

## 1992 No. 190

## AGRICULTURE

**The Oilseeds Producers (Support System) Regulations  
(Northern Ireland) 1992**

*Made* . . . . . 13th April 1992

*Coming into operation* . . . . . 22nd May 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 Economic Community in exercise of the powers conferred on 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 Oilseeds Producers (Support System) Regulations (Northern Ireland) 1992 and shall come into operation on 22nd May 1992.

*Interpretation*

2.—(1) In these Regulations—

“authorised officer” means an officer of the Department duly authorised for the purposes of regulation 5;

“the Commission Regulation” means Commission Regulation (EEC) No. 615/92(c) laying down detailed rules for a support system for producers of soya beans, rape seed, colza seed and sunflower seed;

“the Council Regulation” means Council Regulation (EEC) No. 3766/91(d) establishing a support system for producers of soya beans, rape seed, colza seed and sunflower seed;

“the Department” means the Department of Agriculture for Northern Ireland;

“oilseeds” means soya beans, rape seed, colza seed and sunflower seed;

“specified control measure” means any check, test, verification, inspection, investigation, control or other operation a Member State is required to carry out under Article 4(5) or 9 of the Council Regulation or Article 4, 6(2), 10, 11, 12, 13, 14, 16 or 17 of the Commission Regulation.

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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. 1984 No. 253

(c) O.J. No. L67, 11.3.92, p. 11

(d) O.J. No. L356, 24.12.91, p. 17

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

(3) The Interpretation Act (Northern Ireland) 1954(a) except section 20(2) and (3) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

#### *Minimum plot size*

3.—(1) Subject to paragraph 2, for the purposes of Article 3(1)(ii)(b) of the Commission Regulation, the minimum plot size shall be 0.1 hectares.

(2) Where seed of a type specified in Article 6(1)(d) of the Commission Regulation is sown the minimum plot size shall be 0.01 hectares.

#### *Latest date for lodging applications for direct payment*

4.—(1) For the purposes of Article 3(1)(iv) of the Commission Regulation, the latest date for the lodging of an application for a direct payment shall be the date specified in Annex I to that Regulation.

(2) For the purposes of Article 5 of the Commission Regulation, the latest date for the lodging of a harvest declaration shall be the date specified in Annex I to that Regulation.

#### *Powers of authorised officers*

5.—(1) An authorised officer may at all reasonable times and on production of his authority on demand, exercise the powers specified in this regulation for the purposes of—

- (a) carrying out any specified control measure; or
- (b) ascertaining whether an offence under regulation 9(2) has been or is being committed.

(2) An authorised officer may enter any land, other than land used only as a dwelling, which is, or which such officer has reasonable cause to believe to be, a production holding 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 land may—

- (a) inspect all or any part of the land farmed by a producer;
- (b) inspect any oilseeds growing on that land or kept on it; and
- (c) where the producer's application states that he has sown seed of a type specified in Article 6(1)(b) of the Commission Regulation, remove a sufficient quantity of seed of the type sown in order to carry out the analysis referred to in Annex V or Annex VI of that Regulation.

(4) An authorised officer entering any land 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 direct payment 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, where any such record is kept by means of a computer, require it to be produced in a form in which it may be taken away.

#### *Assistance to authorised officers*

6. A producer or any employee, servant or agent of a producer shall give to an authorised officer such assistance as may be reasonably requested so as to enable the authorised officer to exercise any power conferred upon him by regulation 5.

#### *Rate of interest*

7. For the purposes of Article 14(6) of the Commission Regulation, interest shall be calculated at the rate of two percentage points above the sterling three months London Interbank Offered Rate on a day to day basis for the period specified in that Article.

#### *Recovery of payments*

8. The Department may recover from any person any payment that person is required to return under Article 14 of the Commission Regulation together with interest thereon as specified in paragraph (6) of that Article.

#### *Offences and penalties*

9.—(1) If any person—

- (a) intentionally obstructs an authorised officer (or a person accompanying him and acting under his instructions) in the exercise of a power conferred by regulation 5; or
- (b) fails without reasonable excuse to comply with a request made under regulation 6;

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.

(2) If any person for the purpose of obtaining the whole or any part of a direct payment or in purported compliance with any requirement imposed in accordance with regulation 5(5)—

- (a) furnishes information which he knows to be false or misleading in a material particular; or
- (b) recklessly furnishes information which is false or misleading in a material particular,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,000.

(3) Proceedings for an offence under paragraphs (1) and (2) may be brought within a period of six months from the date on which evidence

sufficient in the opinion of the Department to justify proceedings comes to its knowledge, and in any case within twelve months from the commission of the offence.

(4) A certificate purporting to be signed for the purposes of paragraph (3) on behalf of the Department shall be conclusive evidence of the date on which evidence sufficient to justify proceedings came to its knowledge.

(5) Where an offence under this regulation which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (5) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### *Prosecutions*

**10.** Proceedings for an offence under these Regulations shall not be instituted except by or on behalf of the Department.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 13th April 1992.

(L.S.)

*I. C. Henderson*

Assistant Secretary

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

These Regulations, which come into operation on 22nd May 1992, supplement Council Regulation (EEC) No. 3766/91 establishing a support system for producers of soya beans, rape seed, colza seed and sunflower seed (O.J. No. L356, 24.12.91, p. 17) ("Council Regulation") and Commission Regulation (EEC) No. 615/92 laying down detailed rules for a support system for producers of soya beans, rape seed, colza seed and sunflower seed (O.J. No. L67, 11.3.92, p. 11) ("Commission Regulation").

The Council Regulation makes provision for the payment to producers of soya beans, rape seed, colza seed and sunflower seed ("oilseeds") payments calculated according to the area cultivated and subject to the conditions specified in that Regulation and the Commission Regulation.

These Regulations—

- (a) specify the minimum plot size in respect of which producers will be eligible for direct payments (regulation 3);
- (b) specify the latest dates for the lodging of an application for a direct payment and of a harvest declaration (regulation 4);
- (c) confer on authorised officers powers of entry, inspection, seizure and retention of records and require that they be given such assistance as they may reasonably request (regulations 5 and 6);
- (d) specify the rate of interest applicable when producers of oilseed are required to repay payments made to them (regulation 7);
- (e) empower the Department to recover payments made by it to producers (regulation 8);
- (f) create offences and penalties and provide that prosecutions can be brought by or on behalf of the Department (regulations 9 and 10).