STATUTORY RULES OF NORTHERN IRELAND

2001 No. 127

AGRICULTURE

Extensification Payment Regulations (Northern Ireland) 2001

Made - - - -	*22nd March 2001*
Coming into operation	*27th April 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:

Citation and commencement

1. These Regulations may be cited as the Extensification Payment Regulations (Northern Ireland) 2001 and shall come into operation on 27th April 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—

"authorised person" means a person who is authorised by the Department, either generally or specially, to act, subject to regulation 13, in matters arising under these Regulations;

"beef special premium" means the special premium for male bovine animals provided for in Article 4 of Council Regulation 1254/1999;

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

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

(a) to which the Cattle Passport Regulations (Northern Ireland) 1999(**4**) applies, 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

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (NI)
(**4**) S.R. 1999 No. 324

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

"census date" means a date determined by the Department pursuant to the first sub-paragraph of Article 32(3) of Commission Regulation 2342/1999, on which bovine animals on claimants' holdings are to be counted in accordance with the third sub-paragraph of the said Article 32(3);

"claim" means an indication, given in accordance with Article 32(1) of Commission Regulation 2342/1999, that a producer wishes to participate in the extensification payment scheme and "claimed", in relation to an extensification payment, shall be interpreted accordingly;

"claimant" means a producer who submits a claim;

"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**);

(e) any book, register (other than a register referred to in paragraph (*b*), 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**), Commission Regulation (EC) No. 1900/2000(**10**), Commission Regulation (EC) No. 2733/2000(**11**) and Commission Regulation (EC) No. 192/2001(**12**);

"the Community rules" means the rules concerning the extensification payment laid down in Articles 12, 13, 21 and 23 of Council Regulation 1254/1999 and Chapter IV of Commission Regulation 2342/1999;

"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(**13**);

"Council Regulation 1254/1999" means Council Regulation (EC) No.1254/1999 on the common organisation of the market in beef and veal(**14**);

(**5**) S.R. 1999 No. 265
(**6**) S.R. 1997 No. 172 amended by S.R. 1998 No. 27 and S.R. 2000 No. 344
(**7**) 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)
(**8**) O.J. No. L281, 4.11.1999, p. 30
(**9**) O.J. No. L118, 19.5.2000, p. 4
(**10**) O.J. No. L228, 8.9.2000, p. 25
(**11**) O.J. No. L316, 15.12.2000, p. 44
(**12**) O.J. No. L29, 31.1.2001, p. 27
(**13**) 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)
(**14**) O.J. No. L160, 26.6.1999, p. 21

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

"extensification payment" means the extensification payment granted, for each beef special premium and suckler cow premium granted, to producers who comply with certain stocking density requirements, which is provided for in Article 13 of Council Regulation 1254/1999;

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

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

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

"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 products and repealing Council Regulation (EC) No. 820/97(**16**);

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

"the simplified scheme" means the system of checking compliance with the stocking density requirements laid down in Article 13(2) of Council Regulation 1254/1999 on the basis of a claimant's declaration and undertaking, which is provided for in Article 32(4) of Commission Regulation 2342/1999;

"specified control measure" means any check which a member State is required to carry out under Article 6 of Commission Regulation 3887/92;

"the standard scheme" means the system of checking compliance with the stocking density requirements laid down in Article 13(2) of Council Regulation 1254/1999 by counting bovine animals on census dates, which is provided for in Article 32(3) of Commission Regulation 2342/1999;

"suckler cow premium" means the premium for maintaining suckler cows provided for in Articles 6 to 10 of Council Regulation 1254/1999.

(3) 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.

Application

3. Regulations 4 to 8 shall apply to claimants to the extent that the Department is the relevant competent authority in relation to their holdings for the purposes of the IACS Regulations.

Choice of scheme

4. A claimant may, when making a claim, choose for the calendar year in question the simplified scheme, instead of the standard scheme.

Supporting information

5.—(1) A claimant shall, at the request of the Department, supply to the Department such information and such documents as the Department may reasonably require for the purpose of determining whether the claimant qualifies for an extensification payment.

(**15**) S.I. 1993 No. 1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and S.I. 2000/2573
(**16**) O.J. No. L204, 11.8.2000, p. 1

(2) Where the Department requires such information or documents, the claimant shall supply the Department with it or them within such period as the Department reasonably may determine.

Pasture land

6. For the purposes of Article 13(3)(*c*) of Council Regulation 1254/1999 (which requires that a claimant's forage area consists of at least fifty per cent of pasture land), pasture land is defined as grassland, including rough grazing, which, following the local farming practices, is recognised as being destined for grazing bovine animals or sheep or both.

Withholding and recovery of extensification payments

7. The Department may withhold, or recover on demand, the whole or any part of any extensification payment claimed from or granted by it in any of the following circumstances—

(a) where the grant of an extensification payment to the claimant in question would not, or does not, comply with the Community rules;

(b) where the claimant in question has artificially complied with a stocking density requirement laid down in Article 13(2) of Council Regulation 1254/1999 by removing bovine animals from his holding otherwise than in accordance with normal husbandry practice;

(c) where, pursuant to regulation 10(4) of the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1996(**17**) or regulation 3A(4) of the Suckler Cow Premium Regulations (Northern Ireland) 1993(**18**) (which prescribe penalties for overgrazing land), the Department withholds or recovers from the claimant in question any beef special premium or suckler cow premium;

(d) where, pursuant to regulation 11 of the Beef Special Premium Regulations (Northern Ireland) 1996 or regulation 3B of the Suckler Cow Premium Regulations (Northern Ireland) 1993 (which prescribe penalties for using unsuitable supplementary feeding methods), the Department reduces or withholds the amount of beef special premium or suckler cow premium otherwise payable to the claimant in question;

(e) where the claimant in question, or an officer, employee, servant or agent of that claimant, intentionally obstructs an authorised person, or a person accompanying an authorised person and acting under his instructions, from exercising any power conferred by regulation 10 or 11, or fails without reasonable excuse to comply with a requirement made by an authorised person, under regulation 11, or with a request made by an authorised person under regulation 12;

(f) where the claimant in question has failed to supply the information or documents required by the Department pursuant to regulation 5, or has failed to supply it or them within the required period;

(g) where the claimant in question fails, in the reasonable opinion of the Department, to keep any claimant's document in a form which is accurate and up to date;

(h) where the claimant in question, when so requested by an authorised person requiring information pursuant to regulation 11(*a*), is unable to demonstrate that he can ascertain the number of bovine animals of six months of age or more on his holding on any day of the calendar year for which an extensification payment has been or will be granted.

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