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## STATUTORY INSTRUMENTS

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# 2001 No. 2503

## AGRICULTURE

### The Beef Special Premium Regulations 2001

<i>Made</i>	- - - -	<i>11th July 2001</i>
<i>Laid before Parliament</i>		<i>12th July 2001</i>
<i>Coming into force</i>	- -	<i>15th August 2001</i>

The Secretary of State and the National Assembly for Wales, being 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 Community, acting jointly in exercise of the powers conferred on them by virtue of the said section 2(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:

#### PART I

##### *Introduction*

##### **Title and commencement**

1. These Regulations may be cited as the Beef Special Premium Regulations 2001 and shall come into force on 15th August 2001.

##### **Interpretation**

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

“applicant” means a producer who has made an application for beef special premium;

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(1) The power of the Secretary of State to make, as a Minister designated by virtue of S.I. 1972/1811 in relation to the common agricultural policy of the European Community, regulations which extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (1998 c. 46). The Secretary of State’s power to make, as a Minister so designated, regulations which extend to Wales is confirmed by article 3(4) of the European Communities (Designation) (No. 3) Order 1999 (S.I. 1999/2788). The power of the National Assembly for Wales, being designated by virtue of S.I. 1999/2788 in relation to the common agricultural policy of the European Community, to make regulations in respect of an agricultural activity undertaken anywhere in the United Kingdom on a farm or group of farms which includes a parcel of land situated in Wales is exercisable by virtue of article 3(1) of, and paragraph 2(b) of Schedule 2 to, that Order, whilst the power of the National Assembly to make regulations jointly with the Secretary of State is conferred by article 3(4) of that Order.

(2) 1972 c. 68.

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“the appropriate authority” means the relevant competent authority within the meaning of the IACS Regulations;

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

“beef special premium” means one or more of the first premium, the second premium and the bull premium;

“bovine animal” means a male bovine animal within the meaning of Article 1(2)(a) of Council Regulation 1254/1999;

“bovine animal in the first age bracket” means a steer which on the date of the commencement of the retention period for it is not less than seven months old but is less than 20 months old;

“bovine animal in the second age bracket” means a steer which on the date of the commencement of the retention period for it is not less than 20 months old;

“bull” means an uncastrated bovine animal which on the date of the commencement of the retention period for it is not less than seven months old;

“bull premium” means the premium payable in respect of bulls pursuant to Article 4(2)(a) of Council Regulation 1254/1999;

“cattle passport” means, in relation to a bovine animal—

- (a) to which the Cattle Passports Order 1996<sup>(3)</sup> applied, a cattle passport as defined in article 2(2) of that Order;
- (b) to which Article 6(1) of Council Regulation 820/97 applied, a valid cattle passport issued pursuant to that Article; and
- (c) to which Article 6(1) of Regulation 1760/2000 applies, a valid cattle passport issued pursuant to that Article;

“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<sup>(4)</sup>;

“Commission Regulation 2629/97” means Commission Regulation (EC) No. 2629/97 laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals<sup>(5)</sup>;

“Commission Regulation 2342/1999” means Commission Regulation (EC) No. 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes<sup>(6)</sup> (as amended by Commission Regulation (EC) No. 1042/2000<sup>(7)</sup>, Commission Regulation (EC) No. 1900/2000<sup>(8)</sup>, Commission Regulation (EC) No. 2733/2000<sup>(9)</sup> and Commission Regulation (EC) No. 192/2001<sup>(10)</sup>);

“Council Regulation 3508/92” means Council Regulation (EEC) No 3508/92 establishing an integrated administration and control system for certain Community aid schemes<sup>(11)</sup>;

<sup>(3)</sup> S.I. 1996/1686, revoked by S.I. 1998/871.

<sup>(4)</sup> OJ No. L391, 31.12.92, p.36, as last amended by Commission Regulation (EC) No. 882/2001 (OJ No. L123, 4.5.2001, p.20).

<sup>(5)</sup> OJ No. L354, 30.12.97, p.19.

<sup>(6)</sup> OJ No. L281, 4.11.1999, p.30.

<sup>(7)</sup> OJ No. L118, 19.5.2000, p.4.

<sup>(8)</sup> OJ No. L228, 8.9.2000, p.25.

<sup>(9)</sup> OJ No. L316, 15.12.2000, p.44.

<sup>(10)</sup> OJ No. L29, 31.1.2001, p.27.

<sup>(11)</sup> OJ No. L355, 5.12.92, p.1, as last amended by Commission Regulation (EC) No. 1593/2000 (OJ No. L182, 21.7.2000, p.4).

“Council Regulation 820/97” means Council Regulation (EC) No 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products(12);

“Council Regulation 1254/1999” means Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal(13);

“eartag number” means—

- (a) the number on an eartag attached to a bovine animal as the approved identification required by article 4(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990(14),
- (b) an eartag number as defined in article 2(1) of the Bovine Animals (Records, Identification and Movement) Order 1995(15),
- (c) the unique identification code referred to in Article 4(1) of Council Regulation 820/97 or
- (d) the unique identification code referred to in Article 4(1) of Regulation 1760/2000, as the case may be;

“electronic communication” has the same meaning as in the Electronic Communications Act 2000(16);

“first premium” means the premium payable in respect of bovine animals in the first age bracket pursuant to the first indent of Article 4(2)(b) of Council Regulation 1254/1999;

“forage area” has the same meaning as in Article 12(2)(b) of Council Regulation 1254/1999;

“holding” has the same meaning as in Article 3(b) of Council Regulation 1254/1999;

“the IACS Regulations” means the Integrated Administration and Control System Regulations 1993(17);

“livestock unit” means the unit of measurement used to establish the stocking density of the forage area on a holding, and calculated in accordance with Article 12 of, and Annex III to, Council Regulation 1254/1999;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“national administrative document” means the administrative document provided for in Article 4(3)(b) of Council Regulation 1254/1999 and issued by the appropriate authority pursuant to regulation 5;

“the National Assembly” means the National Assembly for Wales;

“official veterinary surgeon” means an official veterinary surgeon designated under regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995(18);

“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;

“producer” has the same meaning as in Article 3(a) of Council Regulation 1254/1999;

“regional ceiling” means the maximum number of—

- (a) bovine animals in the first age bracket; and

(12) OJ No. L117, 7.5.97, p.1, repealed by Regulation (EC) No. 1760/2000 of the European Parliament and of the Council (OJ No. L204, 11.8.2000, p.1).

(13) OJ No. L160, 26.6.1999, p.21.

(14) S.I. 1990/1867, amended by S.I. 1993/503 and revoked by S.I. 1995/12.

(15) S.I. 1995/12, partially revoked by S.I. 1998/871.

(16) 2000 c. 7.

(17) S.I. 1993/1317 as amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.

(18) S.I. 1995/539, to which there are no relevant amendments.

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(b) bulls,

entitled to benefit from first premium or bull premium, as the case may be, in the United Kingdom in any calendar year, and referred to in Article 4(4) of, and Annex I to, Council Regulation 1254/1999;

“Regulation 1760/2000” means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(19);

“relevant competent authority” has the same meaning as in the IACS Regulations;

“retention period” means the retention period for bovine animals referred to in Article 4(3) (a) of Council Regulation 1254/1999 and starting, subject to regulation 11, as provided for in Article 5 of Commission Regulation 2342/1999;

“scheme year” means any calendar year in respect of which beef special 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 scheme year which falls within the following calendar year;

“second premium” means the premium payable in respect of bovine animals in the second age bracket pursuant to the second indent of Article 4(2)(b) of Council Regulation 1254/1999;

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

“specified record” means any record which an applicant is required to retain or has retained pursuant to—

- (i) regulation 14(1);
- (ii) article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990;
- (iii) article 5(1) of the Bovine Animals (Records, Identification and Movement) Order 1995;
- (iv) Article 7(1) and (4) of Council Regulation 820/97 and the Cattle Identification (Enforcement) Regulations 1997(20);
- (v) Article 7(1) and (4) of Council Regulation 820/97 and the Cattle Identification Regulations 1998(21); or
- (vi) Article 7(1) and (4) of Regulation 1760/2000 and the Cattle Identification Regulations 1998;

“steer” means a castrated bovine animal; and

“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 land by animals or excessive rutting by vehicles.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in Council Regulation 1254/1999, Commission Regulation 2342/1999 and Commission Regulation 3887/92.

(3) In these Regulations any reference to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is subsequently capable of being reproduced.

(19) OJ No. L204, 11.8.2000, p.1.

(20) S.I. 1997/1901, revoked by S.I. 1998/871.

(21) S.I. 1998/871, as amended by S.I. 1998/1796, 1998/2969 and 1999/1339.

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

### **Application**

3.—(1) These Regulations shall apply to any person applying, or who has applied, for a national administrative document and any applicant, and, in relation to the holdings of that person or applicant, to the specified extent.

(2) For the purposes of paragraph (1), “the specified extent”, in relation to a person applying, or who has applied, for a national administrative document or an applicant, is the extent to which the Minister or the National Assembly is the relevant competent authority in relation to his holding for the purposes of the IACS Regulations.

## **PART II**

### *National administrative documents*

#### **Application of regulations 5 to 9**

4. Regulations 5 to 9 below shall not apply in relation to any bovine animal in respect of which a cattle passport—

- (a) has been issued; or
- (b) may be granted pursuant to Part III of the Cattle Identification Regulations 1998.

#### **National administrative documents**

5.—(1) A national administrative document shall take the form of a document accompanying each individual bovine animal in accordance with Article 4(3)(a) of Commission Regulation 2342/1999.

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

(3) An application for a national administrative document shall be made in such form, and shall be accompanied by such information about the bovine animal to which that application relates, as the appropriate authority may reasonably require.

(4) Subject to paragraph (5), the appropriate authority shall, following the receipt of an application made pursuant to paragraph (2), issue to the person who made that application a national administrative document in respect of the bovine animal to which that application related.

(5) The appropriate authority shall not issue a national administrative document in respect of any bovine animal where any requirement of Article 4 of Regulation 1760/2000, Articles 1 to 3 of Commission Regulation 2629/97 or Part II of the Cattle Identification Regulations 1998 (eartags) is being contravened in relation to that bovine animal.

#### **Sale, purchase and movement of bovine animals**

6. No person shall—

- (a) sell or purchase a bovine animal;
- (b) transfer or take possession of a bovine animal; or
- (c) move a bovine animal other than from one part of any premises to another;

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unless that bovine animal is accompanied by a national administrative document in respect of it.

### **Loss, theft or export of bovine animals**

7. On the loss, theft or export from the United Kingdom of a bovine animal in respect of which a national administrative document has been issued, the person holding the national administrative document in respect of that animal shall, within seven days of that loss, theft or export, surrender that document to the appropriate authority.

### **Slaughter and death of bovine animals**

8.—(1) Immediately on the arrival of a bovine animal at a licensed slaughterhouse, the person holding that bovine animal shall give the national administrative document in respect of that bovine animal to the operator of that slaughterhouse.

(2) On the slaughter of a bovine animal at a licensed slaughterhouse, the operator of that slaughterhouse shall, within seven days of that bovine animal's slaughter, surrender the national administrative document in respect of that bovine animal to the appropriate authority and, for the purposes of this paragraph, the surrender of that national administrative document to the official veterinary surgeon shall be treated as its surrender to the appropriate authority.

(3) On the death of a bovine animal other than by slaughter at a licensed slaughterhouse, the person holding that bovine animal at the time of death shall, within seven days of that bovine animal's death, surrender the national administrative document in respect of that animal to the appropriate authority.

### **Duplicate or replacement national administrative documents**

9.—(1) Where a bovine animal which has been lost or stolen is subsequently restored to the person who surrendered the national administrative document in respect of it pursuant to regulation 7, that person may apply to the appropriate authority for a duplicate of that national administrative document.

(2) Where a national administrative document issued in respect of a bovine animal has been lost, stolen or destroyed, the person then holding that bovine animal may apply to the appropriate authority for a duplicate of that national administrative document.

(3) Where, in the event of the replacement of an eartag on a bovine animal in respect of which a national administrative document has been issued, the eartag number identifying that bovine animal is replaced with a different eartag number, the person holding that bovine animal may apply to the appropriate authority for a replacement national administrative document in respect of that bovine animal.

(4) Following the receipt of an application made under this regulation, together with, in the case of an application made pursuant to—

- (a) paragraph (1), such details relating to the bovine animal concerned and such proof as the appropriate authority may reasonably require regarding that bovine animal's loss or theft and subsequent restoration;
- (b) paragraph (2), such proof as that authority may reasonably require of the loss, theft or destruction of the national administrative document concerned; or
- (c) paragraph (3), such proof as that authority may reasonably require of the replacement of the eartag number in question,

that authority shall, save where any requirement specified in regulation 5(5) is being contravened in relation to that bovine animal, issue to the person making that application a duplicate or replacement national administrative document as the case may be.

## PART III

### *Beef special premium*

#### **Specific requirements relating to applications for beef special premium**

**10.**—(1) No application made to the appropriate authority for beef special premium shall be approved by that authority unless that application is accompanied by the cattle passports or national administrative documents in respect of the bovine animals to which that application relates.

(2) In respect of any application made to the appropriate authority for beef special premium—

(a) for the purposes of the first indent of Article 4(5) of Council Regulation 1254/1999, the headage limit of 90 bovine animals per holding and per age bracket shall not apply to that application; and

(b) for the purposes of the second indent of that Article, where the regional ceiling has been exceeded, a proportionate reduction in the number of bovine animals entitled to benefit from that premium shall not be applied to that application if it is made by a small producer,

and for the purposes of this paragraph “small producer” means an applicant who has, for the scheme year in question, made an application in respect of no more than 30 bovine animals, which animals shall not include bovine animals—

(i) covered by an application which has subsequently been withdrawn by the applicant; or

(ii) withdrawn from an application as a result of errors notified by the applicant to the appropriate authority pursuant to Article 11(1a) of Commission Regulation 3887/92.

(3) An applicant shall not be entitled to make more than twelve applications for beef special premium during any one calendar year.

#### **Commencement of retention period**

**11.** For the purposes of Article 5 of Commission Regulation 2342/1999, an applicant may, when making an application for beef special premium, specify the starting date for the commencement of the retention period for the bovine animals specified in his application in accordance with the second paragraph of that Article.

#### **Overgrazing**

**12.**—(1) Subject to paragraph (2) below, where in the year preceding any given scheme year the appropriate authority forms the opinion that any parcel of land is being overgrazed, that authority may notify the occupier of the maximum number of bovine 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 animals (expressed in terms of livestock units) 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 authority may in the year preceding any given 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—

(a) that authority has previously made such a notification under paragraph (1); or

(b) that authority has made a notification under any of the provisions specified in paragraph (5),

in respect of that parcel having formed the opinion that it was being overgrazed.

(3) Where—

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- (a) the appropriate authority has made a notification under paragraph (1); or
- (b) that authority has made a notification under any of the provisions specified in paragraph (5),

no beef special premium shall be paid in respect of the scheme year for which it was issued on any number of bovine animals grazed and maintained in that scheme year on the parcel of land to which it relates in excess of the maximum number of such animals specified in it.

(4) Where the appropriate authority 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 bovine 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,

that authority may withhold or recover on demand the whole or any part of the beef special 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.

(5) The provisions referred to in paragraphs (2) and (3) are—

- (a) regulation 11 of the Beef Special Premium Scheme Regulations 1996<sup>(22)</sup>;
- (b) regulation 3A of the Suckler Cow Premium Regulations 1993<sup>(23)</sup>;
- (c) regulation 5 of the Suckler Cow Premium Regulations 2001<sup>(24)</sup>;
- (d) where the Minister is the appropriate authority, regulation 8 of the Slaughter Premium Regulations 2000<sup>(25)</sup>;
- (e) where the National Assembly is the appropriate authority, regulation 8 of the Slaughter Premium (Wales) Regulations 2001<sup>(26)</sup>;
- (f) regulation 3A of the Sheep Annual Premium Regulations 1992<sup>(27)</sup>; and
- (g) regulation 10 of the Hill Livestock (Compensatory Allowances) Regulations 1999<sup>(28)</sup>.

### Unsuitable supplementary feeding methods

13.—(1) Where, in any scheme year, the applicant uses unsuitable supplementary feeding methods, the appropriate authority may—

- (a) in accordance with paragraph (2), reduce or withhold the amount of beef special premium otherwise payable to him; or
- (b) where such premium has already been paid to him, recover any premium so paid, in respect of that scheme year.

(2) Where the applicant was not penalised for using unsuitable supplementary feeding methods under paragraph (1) nor under any of the provisions specified in paragraph (3) in the preceding scheme year, the amount of premium payable to him may be reduced by 10 per cent; where the applicant was so penalised in the preceding scheme year, but not in the scheme year before that, that amount may be reduced by 20 per cent; and where the applicant was so penalised in each of the two preceding scheme years that amount may be withheld.

<sup>(22)</sup> S.I. 1996/3241, as amended by S.I. 1998/871, 1999/1179 and 2000/2573.

<sup>(23)</sup> S.I. 1993/1441, as amended by S.I. 1994/1528, 1995/15, 1995/1446, 1996/1488, 1997/249, 2000/2573 and revoked by 2001/1370.

<sup>(24)</sup> S.I. 2001/1370.

<sup>(25)</sup> S.I. 2000/3126.

<sup>(26)</sup> S.I. 2001/1332 (W. 82).

<sup>(27)</sup> S.I. 1992/2677, as amended by 1994/2741, 1995/2779, 1996/49, 1997/2500, 2000/2573 and 2001/281.

<sup>(28)</sup> S.I. 1999/3316.

- (3) The provisions referred to in paragraph (2) are—
- (a) regulation 12 of the Beef Special Premium Scheme Regulations 1996;
  - (b) regulation 3B of the Suckler Cow Premium Regulations 1993;
  - (c) regulation 6 of the Suckler Cow Premium Regulations 2001;
  - (d) where the Minister is the appropriate authority, regulation 9 of the Slaughter Premium Regulations 2000;
  - (e) where the National Assembly is the appropriate authority, regulation 9 of the Slaughter Premium (Wales) Regulations 2001;
  - (f) regulation 3B of the Sheep Annual Premium Regulations 1992; and
  - (g) regulation 8(3) of the Hill Livestock (Compensatory Allowances) Regulations 1999.

#### **Retention of records**

14.—(1) An applicant shall retain for a period of four years from the relevant date any bill, account, receipt, voucher or other record relating to—

- (a) the number of bovine animals kept on his holding during the period of two months following that date, and
- (b) any transaction concerning bovine animals carried out by him on that date and during the period of twelve months following that date.

(2) For the purpose of this regulation “relevant date” means, in relation to an applicant, the date on which his application for beef special premium was received by the appropriate authority.

## **PART IV**

### *General*

#### **Powers of authorised persons**

15.—(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 19(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, a holding occupied by, or in the possession of—

- (a) a person who has applied for a national administrative document pursuant to regulation 5; or
- (b) an applicant.

(3) An authorised person who has entered any land by virtue of paragraph (2)(a) may inspect, identify and count any bovine animals on that land.

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

- (a) inspect and verify the total area of land, including forage area, farmed by an applicant;
- (b) inspect, identify and count any bovine animals on that land;
- (c) carry out any other activity which is a specified control measure; and

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- (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.
- (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, an applicant or any employee, servant or agent of that person or applicant to produce any specified record and to supply such additional information in that person's possession or under his control relating to an application for a national administrative document or beef special premium as the authorised person may reasonably request;
  - (b) require a person who is selling a bovine animal in respect of which a national administrative document has been issued to produce or cause to be produced that national administrative document;
  - (c) inspect any cattle passport, national administrative document or specified record 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;
  - (d) require that copies of, or extracts from, any cattle passport, national administrative document or specified record be produced; and
  - (e) seize and retain any 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**

16. A person who has applied for a national administrative document, an applicant or any employee, servant or agent of that 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 15 and in particular, in relation to any bovine animals, shall arrange for the collection, penning and securing of such bovine animals, if so requested.

#### **Withholding and recovery of premium**

17.—(1) Where at any time during a scheme year an applicant fails to—

- (a) comply with the requirements of regulation 14(1);
- (b) comply with the requirements of article 7(4) of Regulation 1760/2000 and the Cattle Identification Regulations 1998; or
- (c) in the reasonable opinion of the appropriate authority, keep any specified record in a form which is accurate and up to date,

the appropriate authority may withhold or recover on demand the whole or any part of any beef special premium payable or, as the case may be, paid to the applicant in respect of that scheme year.

(2) Where an applicant intentionally obstructs an authorised person, or a person accompanying such authorised person and acting under his instructions, from exercising a power conferred by regulation 15, or fails without reasonable excuse to comply with a request made by an authorised person when exercising such a power, the appropriate authority shall be entitled to recover on demand from that applicant the whole or any part of any beef special premium paid to him.

(3) Where a person (other than an applicant) intentionally obstructs an authorised person, or a person accompanying such authorised person and acting under his instructions, from exercising a power conferred by regulation 15, or fails without reasonable excuse to comply with a request made

by an authorised person for the purpose of exercising such a power, the appropriate authority shall be entitled where such person was at the time of such obstruction or failure an employee, servant or agent of an applicant, to recover on demand from that applicant the whole or any part of any beef special premium paid to that applicant.

### **Rate of interest**

**18.** Except where the appropriate authority recovers from any applicant any beef special premium or part of any such premium paid to that applicant as a result of an error of that authority, 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**

**19.** It shall be an offence for a person—

- (a) without reasonable excuse, to fail to comply with the provisions of regulation 6,7,8 or 14(1);
- (b) intentionally to obstruct an authorised person in the exercise of a power conferred by regulation 15;
- (c) without reasonable excuse, to fail to comply with a request made under regulation 16; 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 by regulation 14(1); or
  - (ii) for the purposes of obtaining for himself or any other person the whole or any part of any beef special premium.

### **Punishment of offences**

**20.—(1)** A person guilty of an offence under regulation 19(a), (b) or (c) 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 19(d) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Time limit for prosecutions**

**21.—(1)** Proceedings for an offence under regulation 19 may, subject to paragraph (2) below, in England and Wales be brought, and in Scotland 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 brought 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.

*Status: Point in time view as at 15/08/2001.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Beef Special Premium Regulations 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### Offences by bodies corporate

**22.**—(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.

### Revocations and savings

**23.**—(1) Subject to paragraph (2), the Beef Special Premium Regulations 1996<sup>(29)</sup> (“the 1996 Regulations”) and the Beef Special Premium (Amendment) Regulations 1999<sup>(30)</sup> are hereby revoked in so far as they apply to the extent to which these Regulations apply pursuant to regulation 3.

(2) Paragraph (1) shall not affect the continued operation of regulations 11 to 21 of the 1996 Regulations in respect of Community premium (within the meaning of those Regulations) paid under those Regulations.

11th July 2001

*Whitty*  
Parliamentary Under Secretary,  
Department for Environment, Food and Rural  
Affairs

Signed on behalf of the National Assembly for Wales

10th July 2001

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

<sup>(29)</sup> S.I. 1996/3241, as amended by S.I. 1998/871, 1999/1179 and 2000/2573.

<sup>(30)</sup> S.I. 1999/1179.

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## EXPLANATORY NOTE

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

These Regulations, which come into force on 15th August 2001, replace the provisions of the Beef Special Premium Regulations 1996 (S.I.1996/3241) and the Beef Special Premium (Amendment) Regulations 1999 (S.I. 1999/1179).

The Regulations lay down implementing measures for the beef special premium scheme provided for in Article 4 of Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal (OJ No. L160, 26.6.1999, p.21). They provide for the administration of the scheme in relation to—

- (a) holdings situated wholly in England, and also holdings situated partly in England and partly elsewhere in the United Kingdom, where the Minister of Agriculture, Fisheries and Food (“the Minister”) is responsible for processing the farmer’s application for beef special premium; and
- (b) holdings situated wholly in Wales, and also holdings situated partly in Wales and partly elsewhere in the United Kingdom, where the National Assembly for Wales (“the National Assembly”) is responsible for processing such an application,

(regulations 10 to 14). They also lay down enforcement provisions (regulations 15 to 22).

The rules relating to administration provide for the submission of applications for beef special premium (regulations 10 and 11), including the requirement that the application is accompanied by the cattle passports or national administrative documents for the animals included in the application, and for the animals to be accompanied by the latter (where these exist) when the animals are moved (regulations 5(1) and 6). This is in implementation of Article 4(3)(a) of Commission Regulation (EC) No. 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999 (OJ L281, 4.11.1999, p.30) which enables Member States to provide that a national administrative document shall take the form of a document accompanying each individual animal; a corresponding provision requiring that each animal be accompanied by a passport is contained in Article 6(2) of Regulation 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (OJ L204, 11.8.2000, p.1). The Regulations also provide for the acquisition and use of such national administrative documents (regulations 5 to 9).

Further rules on administration require the retention of records by applicants (regulation 14), impose sanctions for overgrazing and the use of unsuitable supplementary feeding methods (which are included as a condition of the scheme by virtue of Article 3 of Council Regulation (EC) No. 1259/1999 establishing common rules for direct support schemes under the common agricultural policy (OJ No. L160, 26.6.1999, p.113)) (regulations 12 and 13), and provide for withholding or recovery of beef special premium where there is a breach of the rules of the scheme (regulations 17 and 18).

The enforcement provisions confer powers of entry, inspection and collection of evidence on authorised persons (regulations 15 and 16). These include the powers required under Article 6 of Commission Regulation (EC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes (OJ No. L391, 31.12.92, p.36, as last amended by Commission Regulation (EC) No. 882/2001 (OJ No. L123, 4.5.2001, p.20)). Regulations 19 to 22 deal with offences and penalties.

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

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