1992 No. 476

AGRICULTURE

The Sheep Annual Premium Regulations (Northern Ireland) 1992

Made . . . . . *13th November 1992*

Coming into operation . . *15th November 1992*

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 Regulations (Northern Ireland) 1992 and shall come into operation on 15th November 1992.

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—

"authorised officer" means any person (whether or not an officer of that authority) who is authorised by the competent authority in writing, either generally or specially, to act in matters arising under these Regulations;

"the Commission Regulation" means Commission Regulation (EEC) No. 3007/84(**d**) laying down detailed rules for the application of the premium for producers of sheepmeat as amended by Commission Regulation (EEC) No. 164/86(**e**), Commission Regulation (EEC) No. 1514/86(**f**), Commission Regulation (EEC) No. 3984/89(**g**), Commission Regulation (EEC) No. 1260/90(**h**), Commission

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(**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**) 1954 c. 33 (N.I.)
(**d**) O.J. No. L283, 27.10.84, p. 28
(**e**) O.J. No. L21, 28.1.86, p. 10
(**f**) O.J. No. L132, 21.5.86, p. 16
(**g**) O.J. No. L380, 29.12.89, p. 28
(**h**) O.J. No. L124, 15.5.90, p. 15

Regulation (EEC) No. 288/91(**a**), Commission Regulation (EEC) No. 3107/91(**b**) and Commission Regulation (EEC) No. 3340/91(**c**);

"the competent authority" means the Department;

"the Council Regulation" means Council Regulation (EEC) No. 3013/89 on the common organisation of the market in sheepmeat and goatmeat(**d**), as amended by Council Regulation (EEC) No. 1741/91(**e**) and Council Regulation (EEC) No. 2069/92(**f**);

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

"marketing year" means a marketing year as defined in Article 3.3 of the Council Regulation;

"premium" means the premium provided for under Article 5 of the Council Regulation;

"producer" means a producer as defined in Article 1 of Council Regulation (EEC) No. 3493/90(**g**), as amended by Council Regulation (EEC) No. 2070/92(**h**);

(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 premium

3.—(1) An application for a premium shall be in such form and shall contain such particulars relating to that application as the competent authority may reasonably request.

(2) A producer who applies for a premium in respect of a marketing year shall deliver his application to the competent authority—

(*a*) on or after 15th November and not later than 15th December in the preceding marketing year, or if 15th December is a Saturday, Sunday or public holiday, the next following working day; or

(*b*) on or after 15th February in the calendar year in which the marketing year commences and not later than 15th March in that calendar year or if 15th March is a Saturday, Sunday or public holiday, the next following working day.

(3) Notwithstanding paragraph (2), a producer marketing sheep's milk or sheep's milk products who applies for the premium for the heavy category under Article 5(4) of the Council Regulation in respect of a marketing year shall deliver his application to the competent authority on or after 15th November and not later than 15th December in the preceding marketing year

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(**a**) O.J. No. L35, 7.2.91, p. 12
(**b**) O.J. No. L294, 25.10.91, p. 16
(**c**) O.J. No. L316, 16.11.91, p. 24
(**d**) O.J. No. L289, 7.10.89, p. 1
(**e**) O.J. No. L163, 26.6.91, p. 41
(**f**) O.J. No. L215, 30.7.92, p. 59
(**g**) O.J. No. L337, 4.12.90, p. 7
(**h**) O.J. No. L215, 30.7.92, p. 63

or if 15th December is a Saturday, Sunday or public holiday, the next following working day.

Keeping and retention of a register

4. A producer shall be required to keep a register containing the following information—

(*a*) the dates on which female sheep put to the ram for the first time gave birth and the number of lambs produced;

(*b*) the number and date of any sheep purchased, sold or otherwise disposed of, the name and address of the seller, buyer or other recipient or in the case of sheep purchased or sold at a livestock market, the name and address of that market; and

(*c*) in cases of losses of sheep the date the producer discovered the loss, the number lost and the circumstances of the loss;

and retain such register for 3 years from the end of the marketing year to which the last entry therein relates.

Powers of authorised officers

5.—(1) An authorised officer may at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, exercise the powers specified in this regulation for the purpose of—

(*a*) inspecting and counting any sheep kept by the producer; or

(*b*) ascertaining whether an offence under regulation 9(2) has been or is being committed.

(2) An authorised officer may enter premises (other than any premises used only as a dwelling), which is, or which such officer has reasonable cause to believe to be, occupied by, or in the possession of, a producer or any employee, servant or agent of a producer.

(3) An authorised officer who has entered any premises by virtue of this regulation may inspect and count any sheep kept by the producer on those premises.

(4) An authorised officer entering any premises by virtue of this regulation may take with him such other persons as he considers necessary.

(5) An authorised officer may—

(*a*) require any producer or any employee, servant or agent of a producer to produce any record and to supply such additional information in that person's possession or under his control relating to an application for premium as the authorised officer may reasonably request;

(*b*) inspect any such record and, where any such record is kept by means of a computer, have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with that record;

(*c*) require that copies of, or extracts from, any record be produced;

(*d*) seize and retain any such record which he has reason to believe may be required as evidence in proceedings under these Regulations and,