

1993 No. 280

AGRICULTURE

The Suckler Cow Premium Regulations (Northern Ireland) 1993

Made 18th June 1993

Coming into operation 1st July 1993

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 on it by the said section 2(2) 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 Suckler Cow Premium Regulations (Northern Ireland) 1993 and shall come into operation on 1st July 1993.

Interpretation

2.—(1) In these regulations:—

“applicant” means a producer who has applied for premium;

“authorised person” means any person authorised in writing by the Department to act for the purposes of regulation 5;

“cattle” means cows and heifers;

“Commission Regulation 3886/92” means Commission Regulation (EEC) No. 3886/92(c) laying down detailed rules for the application of the premium schemes provided for in Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and repealing Regulations (EEC) No. 1244/82 and (EEC) No. 714/89, as amended by Commission Regulation (EEC) No. 538/93(d);

“Commission Regulation 3887/92” means Commission Regulation (EEC) No. 3887/92(e) laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes;

“premium” means a premium for suckler cows which is payable under Article 4d of the Council Regulation;

(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. 1984 No. 253.

(c) O.J. No. L391, 31.12.92, p. 20

(d) O.J. No. L57, 10.3.93, p. 19

(e) O.J. No. L391, 31.12.92, p. 36

- “producer” has the same meaning as in Article 4a of the Council Regulation;
- “relevant date” means, in relation to an applicant, the date on which his application was submitted to the Department;
- “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 is required to be retained by virtue of regulation 4;
- “the Council Regulation” means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal(a), as amended so far as is relevant to these Regulations, by Council Regulation (EEC) No. 2066/92(b) and Council Regulation (EEC) No. 125/93(c);
- “the Department” means the Department of Agriculture for Northern Ireland.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meaning as in the Council Regulation and the Commission Regulations.

(3) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Applications

3.—(1) For the purpose of Article 24(2) of Commission Regulation 3886/92, the period in each calendar year during which an application for premium may be submitted shall be the period from and including 1st July to and including 11th December in that calendar year.

(2) A producer shall not be entitled to submit more than one application for premium during any one calendar year.

Retention of records

4.—(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 cattle kept on his holding during the period of six months following that date, and
- (b) any transaction concerning cattle, milk or milk products carried out by him on that date and during the period of twelve months following that date.

(2) Without prejudice to the generality of the provisions of paragraph (1), an applicant shall either—

(a) O.J. No. L148, 28.6.68, p. 24 (O.J./S.E. 1968 p. 187)
(b) O.J. No. L215, 30.7.92, p. 49
(c) O.J. No. L18, 27.1.93, p. 1
(d) 1954 c. 33 (N.I.)

- (a) retain for a period of four years from the relevant date the special register referred to in Article 4g(4) of the Council Regulation, or
- (b) retain for such period any record which he has kept under Article 3(1) of the Movement of Animals (Records) Order (Northern Ireland) 1980(a), provided that the suckler cows for which an application for premium was made are clearly distinguished from the other animals recorded in such records.

Powers of authorised persons

5.—(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 9(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, an applicant.

(3) An authorised person who has entered any land by virtue of this regulation may—

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

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

(5) An authorised person may—

- (a) require an applicant or any employee, servant or agent of an 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 premium as the authorised person may reasonably request;
- (b) inspect any such specified 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 used in connection with that specified record;
- (c) require that copies of, or extracts from, any specified record be produced;
- (d) seize and retain any such 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

6. An applicant or any employee, servant or agent of an 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 under regulation 5 and in particular, in relation to any cattle, shall arrange for the collection, penning and securing of such cattle, if so requested.

Recovery of premium

7.—(1) Where an applicant intentionally obstructs an authorised person, or a person accompanying such authorised person and acting under his instructions, from carrying out a specified control measure, or fails without reasonable excuse to comply with a request made by an authorised person when carrying out a specified control measure, the Department shall be entitled to recover on demand from that applicant the whole or any part of any premium paid to him.

(2) 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 carrying out a specified control measure, or fails without reasonable excuse to comply with a request made by an authorised person for the purpose of carrying out a specified control measure, the Department 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 premium paid to that applicant.

Rate of interest

8. Except where the Department recovers from any applicant any premium or part of any premium paid to that applicant as a result of an error of the Department, 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

9. It shall be an offence for a person—

- (a) without reasonable excuse, to fail to comply with the provisions of regulation 4;
- (b) intentionally to obstruct an authorised person in the exercise of a power conferred by regulation 5;
- (c) without reasonable excuse, to fail to comply with a request made under regulation 6; 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 4; or

- (ii) for the purposes of obtaining for himself or any other person the whole or any part of any premium.

Punishment of offences

10.—(1) A person guilty of an offence under regulation 9(a), (b) or (c) shall be liable on summary conviction to a fine not exceeding £400.

(2) A person guilty of an offence under regulation 9(d) shall be liable on summary conviction to a fine not exceeding £2,000.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 18th June 1993.

(L.S.)

L. Sinclair

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which come into force on 1st July 1993, make provision for the administration and enforcement of the provisions for the payment of a premium for suckler cows, under Article 4d of Council Regulation (EEC) No. 805/68 ("the Council Regulation") and other relevant provisions in Commission Regulations (EEC) Nos. 3886/92 and 3887/92 (which are all defined in regulation 2(1)).

The Regulations—

- (a) specify the period for the submission of applications for premium and prohibit the submission of more than one application in any calendar year (regulation 3);
- (b) require applicants for premium to retain specified records and other documents (regulation 4);
- (c) confer on authorised persons powers of entry and inspection as well as powers of seizure and retention of records and require that such assistance be given to them as they may reasonably request (regulations 5 and 6);
- (d) specify circumstances in which premium paid to an applicant may be recovered by the Department and prescribe the rate of interest payable on amounts recovered in specified circumstances (regulations 7 and 8);
- (e) create offences and prescribe penalties (regulations 9 and 10).