

1978 No. 17

## AGRICULTURE

**The Beef Premiums (Protection of Payments)****Order 1978**

*Made* - - - - 10th January 1978

*Laid before Parliament* 11th January 1978

*Coming into Operation—*

*for the purposes of*

*Article 13* - - - 16th January 1978

*for all other purposes* - 1st February 1978

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Northern Ireland (being the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland) and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by sections 5, 6 and 35(3) of the Agriculture Act 1957(a), as read with the Transfer of Functions (Wales) Order 1969(b), the said section 5 having effect as applied by section 6(3) of the European Communities Act 1972(c), and of all other powers enabling them in that behalf, hereby make the following order:—

*Citation and commencement*

**1.** This order may be cited as the Beef Premiums (Protection of Payments) Order 1978, and shall come into operation,—

(a) for the purposes of article 13 below, on 16th January 1978;

(b) for all other purposes, on 1st February 1978.

*Interpretation*

**2.—(1)** In this order, unless the context otherwise requires,—

“animal” means an animal of the bovine species;

“approved producer” has the meaning given to it in article 3(3) below;

“authorised officer”, in relation to any purpose referred to in this order, means a person authorised by the Board to act for that purpose;

“the Board” means the Intervention Board for Agricultural Produce;

“carcase” means the carcase of an animal (as defined in this order);

“certified” means certified by an authorised officer as being eligible for a premium payment, and “certificate” shall be construed accordingly;

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 (a) 1957 c. 57.

(b) S.I. 1969/388.

(c) 1972 c. 68.

“certified weight”, in relation to a certified animal, means the weight of the animal as ascertained by an authorised officer for the purposes of certification and entered in the certificate issued with respect to the animal;

“Community” means the European Economic Community;

“deadweight certification centre” means a place for the time being approved by the Board for the certification of carcasses;

“liveweight certification centre” means a place for the time being approved by the Board for the certification of animals;

“premium payment” has the meaning given to it in article 3(1) below;

“slaughter requirements” has the meaning given to it in article 8(1) below;

“special approval declaration” has the meaning given to it in article 5(5) below;

“specially approved”, in relation to an animal, means approved for certification under the provisions of article 5(5) below;

“special centre” has the meaning given to it in article 3(3) below.

(2) Any reference in this order to the Board, other than one contained in this paragraph or in article 14 below, shall include, in relation to Great Britain, a reference to the Meat and Livestock Commission when acting for the Board, and, in relation to Northern Ireland, a reference to the Department of Agriculture for Northern Ireland when so acting.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament and as if this order and the provisions hereby revoked were Acts of Parliament.

#### *Scope of order and functions of Board*

3.—(1) The provisions of this order shall have effect for the protection of any payment (in this order called a premium payment) made by the Board in respect of an animal or carcass by virtue of Community arrangements for or related to the regulation of the market for that animal or carcass and requiring its marking in connection with the payment.

(2) The examination, approval, marking and certification of animals and carcasses under any provision of this order shall be carried out by the Board.

(3) The Board may, if they think fit,—

(a) approve a liveweight certification centre for the purposes of article 5(5) below;

(b) withdraw that approval;

(c) maintain a list of producers of animals, being producers who are entitled to present animals to be specially approved;

(d) remove any person’s name from that list.

A liveweight certification centre which is for the time being approved under this paragraph is in this order called a special centre, and a person whose name is for the time being on the said list is in this order called an approved producer.

*Applications for premium payments*

4. An application for a premium payment in respect of an animal or carcase must be made in writing by the owner, and be in such form and submitted to such person as the Board require.

*Marking and certification of animals and carcasses*

5.—(1) Where an animal is approved for certification at a liveweight certification centre, and either—

- (a) the animal is thereafter on the same day sold by auction at the centre for slaughter, or
- (b) the centre is in Northern Ireland, and the animal is to be sent to Great Britain for slaughter, or
- (c) the centre is a special centre and the animal has been specially approved,

the animal shall be marked as prescribed in Schedule 1 to this order before it leaves the centre.

(2) Where a carcase has been approved for certification at a deadweight certification centre, it shall be marked as prescribed in Schedule 2 to this order before it leaves the centre.

(3) Where any produce, other than a specially approved animal, has been marked under either of the foregoing paragraphs of this article, it shall immediately be certified unless it appears to an authorised officer that the approval of the produce for certification should have been withheld.

(4) Where a certified animal is slaughtered the carcase may, if the Board think fit, be marked as prescribed in Schedule 2 to this order.

(5) Where—

- (a) an animal is presented, by or on behalf of an approved producer, to an authorised officer for certification at a special centre, and
- (b) the application for premium payment in respect of the animal contained or was accompanied by a request that the animal, if approved for certification, should be specially approved, and
- (c) the animal is approved for certification,

the officer shall give the person presenting the animal a written and signed declaration (“the special approval declaration”) that the animal has been specially approved. The special approval declaration shall contain an explanation of the effect of the provisions of paragraph (6) below and a statement of the official designation and address of the person to whom notice should be given for the purposes of sub-paragraph (a) of that paragraph.

(6) A specially approved animal shall be certified upon the Board being satisfied that it has been slaughtered and upon surrender to an authorised officer of the special approval declaration given in respect of it, unless either—

- (a) the person who caused the animal to be slaughtered failed to give to the person mentioned in that behalf in the special approval declaration prior notice of the time and place of the slaughter reasonably sufficient to enable an authorised officer to be present, or
- (b) it appears to an authorised officer that the animal was sold after being specially approved.

- (7) Where a certified animal is slaughtered at a slaughterhouse and—
- (a) the carcass is subjected to, and not rejected in consequence of, any veterinary inspection required by the rules for the time being in force relating to intra-Community trade in fresh meat, and
  - (b) the Board have, by means of notices prominently displayed at the slaughterhouse, required carcasses of certified animals which are so subjected, and are not so rejected, to be marked as prescribed in Schedule 2 to this order,

the carcass shall be so marked immediately after the inspection, and, where a carcass would fall to be marked under this paragraph if it were subjected to, and not rejected in consequence of, any such inspection, no person shall cause it to be so subjected unless an authorised officer is available to mark it.

(8) No person other than an authorised officer or a person acting under the direction or with the permission of an authorised officer shall—

- (a) move any produce awaiting marking under any of the foregoing provisions of this article,
- (b) remove the ears from a carcass awaiting marking under paragraph (7) thereof.

(9) No person shall knowingly cause to be exported to another Member State of the Community a carcass which the Board have required to be marked pursuant to paragraph (7) above unless it has been so marked.

#### *Certified weights*

6.—(1) Where an animal is approved for certification at a liveweight certification centre, and the animal is thereafter sold by auction at the centre and certified, an authorised officer shall within 3 days of the date of certification inform the buyer, in writing, of the certified weight of the animal.

(2) Where a person presents an animal for approval for certification at a liveweight certification centre in Northern Ireland, and the animal is certified pursuant to article 5(3) above, an authorised officer shall within 3 days of the date of certification inform that person, in writing, of the certified weight of the animal.

(3) A person who has been informed of the certified weight of an animal under the provisions of this or of either of the preceding paragraphs of this article shall not sell the animal without informing the buyer, in writing, of that weight.

#### *Removal etc. of ears of carcasses*

7. Where under any provision of this order a carcass is marked as prescribed in Schedule 2 thereto the Board may, if they think fit, cause the ear or ears of the carcass to be removed or mutilated at the time of marking.

#### *Slaughter requirements*

8.—(1) Where an animal is certified at a liveweight certification centre, and the Board have by means of notices prominently displayed at the centre required that animals of a description which includes that animal be slaughtered by a date specified in the notices, or before the end of a period of

days so specified beginning with the date of certification, with or without a further requirement that the slaughter shall be at a place or within an area so specified, then—

(a) the owner of the animal at the time of its removal from the centre shall be deemed to have notice of those requirements (which are hereinafter called the slaughter requirements), and

(b) the animal shall be slaughtered in accordance with the slaughter requirements.

(2) Accordingly, references in the following provisions of this order to the date by which an animal must be or should have been slaughtered are references to the date specified under paragraph (1) above or to the last day of the period so specified as the case may require.

(3) No person having notice of the slaughter requirements with respect to an animal shall—

(a) sell the animal on or before the date by which it must be slaughtered without informing the buyer, in writing, of those requirements;

(b) sell the animal after the date by which it should have been slaughtered;

(c) have the animal in his possession or under his control after the date by which it should have been slaughtered.

(4) Where the slaughter requirements with respect to an animal include a requirement that the animal shall be slaughtered in the United Kingdom, no person having notice of that requirement shall export the animal, and, where those requirements include a requirement that the animal shall be slaughtered either in the United Kingdom or in the Republic of Ireland, no person having notice of that requirement shall export the animal except directly to the Republic of Ireland.

(5) The Board may cancel the slaughter requirements in relation to an animal where they are satisfied that an amount equal to the premium paid in respect of the animal has been, or will be, paid to the Board, and that the animal is to be exported otherwise than in accordance with paragraph (4) above.

#### *Restrictions with respect to certified produce*

9. No person shall—

(a) present to be approved for certification any produce which has already been certified;

(b) permit a certified animal to be used for breeding or milking or allow it to have access to any animal with which it may mate.

#### *Production of movement records*

10. A person who buys, sells or transports animals and who is required by law to keep or retain a record of the movement thereof shall produce it for inspection if so required by an authorised officer.

#### *Records of transactions*

11.—(1) A person who buys or sells certified animals shall keep a record showing, in respect of every purchase or sale by him of such animals, the particulars specified in Schedule 3 to this order.

(2) An invoice or similar account containing the said particulars or some of them, or a copy of such invoice or account, shall with respect to such of the said particulars as are contained therein be a sufficient record for the purposes of this article.

(3) A person who is required by this article to keep a record shall retain it for at least three years from the end of the calendar year to which it relates and shall produce it for inspection if so required by an authorised officer.

*Marking as evidence of certification*

**12.** An animal marked as prescribed for any animal in Schedule 1 to this order and a carcase marked as so prescribed or as prescribed for any carcase in Schedule 2 thereto shall be deemed to have been certified—

- (a) for the purpose of proceedings for a contravention of a provision of this order, unless the contrary is proved, and
- (b) for any other purpose, unless the contrary is shown to the satisfaction of an authorised officer.

*Power to require marking of animals brought into the United Kingdom*

**13.—(1)** Subject to and in accordance with the provisions of this article, the Board may, if they think fit, from time to time by written notice require the marking, in manner specified in the notice, of any class of animals so specified which are brought into the United Kingdom, or into any part of the United Kingdom so specified, from any place so specified outside the United Kingdom, and with regard to those matters the notice may make different provision for different circumstances.

(2) A notice imposing a requirement under this article shall be in the form set out in Schedule 4 to this order, or in a form to substantially the same effect, with such adaptations and modifications (if any) as the circumstances may require. The Board shall cause the notice to be published in the London, Edinburgh and Belfast Gazettes not less than 10 days before the requirement is to take effect, and copies of the notice to be prominently displayed at all times during which the requirement is in force at all places where facilities for marking animals in accordance with the requirement are for the time being available.

(3) The marking of animals under this article shall be done by or under the supervision of an authorised officer.

(4) Where a requirement under this article is in force in any part of the United Kingdom with respect to animals of any class, no person, with intent to evade the requirement, shall bring an animal of that class into that part of the United Kingdom at a place or time other than one at which facilities are available for marking the animal in accordance with the requirement; and, where an animal of that class has been brought into that part of the United Kingdom—

- (a) the person having charge of the animal shall forthwith present it to be so marked;
- (b) no person other than an authorised officer, or a person acting under the direction or with the permission of an authorised officer, shall move the animal after it has been so presented and before it has been so marked.

(5) Where a requirement under this article is to be discontinued, the Board shall cause notice of the discontinuance to be published in the London, Edinburgh and Belfast Gazettes not less than 10 days before the discontinuance is to take effect.

*Power to obtain evidence*

**14.**—(1) Where a carcase has been presented to an authorised officer for approval for certification at a deadweight certification centre, and the officer reasonably suspects that there has been an offence under section 7 of the Agriculture Act 1957, or that a premium payment has been obtained illegally, or that there has been an attempt to commit such an offence or to obtain such a payment, the officer may take possession of the ears of the carcase at any time before it leaves the centre.

(2) An officer of the Board, or, in Northern Ireland, of the Department of Agriculture for Northern Ireland, who is specially authorised in writing for the purposes of this paragraph by the authority mentioned in paragraph (3) below may, if he reasonably suspects that there has been any such offence or attempt as aforesaid or that a premium payment has been obtained illegally,—

- (a) enter upon land used for the production, storage, grading, packing, slaughter or sale of any produce to which this order applies;
- (b) enter, and examine the contents, of any vehicle which he reasonably suspects of being or of having been used in connection with any such offence or attempt, or open, and examine the contents, of any container which he reasonably suspects of being or of having been so used, and take possession of the keys of any such vehicle or container;
- (c) take possession of the ears of any carcase;
- (d) take possession of any book, account or record required to be kept by law and appearing to him to be material, or take a copy of, or extract from, any such book, account or record.

An officer acting in exercise of the powers of this paragraph shall carry a warrant of his authority so to act, and shall produce the same on demand.

(3) The authority referred to in paragraph (2) above is—

- (a) in relation to England and Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;
- (b) in relation to any other part of the United Kingdom, the Secretary of State;
- (c) in relation to any part of the United Kingdom, the Board.

*Revocations*

**15.**—(1) The provisions of the Imported Livestock Order 1958(a) which are mentioned in Schedule 5 to this order are hereby revoked.

(2) The Beef Premiums (Protection of Payments) Order 1975(b) is hereby revoked.

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(a) S.I. 1958/558.

(b) S.I. 1975/357.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th January 1978.

(L.S.)

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

*Bruce Millan,*  
Secretary of State for Scotland.

10th January 1978.

*Roy Mason,*  
Secretary of State for Northern Ireland.

9th January 1978.

*John Morris,*  
Secretary of State for Wales.

10th January 1978.

#### SCHEDULE 1

Articles 5(1), 12

#### MARK FOR ANIMALS

The mark shall be a circular punch hole about 12 millimetres in diameter within a tattoo mark consisting of a circle or rectangle of dots measuring about 25 millimetres across the diameter or diagonal. The mark shall be placed in the left or in the right ear of the animal as the Board shall by written notice from time to time direct, and copies of the notice shall be prominently displayed at every liveweight certification centre at all times during which the direction is in force.



## Articles 5(2), (4), (7), 7, 12      SCHEDULE 2

## MARKS FOR CARCASES

1. The mark shall be applied at least once to each quarter of the carcase.
2. For carcases marked in England and Wales the mark shall be either—
  - (a) two concentric circles of about 40 and 26 millimetres in diameter with the inscription “M.A.F.F. CERTIFIED” between them, and, within the smaller circle, the number allocated to the authorised officer for the time being using or directing the use of the instrument which applies the mark, or
  - (b) a mark similar to that described in sub-paragraph (a) above but with the substitution, for the inscription “M.A.F.F. CERTIFIED”, of the inscription “I.B.A.P. CERTIFIED”.
3. For carcases marked in Scotland or Northern Ireland the mark shall be either—
  - (a) a cross of St. Andrew within a circle about 40 millimetres in diameter, the arms of the cross ending where they touch the circle, or
  - (b) a mark similar in all respects to that described in paragraph 2(b) above.

## Article 11      SCHEDULE 3

PARTICULARS TO BE RECORDED OF PURCHASES AND  
SALES OF CERTIFIED ANIMALS

1. The date of the transaction.
2. Numbers and descriptions of animals, and the certified weight of each animal.
3. In the case of a purchase or sale by auction at an auction market, the name and address of the auctioneer, and in any other case the name and address of the other party to the transaction.
4. Where applicable, the dates by which any animals bought or sold are to be slaughtered.
5. Where applicable, the dates of slaughter of unsold animals.

SCHEDULE 4

Article 13

FORM OF NOTICE REQUIRING MARKING OF ANIMALS BROUGHT INTO THE UNITED KINGDOM BEEF PREMIUMS (PROTECTION OF PAYMENTS) ORDER 1978

MARKING REQUIREMENTS FOR BOVINE ANIMALS BROUGHT INTO THE UNITED KINGDOM

The Intervention Board for Agricultural Produce hereby give notice pursuant to Article 13 of the above-mentioned Order that they require the marking in accordance with this notice of [class or classes of animals] brought into [the United Kingdom, Great Britain, or as the case may be] from [place or places outside the United Kingdom] on or after the [date].

Marking requirements under this notice shall be operative until further notice, and the marking shall be done by or under the supervision of an officer authorised by or on behalf of the Board for that purpose. Marking facilities will be available at the following places and times :

The mark to be applied to [class or classes of animals] shall be [description] and it shall be applied to the [right] [left] ear.

So long as a requirement under this notice is in force in any part of the United Kingdom with respect to animals of any class, it is an offence for any person, with intent to evade the requirement, to bring an animal of that class into that part of the United Kingdom at a place or time other than one at which facilities are available for marking the animal in accordance with the requirement; and where an animal of that class has been brought into that part of the United Kingdom, it is an offence for the person in charge of the animal not to present it forthwith for marking, or for any unauthorised person to move it after it has been presented and before it has been marked.

Dated this        day of                    19 .

[Signature] .....

[Designation of signatory].....

.....

on behalf of the Intervention Board for Agricultural Produce.

SCHEDULE 5

Article 15

IMPORTED LIVESTOCK ORDER 1958: PROVISIONS REVOKED

In article 2(1), in the definition of livestock, the word "cattle".

Article 5.

In article 6(1), sub-paragraph (a).

## EXPLANATORY NOTE

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

This Order re-enacts with modifications the provisions previously made for the protection of premium payments under Community arrangements for the regulation of the market in beef. The general supervision of the protection provisions, including arrangements for the examination, certification and marking of produce, will continue to be undertaken by the Intervention Board for Agricultural Produce.

The principal changes are—

- (a) animals may be specially approved at certain centres, actual certification being deferred until after slaughter;
- (b) slaughter may be required to take place within a particular area;
- (c) officers specially authorised for the purpose may enter on land used for the production, storage, grading, packing, slaughter or sale of produce to which the Order applies, and may inspect vehicles or containers suspected of having been used in connection with an offence.

The Order requires the marking of any animal or carcass qualifying for a premium payment before certification for such payment, and contains other provisions designed to prevent the payment of more than one premium in respect of the same animal or carcass. It prohibits the use of certified animals for breeding or milking and authorises the Board to require their slaughter. It empowers the Board to require the marking of bovine animals brought into the United Kingdom.

Ancillary provisions provide for the production of records relating to the movement of bovine animals and the keeping and production of records relating to the purchase, sale and slaughter of certified animals, and confer powers to obtain evidence of suspected offences on officers authorised for the purpose.

Any contravention of the Order is an offence under section 7 of the Agriculture Act 1957.

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