1994 No. 476

AGRICULTURE

Beef Special Premium (Protection of Payments) (Amendment) Regulations (Northern Ireland) 1994

Made . . . . . *6th December 1994*

Coming into operation . . *1st January 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 Economic 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 Beef Special Premium (Protection of Payments) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 1st January 1995.

Interpretation

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

(2) In these Regulations—

"the principal Regulations" means the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1992(**d**).

Amendment

3.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation—

(*a*) in paragraph (2) of regulation 2 (interpretation)—

before the semi-colon at the end of the definition of "the Council Regulation" insert "and Council Regulation (EC) No. 3611/93."

(*b*) insert the following definition after the definitions of "first age premium";

(a) S.I. 1972/1811

(b) 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

(c) 1954 c. 33 (N.I.)

(d) S.R. 1992 No. 569 as amended by S.R. 1993 No. 176 and S.R. 1993 No. 480

" "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";

(*c*) delete the word "and" immediately following the definition of "premium" and insert the following definitions after it:—

" "retention period" means the period referred to in regulation 6(1)";

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

(*d*) substitute a semi-colon for the full stop at the end of "second age premium" and insert after that definition—

" "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 the land by animals or excessive rutting by vehicles."

(2) Insert the following regulations after regulation 6—

"*Overgrazing*

6A.—(1) Subject to paragraph (2) where in the calendar year preceding any 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 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 beasts 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 calendar year preceding any 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 it has previously made such a notification 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) no Community premium shall be paid in respect of the Scheme year for which it was issued on any number of animals grazed and maintained in that Scheme year on the parcel of land to which it relates in excess of the maximum number of 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 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,