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STATUTORY INSTRUMENTS

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**1994 No. 3131**

**AGRICULTURE**

**The Beef Special Premium (Amendment) Regulations 1994**

*Made* - - - - *8th December 1994*  
*Laid before Parliament* *9th December 1994*  
*Coming into force* - - *1st January 1995*

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 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 (Amendment) Regulations 1994, shall extend to Great Britain and shall come into force on 1st January 1995.

**Amendments to the Beef Special Premium Regulations 1993**

2.—(1) The Beef Special Premium Regulations 1993(3) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation)—

- (a) before the semi-colon at the end of the definition of “Council Regulation 805/68” insert “and Council Regulation (EC) No.3611/93(4)”;
- (b) insert the following definition after the definition of “national administrative document”—  
““overgrazing” means grazing land with livestock in such numbers as adversely to affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree, and “overgrazed” shall be construed accordingly;”;
- (c) insert the following definition after the definition of “retention period”

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(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) S.I. 1993/1734.

(4) OJ No. L328, 29.12.93, p.7.

“Scheme year” means any calendar year in respect of which Community premium may be paid and includes any part of a retention period in relation to an application for that premium in respect of a given calendar year (whether or not the starting date for its commencement is set in accordance with regulation 9) which falls within the following calendar year;”;

- (d) substitute the following definition of “third country” for the existing definition of that phrase—

““third country” means any country or territory other than Northern Ireland or another member State;”;

and delete the word “and” immediately following it; and

- (e) substitute a semi-colon for the full stop at the end of the definition of “transitional premium” and insert after that definition the following definition—

““unsuitable supplementary feeding methods” means providing supplementary feed (other than to maintain livestock during abnormal weather conditions) in such a manner as to result in damage to vegetation through excessive trampling or poaching of the land by livestock or excessive rutting by vehicles.”.

- (3) Insert the following regulations after regulation 9—

#### **“Overgrazing**

**9A.**—(1) Subject to paragraph (2) below, where in the calendar year preceding any Scheme year the appropriate Minister forms the opinion that any parcel of land is being overgrazed that Minister may notify the occupier of the maximum number of animals which may be grazed and maintained on that parcel in that Scheme year, which number shall be determined by taking account of the number of other beasts likely to be grazed and maintained on the parcel concerned in the Scheme year in question and having regard to such conditions as may be specified in the notification.

(2) The appropriate Minister may in the calendar year preceding any Scheme year issue a notification under paragraph (1) above even where there is no evidence that the parcel of land to which it relates is being overgrazed if he has previously made such a notification in respect of that parcel having formed the opinion that it was being overgrazed.

(3) Where the appropriate Minister has made a notification under paragraph (1) above no Community premium shall be paid in respect of the Scheme year for which it was issued on any number of animals grazed and maintained in that Scheme year on the parcel of land to which it relates in excess of the maximum number of animals specified in it.

(4) Where the appropriate Minister has made a notification under paragraph (1) above and is satisfied that—

- (a) any condition specified in that notification has been breached; or
- (b) more animals than the maximum number specified in the notification have been grazed and maintained on the parcel of land to which it relates in the Scheme year for which it was issued,

he may withhold or recover on demand the whole or any part of the Community premium otherwise payable or as the case may be already paid to the recipient of the notification for the Scheme year to which it relates.

#### **Unsuitable supplementary feeding methods**

**9B.**—(1) Where in any Scheme year the applicant uses unsuitable supplementary feeding methods the appropriate Minister may, subject to paragraph (3) below, reduce or withhold the

amount of Community premium otherwise payable to him in respect of that Scheme year in accordance with paragraph (2) below.

(2) Where the applicant was not penalised under this regulation for using unsuitable supplementary feeding methods in the preceding Scheme year the amount of Community premium otherwise payable to him may be reduced by 10%; where the applicant was penalised under this regulation for using unsuitable supplementary feeding methods in the preceding Scheme year but not in the Scheme year preceding that one the amount of Community premium otherwise payable to him may be reduced by 20%; and where the applicant has been penalised under this regulation for using unsuitable supplementary feeding methods in each of the two preceding Scheme years the amount of premium otherwise payable to him may be withheld.

(3) Nothing in this regulation shall permit the appropriate Minister to penalise an applicant for using unsuitable supplementary feeding methods in a given Scheme year where he has already penalised that applicant in accordance with this regulation for that use by virtue of the fact that it occurred during any part of the previous Scheme year which fell within that given Scheme year.”

(4) In paragraph (4) of regulation 11 (powers of authorised persons)—

- (a) delete the word “and” at the end of sub-paragraph (b);
- (b) substitute a semi-colon followed by the word “and” for the full stop at the end of sub-paragraph (c); and
- (c) insert the following sub-paragraph after sub-paragraph (c)—
  - “(d) inspect that land for the purpose of determining whether or not it has been overgrazed or unsuitable supplementary feeding methods have been used on it.”

8th December 1994

*Michael Jack*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

8th December 1994

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

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

1. These Regulations make a number of textual amendments to the Beef Special Premium Regulations 1993 ([S. I.1993/1734](#)).
2. Like those Regulations, these Regulations extend to Great Britain only.
3. The principal amendments are the insertion of two new regulations, new regulations 9A and 9B.
4. New regulation 9A enables beef special premium payments otherwise payable to be reduced or withheld and such payments already made to be recovered where excessive numbers of male bovine animals are being grazed and maintained on land which the appropriate Minister has identified as being overgrazed.
5. New regulation 9B enables beef special premium payments otherwise payable to be reduced or withheld if the applicant uses unsuitable supplementary feeding methods.
6. Definitions of “overgrazed”, “Scheme year” and “unsuitable supplementary feeding methods” are inserted by these Regulations into regulation 2(1) of [S. I.1993/1734](#). The phrase “Scheme year” is used in new regulations 9A and 9B.
7. Regulation 11(4) of [S. I.1993/1734](#) is amended by the insertion of an additional sub-paragraph, (d), which enables authorised persons to inspect land in order to determine whether or not it has been overgrazed or unsuitable supplementary feeding methods have been used on it.
8. The amendments referred to in paragraphs 3 to 7 above give effect to Article 4g4a of Council Regulation (EEC) No.805/68, as amended, which provision was inserted by Article 1(3) of Council Regulation (EC) No. 3611/93. The definition of Council Regulation 805/68 found in regulation 2(1) of [S. I.1993/1734](#) has been amended by these Regulations to reflect the insertion referred to in this paragraph.
9. There is also effected by these Regulations an amendment to the definition of “third country” found in regulation 2(1) of [S. I.1993/1734](#).
10. A compliance cost assessment has been prepared and has been deposited in the Library of each House of Parliament.