1994 No. 404

AGRICULTURE

The Sheep Annual Premium (Amendment) Regulations (Northern Ireland) 1994

Made . . . . . 24th October 1994

Coming into operation . . 15th November 1994

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 that section 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 Sheep Annual Premium (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 15th November 1994.

Interpretation

2.—(1) In these Regulations "the principal Regulations" means the Sheep Annual Premium Regulations (Northern Ireland) 1992(**c**).

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

(2) In paragraph (1) of regulation 2 (interpretation)

(*a*) substitute the following definition of "the Commission Regulation" for the existing definition of that phrase—

"the Commission Regulation" means "Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes(**e**);"

(*b*) insert the following definition after the definition of "marketing year"—

(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. (N.I.) 1984 No. 253
(c) S.R. 1992 No. 476
(d) 1954 c. 33 (N.I.)
(e) O.J. No. L391, 31.12.92, p. 36

" "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;" and

(*c*) insert the following definition after the definition of "producer"—

" "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".

(3) In regulation 3 (application for premium)—

(*a*) in paragraph (2), insert "subject to Article 8(1) of the Commission Regulation" before "deliver" and

(*b*) delete paragraph (3)

(4) After regulation 3 insert the following:—

"*Overgrazing*

3A.—(1) Subject to paragraph (2) where in the year preceding the opening date for delivering applications for premium in respect of any given marketing year the competent authority forms the opinion that any parcel of land is being overgrazed that authority may notify the occupier of the maximum number of sheep which may be grazed and maintained on that parcel in that marketing 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 marketing year in question and having regard to such conditions as may be specified in the notification.

(2) The competent authority may in the year preceding the opening date for delivering applications for premium in respect of any given marketing 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 competent authority has made a notification under paragraph (1) and is satisfied that—

(*a*) any condition specified in that notification has been breached; or

(*b*) more sheep than the maximum number specified in the notification have been grazed and maintained on the parcel of land to which it relates in the marketing year for which it was issued,

it may withhold or recover on demand the whole or any part of the premium otherwise payable or as the case may be already paid to the recipient of the notification for the marketing year to which it relates.

Unsuitable supplementary feeding methods

3B.—(1) Where in any marketing year the applicant uses unsuitable supplementary feeding methods the competent authority may reduce or withhold the amount of premium otherwise payable to him in respect of that marketing year in accordance with paragraph (2).