STATUTORY RULES OF NORTHERN IRELAND

2001 No. 362

AGRICULTURE

Suckler Cow 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:

Citation and commencement

1. These Regulations may be cited as the Suckler Cow 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, unless the context otherwise requires—

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

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

"cattle" means cows and heifers;

"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 2342/1999" means Commission Regulation (EC) No. 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999

(**1**) S.I.2000/2812
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) O.J. No. L391, 31.12.92, p. 36, as last amended by Commission Regulation (EC) No. 2721/2000 (O.J. No. L314, 14.12.2000, p. 8) and Commission Regulation (EC) 882/2001 (O.J. No. L123, 4.5.2001, p. 20)

on the common organisation of the market in beef and veal as regards premium schemes(**5**) (as amended by Commission Regulation (EC) No. 1042/2000(**6**), Commission Regulation (EC) No. 1900/2000(**7**), Commission Regulation (EC) No. 2733/2000(**8**) and Commission Regulation (EC) No. 192/2001(**9**));

"Council Regulation 3508/92" means Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes(**10**);

"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(**11**);

"Council Regulation 1254/1999" means Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal(**12**);

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

"electronic communication" has the same meaning as in the Electronic Communications Act 2000(**13**);

"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(**14**);

"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 by reference to the number of animals on that forage area;

"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;

"premium" means the premium for maintaining suckler cows and heifers which is payable under Article 6 of Council Regulation 1254/1999;

"premium animal" means, in respect of a given scheme year, a suckler cow or heifer in respect of which an application for premium has been or will be made in that scheme year;

"producer" has the same meaning as in Article 3(*a*) of 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 requiring the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(**15**);

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

"retention period" means the retention period for premium animals referred to in Article 6(2) of Council Regulation 1254/1999 and starting as indicated in Article 16 of Commission Regulation 2342/1999;

(**5**) O.J. No. L281, 4.11.1999, p. 30
(**6**) O.J. No. L118, 19.5.2000, p. 4
(**7**) O.J. No. L228, 8.9.2000, p. 25
(**8**) O.J. No. L316, 15.12.2000, p. 44
(**9**) O.J. No. L29, 31.1.2001, p. 27
(**10**) 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)
(**11**) 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)
(**12**) O.J. No. L160, 26.6.1999, p. 21
(**13**) 2000 c. 7
(**14**) S.I. 1993/1317 as amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.
(**15**) O.J. No. L204, 11.8.2000, p. 1

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

"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 by virtue of—

(a) regulation 7(1);

(b) Article 3 of the Animals (Records) Order (Northern Ireland) 1997(**16**);

(c) Article 7(1) and (4) of Council Regulation 820/97 and the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998(**17**);

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

and

"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 consequently 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.

Applications for premium etc.

4.—(1) For the purposes of Article 6(2)(*b*) of Council Regulation 1254/1999, the total individual reference quantity which must not be exceeded shall be 180,000 kilograms of milk or milk products.

(2) For the purposes of Article 30(2) of Commission Regulation 2342/1999, the period in each calendar year during which an application for premium may be submitted shall be the period from and including 1st July to and including 6th December in that calendar year.

(3) A producer shall not be entitled to submit more than one application for premium during any one calendar year.

(4) Where in respect of any given calendar year a number of applications for premium are submitted by persons who have in respect of that year made more than one area aid application under Article 6 of Council Regulation (EEC) No. 3508/92 but who are regarded as a single farmer within the meaning of Article 1(4) of that Regulation, the applications concerned shall be deemed to be a single application made by one producer for the purposes of paragraph (3).

(5) Where any additional payment provided for by—

(**16**) S.R. 1997 No. 172 amended by S.R. 1998 No. 27 and S.R. 2000 No. 344
(**17**) S.R. 1998 No. 27

(a) Article 1 of Council Regulation (EC) No. 2443/96 providing for additional measures for direct support of producers' incomes or for the beef and veal sector(**18**); or

(b) Article 14 of Council Regulation 1254/1999,

is made to a successful applicant, then—

(i) he shall be deemed to have applied for that payment under this regulation in the like manner that he applied for the premium concerned;

(ii) the application he is deemed to have made as aforesaid shall for the purposes of paragraph (3) of this regulation be regarded as one and the same as the application he did make and which attracted that additional payment; and

(iii) the additional payment shall for the purposes of regulations 5 to 14 be regarded as a payment of that premium.

Overgrazing

5.—(1) Subject to paragraph (2), where, in the year preceding the opening date for submitting claims for premium in respect of any given scheme year, the Department forms the opinion that any parcel of land is being overgrazed, it may notify the occupier of the maximum number of premium 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 the opening date for submitting claims for premium in respect of 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 the Department has previously made such notification under paragraph (1) or any of the provisions specified in paragraph (5) in respect of that parcel having formed the opinion that it was being overgrazed.

(3) Where the Department has made a notification under paragraph (1) or any of the provisions specified in paragraph (5), no premium shall be paid in respect of the scheme year for which it was issued on any number of premium 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.

(4) Where the Department has made a notification under paragraph (1) and is satisfied that—

(a) any condition specified in that notification has been breached; or

(b) more premium animals than the maximum number specified in the notification have been grazed and maintained on the parcel of land to which it relates in the scheme year for which it was issued,

the Department 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 scheme year to which it relates.

(5) The provisions referred to in paragraphs (2) and (3) are—

(a) regulation 3A of the Suckler Cow Premium Regulations (Northern Ireland) 1993(**19**);

(b) regulation 10 of the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland)1996(**20**);

(c) regulation 3A of the Sheep Annual Premium Regulations (Northern Ireland) 1992(**21**);

(**18**) O.J. No. L333, 21.12.96, p. 2
(**19**) S.R. 1993 No. 280 as amended by S.R. 1994 No. 211, S.R. 1995 No. 246, S.R. 1996 No. 229 and S.R. 1997 No. 53
(**20**) S.R. 1996 No.611
(**21**) S.R. 1992 No. 476 as amended by S.R. 1994 No.404, S.R. 1995 No. 403, S.R.1996 No. 497, S.R. 1997 No. 485, S.R. 1999 No. 457 and S.R. 2000 No. 301

(d) regulation 8 of the Slaughter Premium Regulations (Northern Ireland) 2001(**22**);

(e) regulation 10 of the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1999(**23**); and

(f) regulation 7 of the Beef Special Premium Regulations (Northern Ireland) 2001(**24**).

Unsuitable supplementary feeding methods

6.—(1) Where, in any scheme year, the applicant uses unsuitable supplementary feeding methods, the Department may—

(a) in accordance with paragraph (2), reduce or withhold the amount of premium otherwise payable to him in respect of that scheme year; or

(b) where premium has already been paid to him, recover any premium so paid.

(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 scheme year, the amount of premium referred to in paragraph (1) may be reduced by ten per cent; where the applicant was so 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 so 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 3B of the Suckler Cow Premium Regulations (Northern Ireland) 1993;

(b) regulation 11 of the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1996;

(c) regulation 3B of the Sheep Annual Premium Regulations (Northern Ireland) 1992;

(d) regulation 9 of the Slaughter Premium Regulations (Northern Ireland) 2001;

(e) regulation 8(3) of the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1999; and

(f) regulation 8 of the Beef Special Premium Regulations (Northern Ireland) 2001.

Retention of records

7.—(1) An applicant shall retain for a period of four years from the relevant date any bill, account, receipt, voucher or other record relating to—

(a) the number of cattle kept on his holding during the period of six months following that date, and

(b) any transaction concerning cattle, milk or milk products carried out by him on that date and during the period of twelve months following that date.

(2) For the purpose of this regulation "relevant date" means, in relation to an applicant, the date on which his application was submitted to the Department.

Powers of authorised persons

8.—(1) An authorised person may at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, exercise the powers specified in this regulation for the purposes of—

(a) carrying out any specified control measure, or

(**22**) S.R. 2001 No. 199
(**23**) S.R. 1999 No. 497
(**24**) S.R. 2001 No. 363