

## 1977 No. 1304

## AGRICULTURE

**The Non-Marketing of Milk and Milk Products and the Dairy  
Herd Conversion Premiums Regulations 1977**

<i>Made</i> - - - -	27th July 1977
<i>Laid before Parliament</i>	5th August 1977
<i>Coming into Operation</i>	26th August 1977

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, being Ministers 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, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of all their other enabling powers, hereby make the following regulations:—

*Citation, extent and commencement*

1. These regulations, which may be cited as the Non-Marketing of Milk and Milk Products and the Dairy Herd Conversion Premiums Regulations 1977, shall apply throughout the United Kingdom, and shall come into operation on 26th August 1977.

*Interpretation*

2.—(1) In these regulations, unless the context otherwise requires—

“authorised officer” means—

- (a) in relation to England and Wales, an authorised officer of the Minister,
- (b) in relation to Scotland, an authorised officer of the Secretary of State for Scotland, and
- (c) in relation to Northern Ireland, an authorised officer of the Department of Agriculture for Northern Ireland,

acting in each case on behalf of the competent authority in connection with the discharge of the authority's functions under the Regulation of the Council, the Regulation of the Commission and these regulations;

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

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

“the Regulation of the Council” means Regulation (EEC) No. 1078/77 of the Council of 17th May 1977(c);

(a) S.I. 1972/1811 (1972 III, p. 5216).  
(c) O.J. No. L131, 26.5.77, p. 1.

(b) 1972 c. 68.

“the Regulation of the Commission” means Regulation (EEC) No. 1307/77 of the Commission of 15th June 1977<sup>(a)</sup>.

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

(3) The Interpretation Act 1889<sup>(b)</sup> applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Appointment of competent authority*

3. For the purposes of the Regulation of the Council and of the Regulation of the Commission (which together lay down schemes for the payment of premiums to producers for the non-marketing of milk and milk products and the conversion of dairy herds to meat production), the competent authority shall be—

- (a) in relation to England and Northern Ireland, and in relation to Wales for the purpose of the making, receipt or recovery of any payment, the Minister;
- (b) in relation to Wales, save for the purpose of the making, receipt or recovery of any payment, the Minister and the Secretary of State for Wales acting jointly;
- (c) in relation to Scotland, the Secretary of State for Scotland.

*Powers of inspection*

4.—(1) Where a producer has applied for the payment of a premium under Article 1 of the Regulation of the Council, or has given an undertaking under Article 2(2) or Article 3(2) thereof, or where the successor of a producer has given an undertaking under Article 6 of that Regulation, an authorised officer may enter on any land occupied by that producer or successor, or otherwise used by him for the keeping of cattle or sheep, and may—

- (a) verify and register the total area of land farmed by the applicant;
- (b) mark and register the dairy herd on such land;
- (c) inspect and count any cattle or sheep kept by the producer or successor on such land; and
- (d) require the producer or successor to furnish for inspection any bill, account, voucher or record in his possession or under his control relating to the numbers of cattle or sheep 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 or sheep, or milk or milk products.

(2) In exercising the power conferred on him by the preceding paragraph, an authorised officer may be accompanied by such other persons acting under his instructions as appear to him to be necessary for the purpose of inspecting and counting animals, and in relation to the inspection of documents he shall be entitled to make such copies thereof, or take such extracts therefrom, as he may think fit.

(3) The producer or successor, and any other person in charge of animals on the land, shall render all reasonable assistance to an authorised officer to enable him to exercise the powers conferred on him by paragraph (1) of this regulation.

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(a) O.J. No. L150, 18 6 77, p. 24.

(b) 1889 c. 63.

*Recovery of premiums*

- 5.—(1) Subject to paragraph (2) of this regulation, where any person—
- (a) with a view to obtaining the payment to himself or to any other person of a premium payable under the Regulation of the Council—
    - (i) makes any statement which is untrue or misleading in a material respect, or
    - (ii) furnishes to the competent authority any inaccurate information, or
  - (b) having given an undertaking under Article 2(2), Article 3(2) or Article 6 of the Regulation of the Council, fails in any way to comply therewith, or
  - (c) in an appropriate case, fails to satisfy the competent authority with regard to the matters referred to in Article 2(1) and Article 3(1) of the Regulation of the Council.

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.

(2) Sub-paragraphs (b) and (c) above shall not apply to a producer who has been released from the obligations laid down in Article 2(2) of the Regulation of the Council by virtue of Article 2(3) or 2(4) of that Regulation.

*Offences*

6. Any person who—
- (a) knowingly or recklessly makes a false statement for the purpose of obtaining the payment to himself or to any other person of a premium payable under the Regulation of the Council, or
  - (b) obstructs an authorised officer in the exercise of the powers conferred on him by regulation 4 of these regulations, or fails to furnish to such an officer on request any document referred to in paragraph (1)(d) of that regulation,

shall be liable on summary conviction to a fine not exceeding £400.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st July 1977.

(L.S.)

*John Silkin,*  
Minister of Agriculture, Fisheries and Food.

25th July 1977.

*Bruce Millan,*  
Secretary of State for Scotland.

27th July 1977.

*John Morris,*  
Secretary of State for Wales.

## EXPLANATORY NOTE

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

Under Regulation (EEC) No. 1078/77 of the Council of Ministers of the European Communities dated 17th May 1977, as supplemented by Regulation (EEC) No. 1307/77 of the Commission dated 15th June 1977 the details of two schemes are laid down. The purpose of one of these schemes is to encourage farmers at present engaged in producing and supplying milk or milk products to cease from supplying these commodities, and the other is to encourage farmers to change from the production of milk and milk products to the production of meat.

The present Regulations make provision for those matters which are left to Member States by the schemes and which are necessary for their proper implementation in the United Kingdom. They accordingly appoint the "competent authority" which will be responsible for administering the schemes in the various parts of the United Kingdom, and provide for powers of entry on to land by authorised officers acting on behalf of the competent authority for the purposes of marking, registering, inspecting and counting animals, verifying and registering the area farmed by the applicant and of examining relevant documents.

The Regulations give to the competent authority power to recover premiums paid in certain circumstances, and they also create a number of offences which are punishable on summary conviction by a fine not exceeding £400.

SI 1977/1304  
ISBN 0-11-071304-4



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