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STATUTORY INSTRUMENTS

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**1994 No. 2741**

**AGRICULTURE**

**The Sheep Annual Premium (Amendment) Regulations 1994**

*Made* - - - - 20th October 1994  
*Laid before Parliament* 25th October 1994  
*Coming into force* - - 15th November 1994

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, acting jointly in exercise of the powers conferred on them by that section, and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Title, extent and commencement**

1. These Regulations may be cited as the Sheep Annual Premium (Amendment) Regulations 1994, shall extend to Great Britain and shall come into force on 15th November 1994.

**Amendments to the Sheep Annual Premium Regulations 1992**

2.—(1) The Sheep Annual Premium Regulations 1992<sup>(3)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) substitute the following definition of “the Commission Regulation” for the existing definition of that phrase—

““the Commission Regulation” means Commission Regulation [\(EEC\) No. 3887/92](#) laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes<sup>(4)</sup>”;

(b) insert the following definition after the definition of “marketing year”—

““overgrazing” means grazing land with livestock in such numbers as adversely to affect the growth, quality or species composition of vegetation

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1992/2677.

(4) OJ No. L391, 31.12.92, p.36.

- (other than vegetation normally grazed to destruction) on that land to a significant degree, and “overgrazed” shall be construed accordingly;” and
- (c) substitute a semi-colon for the full-stop at the end of the definition of “producer” and insert after that definition the following definition—
- ““unsuitable supplementary feeding methods” means providing supplementary feed (other than to maintain livestock during abnormal weather conditions) in such a manner as to result in damage to vegetation through excessive trampling or poaching of the land by animals or excessive rutting by vehicles.”.
- (3) In regulation 3 (application for premium)—
- (a) in paragraph (2), insert “subject to Article 8(1) of the Commission Regulation” before “deliver”; and
- (b) delete paragraph (3).
- (4) Insert the following regulations after regulation 3—

**“Overgrazing**

**3A.**—(1) Subject to paragraph (2) below, where in the year preceding the opening date for delivering applications for premium in respect of any given marketing year the competent authority forms the opinion that any parcel of land is being overgrazed that authority may notify the occupier of the maximum number of sheep which may be grazed and maintained on that parcel in that marketing year, which number shall be determined by taking account of the number of other animals likely to be grazed and maintained on the parcel concerned in the marketing year in question and having regard to such conditions as may be specified in the notification.

(2) The competent authority may in the year preceding the opening date for delivering applications for premium in respect of any given marketing 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 it has previously made such a notification in respect of that parcel having formed the opinion that it was being overgrazed.

(3) Where the competent authority has made a notification under paragraph (1) above no premium shall be paid in respect of the marketing year for which it was issued on any number of sheep grazed and maintained in that marketing year on the land to which it relates in excess of the maximum number of sheep specified in it.

(4) Where the competent 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 sheep than the maximum number specified in the notification have been grazed and maintained on the parcel of land to which it relates in the marketing year for which it was issued,

it may withhold or recover on demand the whole or any part of the premium otherwise payable or as the case may be already paid to the recipient of the notification for the marketing year to which it relates.

**Unsuitable supplementary feeding methods**

**3B.**—(1) Where in any marketing year the applicant uses unsuitable supplementary feeding methods the competent authority may reduce or withhold the amount of premium otherwise payable to him in respect of that marketing year in accordance with paragraph (2) below.

(2) Where the applicant was not penalised under this regulation for using unsuitable supplementary feeding methods in the preceding marketing year the amount of premium otherwise payable to him may be reduced by 10 per cent; where the applicant was penalised under this regulation for using unsuitable supplementary feeding methods in the preceding marketing year but not in the marketing year preceding that one the amount of premium otherwise payable to him may be reduced by 20 per cent; and where the applicant has been penalised under this regulation for using unsuitable supplementary feeding methods in each of the two preceding marketing years the amount of premium otherwise payable to him may be withheld.”.

(5) In the penultimate line of regulation 4 (keeping and retention of a register) substitute “4” for “3”.

(6) In paragraph (5) of regulation 5 (powers of authorised officers)—

(a) substitute a semi-colon for the full-stop at the end of sub-paragraph (d); and

(b) insert the following sub-paragraph after that sub-paragraph—

“(e) inspect any land for the purpose of determining whether or not it has been overgrazed or unsuitable supplementary feeding methods have been used on it.”.

(7) In regulation 7 (rate of interest) substitute “Article 14(1)” for “Article 6(5)”.

(8) Delete regulation 8 (recovery of payments).

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th October 1994.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 5th September 1994.

L.S.

*William Waldegrave*  
Minister of Agriculture, Fisheries and Food

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

20th October 1994

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations, which come into force on 15th November 1994, make a number of textual amendments to the Sheep Annual Premium Regulations 1992 (S.I.1992/2677). Like those 1992 Regulations, these Regulations extend to Great Britain only.

2. The principal amendments are the insertion of two new regulations, new regulations 3A and 3B.

3. New regulation 3A enables sheep annual premium payments otherwise payable to be reduced or withheld and such payments already made to be recovered where excessive numbers of sheep are being grazed and maintained on land which the competent authority has identified as being overgrazed.

4. New regulation 3B enables sheep annual premium payments otherwise payable to be reduced or withheld if the applicant uses unsuitable supplementary feeding methods.

5. Definitions of “overgrazed” and “unsuitable supplementary feeding methods” are inserted into regulation 2(1) of S.I. 1992/2677.

6. Regulation 5(5) of S.I. 1992/2677 is amended by the insertion of an additional sub-paragraph, (e), which enables authorised officers to inspect land in order to determine whether or not it has been overgrazed or unsuitable supplementary feeding methods have been used on it.

7. The amendments referred to in paragraphs 2 to 6 above give effect to Article 5(d) of Council Regulation (EEC) No. 3013/89 (OJ No. L289, 7.10.89, p.1), as amended, which provision was inserted by Article 1(3) of Council Regulation (EC) No. 233/94 (OJ No. L30, 3.2.94, p.9).

8. Other minor amendments are made to regulation 2(1) of S.I. 1992/2677 (definition of “the Commission Regulation”), regulation 3 thereof (application for premium), regulation 4 thereof (keeping and retention of a register) and regulation 7 thereof (rate of interest); and regulation 8 of S.I. 1992/2677 is revoked.

9. A compliance cost assessment has been prepared and has been deposited in the Library of each House of Parliament.