STATUTORY RULES OF NORTHERN IRELAND

# 1996 No. 605

# AGRICULTURE

## Deseasonalisation Premium (Protection of Payments) Regulations (Northern Ireland) 1996

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| *Made - - - -* | *20th December 1996* |
| *Coming into operation* | *1st January 1997* |

The Department of Agriculture, 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 Deseasonalisation Premium (Protection of Payments) Regulations (Northern Ireland) 1996 and shall come into operation on 1st January 1997.

### Interpretation

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

(2) In these Regulations—

"animal" means a castrated male animal of the bovine species which is slaughtered during the period 1st January 1997 to 10th June 1997;

"applicant" means a producer who has made an application under regulation 3;

"the Commission Regulation" means Commission Regulation (EEC) No. 3886/92(**4**) laying down detailed rules for applying the integrated administration and control systems for certain Community aid schemes;

"the Council Regulation" means Council Regulation (EEC) No. 805/68(**5**) on the common organisation of the market in beef and veal, as amended;

(**1**) S.I.1972/1811
(**2**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253
(**3**) 1954 c. 33 (N.I.)
(**4**) O.J. No. L391, 31.12.92, p. 20
(**5**) O.J. No. L148, 28.6.68, p. 24 (O.J./S.E. 1968(1) p. 187) as last amended by Council Regulation (EC) No. 1588/96 (O.J. No. L206, 16.8.96, p. 23)

"the Department" means the Department of Agriculture for Northern Ireland;

"premium" means the deseasonalisation premium referred to in Article 4c of the Council Regulation;

"producer" has the same meaning as in Article 4a of the Council Regulation.

(3) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in the Council Regulation.

**Application for premium payments**

**3.**—(1) Subject to the provisions of this regulation a producer may apply to the Department for a premium payment, in respect of an animal, in such form as the Department may require.

(2) An application under paragraph (1) shall be lodged with the Department during the period 1st July 1997 to 12th September 1997 (both dates inclusive).

(3) A producer may lodge only one application.

**Recovery of premium**

**4.** If at any time after a premium payment has been made it appears to the Department that any person—

(a) in order to obtain the premium payment made a false statement; or

(b) has, in relation to that premium payment, contravened or failed to comply with any requirement imposed by or under the Council Regulation, the Commission Regulation or these Regulations;

the Department may recover from him as a civil debt the whole or any part of the amount of the premium payment together with interest in respect of the period between the date on which any premium was paid and the date on which it was recovered calculated at a rate to be determined by the Department.

**Rate of interest**

**5.** Except where the Department recovers from any applicant any premium or part of any premium paid to that applicant as a result of an error of the Department, for the purpose of Article 14(1) of the Commission Regulation, interest shall be charged at the rate of one percentage point above the sterling three months London Interbank Offered Rate on a day to day basis for the period specified in that Article.

**Offences**

**6.** If any person—

(a) knowingly or recklessly makes any false statement for the purpose of obtaining the payment to himself or any other person of a premium;

(b) wilfully makes a false entry in any book, account, record or other document relating to an application for premium or with intent to deceive makes use of any such entry which he knows to be false;

he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding 2 years or both.