1992 No. 569

AGRICULTURE

Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1992

Made . . . . . 30th December 1992

Coming into operation . . 1st January 1993

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) Regulations (Northern Ireland) 1992 and shall come into operation on 1st January 1993.

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:—

"animal" means a male animal of the bovine species;

"appointed officer" means an officer of the Department authorised by it to examine and mark animals under regulation 5;

"authorised person" means any person authorised in writing by the Department to act for the purposes of regulation 7;

"the Commission Regulation" means Commission Regulation (EEC) of 27th November 1992(**d**) laying down the implementing rules of the premium schemes provided for in Articles 4a to 4k of Regulation (EEC) No. 805/68 regarding the common organisation of the market in beef and veal;

(**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**) O.J. No. L391, 31.12.92, p. 20

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

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

"first age premium" means the premium referred to in Article 4b 2 first indent of the Council Regulation;

"premium" means the special premium referred to in Article 4b 1 of the Council Regulation; and

"second age premium" means the premium referred to in Article 4b 2 second indent 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 and the Commission Regulation.

Application for first and second age premium payments

3.—(1) Subject to the provisions of this regulation, a producer may apply to the Department for payment of first and second age premiums in respect of animals in such form as the Department may require.

(2) Applications for first age premium in respect of animals and for second age premium in respect of animals must be separate.

(3) A producer may lodge no more than 6 applications for each age premium in any one calendar year.

Eligibility of animals for payment of first and second age premium

4.—(1) To be eligible for payment of premium—

(*a*) animals must be identified in accordance with the Tuberculosis Control Order (Northern Ireland) 1964(**b**);

(*b*) animals must be recorded in accordance with the Movement of Animals (Records) Order (Northern Ireland) 1980(**c**); and

(*c*) animals which have been moved from one herd to another must have this movement authorised and recorded in accordance with the Brucellosis Control Order (Northern Ireland) 1972(**d**).

(a) O.J. No. L148, 28.6.68, p. 24 (O.J./S.E. 1968 (I) p. 187) as amended by Council Regulation (EEC) No. 1261/71 (O.J. No. L132, 18.6.71, p. 1), Council Regulation (EEC) No. 2822/72 (O.J. No. L298, 31.12.72, p. 1), Council Regulation (EEC) No. 1855/74 (O.J. No. L195, 18.7.74, p. 14), Council Regulation (EEC) No. 568/76 (O.J. No. L067, 15.3.76, p. 28), Council Regulation (EEC) No. 425/77 (O.J. No. L061, 5.3.77, p. 1), Council Regulation (EEC) No. 2916/79 (O.J. No. L329, 24.12.79, p. 15), Council Regulation (EEC) No. 3768/85 (O.J. No. L362, 31.12.85, p. 8), Council Regulation (EEC) No. 3905/87 (O.J. No. L370, 30.12.87, p. 7), Council Regulation (EEC) No. 571/89 (O.J. No. L061, 4.3.89, p. 43), Council Regulation (EEC) No. 1628/91 (O.J. No. L150, 15.6.91, p. 16), and Council Regulation (EEC) No. 2066/92 (O.J. No. L215, 30.7.92, p. 49)

(b) S.R. & O. (N.I.) 1964 No. 31 as amended by S.R. & O. (N.I.) 1968 No. 236; S.R. & O. (N.I.) 1973 No. 76; S.R. 1977 No. 1; S.R. 1981 No. 348; S.R. 1981 No. 412 and S.R. 1986 No. 48

(c) S.R. 1980 No. 195 as amended by S.R. 1982 No. 218 and S.R. 1991 No. 9

(d) S.R. & O. (N.I.) 1972 No. 94 as amended by S.R. & O. (N.I.) 1973 No. 437; S.R. 1977 No. 47; S.R. 1978 No. 165; S.R. 1979 No. 126; S.R. 1981 No. 413 and S.R. 1982 No. 191

(2) Any animal which has either ear permanently damaged or mutilated in any way which would cast doubt on its eligibility for a first or second age premium payment shall not be eligible for that premium unless the damage or mutilation has been reported to the Department and the Department has confirmed the eligibility of the animal for application for premium.

Examination and marking

5. An applicant for first age premium or second age premium shall—

(*a*) collect the animals in respect of which the application has been made at a convenient place on his holding for the purposes of examination by an appointed officer who on being satisfied on the eligibility of the animals for premium shall mark them in accordance with the third indent of Article 3(2) of the Commission Regulation;

(*b*) so manage and secure them before, during and after their examination and marking that the appointed officer may carry out the examination and marking without risk of injury to himself;

(*c*) furnish for inspection by the appointed officer the record required to be kept in accordance with the Movement of Animals (Records) Order (Northern Ireland) 1980 and in relation to any animal which was not born in the herd a permit required under the Brucellosis Control Order (Northern Ireland) 1972 authorising its movement from the herd in which it was born; and

(*d*) give the appointed officer such assistance with the examination and marking as may reasonably be required.

Retention period

6.—(1) Subject to paragraph (2) animals in respect of which an application for premium has been made shall be held for fattening by the producer for a minimum period of two months beginning on the date of lodging of the application with the Department.

(2) Animals which are the subject of an application for the second age premium lodged with the Department during the period 31st December 1992 to 28th February 1993 shall be required to be held for fattening by the producer for a minimum period of one month beginning on the date of lodging of the application with the Department save that animals which are the subject of such an application which is lodged with the Department during the month of January 1993 shall not be required to be kept on the holding after examination and marking of the animals as referred to in regulation 5(*a*), on condition that the producer furnishes to the Department a declaration that he has held the animals for fattening on his holding for one month prior to the date of his application and that his holding had the means of production which permitted this fattening during that period.

Powers of entry and inspection

7.—(1) An authorised person may, up to the end of the third year after the calendar year in which an application for a premium was lodged—