.12.87, p. 7), Council Regulation (EEC) No. 571/89 (O.J. No. L061, 4.3.89, p. 43), Council Regulation (EEC) No. 1628/91 (O.J. No. L150, 15.6.91, p. 16), and Council Regulation (EEC) No. 2066/92 (O.J. No. L215, 30.7.92, p. 49)
- (b) S.R. & O. (N.I.) 1964 No. 31 as amended by S.R. & O. (N.I.) 1968 No. 236; S.R. & O. (N.I.) 1973 No. 76; S.R. 1977 No. 1; S.R. 1981 No. 348; S.R. 1981 No. 412 and S.R. 1986 No. 48
- (c) S.R. 1980 No. 195 as amended by S.R. 1982 No. 218 and S.R. 1991 No. 9
- (d) S.R. & O. (N.I.) 1972 No. 94 as amended by S.R. & O. (N.I.) 1973 No. 437; S.R. 1977 No. 47; S.R. 1978 No. 165; S.R. 1979 No. 126; S.R. 1981 No. 413 and S.R. 1982 No. 191

(2) Any animal which has either ear permanently damaged or mutilated in any way which would cast doubt on its eligibility for a first or second age premium payment shall not be eligible for that premium unless the damage or mutilation has been reported to the Department and the Department has confirmed the eligibility of the animal for application for premium.

#### *Examination and marking*

5. An applicant for first age premium or second age premium shall—
- (a) collect the animals in respect of which the application has been made at a convenient place on his holding for the purposes of examination by an appointed officer who on being satisfied on the eligibility of the animals for premium shall mark them in accordance with the third indent of Article 3(2) of the Commission Regulation;
  - (b) so manage and secure them before, during and after their examination and marking that the appointed officer may carry out the examination and marking without risk of injury to himself;
  - (c) furnish for inspection by the appointed officer the record required to be kept in accordance with the Movement of Animals (Records) Order (Northern Ireland) 1980 and in relation to any animal which was not born in the herd a permit required under the Brucellosis Control Order (Northern Ireland) 1972 authorising its movement from the herd in which it was born; and
  - (d) give the appointed officer such assistance with the examination and marking as may reasonably be required.

#### *Retention period*

6.—(1) Subject to paragraph (2) animals in respect of which an application for premium has been made shall be held for fattening by the producer for a minimum period of two months beginning on the date of lodging of the application with the Department.

(2) Animals which are the subject of an application for the second age premium lodged with the Department during the period 31st December 1992 to 28th February 1993 shall be required to be held for fattening by the producer for a minimum period of one month beginning on the date of lodging of the application with the Department save that animals which are the subject of such an application which is lodged with the Department during the month of January 1993 shall not be required to be kept on the holding after examination and marking of the animals as referred to in regulation 5(a), on condition that the producer furnishes to the Department a declaration that he has held the animals for fattening on his holding for one month prior to the date of his application and that his holding had the means of production which permitted this fattening during that period.

#### *Powers of entry and inspection*

7.—(1) An authorised person may, up to the end of the third year after the calendar year in which an application for a premium was lodged—

- (a) enter at any reasonable time upon any agricultural land which is, or has been, used for the production of animals to which that application related;
- (b) examine that land and any buildings erected upon it;
- (c) identify, count and verify the total number of cattle on that land; and
- (d) search for, examine, take possession of or copy any record or document relating to that application.

(2) In exercising the powers conferred on him by paragraph (1) an authorised person may be accompanied by such other persons acting under his instructions as appear to him to be necessary to enable the inspection and counting of cattle.

(3) The owner of the cattle and any person in charge of cattle on the land shall render all reasonable assistance to an authorised person in relation to any of the matters mentioned in paragraph (1)(c).

(4) An authorised person acting in exercise of the powers conferred by paragraph (1) shall carry a warrant of his authority so to act and shall produce it on demand.

#### *Recovery of first and second age premiums*

8. If at any time after a first or second age premium has been paid it appears to the Department that any person—

- (a) in order to obtain that premium payment made a false statement; or
- (b) has, in relation to that premium payment, contravened or failed to comply with any requirement imposed by or under the Council Regulation, the Commission Regulation or these Regulations;

the Department may recover from him as a civil debt the whole or any part of the amount of that premium payment together with interest in respect of the period between the date on which that premium was paid and the date on which it was recovered calculated at a rate to be determined by the Department.

#### *Offences*

9.—(1) If any person wilfully obstructs an authorised person or an accompanying person who are acting under regulation 7, he shall be liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding one month or both.

(2) If any person—

- (a) knowingly or recklessly makes any false statement for the purpose of obtaining the payment to himself or any other person of a premium;
- (b) wilfully makes a false entry in any book, account, record or other document relating to an application for premium 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 £2,000 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.

*Revocation and saving*

**10.**—(1) Subject to paragraph (2), the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1989(a) and the Beef Special Premium (Protection of Payments) (Amendment) Regulations (Northern Ireland) 1990(b) are hereby revoked.

(2) The Regulations set out in paragraph (1) shall continue to apply in relation to any application made thereunder before the coming into operation of these Regulations.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 30th December 1992.

(L.S.)

*D. A. J. Hirrell*

Assistant Secretary

---

(a) S.R. 1989 No. 127 as amended by S.R. 1990 No. 117  
(b) S.R. 1990 No. 117

---

EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

Article 4b of Council Regulation (EEC) No. 805/68 (as amended by Council Regulation (EEC) No. 2066/92) enables the payment to beef and veal producers of a special premium. Detailed rules for the administration of the premium are laid down in Articles 1 to 18, 41 to 45 and 53 to 61 of Commission Regulation (EEC) No. 3886/92 laying down the implementing rules of the premium schemes provided for in Articles 4a to 4k of Council Regulation (EEC) No. 805/68. The special premium Scheme governed by these Community provisions provides, subject to an overall regional ceiling, for payment to a producer of a premium in respect of each male animal which he has fattened, up to a headage limit of 90 animals per age bracket in any calendar year. Application for the premium may be made when an animal reaches the ages of 8 months and 21 months.

These Regulations supplement the relevant provisions of the Council and Commission Regulations in Northern Ireland.

Regulation 3 provides for applications for premium. To be eligible for premium animals must meet certain requirements relating to identification, recording and movement control (regulation 4). Certain duties are placed on the applicant in relation to the handling and presentation on his holding of animals which are to be assessed for eligibility for premium and a duty is placed on the Department of Agriculture's appointed officer to mark the animals when eligibility has been established (regulation 5).

Regulation 6 provides that subject to certain transitional arrangements for applications lodged during the period 1st January 1993 to 28th February

1993, animals must be held for fattening by the producer for at least 2 months beginning on the day after the date of the application.

The Regulations also permit an authorised person acting on behalf of the Department of Agriculture to enter land used for the production of animals in respect of which premium has been claimed, to inspect and count cattle kept there and to inspect relevant documents and production facilities (regulation 7). The Regulations specify the circumstances in which a premium payment may be recovered by the Department of Agriculture (regulation 8). They also create offences relating to the making of false statements (which are punishable on summary conviction by a fine not exceeding £2,000 or with imprisonment for a term not exceeding 3 months or both or on conviction on indictment with a fine or with imprisonment not exceeding 2 years or both) and wilful obstruction of an authorised person exercising the powers of entry (which is punishable on summary conviction with a fine not exceeding £400 or imprisonment for a term not exceeding one month or both) (regulation 9).

Application forms including explanatory notes are available from the Department of Agriculture's County Agricultural Development Offices.

The Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1989 are revoked with a saving provision for applications made before the coming into operation of these Regulations.