
STATUTORY INSTRUMENTS

1989 No. 575

AGRICULTURE

**The Beef Special Premium
(Recovery Powers) Regulations 1989**

<i>Made</i>	- - - -	<i>30th March 1989</i>
<i>Laid before Parliament</i>		<i>31st March 1989</i>
<i>Coming into force</i>	- -	<i>3rd April 1989</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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 Economic Community, acting jointly in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title, extent, commencement and interpretation

1.—(1) These Regulations, which may be cited as the Beef Special Premium (Recovery Powers) Regulations 1989, shall apply in Great Britain and shall come into force on 3rd April 1989.

(2) In these Regulations, “The Protection Order” means the Beef Special Premium (Protection of Payments) Order 1989⁽³⁾ and other expressions have, in so far as the context admits, the same meaning as in that Order.

Recovery of premium payments

2. If any person to whom a premium payment has been made—

- (a) has made a false statement in connection with that payment; or
- (b) has contravened, or failed to comply with, any requirement imposed by or under Council Regulation (EEC) No. 468/87⁽⁴⁾ laying down general rules applying to the special premium for beef producers or Commission Regulation (EEC) No. 714/89⁽⁵⁾ laying down detailed rules applying to the special premium for beef producers

(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1989/574.

(4) OJ No. L48, 17.2.87, p.4; amended by Council Regulation 572/89 (OJ No. L63, 7.3.89, p.1).

(5) OJ No. L78, 21.3.89, p.38.

the Board may recover from him as a civil debt such of the amount of premium paid to him in the calendar year in which the false statement was made or the contravention or failure to comply occurred as is, in accordance with Article 9 of the Commission Regulation, repayable to the Board together with interest in respect of the period between the date on which any premium was paid and the date on which it was recovered calculated at a rate to be determined by the Minister of Agriculture, Fisheries and Food.

3. If any person has, in contravention of any provision of the Protection Order, in his possession an animal in respect of which a premium payment has been made the Board may recover from him as a civil debt such amount (not exceeding the premium paid in respect of that animal), 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 the rate determined for the purposes of Regulation 2 above, as is in accordance with Article 9 of the Commission Regulation due to the Board.

Evidence

4. For the purpose of any proceedings under these Regulations, an animal which is proved to have been marked in the prescribed manner shall be deemed to be an animal in respect of which a premium payment has been made unless the contrary is proved.

Revocation

5. The Beef Premiums (Recovery Powers) Regulations 1978(6) are hereby revoked.

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

L.S.

John MacGregor
Minister of Agriculture, Fisheries and Food

30th March 1989

Sanderson of Bowden
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in Great Britain, replace the Beef Premiums (Recovery Powers) Regulations 1978 which enabled the Intervention Board for Agricultural Produce (“the Board”) to recover a payment of beef variable premium in certain circumstances.

These Regulations, which implement the obligation contained in Article 9(5) of Commission Regulation (EEC) No. 714/89 (OJ No. L78, 21.3.89, p.38) to recover premiums improperly paid together with interest to be fixed by the Member State concerned, enable the Board to recover—

- (a) such amount of premium paid to an applicant in a calendar year as is repayable pursuant to that Article together with interest in circumstances where—
 - (i) he has made a false statement in connection with that payment; or
 - (ii) he has contravened or failed to comply with any requirement of the Council and Commission Regulations laying down general and detailed rules respectively applying to the special premium for beef producers; and
- (b) from a person who, in contravention of that Order, has in his possession an animal in respect of which a premium payment has been made such amount (not exceeding that premium) together with interest as is due to the Board pursuant to that Article.