1989 No. 127

AGRICULTURE

Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1989

Made	*31st March 1989*
Coming into operation . .	*3rd April 1989*

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 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 Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1989 and shall come into operation on 3rd April 1989.

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) No. 714/89(**d**) laying down detailed rules applying to the special premium for beef producers;

"the Council Regulation" means Council Regulation (EEC) No. 468/87(**e**) laying down general rules applying to the special premium for beef producers as amended by Council Regulation (EEC) No. 572/89(**f**);

(**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. L78, 21.3.89, p. 38
(**e**) O.J. No. L48, 17.2.87, p. 4
(**f**) O.J. No. L63, 7.3.89, p. 1

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

"mark" means a circular punch hole 12 mm in diameter punched in an animal's left ear; and

"premium" means the special premium referred to in Article 4a of Council Regulation (EEC) No. 805/68(**a**) on the common organisation of the market in beef and veal;

(3) Other expressions used in these Regulations have the same meanings as in the Council Regulation and the Commission Regulation.

Application for premium payments

3.—(1) Subject to the provisions of this regulation a producer may apply to the Department for a premium payment, in respect of an animal, in such form as the Department may require.

(2) Applications for payment of premium shall be lodged with the Department—

(*a*) in 1989 during the periods 3rd April to 4th June and 5th June to 31st December; and

(*b*) in any subsequent year during the periods 1st January to 31st May and 1st September to 31st December,

(all dates inclusive).

(3) A producer may lodge one application in each of the application periods provided for in paragraph (2).

(4) Animals which are under eight months old at the date of lodging of an application for payment of the premium shall not be included on the application.

(5) Paragraphs (2) and (3) shall not apply in respect of an application lodged in accordance with Article 11(1) of the Commission Regulation.

(6) Paragraph (4) shall apply in relation to an application lodged in accordance with Article 11(1) of the Commission Regulation as if for the words "eight months old" there were substituted the words "nine months old".

(7) No application may be made by a producer—

(*a*) if in any calendar year the total number of animals in respect of which he has applied for a premium payment (other than applications which have been refused) is equal to or exceeds ninety; or

(*b*) if pursuant to Article 9(6) of the Commission Regulation he is excluded from the premium scheme.

Eligibility of animals for payment of premium

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

(**a**) O.J. No. L148, 28.6.68, p. 24 (O.J./S.E. 1968 (I) p. 187); Article 4a was inserted by Council Regulation (EEC) No. 467/87 (O.J. No. L48, 17.2.87, p. 1) and amended by Council Regulation (EEC) No. 571/89 (O.J. No. L61, 4.3.89, p. 43).

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

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

(2) Any animal which has a punch hole in its left ear or more than two punch holes in its right ear shall not be eligible for premium.

(3) Any animal which has either ear permanently damaged or mutilated in any way which would cast doubt on its eligibility for a premium payment shall not be eligible for the 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 procedures

5.—(1) Subject to paragraph (2) an applicant for 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 as specified in regulation 2;

(*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.

(2) Paragraph (1) shall not apply in relation to animals which are the subject of an application lodged in accordance with Article 11(1) of the Commission Regulation where such animals are sent by the applicant for premium to a slaughterhouse licensed by the Department under the Slaughter-Houses Act (Northern Ireland) 1953(**d**) for immediate slaughter.

(3) Animals to which paragraph (1) does not apply by virtue of paragraph (2) shall be presented, for the purpose of examination by the Department, at a place approved by the Department.

(**a**) 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

(**b**) S.R. 1980 No. 195 as amended by S.R. 1982 No. 218

(**c**) 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

(**d**) 1953 c. 21 (N.I.)