
WELSH STATUTORY INSTRUMENTS

2001 No. 1332

The Slaughter Premium (Wales) Regulations 2001

Part II

Conditions for payment of slaughter premium

Application of regulations 4 to 11 and 20 (where relating to Part II)

3. Regulations 4 to 11, and (in so far as it relates to notices served under regulation 8(1) or (3)) regulation 20, apply to claimants and occupiers of land to the extent that the National Assembly is the relevant competent authority in relation to their holdings for the purposes of the IACS Regulations.

Claims for slaughter premium

4.—(1) A claim in respect of a premium calf, a premium adult animal and a premium older animal shall be submitted to the Board and each shall be in such form and shall contain, in addition to the information required by the Community rules, such particulars, and shall be accompanied by such documents, as the Board may reasonably require.

(2) A claim in respect of a premium calf at least five months old at the time of its slaughter shall be accompanied by the written record relating to its slaughter referred to in paragraph 5 of the Schedule.

(3) A claim submitted pursuant to paragraph (1) may be in respect of any number of premium calves, premium adult animals or premium older animals, as the case may be.

Period for submitting claims

5. A claim shall be submitted to the Board, within a period commencing with the day after the end of the retention period for the premium animal in respect of which the claim is submitted and expiring—

- (a) six months later, or
- (b) at the end of February in the calendar year following that in which that premium animal was slaughtered,

whichever is the sooner.

Limit on number of claims

6. A claimant shall not be entitled to submit more than—

- (a) twelve claims in respect of premium calves, and
- (b) twelve claims in respect of premium adult animals, and
- (c) twelve claims in respect of premium older animals,

slaughtered in any one calendar year.

Slaughter in registered slaughterhouses

7.—(1) No claimant shall be granted a slaughter premium on the slaughter of a premium animal unless the conditions specified in paragraph (2) have been satisfied.

(2) The conditions referred to in paragraph (1) are—

(a) that in the case of the slaughter of a premium animal other than a premium calf, it has been slaughtered in a slaughterhouse registered for the slaughter of premium animals other than premium calves by the Board—

(i) pursuant to regulation 14; or

(ii) pursuant to any enactment conferring a corresponding power of registration in relation to slaughterhouses in England, Scotland or Northern Ireland in terms which are in substance identical to those contained in regulations 13 to 19 and the Schedule;

and

(b) that in the case of the slaughter of a premium calf, it has been slaughtered in a slaughterhouse registered for the slaughter of premium calves by the Board—

(i) pursuant to regulation 14; or

(ii) pursuant to any enactment conferring a corresponding power of registration in relation to slaughterhouses in England, Scotland or Northern Ireland in terms which are in substance identical to those contained in regulations 13 to 19 and the Schedule.

Overgrazing

8.—(1) Subject to paragraph (2), where the Board forms the opinion that any parcel of land is being overgrazed it may serve on the occupier a written notice specifying the maximum number of animals which may be grazed and maintained on that parcel in the following calendar year.

(2) The maximum number referred to in paragraph (1) shall be determined having regard to such conditions as may be specified in the notice.

(3) Where a notice in relation to a parcel of land has previously been served by the Board under paragraph (1) or by the National Assembly under any of the provisions specified in paragraph (5), the Board may serve a further notice under paragraph (1) in relation thereto without having formed the opinion that it is being overgrazed.

(4) Where a notice in relation to a parcel of land has been served by the Board under paragraph (1) or (3), or by the National Assembly under any of the provisions specified in paragraph (5), the Board shall withhold, or where it has already been paid, recover any slaughter premium payable or paid on such number of premium animals grazed and maintained there in the calendar year in respect of which that notice was issued as, when added to the number of other animals (including other premium animals) grazed and maintained there in that year, results in the maximum number of animals specified in the notice being exceeded.

(5) The provisions referred to in paragraphs (3) and (4) are the following—

(a) regulation 11 of the Beef Special Premium Scheme Regulations 1996;

(b) regulation 3A of the Suckler Cow Premium Regulations 1993(1), and

(c) regulation 3A of the Sheep Annual Premium Regulations 1992(2).

(6) The Board may withhold, or recover, slaughter premium where it is satisfied that any other condition in the notice has been breached.

(1) S.I.1993/1441, as amended by 1994/1528, 1995/15, 1995/1446, 1996/1448 and 1997/249.

(2) S.I. 1992/2677, as amended by 1994/2741, 1995/2779, 1996/49 and 1997/2500.

Unsuitable supplementary feeding methods

9.—(1) Where, in any calendar year, a claimant uses unsuitable supplementary feeding methods, the Board may—

- (a) in accordance with paragraph (2), reduce or withhold the amount of slaughter premium otherwise payable to the claimant; or
- (b) where slaughter premium has already been paid to the claimant, recover any slaughter premium so paid;

in respect of premium animals slaughtered in that year.

(2) Where the claimant 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 calendar year, the amount of slaughter premium referred to in paragraph (1) may be reduced by ten per cent; where the claimant was so penalised in the preceding calendar year, but not in the calendar year before that, that amount may be reduced by twenty per cent; and where the claimant was so penalised in each of the two preceding calendar 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; and
- (c) regulation 3B of the Sheep Annual Premium Regulations 1992.

Withholding and recovery of slaughter premium

10. The Board may withhold, or recover on demand, the whole or any part of any slaughter premium claimed from or granted by it in any of the following circumstances—

- (a) where the grant of a slaughter premium to the claimant in question would not, or does not, comply with the Community rules;
- (b) where, at any time between the submission of the claim in respect thereof and its slaughter, a premium animal was not—
 - (i) subject to an approved identification as required by article 4(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990; or
 - (ii) identified with an eartag in accordance with article 8 or 9 of the Bovine Animals (Records, Identification and Movement) Order 1995; or
 - (iii) registered in accordance with regulation 5 of the Cattle (Registration of Older Animals)(Wales) Regulations 2000⁽³⁾ or in accordance with any requirements for such registration contained in any corresponding regulations applying to England, Scotland and Northern Ireland; or
 - (iv) identified and registered in accordance with Council Regulation 820/97 and 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⁽⁴⁾; or
 - (v) identified and registered in accordance with Regulation 1760/2000;
- (c) where the conditions specified in regulation 7(2) have not been satisfied;
- (d) where the claimant in question, or an officer, employee, servant or agent of that claimant, intentionally obstructs an authorised person, or a person accompanying an authorised

(3) S.I. 2000/3339 (W. 217).

(4) OJ No. L354, 30.12.97, p.19.

person and acting under his or her instructions, from exercising any power conferred by regulations 24 or 25, or fails without reasonable excuse to comply with a requirement made by an authorised person under regulation 25, or with a request made by an authorised person under regulation 26; and

- (e) where the claimant has, for the purpose of obtaining for himself or any other person the grant of slaughter premium, knowingly or recklessly made a statement or furnished any information which is false or misleading in a material particular.

Rate of interest

11. Where the the Board recovers the whole or any part of any slaughter premium pursuant to regulation 10, unless the sum recovered was paid as a result of its own error, it shall be entitled in addition to charge and recover on demand interest on the sum recovered at the rate of one per cent above the sterling three months London Interbank Offered Rate on a day-to-day basis for the period from payment to recovery.