STATUTORY RULES OF NORTHERN IRELAND

2001 No. 199

AGRICULTURE

Slaughter Premium Regulations (Northern Ireland) 2001

Made - - - -	*9th May 2001*
Coming into operation	*6th June 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 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 Slaughter Premium Regulations (Northern Ireland) 2001 and shall come into operation on 6th June 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—

"application period" means the period in which claimants are eligible to apply for slaughter premium in any given year;

"authorised person" means a person who is authorised by the Department, either generally or specially, to act, subject to regulation 17, in matters arising under these Regulations;

"bovine animal" means an animal of the domestic bovine species;

"cattle passport" means, in relation to a bovine premium animal—

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)

(a) to which the Cattle Passport Regulations (Northern Ireland) 1999(**4**) apply, a cattle passport as defined in regulation 2(2) of those Regulations;

(b) to which Article 6(1) of Council Regulation 820/97 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;

"claim" means a claim for slaughter premium;

"claimant" means a producer who submits a claim for slaughter premium;

"claimant's document" means any of the following documents or records, whether in writing or kept by means of a computer—

(a) any cattle passport;

(b) any register kept in compliance with Article 7(1) and (4) of Regulation 1760/2000;

(c) any document completed in compliance with regulation 7(1) of the Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999(**5**);

(d) any record made under Article 3 of the Animals (Records) Order (Northern Ireland) 1997(**6**); or

(e) any book, register (other than a register referred to in paragraph (*c*)), bill, invoice, account, receipt, certificate, voucher, correspondence or other document or record relating to a bovine animal;

"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(**7**);

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

"the Community rules" means the rules concerning slaughter premium laid down in Articles 11, 21 and 23 of Council Regulation 1254/1999 and Chapter V of Commission Regulation 2342/1999 and the rules concerning the content of claims laid down in Article 5 of, and reduction of Community aid laid down in Articles 10, 10b, 10c and 10d of Commission Regulation 3887/92;

"computerised database" means the Animal and Public Health Information System (APHIS) as provided for in Article 5 of Regulation 1760/2000;

"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**);

(**4**) S.R. 1999 No. 324
(**5**) S.R. 1999 No. 265
(**6**) S.R. 1997 No. 172 partially revoked by S.R. 1998 No. 27
(**7**) O.J. No. L391, 31.12.92 p. 36, as last amended by Commission Regulation (EC) No. 2801/1999 (O.J. No. L340, 31.12.1999, p. 29)
(**8**) O.J. No. L281, 4.11.1999, p. 30
(**9**) O.J. No. L118, 19.5.2000, p. 4
(**10**) O.J. L228, 8.9.2000, p. 25
(**11**) O.J. No. L117, 7.5.1997, 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)

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

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

"eartag number" means—

(a) the number on an eartag attached to a bovine animal to which Article 14 of the Tuberculosis Control Order (Northern Ireland) 1964 applied(**13**);

(b) the number on an eartag attached to a bovine animal as the approved identification required by Part II of Article 4 of the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998(**14**); or

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

as the case may be;

"electronic communication" has the same meaning as in the Electronic Communications Act 2000(**15**);

"holding" means all production units managed by a producer situated within the United Kingdom;

"the IACS Regulations" means the Integrated Administration and Control System Regulations 1993(**16**);

"notification document" means the pre-printed document supplied by the Department from its computerised database to producers whose animals have been slaughtered during the application period;

"officer" means a director, manager, secretary or other similar officer of a claimant, or any person who purports to act in any such capacity;

"overgrazing" means grazing land with livestock in such numbers as to adversely 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;

"premium adult animal" means a bovine animal at least eight months old at the time of its slaughter in respect of which a claim has been or will be submitted, other than a premium older animal;

"premium animal" means a premium adult animal, a premium calf and a premium older animal;

"premium calf" means a bovine animal at least one, but less than seven months old at the time of its slaughter and with a carcase weight of less than 160 kilograms, in respect of which a claim has been or will be submitted;

"premium older animal" means a bovine animal in respect of which a claim has been or will be submitted, which is slaughtered on the day after it attains the age of thirty months, or later;

"producer" has the same meaning as in Chapter 1 of Title I 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 regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(**17**);

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

(**12**) O.J. No. L160, 26.6.1999, p. 21
(**13**) S.R. 1964 No. 31 as revoked and re-enacted by S.R. 1999 No. 263
(**14**) S.R. 1998 No. 279 as amended by S.R. 1999 No. 324
(**15**) 2000 c. 7
(**16**) S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573
(**17**) O.J. No. L204, 11.8.2000, p. 1

"retention period" means the minimum period, referred to in Article 37 of Commission Regulation 2342/1999, for which a claimant must hold a premium animal, which is—

(a) one month in the case of a premium calf less than three months old at the time of its slaughter, and

(b) two months in the case of any other premium animal.

"slaughter premium" means a premium granted pursuant to Article 11 of Council Regulation 1254/1999 to a producer keeping bovine animals on his holding, on the slaughter of a bovine animal;

"specified control measure" means any check which a member State is required to carry out under Article 6 of Commission Regulation 3887/92; 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 livestock or excessive rutting by vehicles.

(3) A reference in these Regulations 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.

(4) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date on which these Regulations are made.

Part II

Conditions for payment of slaughter premium

Application of regulations 4 to 12

3. Regulations 4 to 12 shall apply to claimants and occupiers of land to the extent that the Department is the relevant competent authority in relation to their holdings for the purposes of the IACS Regulations.

Claim for slaughter premium

4.—(1) A claim, in the form of the notification document, in respect of a premium calf and a claim in respect of a premium adult, shall be submitted to the Department and shall be accompanied by such documents as the Department may reasonably require.

(2) It is the responsibility of the claimant to check the accuracy of the notification documents and to delete entries that are not eligible.

(3) Any animals which the claimant has confirmed to be eligible under the Scheme but which are not listed on the notification document should be entered together with supporting claimant's documents confirming the eligibility of the animal.

Period for submitting claims

5. A claim shall be submitted to the Department within a period commencing with the day after the date of slaughter for the premium animal in respect of which the claim is submitted and expiring —

(a) six months later; or

(b) at the end of February in the calendar year following that in which that premium animal was slaughtered,

whichever is the sooner.

Animals slaughtered in Great Britain

6.—(1) No claimant shall be granted a slaughter premium on the slaughter of a premium animal that has been exported to Great Britain for slaughter unless the conditions specified in paragraph (2) have been satisfied.

(2) That, in the case of the slaughter of a premium animal, it has been slaughtered in a slaughterhouse in England, Scotland or Wales registered for the slaughter of premium animals in accordance with Article 35 of Commission Regulation (EC) No. 2342/1999.

Retention of records

7. A claimant shall retain any book, register (other than a register kept in compliance with Article 7(1) and (4) of Regulation 1760/2000), bill, invoice, account, receipt, certificate, voucher, correspondence or other document or record relating to a premium animal in respect of which he has submitted a claim for a period of four years from the date on which the claim was submitted.

Overgrazing

8.—(1) Subject to paragraph (2), where the Department forms the opinion that any parcel of land is being overgrazed, it may serve on the occupier a written notice specifying the maximum number of bovine animals which may be grazed and maintained on that parcel in the following calendar year.

(2) The maximum number referred to in paragraph (1) shall be determined having regard to such conditions as may be specified in the notice.

(3) Where the Department has previously served a notice under paragraph (1) or any of the provisions specified in paragraph (5) in relation to a parcel of land, it may serve a further such notice in relation thereto without having formed the opinion that it is being overgrazed.

(4) Where the Department has served a notice in relation to a parcel of land under paragraph (1) or (3), or any of the provisions specified in paragraph (5), it shall withhold, or, where it has already been paid, recover any slaughter premium payable or paid on such number of premium animals grazed and maintained there in the calendar year in respect of which that notice was issued as, when added to the number of other animals (including other premium animals) grazed and maintained there in that year, results in the maximum number of animals specified in the notice being exceeded.

(5) The provisions referred to in paragraph (3) are—

(a) regulation 10 of the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1996(**18**);

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

(a) regulation 3A of the Sheep Annual Premium Regulations (Northern Ireland) 1992(**20**).

(6) The Department may withhold or recover slaughter premium pursuant to paragraph (3) where it is satisfied that any other condition in the notice has been breached.

Unsuitable supplementary feeding methods

9.—(1) Where in any calendar year, a claimant uses unsuitable supplementary feeding methods, the Department may—

(**18**) S.R. 1996 No. 611
(**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. 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