STATUTORY RULES OF NORTHERN IRELAND

2001 No. 363

AGRICULTURE

Beef Special Premium Regulations (Northern Ireland) 2001

Made - - - -	*9th October 2001*
Coming into operation	*16th October 2001*

The Department of Agriculture and Rural Development, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) 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:

Part I

Introduction

Citation and commencement

1. These Regulations may be cited as the Beef Special Premium Regulations (Northern Ireland) 2001 and shall come into operation on 16th October 2001.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

"applicant" means a producer who has made an application for beef special premium;

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

"beef special premium" means the first premium, the second premium or the bull premium;

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

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)

"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;

"Commission Regulation 3887/92" means Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes(**4**);

"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 eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals(**5**);

"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(**6**) (as amended by Commission Regulation (EC) No. 1042/2000(**7**), Commission Regulation (EC) No. 1900/2000(**8**), Commission Regulation (EC) No. 2733/2000(**9**) and Commission Regulation (EC) No. 192/2001(**10**));

"Council Regulation 3508/92" means Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes(**11**);

"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 and beef products(**12**);

"Council Regulation 1254/1999" means Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal(**13**);

"Department" means the Department of Agriculture and Rural Development;

"electronic communication" has the same meaning as in the Electronic Communications Act 2000(**14**);

"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;

(**4**) O.J. No. L391, 31.12.92, p. 36, as last amended by Commission Regulation (EC) No. 882/2001 (O.J. No. L123, 4.5.2001, p. 20)
(**5**) O.J. No. L354, 30.12.97, p. 19
(**6**) O.J. No. L281, 4.11.1999, p. 30
(**7**) O.J. No. L118, 19.5.2000, p. 4
(**8**) O.J. No. L228, 8.9.2000, p. 25
(**9**) O.J. No. L316, 15.12.2000, p. 44
(**10**) O.J. No. L29, 31.1.2001, p. 27
(**11**) O.J. No. L355, 5.12.92, p. 1, as last amended by Commission Regulation (EC) No. 1593/2000 (O.J. No. L182, 21.7.2000, p. 4)
(**12**) O.J. No. L117, 7.5.97, p. 1, repealed by Regulation (EC) No. 1760/2000 of the European Parliament and of the Council (O.J. No. L204, 11.8.2000, p. 1)
(**13**) O.J. No. L160, 26.6.1999, p. 21 as last amended by Council Regulation (EC) No. 1512/2001 (O.J. No. L201, 26.7.2001, p. 1)
(**14**) 2000 c. 7

"the IACS Regulations" means the Integrated Administration and Control System Regulations 1993(**15**);

"livestock unit" means the unit of measurement used to establish the stocking density of the forage area on 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;

"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;

"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. 820/97(**16**);

"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 6, 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 3887/92;

"specified record" means any record which an applicant is required to retain or has retained pursuant to—

(a) regulation 9(1);

(b) Article 3 of the Animals (Records) Order (Northern Ireland) 1997(**17**);

(c) Article 7(1) and (4) of Council Regulation 820/97 and the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998(**18**);

(d) Article 7(1) and (4) of Regulation 1760/2000 and the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998;

"steer" means a castrated bovine animal; and

(**15**) S.I. 1993/1317 as amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573
(**16**) O.J. No. L204, 11.8.2000, p. 1
(**17**) S.R. 1997 No.172 amended by S.R. 1998 No. 27 and S.R. 2000 No. 344
(**18**) S.R. 1998 No. 27

"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 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) In these Regulations any reference to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is subsequently capable of being reproduced.

Application

3. These Regulations shall apply to applicants, and in relation to the holdings of such applicants, to the extent that the Department is the relevant competent authority in relation to their holdings for the purposes of the IACS Regulations.

Part II

National administrative document

National administrative document

4. The national administrative document shall take the form of a comprehensive list held by the Department in accordance with the provisions of Article 4(3)(*d*) of Commission Regulation 2342/1999.

Part III

Beef special premium

Specific requirements relating to applications for beef special premium

5.—(1) An application for beef special premium shall be made in such form as the Department may reasonably require.

(2) An application made for beef special premium shall not be accepted by the Department unless notification of the birth on the applicant's holding or, as the case may be, arrival on the applicant's holding of the bovine animals to which the application relates has been made in accordance with—

(a) the second indent of Article 7(1) of Council Regulation 820/97 and the Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999(**19**); or

(b) the second indent of Article 7(1) of Regulation 1760/2000 and the Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999.

(3) In respect of any application made to the Department 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 to that application; and

(**19**) S.R. 1999 No. 265

(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 that premium shall not be applied to that application if it is made by a small producer,

and for the purposes of this paragraph "small producer" means an applicant who has, for the scheme year in question, made an application in respect of no more than 30 bovine animals, which animals shall not include bovine animals—

(i) covered by an application which has subsequently been withdrawn by the applicant; or

(ii) withdrawn from an application as a result of errors notified by the applicant to the Department pursuant to Article 11(1*a*) of Commission Regulation 3887/92.

(4) An applicant shall not be entitled to make more than—

(a) six applications for first premium;

(b) ten applications for second premium; and

(c) six applications for bull premium,

during any one calendar year.

Commencement of retention period

6.—(1) For the purposes 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 his application in accordance with the second paragraph of that Article.

(2) This regulation shall apply only in relation to an application for beef special premium made on or after 1st January 2002.

Overgrazing

7.—(1) Subject to paragraph (2), where in the year preceding any given scheme year the Department forms the opinion that any parcel of land is being overgrazed, the Department may notify the occupier of the maximum number of bovine animals which may be grazed and maintained on that parcel in that scheme year, which number 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 as may be specified in the notification.

(2) The Department may in the year preceding any given scheme year issue a notification under paragraph (1), even where there is no evidence that the parcel of land to which it relates is being overgrazed, if—

(a) the Department has previously made such a notification under paragraph (1); or

(b) the Department has made a notification under any of the provisions specified in paragraph (5),

in respect of that parcel having formed the opinion that it was being overgrazed.

(3) Where—

(a) the Department has made a notification under paragraph (1); or

(b) the Department has made a notification under any of the provisions specified in paragraph (5),

no beef special premium shall be paid in respect of the scheme year for which it 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 it.