

1992 No. 570

AGRICULTURE

**Deseasonalisation Premium (Protection of Payments)
Regulations (Northern Ireland) 1992***Made* 30th December 1992*Coming into operation* 1st January 1993

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 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 Deseasonalisation Premium (Protection of Payments) Regulations (Northern Ireland) 1992 and shall come into operation on 1st January 1993.

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 castrated male animal of the bovine species;

“authorised person” means any person authorised in writing by the Department to act for the purposes of regulation 4;

“the Commission Regulation” means EEC Commission Regulation of 27th November 1992(d) laying down the implementing rules of the premium schemes provided for in Articles 4a to 4k of Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal;

(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. L391, 31.12.92, p. 20

“the Council Regulation” means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal, as amended(a);

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

“premium” means the deseasonalisation premium referred to in Article 4c of the Council Regulation;

(3) Other expressions used in these Regulations have, in so far as the context admits, 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 during the period 1st May to 31st May 1993 inclusive.

(3) A producer may lodge only one application.

Powers of entry and inspection

4.—(1) An authorised person may, up to the end of the third year after the calendar year in which an application for a premium was lodged—

(a) enter at any reasonable time upon any land which was used for the slaughter of animals to which that application related; and

(b) search for, examine, take possession of or copy any record or document relating to that application.

(2) An authorised person acting in exercise of the powers conferred by paragraph (1) shall carry a warrant of his authority so to act and shall produce it on demand.

Recovery of premiums

5. If at any time after a premium payment has been made it appears to the Department that any person—

(a) in order to obtain the premium payment made a false statement; or

(b) has, in relation to that premium payment, contravened or failed to comply with any requirement imposed by or under the Council Regulation, the Commission Regulation or these Regulations;

(a) O.J. No. L148, 28.6.68, p. 24 (O.J./S.E. 1968(I) p. 187) as amended by Council Regulation (EEC) No. 1261/71 (O.J. No. L132, 18.6.71, p. 1), Council Regulation (EEC) No. 2822/72 (O.J. No. L298, 31.12.72, p. 1), Council Regulation (EEC) No. 1855/74 (O.J. No. L195, 18.7.74, p. 14), Council Regulation (EEC) No. 568/76 (O.J. No. L067, 15.3.76, p. 28), Council Regulation (EEC) No. 425/77 (O.J. L061, 5.3.77, p. 1), Council Regulation (EEC) No. 2916/79 (O.J. L329, 24.12.79, p. 15), Council Regulation (EEC) No. 3768/85 (O.J. L362, 31.12.85, p. 8), Council Regulation (EEC) No. 3905/87 (O.J. No. L370, 30.12.87, p. 7), Council Regulation (EEC) No. 571/89 (O.J. L061, 4.3.89, p. 43), Council Regulation (EEC) No. 1628/91 (O.J. L150, 15.6.91, p. 16) and Council Regulation (EEC) No. 2066/92 (O.J. No. L215 30:7.92, p. 49).

the Department may recover from him as a civil debt the whole or any part of the amount of the premium payment together with interest in respect of the period between the date on which any premium was paid and the date on which it was recovered calculated at a rate to be determined by the Department.

Offences

6.—(1) If any person wilfully obstructs an authorised person who is acting under regulation 4, he shall be liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding one month or both.

(2) If any person—

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

(b) wilfully makes a false entry in any book, account, record or other document relating to an application for premium or with intent to deceive makes use of any such entry which he knows to be false;

he shall be liable on summary conviction to a fine not exceeding £2,000 or to imprisonment for a term not exceeding three months or both or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 30th December 1992.

(L.S.)

D. A. J. Hirrell

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Article 4c of Council Regulation (EEC) No. 805/68 (inserted by Council Regulation (EEC) No. 2066/92) enables the payment to beef and veal producers of a deseasonalisation premium. Detailed rules for the administration of the premium are laid down in Articles 1, 19 to 21, 53 to 56 and 61 of Commission Regulation (EEC) No. 3886/92 laying down the implementing rules of the premium schemes provided for in Articles 4a to 4k of Council Regulation (EEC) No. 805/68. Northern Ireland satisfies the conditions for the granting of the premium in 1993 and it will therefore be paid on eligible animals slaughtered during the period 1st January 1993 to 30th April 1993.

These Regulations supplement the relevant provisions of the Council and Commission Regulations in respect of 1993. A producer may lodge an application with the Department of Agriculture during the period 1st May to 31st May 1993 inclusive (regulation 3). The Regulations permit an authorised person acting on behalf of the Department of Agriculture to enter premises used for the slaughter of animals in respect of which premium has been claimed to inspect relevant documents (regulation 4). They also specify the circumstances in which premium payment may be recovered by the Department of Agriculture (regulation 5). The Regulations also create offences relating to the making of false statements (which are punishable on summary conviction with a fine not exceeding £2,000 or imprisonment for a term not exceeding 3 months or both, or on conviction on indictment with a fine or with imprisonment not exceeding 2 years or both and wilful obstruction of an authorised person exercising the powers of entry which is punishable on summary conviction with a fine not exceeding £400 or imprisonment for a term not exceeding one month or both) (regulation 6).

Application forms with explanatory notes will be available from the Department of Agriculture's County Agricultural Development Offices from the end of April 1993.