
STATUTORY INSTRUMENTS

1999 No. 1179

AGRICULTURE

The Beef Special Premium (Amendment) Regulations 1999

<i>Made</i>	- - - -	<i>15th April 1999</i>
<i>Laid before Parliament</i>		<i>16th April 1999</i>
<i>Coming into force</i>	- -	<i>22nd May 1999</i>

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

Title and commencement

1. These Regulations may be cited as the Beef Special Premium (Amendment) Regulations 1999, and shall come into force on 22nd May 1999.

Interpretation

2.—(1) In these Regulations, the “principal Regulations” means the Beef Special Premium Regulations 1996⁽³⁾.

(2) In regulations 4 to 11 below, any reference to a numbered regulation is a reference to the regulation so numbered in the principal Regulations.

Amendment of the principal Regulations

3. The principal Regulations shall be amended in accordance with regulations 4 to 11 below.

4. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) the following definitions shall be inserted at the appropriate alphabetical place—

““cattle passport” means a document containing the information set out in Article 6.1 of Commission Regulation (EC) No. 2629/97;”;

(1) S.I. 1972/1811.
(2) 1972 c. 68.
(3) S.I. 1996/3241.

““Commission Regulation 2629/97” means Commission Regulation (EC) No. 2629/97 (laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards ear tags, holding registers and passports in the framework of the system for the identification and registration of bovine animals);(4)

““Council Regulation 820/97” means Council Regulation (EC) No. 820/97 (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef products);(5)

““licensed slaughterhouse” means a slaughterhouse licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995(6);”;

““movement card” means a card issued with the cattle passport for reporting cattle movements under the Cattle Database Regulations 1998(7);”;

““official veterinary surgeon” means an official veterinary surgeon designated under regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995;”;

““relevant cattle passport” means a cattle passport which is issued on or after 28th September 1998 and which contains movement cards;”;

(ii) for the definition of “ear-tag” there shall be substituted the following definition—

““ear-tag” means—

- (a) an ear tag which has been attached to a bovine animal in accordance with article 8 of the Bovine Animals (Records, Identification and Movement) Order 1995(8);
- (b) an ear tag such as is specified in paragraph (2)(b) of that article; or
- (c) an ear tag required to be attached to a bovine animal in accordance with article 4.1 of Council Regulation (EC) No. 820/97;”;

(iii) for the definition of “national administrative document” there shall be substituted the following definition—

““national administrative document” means a relevant cattle passport, or, in relation to any animal in respect of which no relevant cattle passport has been issued, a document issued by the appropriate Minister or competent authority in Northern Ireland in pursuance of article 3 of Commission Regulation 3886/92;”;

(iv) in the definition of “specified animal”, after the words “three months old”, there shall be inserted “or an animal in respect of which a national administrative document has been issued”; and

(b) in paragraph (3), for the words “the date on which these Regulations are made” there shall be substituted “the date on which the Beef Special Premium (Amendment) Regulations 1999 are made”.

5. After regulation 2, there shall be inserted the following regulation—

“**2A.** Regulations 3, 4, 5, 5A and 6 below shall not apply in relation to any animal in respect of which a relevant cattle passport has been issued.”.

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

(5) OJ No. L117, 7.5.97, p. 1.

(6) S.I. 1995/539, to which there are amendments not relevant to these Regulations.

(7) S.I. 1998/1796.

(8) S.I. 1995/12.

6. In regulation 3(5), for the words “articles 8 to 14 of the Bovine Animals (Records, Identification and Movement) Order 1995” there shall be substituted “Article 4 of Council Regulation 820/97, Articles 1 to 3 of Commission Regulation 2629/97 or regulations 3 to 11 of the Cattle Identification Regulations 1998(9)”.

7. In regulation 4 (sale of specified animals)–

- (a) in paragraph (1), after the word “sell”, there shall be inserted “or purchase”; and
- (b) in paragraph (2), for the words “a specified animal” there shall be substituted “an animal which is over three months old”, and for the words “sold if” there shall be substituted “sold or purchased if no national administrative document has been issued in respect of that animal and”.

8.—(1) In the heading to regulation 5 (death, loss, theft or export of animal), the word “death” shall be deleted.

(2) In regulation 5(1)–

- (a) the words “death (howsoever caused),” shall be deleted; and
- (b) for the words “three months of that death,” there shall be substituted “seven days of that”.

9. After regulation 5, there shall be inserted the following regulation–

“Slaughter and death of animal

5A.—(1) In this regulation, “a relevant animal” means an animal in respect of which a national administrative document has been issued.

(2) Immediately on the arrival of a relevant animal at a licensed slaughterhouse, the person holding the animal shall give the national administrative document for that animal to the operator of the slaughterhouse.

(3) On the slaughter of a relevant animal at a licensed slaughterhouse, the operator of the slaughterhouse shall, within seven days of the animal’s slaughter, surrender that document to the appropriate Minister; and for the purposes of this paragraph, the surrender of that document to the official veterinary surgeon shall be treated as its surrender to the appropriate Minister.

(4) On the death of a relevant animal other than by slaughter at a licensed slaughterhouse, the person holding the animal at the time of death shall, within seven days of the animal’s death, surrender that document to the appropriate Minister.”.

10. In regulation 6 (replacement of national administrative documents), in paragraph (3), after the words “the appropriate Minister shall”, there shall be inserted “, save where any requirement mentioned in regulation 3(5) is being contravened in relation to the animal,”.

11. In regulation 18 (offences), in paragraph (a), for the words “to fail to comply with the provisions of regulation 4, 5(1) or 13”, there shall be substituted “to contravene any provision of regulation 4(1), 5(1), 5A or 13”.

15th April 1999

Donoghue
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

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15th April 1999

Sewel
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend, with effect from 22nd May 1999, the Beef Special Premium Regulations 1996 (S.I.1996/3241) (“the principal Regulations”) which implemented Council Regulation (EEC) 805/68 (OJ No. L148, 28.6.68, p. 24) on the common organisation of the market in beef and veal, as last amended by Council Regulation (EC) 1633/98 (OJ No. L210, 28.7.98, p. 17), and as applied in detail by Commission Regulation (EEC) 3886/92 (OJ No. L391, 31.12.92, p. 20), as last amended by Commission Regulation (EC) 2604/98 (OJ No. L328, 4.12.98, p. 6).

2. These Regulations implement Article 3(5) of Commission Regulation (EEC) 3886/92, as introduced by Commission Regulation 2502/97 (OJ No. L345, 6.12.97, p. 21). They require that, in relation to animals in respect of which a “relevant cattle passport” has been issued, the “national administrative document” (“NAD”), which (by virtue of regulations 7(3), 8(3) and 9(3) of the principal Regulations) must accompany animals as a condition of eligibility for beef special premium, be a relevant cattle passport (*regulation 4(a)(iii)*). For this purpose a “relevant cattle passport” is a cattle passport within the meaning of the Cattle Identification Regulations 1998 (S.I. 1998/871) (i.e. a cattle passport containing the information set out in article 6.1 of Commission Regulation (EC) 2629/97), which is issued on or after 28th September 1998 and which contains movement cards (*regulation 4(a)(i)*).

3. These Regulations also limit the scope of regulations 3 to 6 of the principal Regulations (which set out requirements relating to the NAD, other than requirements relating to its function as a condition of eligibility for premium) so as to apply only in relation to animals other than those with passports (*regulation 5*). (In relation to animals with passports, the corresponding requirements which, by virtue of the Cattle Identification Regulations 1998, apply in respect of cattle passports will have effect in respect of a NAD which takes the form of a “relevant cattle passport”.)

4. In relation to animals in respect of which no cattle passport has been issued, these Regulations—

- (a) extend the offence of selling an animal over three months old (unless the animal is accompanied by a NAD) so as to apply also in relation to any animals three months old or younger in respect of which such a NAD has been issued (*regulation 4, amending the definition of “specified animal”*);
- (b) make it an offence to purchase an animal over three months old, or an animal in respect of which a NAD has been issued, unless the animal is accompanied by a NAD relating to it (in parallel to the offence of selling such an animal unless that condition is satisfied) (*regulation 7*);
- (c) reduce the period within which a NAD must be surrendered to the appropriate Minister, on the loss, theft or export of an animal, from three months to seven days of the relevant event (*regulation 8(2)(b)*); and
- (d) impose on persons holding an animal and on operators of licensed slaughterhouses certain requirements in relation to the death or slaughter of an animal, contravention of any of which is an offence (*regulation 9*). Specifically they—
 - (i) require the person holding an animal on its arrival at a licensed slaughterhouse to give the NAD for that animal to the operator of the slaughterhouse;
 - (ii) require the operator of a licensed slaughterhouse to surrender the NAD relating to an animal to the appropriate Minister or to the official veterinary surgeon acting as his

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agent, within seven days of the animal's slaughter (in this specific context replacing the general obligation which, before the entry into force of these Regulations, required the holder of the NAD in such cases to surrender it to the Minister); and

(iii) on the death of an animal other than by slaughter at a licensed slaughterhouse, require the person holding the animal at the time of death to surrender the NAD to the appropriate Minister within seven days of the death.

5. The Regulations also make certain drafting changes consequential on the revocation of the Bovine Animals Records Identification and Movement (Order) 1995 (S.I. [1995/12](#)) by the Cattle Identification Regulations 1998 (subject to transitional provisions relating to eartags in regulation 11 of the Cattle Identification Regulations 1998 (S.I. [1998/871](#)) (*regulation 6*).

6. A regulatory impact assessment has been prepared in respect of these Regulations.