

---

STATUTORY INSTRUMENTS

---

**1993 No. 1734**

**AGRICULTURE**

**The Beef Special Premium Regulations 1993**

<i>Made</i>	- - - -	<i>8th July 1993</i>
<i>Laid before Parliament</i>		<i>9th July 1993</i>
<i>Coming into force</i>	- -	<i>1st August 1993</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred on them by that section and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**Title, extent and commencement**

1. These Regulations may be cited as the Beef Special Premium Regulations 1993, shall apply in Great Britain and shall come into force on 1st August 1993.

**Interpretation**

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

“additional amount” means the additional amount payable pursuant to Article 4h of Council Regulation 805/68;

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

“animal in the first age bracket” means an animal which on the date of the commencement of the retention period is not less than eight months and not more than twenty months old;

“animal in the second age bracket” means an animal which on the date of the commencement of the retention period is not less than twenty one months old;

“applicant” a means producer who has applied for Community premium;

“appropriate Minister” means in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Wales or Scotland, the Secretary of State concerned with agriculture in those parts of the United Kingdom;

---

(1) S.I.1972/1811.

(2) 1972 c. 68.

“authorised person” means a person (whether or not an officer of that Minister) who is authorised by the appropriate Minister, either generally or specially, to act in matters arising under these Regulations;

“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 organization of the market in beef and repealing Regulations (EEC) No. 1244/82 (EEC) and No. 714/89(3), as amended by Commission Regulation (EEC) No. 538/93(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 the first premium or the second premium, or both the first premium and the second premium, as the case may be;

“Council Regulation 805/68” means Council Regulation (EEC) No. 805/68 on the common organization of the market in beef and veal(6), as amended, so far as is relevant to these Regulations, by Council Regulation (EEC) No. 2066/92(7);

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

“forage area” has the same meaning as in Article 4g(3) of Council Regulation 805/68;

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

“imported” means imported into Great Britain;

“national administrative document” means a document issued in pursuance of Article 3 of Commission Regulation 3886/92, by the appropriate Minister or the competent authority in Northern Ireland;

“person who has applied for a national administrative document” means a person who has applied for a national administrative document under regulation 3, or a duplicate or replacement national administrative document under regulation 5 or 6, and shall include a person who has been issued with such a document under such regulation;

“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 was lodged with the appropriate Minister;

“retention period” means the period referred to in the first paragraph of Article 4 of Commission Regulation 3886/92;

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

“sell” includes offer or expose for sale or have in possession for sale and “sale” and “selling” shall be construed accordingly;

“specified animal” means an animal which is over three months old;

“specified control measure” means any check which a member State is required to carry out under Article 6 of Commission Regulation 3887/92;

---

(3) OJ No. L391, 31.12.92, p. 20.

(4) OJ No. L57, 10.3.93, p. 19.

(5) OJ No. L391, 31.12.92, p. 36.

(6) OJ No. L148, 28.6.68, p. 24 (OJ/SE 1968, vol. I, p. 187).

(7) OJ No. L215, 30.7.92, p. 49.

“specified record” means any record which an applicant is required to retain by virtue of regulation 10;

“third country” means any country other than a member State or Northern Ireland; and

“transitional premium” means the special premium payable on slaughter in accordance with the transitional arrangements operated by the appropriate Minister pursuant to Article 57 of Commission Regulation 3886/92.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in Council Regulation 805/68, Commission Regulation 3886/92 and Commission Regulation 3887/92.

(3) In these Regulations any reference to a numbered regulation shall be construed as a reference to the regulation so numbered in these Regulations.

### **National administrative documents**

3.—(1) The national administrative document referred to in Article 3 of Commission Regulation 3886/92 shall take the form of a document accompanying each specified animal.

(2) A person holding an animal for which no national administrative document has been issued may apply to the appropriate Minister for a national administrative document for that animal.

(3) An application for a national administrative document shall be made in such form as the appropriate Minister may require.

(4) Following the receipt of such application together with such details relating to the animal as he may reasonably require, the appropriate Minister shall issue to the person who made such application a national administrative document for that animal.

### **Sale of specified animals**

4.—(1) No person shall sell a specified animal unless that animal is accompanied by a national administrative document which relates to that animal.

(2) Notwithstanding paragraph (1) above, an animal referred to in that paragraph need not be accompanied by a national administrative document if that animal has been imported into Great Britain during the period of three months preceding the date of such sale—

(a) from another member State, and is accompanied by an administrative trade document issued by the competent authority in that member State pursuant to paragraph 3 of Article 3 of Commission Regulation 3886/92; or

(b) from any third country, and the person selling the animal produces on demand to an authorised person satisfactory documentary evidence to show that the animal has been imported from a third country within the preceding three months.

### **Death, loss, theft or export of animal**

5.—(1) On the death (howsoever caused), loss, theft, or export from Great Britain of an animal for which a national administrative document has been issued, the person holding the national administrative document relating to that animal shall, within three months of such death, loss, theft, or export, as the case may be, surrender that document to the appropriate Minister.

(2) Where an animal which has been lost or stolen is restored to the person referred to in paragraph (1) above after its national administrative document has been surrendered to the appropriate Minister pursuant to that paragraph, that person may apply to the appropriate Minister for a duplicate of the national administrative document issued for that animal.

(3) Following the receipt of such application together with such details relating to that animal and such proof as he may reasonably require regarding its loss or theft and subsequent restoration, the appropriate Minister shall issue to the person who made such application a duplicate national administrative document for that animal.

### **Replacement of national administrative documents**

6.—(1) Where a national administrative document issued in respect of an animal has been lost, stolen or destroyed, the person holding the animal to which such document relates may apply to the appropriate Minister for a duplicate of that document.

(2) Where an ear-tag identifying an animal for which a national administrative document has been issued is replaced with an ear-tag with an identifying number which is different to the number specified on the ear-tag which it replaces, the person holding such animal may apply to the appropriate Minister for a replacement national administrative document for that animal.

(3) Following the receipt of an application under paragraph (1) or (2) above, together with such proof as he may reasonably require regarding the loss, theft or destruction of the national administrative document or the replacement of the ear-tag, as the case may be, the appropriate Minister shall issue to the person who made such application a duplicate or replacement national administrative document, as appropriate.

### **Applications for first premium**

7.—(1) Subject to paragraphs (3) and (4) below, a producer holding an animal in the first age bracket on his Holding may apply to the appropriate Minister for first premium in respect of that animal.

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

(3) No application for first premium shall be made by a producer unless the animal in respect of which the application is to be made is accompanied by a national administrative document which relates to that animal.

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

- (a) in 1993, if the total number of animals in the first age bracket for which he has applied for first premium and transitional premium during that year (other than applications which have been refused by the appropriate Minister) is equal to or exceeds ninety;
- (b) in 1994 and thereafter, if in the calendar year in question the total number of animals in the first age bracket for which he has applied for first premium (other than applications which have been refused by the appropriate Minister) is equal to or exceeds ninety;
- (c) if, pursuant to Article 10(2) of Commission Regulation 3887/92, he has been excluded from the premium scheme for the year in question;
- (d) in respect of an animal for which first premium has already been paid;
- (e) in respect of an animal for which first premium has been applied for but for which payment is outstanding; or
- (f) 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**

**8.**—(1) Subject to paragraphs (3) and (4) below, a producer holding an animal in the second age bracket on his Holding may apply to the appropriate Minister for second premium in respect of that animal.

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

(3) No application for second premium shall be made by a producer unless the animal in respect of which the application is to be made is accompanied by a national administrative document which relates to that animal.

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

- (a) if in the calendar year in question the total number of animals in the second age bracket for which he has applied for second premium (other than applications which have been refused by the appropriate Minister) is equal to or exceeds ninety;
- (b) if, pursuant to Article 10(2) of Commission Regulation 3887/92, he has been excluded from the premium scheme for the 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 Council Regulation 805/68.

### **Commencement of retention period**

**9.** For the purposes of Article 4 of Commission Regulation 3886/92, an applicant may, when applying for Community premium, set the starting date for the commencement of the retention period in relation to his application in accordance with the second paragraph of that Article.

### **Retention of records**

**10.**—(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 such animal.

(2) Without prejudice to the generality of the provisions of paragraph (1) above, 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<sup>(8)</sup> and Article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990<sup>(9)</sup>, provided that the animals for which an application for Community premium was made are clearly distinguished from the other animals recorded in such records.

---

<sup>(8)</sup> S.I. 1960/105, relevant amending instruments are S.I. 1961/1493 and 1989/879.

<sup>(9)</sup> S.I. 1990/1867, amended by S.I. 1993/503.

## **Powers of authorised persons**

**11.**—(1) An authorised person may at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, exercise the powers specified in this regulation for the purposes of—

- (a) carrying out any specified control measure, or
- (b) ascertaining whether an offence under regulation 15(a) or (d) has been or is being committed.

(2) An authorised person may enter any land, other than land used only as a dwelling, which is, or which such person has reasonable cause to believe to be, land occupied by, or in the possession of—

- (a) a person who has applied for a national administrative document; or
- (b) an applicant.

(3) An authorised person who has entered any land by virtue of paragraph (2)(a) above may inspect and count any animals on such land and read the ear-tags of any such animals.

(4) An authorised person who has entered any land by virtue of paragraph (2)(b) above may—

- (a) inspect and verify the total area of land, including forage area, managed by an applicant;
- (b) inspect and count any animals on such land and read the ear-tags of any such animals; and
- (c) carry out any other activity which is a specified control measure.

(5) An authorised person entering any land by virtue of this regulation may take with him such other persons as he considers necessary.

(6) An authorised person may—

- (a) require a person who has applied for a national administrative document, or any employee, servant or agent of such person, to produce any bill, account, receipt, voucher or other record relating to an animal for which a national administrative document has been issued or applied for, and to supply such additional information in that person's possession or under his control relating to such animal as the authorised person may reasonably request;
- (b) require an applicant or any employee, servant or agent of an applicant to produce any national administrative document issued in respect of an animal for which Community premium has been applied for and any specified record, and to supply such additional information in that person's possession or under his control relating to an application for Community premium as the authorised person may reasonably request;
- (c) require a person who is selling any specified animal to produce or cause to be produced any national administrative document or any other document referred to in regulation 4(2) relating to that animal;
- (d) inspect any national administrative document or other document referred to in paragraphs (b) or (c) above and any specified record referred to in paragraph (b) above and, where any specified record is kept by means of a computer, have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with that specified record;
- (e) require that copies of, or extracts from, any national administrative document, other document referred to in regulation 4(2) and specified record be produced; and
- (f) seize and retain any such specified record which he has reason to believe may be required as evidence in proceedings under these Regulations and, where any such record is kept by means of a computer, require it to be produced in a form in which it may be taken away.

### **Assistance to authorised persons**

12. A person who has applied for a national administrative document or an applicant (as the case may be), 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 the authorised person to exercise any power conferred by regulation 11 and in particular, in relation to any animal, shall arrange for the collection, penning and securing of such animal, if so requested.

### **Recovery of Community premium and additional amount**

13. Where an applicant, or an employee, servant or agent of an applicant, intentionally obstructs an authorised person, or a person accompanying such authorised person and acting under his instructions, from carrying out a specified control measure, or fails without reasonable excuse to comply with a request made by an authorised person when carrying out a specified control measure, the appropriate Minister shall be entitled to recover on demand from that applicant the whole or any part of any Community premium paid to him and any additional amount paid to him together with such premium.

### **Rate of interest**

14. Except where the appropriate Minister recovers from any applicant any Community premium or part of any Community premium, or any additional amount or part of any additional amount, paid to that applicant as a result of an error of that Minister, 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**

15. It shall be an offence for a person—
- (a) without reasonable excuse, to fail to comply with the provisions of regulations 4, 5(1) and 10;
  - (b) intentionally to obstruct an authorised person in the exercise of a power conferred by regulation 11;
  - (c) without reasonable excuse, to fail to comply with a request made under regulation 12; or
  - (d) knowingly or recklessly to make a statement or furnish any information which is false or misleading in a material particular where the statement is made or the information is furnished—
    - (i) in purported compliance with any requirement imposed under regulation 11(6);
    - (ii) for the purpose of obtaining a national administrative document or a duplicate or replacement thereof; or
    - (iii) for the purposes of obtaining for himself or any other person the whole or any part of any Community premium.

### **Punishment of offences**

16.—(1) A person guilty of an offence under regulation 15(a) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person guilty of an offence under regulation 15(b), (c) or (d) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Time limit for prosecutions**

17.—(1) Proceedings for an offence under regulation 15 may, subject to paragraph (2) below, be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant proceedings comes to his 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 prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his 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.

(5) In relation to proceedings in Scotland, subsection (3) of section 331 of the Criminal Procedure (Scotland) Act 1975(10) (date of commencement of proceedings) shall apply for the purposes of this regulation as it applies for the purposes of that section.

### **Offences by bodies corporate**

18.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) any director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of that body corporate.

(3) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th July 1993.

L.S.

*Gillian Shephard*  
Minister of Agriculture, Fisheries and Food

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

8th July 1993



---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations which apply in Great Britain come into force on 1st August 1993. They make provision for the administration and enforcement of the provisions for payment of premia for producers of male bovine animals, under Articles 4b and 4h of Council Regulation (EEC) No. 805/68 and other relevant provisions in Commission Regulations (EEC) Nos. 3886/92 and 3887/92 (which are all defined in regulation 2(1))

The Regulations—

- (a) specify that the national administrative document referred to in Article 3 of Commission Regulation 3886/92 shall take the form of a document accompanying each animal and make provision for the issue of such documents by the appropriate Minister (regulation 3);
- (b) prohibit the sale, offer or exposure for sale or possession for sale of an animal over three months old unless it is accompanied by a national administrative document or, in the case of an animal imported into Great Britain during the three months preceding such sale, a document or evidence of the type specified (regulation 4);
- (c) require the surrender to the appropriate Minister of a national administrative document on the death (however caused), loss, theft or export of an animal and make provision for the issue of a duplicate of such document in specified circumstances (regulation 5);
- (d) make provision for the issue of a duplicate or replacement national administrative document by the appropriate Minister in specified circumstances (regulation 6);
- (e) make provision for the making of applications for first premium and second premium (regulations 7 and 8);
- (f) enable an applicant to set the starting date for the commencement of the retention period (regulation 9);
- (g) require an applicant to retain specified records and other documents (regulation 10);
- (h) confer on authorised persons powers of entry and inspection as well as powers of seizure and retention of records and require that such assistance be given to them as they may reasonably request (regulations 11 and 12);
- (i) specify circumstances in which premium paid to an applicant may be recovered by the appropriate Minister and prescribe the rate of interest payable on amounts recovered in specified circumstances (regulations 13 and 14); and
- (j) create offences, prescribe penalties, specify time limits for bringing prosecutions and make provision for dealing with offences committed by corporate bodies and Scottish partnerships (regulations 15 to 18).