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 STATUTORY INSTRUMENTS
 

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1982 No. 1683

## AGRICULTURE

**The Suckler Cow Premium Regulations 1982**

<i>Made - - - -</i>	24th November 1982
<i>Laid before Parliament</i>	7th December 1982
<i>Coming into Operation</i>	28th December 1982

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to the Common Agricultural Policy of the European Economic Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

*Title and commencement*

1. These regulations may be cited as the Suckler Cow Premium Regulations 1982 and shall come into operation on 28th December 1982.

*Extent*

2. These regulations extend to the United Kingdom.

*Interpretation*

3.—(1) In these regulations, unless the context otherwise requires—  
“authorised officer” means—

- (a) in relation to England, an authorised officer of the Minister,
- (b) in relation to Scotland or Wales, an authorised officer of the Secretary of State,
- (c) in relation to Northern Ireland, an authorised officer of the Department of Agriculture for Northern Ireland,

acting in each case on behalf of the competent authority in connection with the discharge of the authority's functions under the principal Council Regulation, the additional Council Regulation, the Commission Regulation and these regulations;

“the Commission Regulation” means Regulation (EEC) No. 1244/82 of the Commission of 19th May 1982<sup>(c)</sup> (which lays down detailed rules implementing the system of premiums for maintaining suckler cows);

“the principal Council Regulation” means Regulation (EEC) No. 1357/80 of the Council of 5th June 1980<sup>(d)</sup> as amended by Regulation (EEC) No. 1417/81 of the Council of 19th May 1981<sup>(e)</sup> and as further amended by Regulation (EEC) No. 1198/82 of the Council of 18th May 1982<sup>(f)</sup> (which introduces a system of premiums for maintaining suckler cows);

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(a) S.I. 1972/1811. (b) 1972 c.68. (c) OJ No. L143, 20.5.82, p. 20.  
(d) OJ No. L140, 5.6.80, p. 1. (e) OJ No. L142, 28.5.81, p. 4. (f) OJ No. L140, 20.5.82, p. 28.

“the additional Council Regulation” means Regulation (EEC) No. 1199/82 of the Council of 18th May 1982 (a) (which provides for the granting of an additional premium for maintaining suckler cows in Northern Ireland);

“the competent authority” has the meaning assigned to it by regulation 4 of these regulations;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“premium” means a suckler cow premium which is payable under the principal Council Regulation or the additional Council Regulation or the payment of which from national funds is authorised by Article 3(2) of the principal Council Regulation or Article 2 of the additional Council Regulation.

(2) Other expressions used in these regulations have, in so far as the context admits, the same meanings as in the principal Council Regulation, the additional Council Regulation and the Commission Regulation.

#### *Appointment of competent authority*

4. For the purpose of the principal Council Regulation, the additional Council Regulation, the Commission Regulation and these regulations the competent authority is—

- (a) in relation to England and Northern Ireland, the Minister;
- (b) in relation to Scotland or Wales, the Secretary of State.

#### *Obligations to permit inspection*

5.—(1) Where a producer has given an undertaking under Article 2(2) of the principal Council Regulation, or where the successor of a producer has given an undertaking under Article 4(3) of the Commission Regulation, that producer or successor shall permit an authorised officer, accompanied by such persons acting under his instructions as appear to him to be necessary for the purpose, at all reasonable times and on production of his authority on demand, to—

- (a) verify the total area of land farmed by that producer or successor;
- (b) inspect and count any cattle kept by that producer or successor on such land;
- (c) inspect, and make such copies or take such extracts as the officer thinks fit of,
  - (i) any bill, account, voucher or record in his possession or under his control (which the authorised officer requires him to furnish for inspection) relating to the number of cattle kept or formerly kept by him, or relating to transactions carried out by him or in respect of which he has or has had an interest, concerning cattle, milk or milk products, and
  - (ii) any book, account or record in his possession or under his control (which the authorised officer requires him to furnish for inspection) relating to his holding or relating to a holding in which he has or has had an interest and which the authorised officer considers necessary to substantiate his claim for eligibility as a producer for the purposes of the principal Council Regulation.

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(a) OJ No. L140, 20.5.82, p. 30.

(2) The producer or successor and any person in charge of cattle on the land shall render all reasonable assistance to an authorised officer in relation to any of the matters mentioned in the preceding paragraph.

#### *Recovery of premiums*

6.—(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 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. In such a case the competent authority shall be entitled to recover the premium from the person to whom the premium was paid.

(2) Where any producer—

(a) having given an undertaking under Article 2(2) of the principal Council Regulation, fails in any way to comply with that undertaking, or

(b) fails to satisfy the competent authority with regard to the matters mentioned in Article 2(1) of the principal Council Regulation, or

(c) fails to grant permission to or to assist an authorised officer for the purposes of regulation 5 of these regulations,

the competent authority shall be entitled to recover on demand as a civil debt from the producer the whole or any part of any premium paid to him.

(3) Where any successor of a producer, having given an undertaking under Article 4(3) of the Commission Regulation, fails in any way to comply with that undertaking or fails to grant permission to or to assist an authorised officer for the purposes of regulation 5 of these regulations the competent authority shall be entitled to recover on demand as a civil debt from the successor an amount equal to the whole or any part of any premium paid to the producer.

(4) Where any person in charge of cattle on land fails to assist an authorised officer for the purposes of regulation 5 of these regulations the competent authority shall be entitled—

(a) where such a person was at the time of such failure in charge of cattle kept by a producer, to recover on demand as a civil debt from that producer the whole or any part of any premium paid to that producer;

(b) where such a person was at the time of such failure in charge of cattle kept by the successor of a producer, to recover on demand as a civil debt from that successor an amount equal to the whole or any part of any premium paid to the producer.

#### *Offences*

7. Any person who knowingly or recklessly makes a false statement for the purpose of obtaining the payment to himself or to any other person of a premium shall be liable on summary conviction to a fine not exceeding £400.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd November 1982.



*Peter Walker,*  
Minister of Agriculture, Fisheries and Food.

*Nicholas Edwards,*  
Secretary of State for Wales.

24th November 1982.

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#### EXPLANATORY NOTE

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

Council Regulation (EEC) No. 1357/80 introduced a scheme ("the scheme") for the payment of premiums for maintaining suckler cows. Council Regulations (EEC) No. 1417/81 and No. 1198/82 subsequently amended the scheme, and Council Regulation (EEC) 1199/82 further provided for the granting of additional premiums for maintaining suckler cows in Northern Ireland (replacing Council Regulation (EEC) 1056/81). Commission Regulation (EEC) No. 1244/82 (replacing Commission Regulation (EEC) No. 1581/81) laid down detailed rules implementing the scheme (as amended) in respect of applications for premiums made during the 1982/83 marketing year and successive years.

In addition to premiums payable directly under the scheme from Community funds Member States are authorised within specified limits to pay further premiums from national funds. During the 1982/83 marketing year this option is being exercised by the United Kingdom in the form of an additional national premium of 5 ECU per suckler cow.

The present regulations make provision for those matters which are left to Member States by the scheme and which are necessary for its proper implementation in the United Kingdom. They appoint "the competent authority" responsible for administering the amended scheme in its latest form in the various parts of the United Kingdom (regulation 4), and impose an obligation on a producer (and his successor if he has given an undertaking to continue the scheme) to permit an authorised officer acting on behalf of the competent authority to inspect and count cattle kept by him and to inspect relevant documents (regulation 5). The regulations specify the circumstances in which premiums may be recovered and the persons from whom recovery

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may be made (regulation 6) and they also create offences relating to the making of false statements (which are punishable on summary conviction by a fine not exceeding £400) (regulation 7). For the purposes of regulations 6 and 7 "premium" is now defined to include both a premium payable under the principal Council Regulation or the additional Council Regulation and an additional premium payment of which is authorised by those regulations at the discretion of the Member State (regulation 3(1)).

Corresponding regulations made in 1980 (the Suckler Cow Premium Regulations 1980 (S.I. 1980/1239), as amended by S.I. 1980/1770 and 1980/1979) and 1981 (the Suckler Cow Premium Regulations 1981 (S.I. 1981/1700)) remain in force and have effect in relation to applications for premiums under the schemes made during the 1980/81 and 1981/82 marketing years respectively.

SI 1982/1683  
ISBN 0-11-027683-3

