1987 No. 87

AGRICULTURE

The Sheep Annual Premium Regulations (Northern Ireland) 1987

Made	*3rd March 1987*
Coming into operation . .	*1st April 1987*

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) 1987 and shall come into operation on 1st April 1987.

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 an authorised officer of the competent authority authorised by it to discharge that authority's functions under the first Council Regulation, the second Council Regulation, the Commission Regulation and these regulations:

"the Commission Regulation" means Commission Regulation (EEC) No. 3007/84(**d**) as amended by Commission Regulation (EEC) No. 3378/85(**e**) both of which lay down detailed rules for the application of the premium for producers of sheepmeat;

"the first Council Regulation" means Council Regulation (EEC) No. 1837/80(**f**) on the common organisation of the market in sheepmeat and goatmeat, as amended(**g**);

(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, 27.10.1984, p. 28
(e) O.J. No. L321, 30.11.85, p. 67
(f) O.J. No. L183, 16.7.80, p. 1
(g) The amending instruments are Council Regulations (EEC) Nos. 3446/80 (O.J. No. L359, 31.12.80, p. 16), 899/81 (O.J. No. L90, 4.4.81, p. 26) and 871/84 (O.J. No. L90, 1.4.84, p. 35)

"the second Council Regulation" means Council Regulation (EEC) No. 872/84(**a**) laying down general rules for the granting of premiums to sheepmeat producers and repealing Regulation (EEC) No. 2643/80(**b**);

"the competent authority" has the meaning assigned to it by regulation 3;

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

"the Minister" means the Minister of Agriculture, Fisheries and Food;

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

"producer" means a producer of sheepmeat; and

"United Kingdom Regulations" means the Sheep Annual Premium Regulations 1980(**c**) or the Sheep Annual Premium Regulations 1984(**d**);

(3) Other expressions used in these regulations have, in so far as the context admits, the same meanings as in the first Council Regulation, the second Council Regulation and the Commission Regulation.

Appointment of competent authority

3. For the purposes of the first Council Regulation, the second Council Regulation and the Commission Regulation, the competent authority shall be the Department.

Application for premium

4.—(1) An application for a premium shall be in such form and shall contain such particulars as the competent authority may require.

(2) An application for a premium in respect of a marketing year shall be delivered to the competent authority—

(*a*) on or after 1st December in the preceding marketing year and not later than 24th December in that marketing year or, if 24th December is a Saturday, Sunday or public holiday, the next following working day; or

(*b*) on or after 1st January in the calendar year in which the marketing year commences and not later than—

(i) 10th April in that calendar year, or

(ii) 9th April in that calendar year, if a leap year, or

(iii) if 10th April or, in a leap year, 9th April is a Saturday, Sunday or public holiday, the next following working day.

Powers of inspection

5.—(1) Where a producer has made an application for a premium, an authorised officer may, at all reasonable times and on production of his

(a) O.J. No. L90, 1.4.84, p. 40
(b) O.J. No. L275, 18.10.80, p. 6
(c) S.I. 1980/1577
(d) S.I. 1984/2005 amended by S.I. 1985/1851 and S.I. 1986/1894

authority on demand, enter on any land occupied, or otherwise used, by the producer for the rearing of animals of the ovine species and may—

(*a*) inspect and count any such animals kept by the producer on that land, and

(*b*) require the producer to furnish for inspection any bill, account, voucher or record in his possession or under his control relating to any such animals kept or formerly kept by him.

(2) An authorised officr may be accompanied by such other persons acting under his instructions as appear to him to be necessary to enable him to exercise the powers conferred upon him by the preceding paragraph and may make such copies or take such extracts as he thinks fit of or from any document furnished for inspection.

(3) The producer and any person in charge of animals of the ovine species on the land shall render all reasonable assistance to an authorised officer to enable him to exercise the powers conferred upon him by this regulation.

Recovery of premiums

6.—(1) Where any person with a view to obtaining the payment of a premium to himself or any other person—

(*a*) makes any statement which is untrue or misleading in a material respect, or

(*b*) furnishes to the competent authority any inaccurate information, the competent authority shall be entitled to recover on demand as a civil debt the whole or any part of any premium paid to him or to such other person.

(2) Where any producer, having undertaken pursuant to Article 2 of the Commission Regulation to keep a number of ewes, fails in any way to comply with that undertaking, the competent authority shall be entitled, subject to Articles 6 and 7 of the Commission Regulation, to recover on demand as a civil debt the whole or any part of any premium paid to him.

(3) Where any producer or any person in charge of his animals—

(*a*) intentionally obstructs an authorised officer in the exercise of the powers conferred on him by regulation 5 or a person accompanying and acting under the instructions of an authorised officer, or

(*b*) fails without reasonable excuse to comply with a requirement under regulation 5(1)(*b*), or

(*c*) fails to render all reasonable assistance pursuant to regulation 5(3),

the competent authority shall be entitled to recover on demand as a civil debt the whole or any part of any premium paid to that producer.

Offences

7. Any person who—

(*a*) knowingly or recklessly makes a false statement for the purposes of obtaining the payment of a premium to himself or to any other person, or