SCOTTISH STATUTORY INSTRUMENTS

2001 No. 445

AGRICULTURE

The Beef Special Premium (Scotland) Regulations 2001

Made - - - -	*28th November 2001*
Laid before the Scottish Parliament - - - -	*29th November 2001*
Coming into force - -	*1st January 2002*

The Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

PART I

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Beef Special Premium (Scotland) Regulations 2001 and shall come into force on 1st January 2002.

(2) These Regulations extend to Scotland and, insofar as they extend beyond Scotland, do so only as a matter of Scots law.

Interpretation

2.—(1) In these Regulations–

"applicant" means a producer who has applied for beef special premium;

"authorised person" means a person who is authorised by the Scottish Ministers, either generally or specifically, to act in matters arising under these Regulations;

"beef special premium" means one or more of the first premium, the second premium and the bull premium;

(**1**) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

"bovine animal" means a male bovine animal within the meaning of Article 1(2)(a) of Council Regulation 1254/1999;

"bovine animal in the first age bracket" means a steer which on the date of the commencement of the retention period for it is not less than seven months old but is less than 20 months old;

"bovine animal in the second age bracket" means a steer which on the date of the commencement of the retention period for it is not less than 20 months old;

"bull" means an uncastrated bovine animal which on the date of the commencement of the retention period for it is not less than seven months old;

"bull premium" means the premium payable in respect of bulls, pursuant to Article 4(2)(a) of Council Regulation 1254/1999;

"cattle passport" means, in relation to a bovine animal–

(a) to which the Cattle Passports Order 1996(**2**) applied, a cattle passport as defined in article 2(2) of that Order;

(b) to which Article 6(1) of Council Regulation 820/1997 applied, a valid cattle passport issued pursuant to that Article; and

(c) to which Article 6(1) of Regulation 1760/2000 applies, a valid cattle passport issued pursuant to that Article;

"Commission Regulation 3887/1992" means Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes(**3**) (as amended by Commission Regulation (EC) No. 229/1995(**4**), Commission Regulation (EC) No. 1648/1995(**5**), Commission Regulation (EC) No. 2015/1995(**6**), Commission Regulation (EC) No. 1678/1998(**7**), Commission Regulation (EC) No. 2801/1997(**8**), Commission Regulation (EC) No. 2721/2000(**9**) and Commission Regulation (EC) No. 882/2001(**10**));

"Commission Regulation 2629/1997" means Commission Regulation (EC) No. 2629/1997 laying down detailed rules for the implementation of Council Regulation (EC) No. 820/1997 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals(**11**) (as amended by Commission Regulation (EC) No. 1177/1998(**12**), Commission Regulation (EC) No. 2194/1998(**13**), Commission Regulation (EC) No. 331/1999(**14**), Commission Regulation (EC) No. 1663/1999(**15**) and Commission Regulation (EC) No. 1606/2000(**16**));

"Commission Regulation 2342/1999" means Commission Regulation (EC) No. 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes(**17**) (as amended by Commission Regulation (EC) No. 1042/2000(**18**), Commission Regulation

(**2**) S.I.1996/1686, revoked by S.I. 1998/871.
(**3**) O.J. No. L 391, 31.12.92, p.36.
(**4**) O.J. No. L 27, 04.02.95, p.3.
(**5**) O.J. No. L 156, 07.07.95, p.27.
(**6**) O.J. No. L 197, 22.08.95, p.2.
(**7**) O.J. No. L 212, 20.07.98, p.23.
(**8**) O.J. No. L 340, 31.12.99, p.29.
(**9**) O.J. No. L 314, 14.12.00, p.8.
(**10**) O.J. No. L 123, 04.05.01, p.20.
(**11**) O.J. No. L 354, 30.12.97, p.19.
(**12**) O.J. No. L 163, 06.06.98, p.19.
(**13**) O.J. No. L 276, 13.10.98, p.4.
(**14**) O.J. No. L 40, 13.02.99, p.27.
(**15**) O.J. No. L 197, 29.07.99, p.27.
(**16**) O.J. No. L 185, 25.07.00, p.16.
(**17**) O.J. No. L 281, 04.11.99, p.30.
(**18**) O.J. No. L 118, 19.05.00, p.4.

(EC) No. 1900/2000(**19**), Commission Regulation (EC) No. 2733/2000(**20**), Commission Regulation (EC) No. 192/2001(**21**) and Commission Regulation (EC) No. 1458/2001(**22**));

"Council Regulation 820/1997" means Council Regulation (EC) No. 820/1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products(**23**);

"Council Regulation 1254/1999" means Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal(**24**) (as amended by Council Regulation (EC) No. 1455/2001(**25**) and Council Regulation (EC) No. 1512/2001(**26**));

"eartag number" means–

(a) the number of an eartag attached to a bovine animal as the approved identification required by article 4(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990(**27**);

(b) an eartag number as defined in article 2(1) of the Bovine Animals (Records, Identification and Movement) Order 1995(**28**);

(c) the unique identification code referred to in Article 4(1) of Council Regulation 820/1997; or

(d) the unique identification code referred to in Article 4(1) of Regulation 1760/2000,

as the case may be;

"first premium" means the premium payable in respect of bovine animals in the first age bracket, pursuant to the first indent of Article 4(2)(b) of Council Regulation 1254/1999;

"forage area" has the same meaning as in Article 12(2)(b) of Council Regulation 1254/1999;

"holding" has the same meaning as in Article 3(b) of Council Regulation 1254/1999;

"the IACS Regulations" means the Integrated Administration and Control System Regulations 1993(**29**);

"livestock unit" means the unit of measurement used to establish the stocking density of a holding, and calculated in accordance with Article 12 of, and Annex III to, Council Regulation 1254/1999;

"national administrative document" means the administrative document provided for in Article 4(3)(b) of Council Regulation 1254/1999 and issued by the Scottish Ministers;

"official veterinary surgeon" means an official veterinary surgeon designated under regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995(**30**);

"overgrazing" means grazing land with livestock in such numbers as adversely to affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree, and "overgrazed" shall be construed accordingly;

(**19**) O.J. No. L 228, 08.09.00, p.25.
(**20**) O.J. No. L 316, 15.12.00, p.44.
(**21**) O.J. No. L 29, 31.01.01, p.27.
(**22**) O.J. No. L 194, 18.07.01, p.4.
(**23**) O.J. No. L 117, 07.05.97, p.1, repealed by Regulation (EC) No. 1760/2000 of the European Parliament and of the Council (O.J. No. L 204, 11.08. 00, p.1).
(**24**) O.J. No. L 160, 26.06. 99, p.21.
(**25**) O.J. No. L 198, 21.07.01, p.58.
(**26**) O.J. No. L 201, 26.07.01, p.1.
(**27**) S.I. 1990/1867, revoked by S.I. 1995/12.
(**28**) S.I. 1995/12, to which there are amendments not relevant to these Regulations.
(**29**) S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.
(**30**) S.I. 1995/539; relevant amending instruments are S.S.I. 2000/62 and 171.

"person who has applied for a national administrative document" means a person who has applied for a national administrative document under regulation 5 or a duplicate or replacement national administrative document under regulation 9 and shall include a person who has been issued with such document under either of those regulations;

"producer" has the same meaning as in Article 3(a) of Council Regulation 1254/1999;

"regional ceiling" means the maximum number of–

(a) bovine animals in the first age bracket; and

(b) bulls,

entitled to benefit from first premium or bull premium, as the case may be, in the United Kingdom in any calendar year, and referred to in Article 4(4) of, and Annex I to, Council Regulation 1254/1999;

"Regulation 1760/2000" means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/1997(**31**) (as amended by Commission Regulation (EC) No. 2258/2000(**32**));

"relevant competent authority" has the same meaning as in the IACS Regulations;

"retention period" means the retention period for bovine animals referred to in Article 4(3)(a) of Council Regulation 1254/1999 and starting, subject to regulation 14, as provided for in Article 5 of Commission Regulation 2342/1999;

"scheme year" means any calendar year in respect of which beef special premium may be paid and includes any part of a retention period in relation to an application for that premium in respect of a given scheme year which falls within the following calendar year;

"second premium" means the premium payable in respect of bovine animals in the second age bracket, pursuant to the second indent of Article 4(2)(b) of Council Regulation 1254/1999;

"specified control measure" means any check which a member State is required to carry out under Article 6 of Commission Regulation 3887/1992;

"specified record" means any record which an applicant is required (or has been required) to retain pursuant to–

(a) regulation 17(1);

(b) article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990;

(c) article 5(1) of the Bovine Animals (Records, Identification and Movement) Order 1995;

(d) article 7(1) and (4) of Council Regulation 820/1997 and the Cattle Identification (Enforcement) Regulations 1997(**33**);

(e) article 7(1) and (4) of Council Regulation 820/1997 and the Cattle Identification Regulations 1998(**34**); or

(f) article 7(1) and (4) of Regulation 1760/2000 and the Cattle Identification Regulations 1998;

"steer" means a castrated bovine animal; and

"unsuitable supplementary feeding methods" means providing supplementary feed (other than to mainstream livestock during abnormal weather conditions) in such a manner as to result in

(**31**) O.J. No. L 204, 11.08.00, p.1.
(**32**) O.J. No. L 258, 12.10.00, p.26.
(**33**) S.I. 1997/1901, revoked by S.I. 1998/871.
(**34**) S.I. 1998/871, amended by S.I. 1998/1796 and 2969, 1999/1339.

damage to vegetation through excessive trampling or poaching of land by animals or excessive rutting by vehicles.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in Council Regulation 1254/1999, Commission Regulation 2342/1999 and Commission Regulation 3887/92.

(3) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or paragraph is a reference to the regulation or paragraph of the regulation so numbered in these Regulations.

Application

3. These Regulations shall apply to an applicant and to any person applying or to a person who has applied for a national administrative document to the extent that the Scottish Ministers are the relevant competent authority in relation to the holding of that applicant or person for the purposes of the IACS Regulations.

PART II

National administrative documents

Application of regulations 5 to 9

4. Regulations 5 to 9 shall not apply in relation to any bovine animal in respect of which a cattle passport–

(a) has been issued; or

(b) may be granted pursuant to Part III of the Cattle Identification Regulations 1998.

National administrative documents

5.—(1) A national administrative document shall take the form of a document accompanying each individual bovine animal in accordance with Article 4(3)(a) of Commission Regulation 2342/1999.

(2) A person holding a bovine animal for which no national administrative document has been issued may apply to the Scottish Ministers for a national administrative document for that bovine animal.

(3) An application for a national administrative document shall be made in such form, and shall be accompanied by such information about the bovine animal to which that application relates, as the Scottish Ministers may reasonably require.

(4) Subject to paragraph (5), the Scottish Ministers shall, following the receipt of an application made pursuant to paragraph (2), issue to the person who made that application a national administrative document in respect of the bovine animal to which that application related.

(5) The Scottish Ministers shall not issue a national administrative document in respect of any bovine animal where any requirement of Article 4 of Regulation 1760/2000, Articles 1 to 3 of Commission Regulation 2629/1997 or Part II of the Cattle Identification Regulations 1998 (eartags) is being contravened in relation to that bovine animal.

Sale, purchase and movement of bovine animals

6. No person shall–