1995 No. 246

AGRICULTURE

The Suckler Cow Premium (Amendment) Regulations (Northern Ireland) 1995

Made	*8th June 1995*
Coming into operation . .	*1st July 1995*

The Department of Agriculture being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon 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 (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 1st July 1995.

Interpretation

2.—(1) In these Regulations, "the principal Regulations" means the Suckler Cow Premium Regulations (Northern Ireland) 1993(**c**); and

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

Amendment

3.—(1) Regulation 2 (interpretation) of the principal Regulations shall be amended as follows:—

(*a*) for the definition of "overgrazing" there shall be substituted the following definition—

"overgrazing" means grazing land with livestock in such number 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;";

(*b*) after the definition of "relevant date" there shall be inserted the following definitions—

" "retention period" means the retention period for suckler cows referred to in Article 4d(5) or as the case may be (6) of Council

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68; section 2 is subject to that Act and is to be read with S.I. 1984/703 (N.I. 3), S.R. (N.I.) 1984 No. 253 and S.I. 1994/2795 (N.I. 15)
(**c**) S.R. 1993 No. 280 as amended by S.R. 1994 No. 211
(**d**) 1954 c. 33 (N.I.)

Regulations 805/68 and starting as indicated in Article 23 of Commission Regulation 3886/92;

"Scheme year" means any calendar year in respect of which premium may be paid and 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;";

(*c*) after the definition of "specified record" there shall be inserted the following definition—

" "unsuitable supplementary feeding methods" means providing supplementary feed (other than to maintain livestock during abnormal weather conditions) in such manner as to result in damage to vegetation through excessive trampling or poaching of the land by animals or excessive rutting by vehicles.".

(2) In paragraph (1) of regulation 3 (applications) for "9th December" there shall be substituted "8th December.".

(3) In paragraph (2) of regulation 3 there shall be inserted at the end the following—

"provided that where in respect of 1995 or any subsequent calendar year a number of applications for premium are submitted by persons who have made more than one area aid application under Article 6 of Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes(**a**) as amended by Council Regulation (EC) No. 165/94(**b**), Council Regulation (EC) No. 3233/94(**c**) and Council Regulation (EC) No. 3235/94(**d**) but who are regarded as a single farmer within the meaning of Article 1(4) of that first-mentioned Council Regulation the applications concerned shall be deemed to be a single application made by one producer for the purposes of this paragraph.".

(4) For regulation 3A (overgrazing) there shall be substituted the following regulation—

"*Overgrazing*

3A.—(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 the Department may notify the occupier of the maximum number of suckler cows 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 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

(**a**) O.J. No. L355, 5.12.92, p. 1
(**b**) O.J. No. L24, 29.1.94, p. 6
(**c**) O.J. No. L338, 28.12.94, p. 13
(**d**) O.J. No. L338, 28.12.94, p. 16