1985 No. 4

AGRICULTURE

Calf Premium (Protection of Payments) Regulations (Northern Ireland) 1985

Made . . . . . *4th January 1985*

Coming into operation . . . . *1st February 1985*

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 Calf Premium (Protection of Payments) Regulations (Northern Ireland) 1985 and shall come into operation on 1st February 1985.

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:—

"appointed officer" means an officer of the competent authority authorised by it to examine and mark calves under regulation 5;

"authorised person" means any person authorised in writing by the competent authority;

"the competent authority" shall for the purposes of the Commission Regulation be the Department of Agriculture;

"the Commission Regulation" means Regulation (EEC) No. 1354/84 of the Commission of 16th May 1984(**d**);

"the Council Regulation" means Regulation (EEC) No. 1064/84 of the Council of 16th April 1984(**e**);

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

"mark" means a circular punch hole 12 mm in diameter punched in a calf's right ear.

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

(a) S.I. 1972/1811
(b) 1972 c. 68
(c) 1954 c. 33 (N.I.)
(d) O.J. No. L131, 17.5.84, p. 17
(e) O.J. No. L105, 18.4.84, p. 3

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 herd 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 mutilation 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 a form of the type specified in the Schedule.

Certification procedures

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

(*a*) collect the calves at a convenient place for the purposes of examination and marking by an appointed officer;

(*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 the preceding paragraph an authorised person:

(**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, apart from paragraph (4), be entitled for that purpose to exercise a power of entry and inspection under paragraph (1) or (2)

he may issue a warrant under his hand empowering 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.

Sealed with the Official Seal of the Department of Agriculture on 4th January 1985.

(L.S.) *N. E. Morrison,*
Assistant Secretary