

1989 No. 574

AGRICULTURE

The Beef Special Premium (Protection of Payments)
Order 1989

Approved by both Houses of Parliament

Made - - - - 23rd March 1989

Laid before Parliament 31st March 1989

Coming into force 3rd April 1989

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, (being the Secretary of State concerned with agriculture in Scotland) and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 5, 9(4) and 35(3) of the Agriculture Act 1957(a), as applied in relation to any Community arrangements for or related to the regulation of the market for any agricultural produce by section 6(3) of the European Communities Act 1972(b), and now vested in them (c), and of all other powers enabling them in that behalf, hereby make the following Order:—

Title, extent and commencement

1. This Order, which may be cited as the Beef Special Premium (Protection of Payments) Order 1989, shall apply in Great Britain and shall come into force on 3rd April 1989.

Interpretation

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

“animal” means an animal of the bovine species;

“approved deadweight centre” means a place for the time being approved by the Board for the making of applications for premium in respect of carcasses;

“approved export centre” means a place for the time being approved by the Board for the making of applications for premium in respect of animals to be consigned to another Member State or exported to a third country;

“approved liveweight centre” means a place for the time being approved by the Board for the making of applications for premium in respect of animals;

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

“the Board” means the Intervention Board for Agricultural Produce established under section 6 of the European Communities Act 1972;

“the Commission Regulation” means Commission Regulation (EEC) No 714/89 (d) laying down detailed rules applying to the special premium for beef producers;

(a) 1957 c.57.

(b) 1972 c.68.

(c) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.

(d) OJ No L 78, 21.3.89, p.38.

“the Meat and Livestock Commission” means the Meat and Livestock Commission established by virtue of section 1(1) of the Agriculture Act 1967^(a);

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland or Wales;

“premium” means the special premium referred to in Article 4a of Council Regulation (EEC) No 805/68^(b) on the common organisation of the market in beef and veal;

“the prescribed manner” means, in the case of an animal, the manner prescribed in Article 7(3) of the Commission Regulation and, in the case of a carcass, the manner prescribed by the Board;

“slaughter requirements” has the meaning given to it in article 6(1);

(2) Any reference in this Order to the Board other than in this paragraph or in article 8 shall include a reference to the Meat and Livestock Commission when acting for the Board.

(3) Other expressions used in this Order have, in so far as the context admits, the same meanings as in Council Regulation (EEC) No. 468/87^(c) laying down general rules applying to the special premium for beef producers and the Commission Regulation.

(4) In this Order, unless the context otherwise requires, any reference to a numbered article is a reference to the article so numbered in this Order.

Applications for special premium

3.—(1) Subject to paragraph (5) below, a producer on whose holding a male animal was fattened may apply for a premium payment in respect of that animal, or the carcass derived from it, at an approved liveweight centre or an approved deadweight centre respectively, in such form and to such person as the Board may require.

(2) An animal or carcass in respect of which such an application is made shall be examined by a person authorised by the Board for that purpose and shall be marked by him, or under his supervision, in the prescribed manner if he is satisfied—

(a) in the case of an animal, that—

(i) it is a male weighing at least 370 kilograms; and

(ii) it has not been identified or marked in accordance with Article 7 of the Commission Regulation; or

(b) in the case of a carcass, that—

(i) its weight established in accordance with the provisions of Article 5(2) of the Commission Regulation is equal to or exceeds 200 kilograms; and

(ii) it was derived from a male animal which had not been identified or marked in accordance with Article 7 of the Commission Regulation.

(3) Subject to paragraph (5) below, a producer may apply at an approved export centre in such form and to such person as the Board may require for a premium payment in respect of a male animal at least nine months old, to be consigned to another Member State or exported to a third country, which he has kept on his holding for at least two months.

(4) An animal in respect of which such an application is made shall be examined by a person authorised by the Board for that purpose and shall be marked by him in the prescribed manner if he is satisfied that it is a male at least nine months old which has not been identified or marked in accordance with Article 7 of the Commission Regulation.

(5) No application may be made by a producer—

(a) if in any calendar year the total number of animals and carcasses in respect of which he has applied for a premium payment (other than applications which have been refused) in that year is equal to or exceeds ninety; or

(b) if pursuant to Article 9(6) of the Commission Regulation he is excluded from the premium scheme.

(a) 1967 c.22.

(b) OJ No L 148, 28.6.68, p.24 (OJ/SE 1968 (I) p.187); Article 4a was inserted by Council Regulation 467/87 (OJ No L 48, 17.2.87, p.1) and amended by Council Regulation 571/89 (OJ No L 61, 4.3.89, p.43).

(c) OJ No L 48, 17.2.87, p.4; amended by Council Regulation 572/89 (OJ No L 63, 7.3.89, p.1).

Records of transactions

4.—(1) A producer who sells an animal in respect of which he has applied for a premium payment, and any person who buys that animal, shall keep a record showing, in respect of that sale or purchase respectively, the particulars specified in the Schedule to this Order and shall retain that record for three years from the end of the calendar year to which it relates.

(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 producer who sells an animal in respect of which he has applied for a premium payment shall retain, in respect of that animal, any account, record, voucher or other document which is relevant to establishing the matters referred to in Article 8(3) of the Commission Regulation for three years from the end of the calendar year to which it relates.

(4) A person who is required by this article to retain an account, record, voucher or other document shall produce it for inspection if so required by an authorised officer.

Production of movement records

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

Slaughter requirements

6.—(1) Where an animal is marked at an approved liveweight 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 on which it was so marked with or without a further requirement that the slaughter shall be at a place or within an area so specified, then—

(a) the owners of the animal at the time of its removal from that 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 article 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; or

(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 consign that animal to another Member State or export it to a third country.

Removal of ears of carcasses

7. An authorised officer at an approved deadweight centre may—

(a) remove or cause to be removed the ears of any carcass marked by him or under his supervision; or

(b) take possession of the ears of any carcass in respect of which or of the animal from which it was derived he reasonably suspects there to have been an offence under section 7 of the Agriculture Act 1957.

Restrictions with respect to marked animals

8. No person shall apply for premium in respect of an animal, or of the carcase derived from an animal, which has been marked in the prescribed manner or permit such an animal to be used for breeding or allow it to have access to any animal with which it may mate.

Powers of entry

9.—(1) For the purposes mentioned in Article 8(1) and (3) of the Commission Regulation an officer of the Board or of one of the Ministers authorised for the purposes of this paragraph may, during a period of three years from the end of the calendar year in which an application for a premium payment was made,—

- (a) enter at any reasonable time upon any agricultural land which was, or is alleged by a producer to have been, used for the production of an animal to which that application related;
- (b) enter at any reasonable time upon any land which was used for the sale or slaughter of an animal to which that application related;
- (c) examine that land and any buildings erected upon it; and
- (d) search for, examine, take possession of or copy any account, record, voucher or other document relating to that application.

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

Revocation

10. The Beef Premiums (Protection of Payments) Order 1978 (a) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd March 1989.



John MacGregor
Minister of Agriculture, Fisheries and Food

23rd March 1989

Sanderson of Bowden
Minister of State, Scottish Office

23rd March 1989

Wyn Roberts
Minister of State, Welsh Office

(a) S.I. 1978/17.

SCHEDULE

Article 4(1)

PARTICULARS TO BE RECORDED OF PURCHASES AND SALES OF MARKED ANIMALS

1. The date of the transaction.
 2. Numbers and descriptions of animals, and the 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.
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in Great Britain, replaces the Beef Premiums (Protection of Payments) Order 1978 which imposed requirements in connection with the payment of beef variable premium which scheme ceased to have effect on 2nd April 1989.

This Order relates to the administration of the beef special premium instituted by Article 4a of Council Regulation 805/68 on the common organisation of the market in beef and veal (inserted by Regulation 467/87 (OJ No L 48, 17.2.87, p.1) and amended by Regulation 571/89 (OJ No L 61, 4.3.89, p.43)) for the application of which general rules are laid down by Council Regulation 468/87 (OJ No L 48, 17.2.87, p.4) as amended by Council Regulation 572/89 (OJ No. L 63, 7.3.89, p.1) and detailed rules by Commission Regulation 714/89 (OJ No L 78, 21.3.89, p.1). The Community scheme governed by these Regulations provides for the payment to a beef producer of a premium in respect of each male beef animal which he has fattened up to a headage limit of 90 animals per producer in any calendar year. In Great Britain the premium will be payable in respect of male animals weighing at least 370 kilograms placed on the market with a view to slaughter at approved livestock markets, male animals at least nine months old intended to be exported from Great Britain and carcasses derived from male animals weighing at least 200 kilograms presented at approved abattoirs.

For the purpose of securing that payments are made in proper cases, the Order makes provision—

- (a) that applicants who have not yet reached their headage limit and have not been excluded from the scheme may apply for premium—
 - (i) in the case of animals (other than animals to be exported), at an approved liveweight centre;
 - (ii) in the case of animals to be exported, at an approved export centre; and
 - (iii) in the case of carcasses, at an approved deadweight centre; and
- (b) for the marking of animals or carcasses at the appropriate centre by an authorised person if he is satisfied, on examination, that the animals or carcasses conform to the scheme's criteria (article 3).

The Order makes further provision for the keeping of records relating to transactions in animals in respect of which premium applications are made and to the establishing of the means of production of applicants and for production of movements records. The Order provides for the imposition by the Intervention Board for Agricultural Produce ("the Board") by means of public notices of a requirement to slaughter animals marked under the scheme within 21 days of the date on which they were marked (articles 4, 5 and 6).

Authorised officers at deadweight centres are authorised to remove ears of carcasses when they are marked and to take possession of such ears when an offence under section 7 of the Agriculture Act 1957 is reasonably suspected. There is conferred on authorised officers of the Board a power of entry onto land used for the production, sale or slaughter of animals in respect of which premium has been claimed for the purpose in particular of ascertaining that the headage limit has been respected and that an applicant had sufficient means of production to fatten the animals in respect of which he claimed premium (articles 7 and 9).

Section 7 of the Agriculture Act 1957 creates criminal offences in respect of a contravention of or failure to comply with the Order, wilful obstruction of an authorised officer exercising the powers conferred on him by the Order and the making knowingly or recklessly of a false statement for the purpose of obtaining premium and prescribes maximum penalties for those offences.

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