## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

Council Regulation (EEC) No. 1310/85 enables the payment of premiums for calves which are born in Northern Ireland on or after 27th May 1985 and before 7th April 1986 which are reared in Northern Ireland to 6 months of age. Commission Regulation (EEC) No. 1638/85 lays down more detailed rules for the granting of the premium. Copies of these Regulations are available for inspection at the Department's County Agricultural Executive Offices.

The present regulations make provision for the implementation of the Council and Commission Regulations in Northern Ireland. They identify the competent authority referred to in the Commission Regulation and those responsible for administering that Regulation and make more specific the conditions for eligibility for premium. They place certain duties on the applicant in relation to the handling and presentation of calves which are to be assessed for eligibility for premium and on the Department's appointed officer to mark the calves when eligibility has been established. They also permit authorised persons acting on behalf of the Department to enter farms, inspect and count cattle kept there and to inspect relevant documents for the purpose of ensuring that the premium is only paid in appropriate circumstances. Finally, the regulations empower the Department to recover premium paid in certain circumstances and create offences relating to the making of false statements or obstructing persons exercising the powers of entry (which are punishable on summary conviction by a fine not exceeding £400).

Explanatory leaflets (Form CP2) and Application Forms (Form CP1) for the premium are available from the Department's County Agricultural Executive Offices.

*Eligibility of calves for payment of premium*

**3.**—(1) To be eligible for payment of the premium:

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

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

(*c*) calves 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 calf which has a punch hole in either ear, a tag hole in its left ear or has either ear permanently damaged or mutilated in any way which would cast doubt on its eligibility for the premium, will not be eligible for the premium unless the punch hole, tag hole, damage or mutilitation has been reported to the competent authority without delay and that authority has confirmed the eligibility of the calf for application for premium.

*Application for premium payments*

**4.** Application for payment of the premium shall be made to the competent authority in the form specified in the Schedule.

*Marking procedures*

**5.** Any applicant for premium in respect of calves shall:

(*a*) collect the calves at a convenient place for the purpose of examination by an appointed officer, who, on being satisfied on the eligibility of the calves 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 calf which was not born in the herd, the 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.

*Powers of entry and inspection*

**6.**—(1) Subject to regulation 6(4) an authorised person may at any reasonable time enter on any land where cattle are kept in order to:

(*a*) identify, count and verify the total number of cattle on that land;

(*b*) require the owner of any cattle present to furnish for immediate inspection the record required to be kept by him for the purposes of the Movement of Animals (Records) Order (Northern Ireland) 1980, and in relation to any cattle present but not born in the herd, the permit required under the Brucellosis Control Order (Northern Ireland) 1972 authorising its movement from the herd in which it was born.

(2) In exercising the powers conferred on him by paragraph (1) an authorised person:

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(a) S.R. & O. (N.I.) 1964 No. 31 as amended by S.R. & O. (N.I.) 1968 No. 236 and S.R. & O. (N.I.) 1973 No. 76

(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. 1982 No. 191

(*a*) may be accompanied by such other persons acting under his instructions as appear to him to be necessary to enable the inspecting, counting and marking of cattle; and

(*b*) shall be entitled to make such copies thereof, or take such extracts therefrom, any documents presented for inspection.

(3) The owner of the cattle and any person in charge of cattle on the land shall render all reasonable assistance to an authorised person in relation to any of the matters mentioned in paragraph (1)(*a*).

(4) The powers of entry and inspection under paragraphs (1) and (2) shall not be exercisable except:

(*a*) with consent given by or on behalf of the occupier of the land; or

(*b*) under the authority of a warrant granted under paragraph (5).

(5) Where a resident magistrate is satisfied by complaint on oath:

(*a*) that admission to the land is reasonably required for the purpose specified in the complaint, and

(*b*) that an authorised person would, given consent as specified in paragraph 4(*a*), be entitled for that purpose to exercise a power of entry under paragraph (1) or (2).

he may issue a warrant under his hand enpowering an authorised person to enter the land.

(6) If required an authorised person shall produce his written authorisation, and where relevant, his warrant prior to any exercise, of the powers of entry and inspection.

*Recovery of premiums*

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

(*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 from the applicant for premium on demand as a civil debt the whole or any part of any premium paid to him or to any other person by reason of the making of the said statement or the furnishing of the said information.

(2) Where any person:

(*a*) fails to satisfy the competent authority with regard to the matters mentioned in Article 1(1) of the Commission Regulation; or

(*b*) fails to satisfy the competent authority with regard to the matters mentioned in regulation 3,

the competent authority shall be entitled to recover on demand as a civil debt from the person to whom it was paid the whole of any premium paid to that person.

*Offences*

**8.** Any person who:

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

(*b*) obstructs the entry of an authorised person or an accompanying person who are acting under regulation 6,

shall be liable on summary conviction to a fine not exceeding £400.