

1992 No. 476

AGRICULTURE

**The Sheep Annual Premium Regulations
(Northern Ireland) 1992**

Made 13th November 1992

Coming into operation 15th November 1992

The Department of Agriculture being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by that section and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Sheep Annual Premium Regulations (Northern Ireland) 1992 and shall come into operation on 15th November 1992.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these regulations—

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

“the Commission Regulation” means Commission Regulation (EEC) No. 3007/84(d) laying down detailed rules for the application of the premium for producers of sheepmeat as amended by Commission Regulation (EEC) No. 164/86(e), Commission Regulation (EEC) No. 1514/86(f), Commission Regulation (EEC) No. 3984/89(g), Commission Regulation (EEC) No. 1260/90(h), Commission

(a) S.I. 1972/1811

(b) 1972 c. 68: section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. (N.I.) 1984 No. 253

(c) 1954 c. 33 (N.I.)

(d) O.J. No. L283, 27.10.84, p. 28

(e) O.J. No. L21, 28.1.86, p. 10

(f) O.J. No. L132, 21.5.86, p. 16

(g) O.J. No. L380, 29.12.89, p. 28

(h) O.J. No. L124, 15.5.90, p. 15

Regulation (EEC) No. 288/91(a), Commission Regulation (EEC) No. 3107/91(b) and Commission Regulation (EEC) No. 3340/91(c);

“the competent authority” means the Department;

“the Council Regulation” means Council Regulation (EEC) No. 3013/89 on the common organisation of the market in sheepmeat and goatmeat(d), as amended by Council Regulation (EEC) No. 1741/91(e) and Council Regulation (EEC) No. 2069/92(f);

“the Department” means the Department of Agriculture for Northern Ireland;

“marketing year” means a marketing year as defined in Article 3.3 of the Council Regulation;

“premium” means the premium provided for under Article 5 of the Council Regulation;

“producer” means a producer as defined in Article 1 of Council Regulation (EEC) No. 3493/90(g), as amended by Council Regulation (EEC) No. 2070/92(h);

(3) Other expressions used in these regulations have, in so far as the context admits, the same meanings as in the Council Regulation and the Commission Regulation.

Application for premium

3.—(1) An application for a premium shall be in such form and shall contain such particulars relating to that application as the competent authority may reasonably request.

(2) A producer who applies for a premium in respect of a marketing year shall deliver his application to the competent authority—

(a) on or after 15th November and not later than 15th December in the preceding marketing year, or if 15th December is a Saturday, Sunday or public holiday, the next following working day; or

(b) on or after 15th February in the calendar year in which the marketing year commences and not later than 15th March in that calendar year or if 15th March is a Saturday, Sunday or public holiday, the next following working day.

(3) Notwithstanding paragraph (2), a producer marketing sheep's milk or sheep's milk products who applies for the premium for the heavy category under Article 5(4) of the Council Regulation in respect of a marketing year shall deliver his application to the competent authority on or after 15th November and not later than 15th December in the preceding marketing year.

(a) O.J. No. L35, 7.2.91, p. 12
(b) O.J. No. L294, 25.10.91, p. 16
(c) O.J. No. L316, 16.11.91, p. 24
(d) O.J. No. L289, 7.10.89, p. 1
(e) O.J. No. L163, 26.6.91, p. 41
(f) O.J. No. L215, 30.7.92, p. 59
(g) O.J. No. L337, 4.12.90, p. 7
(h) O.J. No. L215, 30.7.92, p. 63

or if 15th December is a Saturday, Sunday or public holiday, the next following working day.

Keeping and retention of a register

4. A producer shall be required to keep a register containing the following information—

- (a) the dates on which female sheep put to the ram for the first time gave birth and the number of lambs produced;
- (b) the number and date of any sheep purchased, sold or otherwise disposed of, the name and address of the seller, buyer or other recipient or in the case of sheep purchased or sold at a livestock market, the name and address of that market; and
- (c) in cases of losses of sheep the date the producer discovered the loss, the number lost and the circumstances of the loss;

and retain such register for 3 years from the end of the marketing year to which the last entry therein relates.

Powers of authorised officers

5.—(1) An authorised officer 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 purpose of—

- (a) inspecting and counting any sheep kept by the producer; or
- (b) ascertaining whether an offence under regulation 9(2) has been or is being committed.

(2) An authorised officer may enter premises (other than any premises used only as a dwelling), which is, or which such officer has reasonable cause to believe to be, occupied by, or in the possession of, a producer or any employee, servant or agent of a producer.

(3) An authorised officer who has entered any premises by virtue of this regulation may inspect and count any sheep kept by the producer on those premises.

(4) An authorised officer entering any premises by virtue of this regulation may take with him such other persons as he considers necessary.

(5) An authorised officer may—

- (a) require any producer or any employee, servant or agent of a producer to produce any record and to supply such additional information in that person's possession or under his control relating to an application for premium as the authorised officer may reasonably request;
- (b) inspect any such record and, where any such 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 in use in connection with that record;
- (c) require that copies of, or extracts from, any record be produced;
- (d) seize and retain any such 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 officers

6. A producer or any employee, servant or agent of a producer shall give to an authorised officer such assistance as the authorised officer may reasonably request so as to enable the authorised officer to exercise any power conferred upon him by regulation 5.

Rate of interest

7. For the purpose of Article 6(5) of the Commission Regulation, interest shall be calculated 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.

Recovery of payments

8. A competent authority may recover from any person any payment that person is required to return under Article 6 of the Commission Regulation together with interest thereon as specified in paragraph (5) of that Article.

Offence and penalties

9.—(1) Any person who—

- (a) intentionally obstructs an authorised officer (or a person accompanying him and acting under his instructions) in the exercise of a power conferred by regulation 5; or
- (b) fails without reasonable excuse to comply with a request made under regulation 6, shall be guilty of an offence.

(2) Any person who for the purpose of obtaining the whole or any part of the premium or in purported compliance with any requirement imposed under regulation 5(5)—

- (a) furnishes information which he knows to be false or misleading in a material particular; or
- (b) recklessly furnishes information which is false or misleading in a material particular,

shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) shall be liable on summary conviction to a fine not exceeding £2,000.

(4) Proceedings for an offence under paragraphs (1) and (2) above may be brought within a period of six months from the date on which evidence sufficient in the opinion of the competent authority to justify proceedings come to its knowledge, and in any case within twelve months from the commission of the offence.

(5) A certificate purporting to be signed for the purposes of paragraph (4) by or on behalf of the competent authority shall be conclusive evidence of the date on which evidence sufficient to justify proceedings came to the knowledge of the competent authority.

(6) Where an offence under this regulation which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (6), shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Revocation

10. The Regulations listed in the Schedule are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 13th November 1992.

(L.S.)

P. T. Toal

Assistant Secretary

Revocations

| <i>Regulations revoked</i> | <i>References</i> |
|--|-------------------|
| The Sheep Annual Premium Regulations (Northern Ireland) 1987 | S.R. 1987 No. 87 |
| The Sheep Annual Premium (Amendment) Regulations (Northern Ireland) 1989 | S.R. 1989 No. 459 |
| The Sheep Annual Premium (Amendment) Regulations (Northern Ireland) 1990 | S.R. 1990 No. 3 |
| The Sheep Annual Premium (Amendment No. 2) Regulations (Northern Ireland) 1990 | S.R. 1990 No. 444 |
| The Sheep Annual Premium (Amendment No. 3) Regulations (Northern Ireland) 1991 | S.R. 1991 No. 510 |

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and remake with amendments the Sheep Annual Premium Regulations 1987 (S.R. 1987 No. 87) ("the 1987 Regulations") as amended. The 1987 Regulations made provision for the implementation of Commission Regulation (EEC) No. 3007/84 which laid down detailed rules for the payment of premium to producers of sheepmeat. The general rules on the common organisation of the market in sheepmeat and goatmeat are laid down by Council Regulation (EEC) No. 3013/89 (O.J. No. L289, 7.10.89, p. 1) and Article 5 of that Regulation provides for the payment of a premium to producers of sheepmeat.

The principal changes of substance made by these Regulations are that they:—

- (a) amend the definition of an "authorised officer" so as to include any person, whether or not an officer of that authority, authorised by the competent authority (regulation 2(2));
- (b) require producers to keep, retain and produce a register containing specified information (regulation 4);
- (c) extend the powers of an authorised officer to inspect records including those kept by means of a computer and confer power to seize and retain such records (regulation 5(5));
- (d) require a producer or an employee, servant or agent of a producer to give an authorised officer such assistance as he may reasonably request (regulation 6); and
- (e) provide for interest on a payment returnable to the Department under Article 6 of the Commission Regulation (regulation 8) and specify the rate of interest (regulation 7).