
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 611

AGRICULTURE

**Beef Special Premium (Protection of
Payments) Regulations (Northern Ireland) 1996**

Made - - - - 30th December 1996

Coming into operation 1st January 1997

The Department of Agriculture being a Department designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon 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) 1996 and shall come into operation on 1st January 1997.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“additional amounts” means the additional amounts payable pursuant to Article 4h(1) of Council Regulation 805/68;

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

“animal in the first age bracket” means a steer which on the date of the commencement of the retention period for it is not less than 8 months old and not more than 20 months old;

“animal in the second age bracket” means a steer which on the date of the commencement of the retention period for it is not less than 21 months old;

“applicant” means a producer who has applied for Community premium in respect of a given calendar year;

“authorised person” means a person who is authorised by the Department either generally or specifically, to act in matters arising under these Regulations;

(1) S.I.1972/1811

(2) 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), S.R. 1984 No. 253 and S.I. 1994/2795

(3) 1954 c. 33 (N.I.)

“bull” means an uncastrated animal which on the date of the commencement of the retention period for it is not less than 8 months old and not more than 20 months old;

“bull premium” means the premium payable pursuant to Article 4b(2)(a) of Council Regulation 805/68;

“Commission Regulation 3886/92” means Commission Regulation (EEC) No. 3886/92 laying down detailed rules for the application of the premium schemes provided for in Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and repealing Regulations (EEC) No. 1244/82 and (EEC) No. 714/89(4);

“Commission Regulation 3887/92” means Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes(5);

“Community premium” means any combination of the first premium, the second premium or the bull premium;

“Council Regulation 805/68” means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal(6);

“first premium” means the premium payable pursuant to the first indent of Article 4b(2)(b) of Council Regulation 805/68;

“overgrazing” means grazing land with livestock in such numbers as adversely to affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree;

“premium scheme” means the aid scheme referred to in Article 4b of Council Regulation 805/68;

“producer” has the same meaning as in Article 4a of Council Regulation 805/68;

“relevant date” means, in relation to an applicant, the date on which his application for Community premium in respect of a given scheme year is lodged with the Department;

“retention period” means the period for which an animal has to be retained on an applicant’s holding if it is to qualify for Community premium and which is referred to in the first paragraph of Article 4 of Commission Regulation 3886/92;

“Scheme year” means any calendar year in respect of which Community premium may be paid, and includes any part of a retention period in relation to an application for that premium in respect of a given calendar year which falls within the following calendar year;

“second premium” means the premium payable pursuant to the second indent of Article 4b(2)(b) of Council Regulation 805/68;

“the Department” means the Department of Agriculture;

“unsuitable supplementary feeding methods” means providing supplementary feed (other than to maintain livestock during abnormal weather conditions) in such a manner as to result in damage to vegetation through excessive trampling or poaching of the land by livestock or excessive rutting by vehicles.

(3) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date on which these Regulations are made.

(4) O.J. No. L391, 31.12.92, p. 20, as last amended by Commission Regulation (EC) No. 2311/96 (O.J. No. L313, 3.12.96, p. 9)

(5) O.J. No. L391, 31.12.92, p. 36, as last amended by Commission Regulation (EC) No. 2015/95 (O.J. No. L197, 22.8.95, p. 2)

(6) O.J. No. L148, 28.6.68, p. 24, (O.J./S.E. 1968, Vol 1, p. 187), as last amended by Council Regulation (EC) No. 2222/96 (O.J. No. L2946, 21.11.96, p. 50)

Applications for first premium

3.—(1) Subject to paragraphs (3) and (4), a producer retaining an animal in the first age bracket on his holding may apply to the Department for first premium in respect of that animal in relation to a given calendar year.

(2) An application for first premium shall be made in such form as the Department may reasonably require.

(3) No application for first premium shall be made by a producer—

(a) if in the calendar year in relation to which the application is made the total number of—

(i) animals in the first age bracket, and

(ii) bulls,

for which he has already applied successfully for first premium or, as the case may be, bull premium exceeds 90;

(b) if, pursuant to Article 10(2) of Commission Regulation 3887/92, he has been excluded from the premium scheme for the calendar year in question;

(c) in respect of an animal for which first premium has already been paid;

(d) in respect of an animal for which first premium has been applied for but for which payment is outstanding; or

(e) in respect of an animal for which an application for first premium has previously been made, but on which premium has not been paid as a result of the application of the provisions contained in the first paragraph of Article 4b(3) of the Council Regulation 805/68.

Applications for second premium

4.—(1) Subject to paragraphs (3) and (4), a producer retaining an animal in the second age bracket on his holding may apply to the Department for second premium in respect of that animal in relation to a given calendar year.

(2) An application for second premium shall be made in such form as the Department may reasonably require.

(3) No application for second premium shall be made by a producer—

(a) if in the calendar year in relation to which the application is made the total number of animals in the second age bracket for which he has already applied successfully for second premium exceeds 90;

(b) if, pursuant to Article 10(2) of Commission Regulation 3887/92, he has been excluded from the premium scheme for the calendar year in question;

(c) in respect of an animal for which second premium has already been paid;

(d) in respect of an animal for which second premium has been applied for but for which payment is outstanding; or

(e) in respect of an animal for which an application for second premium has previously been made, but on which premium has not been paid as a result of the application of the provisions contained in the first paragraph of Article 4b(3) of the Council Regulation 805/68.

Applications for bull premium

5.—(1) Subject to paragraphs (3) and (4), a producer retaining a bull on his holding may apply to the Department for bull premium in respect of that animal in relation to a given calendar year.

(2) An application for bull premium shall be made in such form as the Department may reasonably require.

(3) No application for bull premium shall be made by a producer—

(a) if in the calendar year in relation to which the application is made the total number of—

- (i) animals in the first age bracket, and
- (ii) bulls,

for which he has already applied successfully for first premium or, as the case may be, bull premium exceeds 90;

(b) if, pursuant to Article 10(2) of Commission Regulation 3887/92, he has been excluded from the premium scheme for the calendar year in question;

(c) in respect of an animal for which bull or first premium has already been paid;

(d) in respect of an animal for which bull premium has been applied for but for which payment is outstanding;

(e) in respect of an animal for which an application for bull premium has previously been made, but on which premium has not been paid as a result of the application of the provisions contained in the first paragraph of Article 4b(3) of Council Regulation 805/68.

Number of Applications

6.—(1) Applications for first age premium, second age premium and bull premium must be separate.

(2) A producer may lodge no more than 6 applications (including applications for bull premium) for first age premium or bull premium and no more than 10 applications for second age premium in any one calendar year.

Eligibility of animals for payment of Community premium

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

(a) animals must be identified in accordance with the Tuberculosis Control Order (Northern Ireland) 1964(7);

(b) animals must be recorded in accordance with the Movement of Animals (Records) Order (Northern Ireland) 1980(8); 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(9).

Examination and marking

8. An applicant for Community premium shall—

(a) collect all 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 authorised person who shall mark them in accordance with the third indent of Article 3(2) of Commission Regulation 3886/92;

(7) 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

(8) S.R. 1980 No. 195 as amended by S.R. 1982 No. 218 and S.R. 1991 No. 9

(9) 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

- (b) so manage and secure them before, during and after their examination and marking that the authorised person may carry out the examination and marking without risk of injury to himself;
- (c) furnish for inspection by the authorised person the records 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 authorised person such assistance with the examination and marking as may reasonably be required.

Retention period

9. Animals in respect of which an application for Community premium has been made shall be held for fattening by the producer for a minimum period of two months beginning on the day following the date of lodging of the application with the Department.

Overgrazing

10.—(1) Subject to paragraph (2), where in the calendar year preceding any Scheme year the Department forms the opinion that any parcel of land is being overgrazed the Department may notify the occupier of the maximum number of animals which may be grazed and maintained on that parcel in that Scheme year, which number shall be determined by taking account of the number of other beasts likely to be grazed and maintained on, the parcel concerned in the Scheme year in question and having regard to such conditions as may be specified in the notification.

(2) The Department may in the calendar year preceding any Scheme year issue a notification under paragraph (1) even where there is no evidence that the parcel of land to which it relates is being overgrazed if he has previously made such a notification in respect of that parcel having formed the opinion that it was being overgrazed.

(3) Where the Department has made a notification under paragraph (1) no Community premium shall be paid in respect of the Scheme year for which it was issued on any number of animals grazed and maintained in that Scheme year on the parcel of land to which the notification relates in excess of the maximum number of animals specified in the notification.

(4) Where the Department has made a notification under paragraph (1) and is satisfied that—

- (a) any condition specified in that notification has been breached; or
- (b) more animals than the maximum number specified in the notification have been grazed and maintained on the parcel of land to which it relates in the Scheme year for which it was issued,

it may withhold or recover on demand the whole or any part of the Community premium otherwise payable or as the case may be already paid to the recipient of the notification for the Scheme year to which it relates.

Unsuitable supplementary feeding methods

11.—(1) Where in any Scheme year the applicant uses unsuitable supplementary feeding methods the Department may, subject to paragraph (3), reduce or withhold the amount of Community premium otherwise payable to him in respect of that Scheme year in accordance with paragraph (2).

(2) Where the applicant was not penalised under this regulation for using unsuitable supplementary feeding methods in the preceding Scheme year the amount of Community premium otherwise payable to him may be reduced by 10%; where the applicant was penalised under this

regulation for using unsuitable supplementary feeding methods in the preceding Scheme year but not on the Scheme year preceding that one the amount of Community premium otherwise payable to him may be reduced by 20%; and where the applicant has been penalised under this regulation for using unsuitable supplementary feeding methods in each of the two preceding Scheme years the amount of premium otherwise payable to him may be withheld.

(3) Nothing in this regulation shall permit the Department to penalise an applicant for using unsuitable supplementary feeding methods in a given Scheme year where the Department has already penalised that applicant in accordance with this regulation for that use by virtue of the fact that it occurred during any part of the previous Scheme year which fell within that given Scheme year.

Retention of records

12.—(1) An applicant shall, in relation to an animal for which he has applied for Community premium, retain for a period of four years from the relevant date any bill, account, receipt, voucher or other record relating to that animal.

(2) Without prejudice to the generality of paragraph (1), an applicant shall either—

- (a) retain for a period of four years from the relevant date the special register referred to in Article 4g(4) of Council Regulation 805/68; or
- (b) retain for such period any records which he has kept under Article 3(1) of the Movement of Animals (Records) Order 1960⁽¹⁰⁾ and Article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990⁽¹¹⁾

provided that the animals for which an application for Community premium has been made are clearly distinguished from the other animals recorded in such records.

Powers of entry and inspection

13.—(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.

Assistance to authorised persons

14. An applicant or any employee, servant or agent of such person or applicant shall give to an authorised person such assistance as the authorised person may reasonably request so as to enable

⁽¹⁰⁾ S.I. 1960/105; relevant amending instruments are S.I. 1961/1493 and 1989/879 (S.I. 1960/105 was revoked with savings by S.I. 1995/12)

⁽¹¹⁾ S.I. 1990/1867, amended by S.I. 1993/503 (S.I. 1990/1867 was revoked with savings by S.I. 1995/12).

the authorised person to exercise any power conferred by regulation 13; and in particular, in relation to any animal, shall arrange for the collection, penning and securing of such animal, if so requested by the authorised person.

Recovery of Community premium

15. If at any time after a Community premium or additional amount has been paid it appears to the Department that any person—

- (a) in order to obtain that premium or additional amount made a false statement; or
- (b) has, in relation to that premium or additional amount, contravened or failed to comply with any requirement imposed by or under Council Regulation 805/86, Commission Regulation 3886/92 or 3887/92 or these Regulations;

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

Rate of interest

16. Except where the Department recovers from any applicant any Community premium or part of any such premium, or any additional amount or part of any additional amount, paid to that applicant as a result of an error of the Department, for the purpose of Article 14(1) of Commission Regulation 3887/92, interest shall be charged at the rate of one percentage point above the sterling three months London Interbank Offered Rate on a day-to-day basis for the period specified in that Article.

Offences

17.—(1) If any person wilfully obstructs an authorised person or an accompanying person who are acting under regulation 13, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale 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 or additional amount;
- (b) wilfully makes a false entry in any book, account, record or other document relating to an application for premium or additional amount 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 level 5 on the standard scale or to imprisonment for a term not exceeding three months or both or on conviction on indictment to a fine or to imprisonment of a term not exceeding two years or both.

Time limit for prosecutions

18.—(1) Proceedings for an offence under regulation 17 may, subject to paragraph (2), be commenced within the period of six months from the date on which evidence sufficient in the opinion of the Department to warrant those proceedings comes to its knowledge.

(2) No such proceedings shall be commenced by virtue of this regulation more than twelve months after the commission of the offence.

(3) For the purpose of this regulation, a certificate signed by or on behalf of the Department and stating the date on which evidence sufficient in its opinion to warrant the proceedings concerned came to its knowledge shall be conclusive evidence of that fact.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Revocation and saving

19.—(1) Subject to paragraph (2), the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1992(**12**), the Beef Special Premium (Protection of Payments) (Amendment) Regulations (Northern Ireland) 1993(**13**), the Beef Special Premium (Protection of Payments) (Amendment No. 2) Regulations (Northern Ireland) 1993(**14**) and the Beef Special Premium (Protection of Payments) (Amendment) Regulations (Northern Ireland) 1994(**15**) 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 1996.

P. T. Toal
Assistant Secretary

(12) S.R. 1992 No. 569
(13) S.R. 1993 No. 176
(14) S.R. 1993 No. 480
(15) S.R. 1994 No. 476

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations consolidate (with changes) the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1992, S.R. [1992 No. 569](#), as amended by S.R. [1993 No. 176](#), S.R. [1993 No. 480](#) and S.R. [1994 No. 476](#).

2. The main change effected by these Regulations is that there is now payable a higher rate premium for uncastrated male bovines (known as “bull premium”). This reflects Council Regulation [\(EC\) No. 2222/96](#) (O.J. No. L296, 21.11.96, p. 50) and Commission Regulation [\(EC\) No. 2311/96](#) (O.J. No. L313, 3.12.96, p. 9).

3. These Regulations make provision for the administration and enforcement of the special premium for male bovines payable under Article 4b of Council Regulation [\(EEC\) No. 805/68](#) (O.J. No. L148, 28.6.68, p. 24 (O.J./S.E. Vol p. 187)), as amended, and as applied in detail by Commission Regulation [\(EEC\) No. 3886/92](#) (O.J. No. L391, 31.12.92, p. 20), as amended.

4. These Regulations—

- (a) make provision for the making of applications for first premium, second premium and bull premium (known as “Community premium” (regulations 3, 4 and 5));
- (b) enable Community premium otherwise payable to be reduced or withheld and such premium already paid to be recovered where excessive numbers of male bovines are being grazed and maintained on land which the Department has identified as being overgrazed (regulation 10);
- (c) enable Community premium otherwise payable to be reduced or withheld if the applicant uses unsuitable supplementary feeding methods (regulation 11);
- (d) require an applicant to retain specified records and other documents (regulation 12);
- (e) give authorised persons certain enforcement powers (regulation 13);
- (f) require that specified persons (including applicants for Community premium) give authorised persons such assistance as they may reasonably request (regulation 14);
- (g) specify circumstances in which Community premium paid to an applicant may be recovered by the Department and prescribe the rate of interest payable on amounts recovered in specified circumstances (regulations 15 and 16);
- (h) create offences and lay down penalties (regulation 17);
- (i) specify time limits for bringing prosecutions (regulation 18);
- (j) revoke a number of statutory rules (regulation 19).