

1994 No. 211

AGRICULTURE

**The Suckler Cow Premium (Amendment) Regulations
(Northern Ireland) 1994**

Made 9th June 1994

Coming into operation 1st July 1994

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 upon 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 Suckler Cow Premium (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 1st July 1994.

Interpretation

2.—(1) In these regulations “the principal Regulations” means the Suckler Cow Premium Regulations (Northern Ireland) 1993(c).

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment

3. Regulation 2 (Interpretation) of the principal Regulations shall be amended as follows:—

(a) in the definition of “Council Regulation” for the phrase “and Council Regulation EEC No. 125/93(c)” substitute “Council Regulation (EEC) No. 125/93 and Council Regulation (EC) No. 3611/93”.

(b) insert the following definition after the definition of “the Department”:—

“ “Overgrazing” means grazing land with Livestock—

(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) S.R. 1993 No. 280

(d) 1954 c. 33 (N.I.)

- (a) in such numbers as adversely to affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree; or
- (b) in such numbers that the need for supplementary feeding leads to excessive trampling and poaching of the land by the animals or excessive rutting by vehicles used to transport the feed;”.

4. In paragraph (1) of regulation 3 (applications) substitute “9th December” for “11th December”.

5. Insert the following regulation after regulation 3:

“*Overgrazing*

3A.—(1) The number of cattle in respect of which premium may be paid to a producer for any given calendar year shall not exceed the number of cattle which the Department notifies to the producer as being the number which the land on which those cattle are to be grazed and maintained during the retention period for them is in the opinion of the Department capable of carrying without overgrazing the whole or any part of it, taking into account the number of other animals to be grazed and maintained on that land in that period.

(2) Where the Department is satisfied that the number of cattle being grazed and maintained on land during the retention period for them exceeds the number notified for the land by the Department under paragraph (1) the Department may withhold all premium payments otherwise payable to the producer for the calendar year concerned.

(3) In paragraphs (1) and (2), the retention period for the cattle is that referred to in Article 4(d)(5) or, as the case may be, (6), of Council Regulation 805/68 and starting as indicated in Article 23 of Commission Regulation 3886/92.

(4) In paragraph (3) of regulation 5 (powers of authorised persons)—

- (a) delete the word “and” at the end of sub-paragraph (b);
- (b) substitute a semi colon followed by the word “and” for the full stop at the end of sub-paragraph (c); and
- (c) insert the following sub-paragraph after sub-paragraph (c)—

“(d) inspect that land for the purpose of determining whether or not it has been subject to overgrazing”.

(5) In paragraph (d)(i) of regulation 9 (offences) substitute “under regulation 5(5)” for “by regulation 4.”.

(a) O.J. No. L18, 27.1.93, p. 1

(b) O.J. No. L328, 29.12.93, p. 7

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 9th June 1994.

(L.S.)

L. Sinclair

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations, which come into operation on 1st July 1994, make a number of amendments to the Suckler Cow Premium Regulations (Northern Ireland) 1993 (S.R. 1993 No. 280) (“The 1993 Regulations”).

2. The principal amendment made to the 1993 Regulations is the insertion of a new regulation, regulation 3A. That regulation gives effect to the amendment made to Article 4G of the Council Regulation (EEC) No. 805/68 by Council Regulation (EC) No. 3611/93 (O.J. No. L328, 29.12.93, p. 7) which amendment permits member States to introduce environmental protection measures into, inter alia, the Suckler Cow Premium Scheme. The new regulation limits premium payments to the number of cattle which the land on which they are being grazed and maintained can support. The new regulation 3A also permits premium payments otherwise payable for a calendar year to be withheld completely if the land is overgrazed.

3. Two consequential amendments are made to the 1993 Regulations in the light of the insertion of the new regulation 3A namely—

- (a) the insertion into regulation 2(1) of a definition of “overgrazing”; and
- (b) the giving of a further power to an authorised person (by the insertion of an additional sub-paragraph (d), into regulation 5(3)), that of inspecting land for the purpose of determining whether or not it has been subject to overgrazing.

4. These Regulations further amend the 1993 Regulations by—

- (a) In regulation 2(1) updating the definition of Council Regulation (EEC) No. 805/68 in the light of aforementioned amendment made to it by Council Regulation 3(1) No. 3611/93;
- (b) In regulation 3(1) substituting a reference to “9th December” for the existing reference to “11th December”; and
- (c) correcting a textual inaccuracy contained in regulation 9(d)(i).