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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 445**

**The Beef Special Premium (Scotland) Regulations 2001**

**PART III**

**Beef special premium**

**Applications for first premium**

**10.**—(1) Subject to paragraph (2), a producer retaining a bovine animal in the first age bracket on their holding may apply to the Scottish Ministers for first premium in respect of that animal in relation to a given scheme year.

(2) No application for first premium shall be made by a producer—

- (a) if, pursuant to Article 10(2) of Commission Regulation 3887/1992, the producer is prohibited from making such an application for the scheme year in question;
- (b) in respect of a bovine animal for which first premium has already been paid;
- (c) in respect of a bovine animal for which first premium has been applied for but for which payment is outstanding; or
- (d) in respect of a bovine animal for which an application for first premium has previously been made, but on which that premium has not been paid as a result of the application of the provisions contained in Article 3 of Commission Regulation 2342/1999.

**Applications for second premium**

**11.**—(1) Subject to paragraph (2), a producer retaining a bovine animal in the second age bracket on their holding may apply to the Scottish Ministers for second premium in respect of that animal in relation to a given scheme year.

(2) No application for second premium shall be made by a producer—

- (a) if, pursuant to Article 10(2) of Commission Regulation 3887/1992, the producer is prohibited from making such an application for the scheme year in question;
- (b) in respect of a bovine animal for which second premium has already been paid;
- (c) in respect of a bovine animal for which second premium has been applied for but for which payment is outstanding; or
- (d) in respect of a bovine animal for which an application for second premium has previously been made, but on which that premium has not been paid as a result of the application of the provisions contained in Article 3 of Commission Regulation 2342/1999.

**Applications for bull premium**

**12.**—(1) Subject to paragraph (2), a producer retaining a bull on their holding may apply to the Scottish Ministers for bull premium in respect of that animal in relation to a given scheme year.

(2) No application for bull premium shall be made by a producer—

- (a) if, pursuant to Article 10(2) of Commission Regulation 3887/1992, the producer is prohibited from making such an application for the scheme year in question;
- (b) in respect of a bovine animal for which bull or first premium has already been paid;
- (c) in respect of a bovine animal for which bull premium has been applied for but for which payment is outstanding; or
- (d) in respect of a bovine animal for which an application for bull premium has previously been made, but on which that premium has not been paid as a result of the application of the provisions contained in Article 3 of Commission Regulation 2342/1999.

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

**13.**—(1) An application for beef special premium shall be made at such time, in such form and shall include such information as the Scottish Ministers may require.

(2) No application for beef special premium shall be accepted by the Scottish Ministers unless that application is accompanied by the cattle passport or national administrative document in respect of each bovine animal to which that application relates.

(3) A producer may not make more than twenty applications for beef special premium during any scheme year.

(4) In respect of any application made to the Scottish Ministers 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; 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 the beef special premium shall not be applied to any application for beef special premium made by a small producer.

(5) For the purpose of paragraph (4), “small producer” means an applicant who has, for the scheme year in question, made one or more applications for beef special premium in respect of no more than 30 bovine animals in total, which animals shall not include bovine animals—

- (a) covered by an application for beef special premium which has subsequently been withdrawn by the applicant; or
- (b) withdrawn from an application for beef special premium as a result of errors notified by the applicant to the Scottish Ministers pursuant to Article 11(1a) of Commission Regulation 3887/1992<sup>(1)</sup>.

### **Commencement of retention period**

**14.** For the purpose 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 the applicant’s application in accordance with the second paragraph of that Article.

### **Overgrazing**

**15.**—(1) Subject to paragraph (3), where in the year preceding any given scheme year the Scottish Ministers are of the opinion that any parcel of land is being overgrazed, they may serve on the occupier a notice specifying the maximum number of bovine animals which may be grazed and maintained on that parcel in that scheme year and containing such conditions as they consider appropriate.

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(1) Article 11(1a) was inserted by Commission Regulation (EC) No. 1678/1998 (O.J. No. L 212, 30.07.98, p.23).

(2) The maximum number referred to in paragraph (1) 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 contained in the notice referred to in paragraph (1).

(3) The Scottish Ministers may, if they are satisfied that in the year preceding any given scheme year overgrazing occurred on the land concerned, serve a notice under paragraph (1), notwithstanding that there is no evidence that the parcel of land to which it relates is being overgrazed, if—

- (a) the Scottish Ministers have previously served a notice under paragraph (1); or
- (b) the Scottish Ministers have served a notice under any of the provisions specified in paragraph (6),

in respect of that parcel of land.

(4) Where the Scottish Ministers have served a notice under paragraph (1) or under any of the provisions specified in paragraph (6), no beef special premium shall be paid in respect of the scheme year for which the notice 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 the notice.

(5) Where the Scottish Ministers have served a notice under paragraph (1) and are satisfied that—

- (a) any condition contained in that notice has been breached; or
- (b) more bovine animals than the maximum number specified in the notice have been grazed and maintained on the parcel of land to which the notice relates in the scheme year for which the notice was issued,

they may withhold, or recover on demand as a debt, the whole or any part of the beef special premium payable or, as the case may be, paid to the recipient of the notice for the scheme year to which it relates.

(6) The provisions referred to in paragraphs (3) and (4) are—

- (a) regulation 11 of the Beef Special Premium Regulations 1996<sup>(2)</sup>;
- (b) regulation 3A of the Suckler Cow Premium Regulations 1993<sup>(3)</sup>;
- (c) regulation 5 of the Suckler Cow (Scotland) Premium Regulations 2001<sup>(4)</sup>;
- (d) regulation 3A of the Sheep Annual Premium Regulations 1992<sup>(5)</sup>; and
- (e) regulation 10 of the Hill Livestock (Compensatory Allowances) (Scotland) Regulations 1999<sup>(6)</sup>.

### **Unsuitable supplementary feeding methods**

**16.**—(1) Where, in any scheme year, an applicant uses unsuitable supplementary feeding methods, the Scottish Ministers may—

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

(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

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(2) S.I.1996/324, revoked by these Regulations.

(3) S.I. 1993/1441; relevantly amended by S.I. 1994/1528 which inserted regulation 3A and revoked by S.S.I. 2001/225.

(4) S.S.I. 2001/225.

(5) S.I. 1992/2677; relevantly amended by S.I. 1994/2741 which inserted regulation 3A.

(6) S.S.I. 1999/187.

scheme year, the amount of beef special premium payable to the applicant may be reduced by ten per cent; where the applicant was penalised in the preceding scheme year, but not in the scheme year before that, that amount may be reduced by twenty per cent; and where the applicant was 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 Regulations 1996;
  - (b) regulation 3B of the Suckler Cow Premium Regulations 1993<sup>(7)</sup>;
  - (c) regulation 6 of the Suckler Cow Premium (Scotland) Regulations 2001;
  - (d) regulation 3B of the Sheep Annual Premium Regulations 1992<sup>(8)</sup>; and
  - (e) regulations 7 and 8 of the Hill Livestock (Compensatory Allowances) (Scotland) Regulations 1999.

### **Retention of records**

**17.—**(1) An applicant shall retain for a period of not less than four years from the relevant date any bill, account, receipt, voucher or other record relating to—

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

(2) For the purpose of paragraph (1), "relevant date" means the date on which the applicant's application for beef special premium was received by the Scottish Ministers.

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(7) Regulation 3B was inserted by S.I. [1994/1528](#).

(8) Regulation 3B was inserted by S.I. [1994/2741](#).