
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 199

AGRICULTURE

Slaughter Premium Regulations (Northern Ireland) 2001

Made *9th May 2001*

Coming into operation *6th June 2001*

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The Department of Agriculture and Rural Development, 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 on it by the said section 2(2) and every other power enabling it in that behalf, hereby makes the following Regulations:—

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Slaughter Premium Regulations (Northern Ireland) 2001 and shall come into operation on 6th June 2001.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

“application period” means the period in which claimants are eligible to apply for slaughter premium in any given year;

“authorised person” means a person who is authorised by the Department, either generally or specially, to act, subject to regulation 17, in matters arising under these Regulations;

“bovine animal” means an animal of the domestic bovine species;

“cattle passport” means, in relation to a bovine premium animal—

(a) to which the Cattle Passport Regulations (Northern Ireland) 1999(d) apply, a cattle passport as defined in regulation 2(2) of those Regulations;

(b) to which Article 6(1) of Council Regulation 820/97 applied, a valid cattle passport issued pursuant to that Article; and

(c) to which Article 6(1) of Regulation 1760/2000 applies, a valid cattle passport issued pursuant to that Article;

“claim” means a claim for slaughter premium;

(a) S.I. 1972/1811
(b) 1972 c. 68
(c) 1954 c. 33 (N.I.)
(d) S.R. 1999 No. 324

“claimant” means a producer who submits a claim for slaughter premium;
“claimant’s document” means any of the following documents or records, whether in writing or kept by means of a computer—

- (a) any cattle passport;
- (b) any register kept in compliance with Article 7(1) and (4) of Regulation 1760/2000;
- (c) any document completed in compliance with regulation 7(1) of the Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999(a);
- (d) any record made under Article 3 of the Animals (Records) Order (Northern Ireland) 1997(b); or
- (e) any book, register (other than a register referred to in paragraph (c)), bill, invoice, account, receipt, certificate, voucher, correspondence or other document or record relating to a bovine animal;

“Commission Regulation 3887/92” means Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes(c);

“Commission Regulation 2342/1999” means Commission Regulation (EC) No. 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes(d), as amended by Commission Regulation (EC) No. 1042/2000(e) and Commission Regulation (EC) No. 1900/2000(f);

“the Community rules” means the rules concerning slaughter premium laid down in Articles 11, 21 and 23 of Council Regulation 1254/1999 and Chapter V of Commission Regulation 2342/1999 and the rules concerning the content of claims laid down in Article 5 of, and reduction of Community aid laid down in Articles 10, 10b, 10c and 10d of Commission Regulation 3887/92;

“computerised database” means the Animal and Public Health Information System (APHIS) as provided for in Article 5 of Regulation 1760/2000;

“Council Regulation 820/97” means Council Regulation (EC) No. 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products(g);

(a) S.R. 1999 No. 265

(b) S.R. 1997 No. 172 partially revoked by S.R. 1998 No. 27

(c) O.J. No. L391, 31.12.92 p. 36, as last amended by Commission Regulation (EC) No. 2801/1999 (O.J. No. L340, 31.12.1999, p. 29)

(d) O.J. No. L281, 4.11.1999, p. 30

(e) O.J. No. L118, 19.5.2000, p. 4

(f) O.J. L228, 8.9.2000, p. 25

(g) O.J. No. L117, 7.5.1997, p. 1 repealed by Regulation (EC) No. 1760/2000 of the European Parliament and of the Council (O.J. No. L204, 11.8.2000, p. 1)

“Council Regulation 1254/1999” means Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal^(a);

“Department” means the Department of Agriculture and Rural Development;

“eartag number” means—

(a) the number on an eartag attached to a bovine animal to which Article 14 of the Tuberculosis Control Order (Northern Ireland) 1964 applied^(b);

(b) the number on an eartag attached to a bovine animal as the approved identification required by Part II of Article 4 of the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998^(c); or

(c) the unique identification code referred to in Article 4(1) of Regulation 1760/2000,

as the case may be;

“electronic communication” has the same meaning as in the Electronic Communications Act 2000^(d);

“holding” means all production units managed by a producer situated within the United Kingdom;

“the IACS Regulations” means the Integrated Administration and Control System Regulations 1993^(e);

“notification document” means the pre-printed document supplied by the Department from its computerised database to producers whose animals have been slaughtered during the application period;

“officer” means a director, manager, secretary or other similar officer of a claimant, or any person who purports to act in any such capacity;

“overgrazing” means grazing land with livestock in such numbers as to adversely affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree and “overgrazed” shall be construed accordingly;

“premium adult animal” means a bovine animal at least eight months old at the time of its slaughter in respect of which a claim has been or will be submitted, other than a premium older animal;

“premium animal” means a premium adult animal, a premium calf and a premium older animal;

“premium calf” means a bovine animal at least one, but less than seven months old at the time of its slaughter and with a carcass weight of less than 160 kilograms, in respect of which a claim has been or will be submitted;

(a) O.J. No. L160, 26.6.1999, p. 21

(b) S.R. 1964 No. 31 as revoked and re-enacted by S.R. 1999 No. 263

(c) S.R. 1998 No. 279 as amended by S.R. 1999 No. 324

(d) 2000 c. 7

(e) S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573

“premium older animal” means a bovine animal in respect of which a claim has been or will be submitted, which is slaughtered on the day after it attains the age of thirty months, or later;

“producer” has the same meaning as in Chapter 1 of Title I of Council Regulation 1254/1999;

“Regulation 1760/2000” means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(a);

“relevant competent authority” has the same meaning as in the IACS Regulations;

“retention period” means the minimum period, referred to in Article 37 of Commission Regulation 2342/1999, for which a claimant must hold a premium animal, which is—

(a) one month in the case of a premium calf less than three months old at the time of its slaughter, and

(b) two months in the case of any other premium animal.

“slaughter premium” means a premium granted pursuant to Article 11 of Council Regulation 1254/1999 to a producer keeping bovine animals on his holding, on the slaughter of a bovine animal;

“specified control measure” means any check which a member State is required to carry out under Article 6 of Commission Regulation 3887/92; and

“unsuitable supplementary feeding methods” means providing supplementary feed (other than to maintain livestock during abnormal weather conditions) in such a manner as to result in damage to vegetation through excessive trampling or poaching of land by livestock or excessive rutting by vehicles.

(3) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

(4) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date on which these Regulations are made.

PART II

CONDITIONS FOR PAYMENT OF SLAUGHTER PREMIUM

Application of regulations 4 to 12

3. Regulations 4 to 12 shall apply to claimants and occupiers of land to the extent that the Department is the relevant competent authority in relation to their holdings for the purposes of the IACS Regulations.

(a) O.J. No. L204, 11.8.2000, p. 1

Claim for slaughter premium

4.—(1) A claim, in the form of the notification document, in respect of a premium calf and a claim in respect of a premium adult, shall be submitted to the Department and shall be accompanied by such documents as the Department may reasonably require.

(2) It is the responsibility of the claimant to check the accuracy of the notification documents and to delete entries that are not eligible.

(3) Any animals which the claimant has confirmed to be eligible under the Scheme but which are not listed on the notification document should be entered together with supporting claimant's documents confirming the eligibility of the animal.

Period for submitting claims

5. A claim shall be submitted to the Department within a period commencing with the day after the date of slaughter for the premium animal in respect of which the claim is submitted and expiring—

(a) six months later; or

(b) at the end of February in the calendar year following that in which that premium animal was slaughtered,

whichever is the sooner.

Animals slaughtered in Great Britain

6.—(1) No claimant shall be granted a slaughter premium on the slaughter of a premium animal that has been exported to Great Britain for slaughter unless the conditions specified in paragraph (2) have been satisfied.

(2) That, in the case of the slaughter of a premium animal, it has been slaughtered in a slaughterhouse in England, Scotland or Wales registered for the slaughter of premium animals in accordance with Article 35 of Commission Regulation (EC) No. 2342/1999.

Retention of records

7. A claimant shall retain any book, register (other than a register kept in compliance with Article 7(1) and (4) of Regulation 1760/2000), bill, invoice, account, receipt, certificate, voucher, correspondence or other document or record relating to a premium animal in respect of which he has submitted a claim for a period of four years from the date on which the claim was submitted.

Overgrazing

8.—(1) Subject to paragraph (2), where the Department forms the opinion that any parcel of land is being overgrazed, it may serve on the occupier a written notice specifying the maximum number of bovine animals which may be grazed and maintained on that parcel in the following calendar year.

(2) The maximum number referred to in paragraph (1) shall be determined having regard to such conditions as may be specified in the notice.

(3) Where the Department has previously served a notice under paragraph (1) or any of the provisions specified in paragraph (5) in relation to a parcel of land, it may serve a further such notice in relation thereto without having formed the opinion that it is being overgrazed.

(4) Where the Department has served a notice in relation to a parcel of land under paragraph (1) or (3), or any of the provisions specified in paragraph (5), it shall withhold, or, where it has already been paid, recover any slaughter premium payable or paid on such number of premium animals grazed and maintained there in the calendar year in respect of which that notice was issued as, when added to the number of other animals (including other premium animals) grazed and maintained there in that year, results in the maximum number of animals specified in the notice being exceeded.

(5) The provisions referred to in paragraph (3) are—

- (a) regulation 10 of the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1996(a);
- (b) regulation 3A of the Suckler Cow Premium Regulations (Northern Ireland) 1993(b); and
- (c) regulation 3A of the Sheep Annual Premium Regulations (Northern Ireland) 1992(c).

(6) The Department may withhold or recover slaughter premium pursuant to paragraph (3) where it is satisfied that any other condition in the notice has been breached.

Unsuitable supplementary feeding methods

9.—(1) Where in any calendar year, a claimant uses unsuitable supplementary feeding methods, the Department may—

- (a) in accordance with paragraph (2), reduce or withhold the amount of slaughter premium otherwise payable to him; or
- (b) where slaughter premium has already been paid to him, recover any slaughter premium so paid;

in respect of premium animals slaughtered in that year.

(2) Where the claimant was not penalised for using unsuitable supplementary feeding methods under paragraph (1) nor under any of the provisions specified in paragraph (3) in the preceding calendar year, the amount of slaughter premium referred to in paragraph (1) may be reduced by ten per cent; where the claimant was so penalised in the preceding calendar year, but not in the calendar year before that, that amount may be reduced by twenty per cent; and where the claimant was so penalised in each of the two preceding years that amount may be withheld.

(3) The provisions referred to in paragraph (2) are—

(a) S.R. 1996 No. 611
(b) S.R. 1993 No. 280 as amended by S.R. 1994 No. 211, S.R. 1995 No. 246, S.R. 1996 No. 229 and S.R. 1997 No. 53
(c) S.R. 1992 No. 476 as amended by S.R. 1994 No. 404, S.R. 1995 No. 403, S.R. 1996 No. 497, S.R. 1997 No. 485, S.R. 1999 No. 457 and S.R. 2000 No. 301

- (a) regulation 11 of the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1996;
- (b) regulation 3B of the Suckler Cow Premium Regulations (Northern Ireland) 1993; and
- (c) regulation 3B of the Sheep Annual Premium Regulations (Northern Ireland) 1992.

Withholding and recovery of slaughter premium

10.—(1) The Department may withhold, or recover on demand, the whole or any part of any slaughter premium claimed from or granted by it in any of the following circumstances—

- (a) where the grant of a slaughter premium to the claimant in question would not, or does not, comply with the Community rules;
- (b) where, at any time between the submission of the claim in respect thereof and its slaughter, a premium animal was not—
 - (i) subject to an approved identification as required by Article 4 of the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998;
 - (ii) identified with an ear tag in accordance with which Article 14 of the Tuberculosis Control Order (Northern Ireland) 1964 applied;
 - (iii) identified in accordance with Regulation 4 of the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998(a);
 - (iv) identified and registered in accordance with Council Regulation 820/97 and Commission Regulation (EC) No. 2629/97 laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals; or
 - (v) identified and registered in accordance with Regulation 1760/2000.
- (c) where the conditions specified in regulation 6(1) have not been satisfied; or
- (d) where the claimant in question, or an officer, employee, servant or agent of that claimant, intentionally obstructs an authorised person, or a person accompanying an authorised person and acting under his instructions, from exercising any power conferred by regulations 14 or 15, or fails without reasonable excuse to comply with a requirement made by an authorised person under regulation 15, or with a request made by an authorised person under regulation 16; and
- (e) where the claimant has, for the purpose of obtaining for himself or any other person the grant of slaughter premium, knowingly or recklessly made a statement or furnished any information which is false or misleading in a material particular.

(2) Before taking any step specified in paragraph (1)(a) to (e) the Department shall—

- (a) give to the claimant a written explanation of the reasons for the step proposed to be taken;
- (b) afford the claimant the opportunity of making written representations within such time as the Department considers reasonable; and
- (c) consider any such representations.

(3) This regulation applies without prejudice to any dispute procedure contained in an undertaking made under these Regulations.

(4) In this regulation, “dispute procedure” means a mechanism for resolving disputes between the Department and the claimant.

Rate of interest

11. Where the Department recovers the whole or any part of any slaughter premium pursuant to regulation 10, unless the sum recovered was paid as a result of the Department’s own error, it shall be entitled in addition to charge and recover on demand interest on the sum recovered at the rate of one per cent above the sterling three months London Interbank Offered Rate on a day-to-day basis for the period from payment to recover i.e. recovery.

PART III

NOTICES

Service of notices

12. Any notice required to be served on an occupier of a parcel of land pursuant to regulation 8(1) or (3) may be served—

- (a) by delivering it to him;
- (b) by leaving it at his usual or last known place of abode or business, or, if he has given an address for service, at that address; or
- (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to him at his usual or last-known place of abode or business, or if he has given an address for service, at that address.

PART IV

ENFORCEMENT

Exercise of powers by authorised persons

13. An authorised person may at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, exercise the powers conferred by regulations 14 and 15 for the purposes of—

- (a) carrying out any specified control measure;
- (b) ascertaining whether an offence under regulation 18 has been or is being committed; or

- (c) ensuring that slaughter premium has been or will be granted only in accordance with—
 - (i) Community rules; and
 - (ii) the requirements of regulations 8 and 9.

Powers of entry and inspection

14.—(1) An authorised person may enter any land other than land used only as a dwelling, which is, or which he reasonably believes to be occupied by a claimant or used by him for keeping bovine animals.

(2) An authorised person who has entered any land by virtue of this regulation may—

- (a) inspect and verify the area of the land or any part thereof;
- (b) inspect any building, structure or equipment, including weighing equipment on the land;
- (c) inspect and count any bovine animals on the land and read their eartags or other identification marks;
- (d) inspect any carcase, or part of a carcase, of any bovine animal on the land;
- (e) carry out any other activity which is a specified control measure; and
- (f) inspect the land for the purpose of determining whether it has been overgrazed or whether unsuitable supplementary feeding methods have been used on it.

(3) An authorised person entering land by virtue of this regulation may take with him such other persons acting under his instructions as he considers necessary.

Powers in relation to documents

15. An authorised person may—

- (a) require a claimant or any officer, employee, servant or agent of a claimant to produce any claimant's document in his possession or under his control and to supply such additional information in that person's possession or under his control relating to a claim as the authorised person may reasonably request;
- (b) examine any claimant's document referred to in sub-paragraph (a) and, where it 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 used in connection with that claimant's document;
- (c) make such copies of any claimant's document referred to in sub-paragraph (a) as he may think fit; and
- (d) seize and retain any claimant's document referred to in sub-paragraph (a) which he has reason to believe may be required as evidence in proceedings under these Regulations and, where any such claimant's document 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 persons

16. A claimant, any officer, employee, servant or agent of a claimant, and any person in charge of animals on land entered pursuant to regulation 14 shall render an authorised person such assistance as he may reasonably request so as to enable him to exercise any power conferred by regulation 14 or 15 and in particular, in relation to any bovine animal, shall arrange for the penning and securing of such animal if so requested.

Limits on powers of authorised persons

17. An authorised person may exercise the powers conferred by regulations 14 and 15, and act otherwise in matters arising under these Regulations, only where, and to the extent that, the Department is the relevant competent authority by virtue of the IACS Regulations.

Offences

18. It shall be an offence for a person—

- (a) without reasonable excuse to fail to comply with regulation 7;
- (b) intentionally to obstruct an authorised person in the exercise of a power conferred by regulation 14 or 15;
- (c) without reasonable excuse, to fail to comply with a requirement made under regulation 15 or a request made under regulation 16; or
- (d) knowingly or recklessly to make a statement or furnish any information which is false or misleading in a material particular where the statement is made or the information is furnished for the purpose of obtaining for himself or any other person the grant of a slaughter premium.

Penalties

19.—(1) A person guilty of an offence under regulation 18(a), (b) or (c) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person guilty of an offence under regulation 18(d) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Time limit for prosecutions

20.—(1) Proceedings for an offence under regulation 18 may, subject to paragraph (2), be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant proceedings comes to his knowledge.

(2) No such proceedings shall be commenced by virtue of this regulation more than twelve months after the commission of the offence.

(3) For the purpose of this regulation, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th May 2001.

(L.S.)

R. Jordan

A senior officer of the Department of
Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which come into operation on 6th June 2001, lay down implementing measures for the slaughter premium scheme for bovine animals introduced by Article 11 of Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal (O.J. No. L160, 26.6.1999, p. 21). The Regulations provide for the administration of the scheme in relation to holdings in Northern Ireland and also holdings situated partly in Northern Ireland and partly elsewhere in the United Kingdom, where the Department of Agriculture and Rural Development is responsible for processing the farmer's claim for slaughter premium (regulations 3 to 11). They also lay down enforcement provisions in relation to holdings or parts of holdings in Northern Ireland (regulations 13 to 20).

The provisions relating to administration establish the procedure for submitting claims for premium (regulations 4 and 5), impose sanctions for overgrazing and the use of unsuitable supplementary feeding methods (which are included as a condition of the scheme by virtue of Article 3 of Council Regulation (EC) No. 1259/1999 establishing common rules for direct support schemes under the common agricultural policy (O.J. No. L160, 26.6.1999, p. 113)) (regulations 8 and 9), and provide for withholding or recovery of slaughter premium where there is a breach of the rules of the scheme (regulations 10 and 11). Regulation 6 requires that for animals exported to Great Britain to be eligible for slaughter premium, animals must be slaughtered in registered slaughterhouses. Regulation 7 requires claimants to retain certain records.

The provisions relating to enforcement confer powers of entry, inspection and collection of evidence on authorised persons (regulations 14 and 15). These include the powers required under Article 6 of Commission Regulation (EC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes (O.J. No. L391, 31.12.92 p. 36). Regulations 18 to 20 deal with offences and penalties.

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