STATUTORY INSTRUMENTS

2001 No. 2503

The Beef Special Premium Regulations 2001

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(i) covered by an application which has subsequently been withdrawn by the applicant; or

(ii) withdrawn from an application as a result of errors notified by the applicant to the appropriate authority pursuant to Article 11(1a) of Commission Regulation 3887/92.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

(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(**1**);

(b) regulation 3A of the Suckler Cow Premium Regulations 1993(**2**);

(c) regulation 5 of the Suckler Cow Premium Regulations 2001(**3**);

(d) where the Minister is the appropriate authority, regulation 8 of the Slaughter Premium Regulations 2000(**4**);

(e) where the National Assembly is the appropriate authority, regulation 8 of the Slaughter Premium (Wales) Regulations 2001(**5**);

(f) regulation 3A of the Sheep Annual Premium Regulations 1992(**6**); and

(g) regulation 10 of the Hill Livestock (Compensatory Allowances) Regulations 1999(**7**).

Unsuitable supplementary feeding methods

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

(**1**) S.I.1996/3241, as amended by S.I. 1998/871, 1999/1179 and 2000/2573.
(**2**) 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.
(**3**) S.I. 2001/1370.
(**4**) S.I. 2000/3126.
(**5**) S.I. 2001/1332 (W. 82).
(**6**) S.I. 1992/2677, as amended by 1994/2741, 1995/2779, 1996/49, 1997/2500, 2000/2573 and 2001/281.
(**7**) S.I. 1999/3316.

(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.

(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.

Changes to legislation:
There are currently no known outstanding effects for the The Beef Special Premium Regulations 2001, PART III.