
 STATUTORY INSTRUMENTS

1983 No. 1009

AGRICULTURE

**The Sheep Variable Premium (Protection of Payments)
(Amendment) Order 1983**
Approved by both Houses of Parliament

<i>Made - - - -</i>	14th July 1983
<i>Laid before Parliament</i>	15th July 1983
<i>Coming into Operation</i>	1st August 1983

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland, Wales and Northern Ireland, acting jointly in exercise of the powers conferred by sections 5 and 35(3) of the Agriculture Act 1957 (a) and now vested in them (b), and of all other powers enabling them in that behalf, hereby make the following Order:—

Title, commencement and interpretation

1.—(1) This Order may be cited as the Sheep Variable Premium (Protection of Payments) (Amendment) Order 1983, and shall come into operation on 1st August 1983.

(2) In this Order “the principal order” means the Sheep Variable Premium (Protection of Payments) (No. 2) Order 1980 (c).

Amendment of article 2 of the principal order

2. In the definition of “certified” in article 2(1) of the principal order the word “certification” shall be substituted for the word “certificate”.

Insertion of article 6A in the principal order

3. After article 6 of the principal order there shall be inserted the following article:—

“Disposal requirement

6A.—(1) In this article—

“disposal period”, in relation to an animal, means the period of twenty-one days immediately following the date of its certification;

“disposal requirement” means the requirement contained in paragraph (2) below.

(2) Every animal shall, before the expiry of the disposal period in relation thereto, be—

(a) slaughtered in Great Britain; or

(a) 1957 c.57. Section 5 is applied to Community arrangements for or related to the regulation of the market for any agricultural produce by section 6(3) of the European Communities Act 1972 (1972 c.68).

(b) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.

(c) S.I. 1980/1811, amended by S.I. 1981/751, 1982/726.

- (b) exported from Great Britain; or
- (c) removed from Great Britain to Northern Ireland.

(3) For the purpose of paragraph (2) above, an animal which is kept in quarantine or isolation until it is exported or removed as aforesaid shall be deemed to have been so exported or removed on the day such quarantine or isolation commenced.

(4) A person shall be deemed to have notice of the date of certification and the disposal requirement in relation to an animal, if he or his agent or employee has received from the authorised officer who certified the animal, or from any person who has sold the animal after its certification, an invoice or similar account or other document informing him in writing of the said date and disposal requirement.

(5) Any person who has claimed a premium payment in respect of an animal after selling it, and who has notice of the date of certification and the disposal requirement in relation thereto, shall, within two days of such certification, inform the purchaser of the animal in writing of the said date and disposal requirement.

(6) No person who has notice of the date of certification and the disposal requirement in relation to an animal shall—

- (a) sell the animal before the expiry of the disposal period in relation thereto, without informing the purchaser in writing of the said date and disposal requirement;
- (b) sell the animal after the expiry of the disposal period in relation thereto;
- (c) (subject to paragraph (7) below) have the animal in his possession or under his control after the expiry of the disposal period in relation thereto.

(7) Paragraph (6)(c) above shall not apply to a person who buys an animal after the expiry of the disposal period in relation thereto provided he slaughters it within one week after the date of purchase and he notifies the purchase in writing to an authorised officer.”.

Amendment of article 8 of the principal order

4. For article 8 of the principal order there shall be substituted the following article:—

“Records of transactions

8.—(1) A person who buys or sells certified animals shall—

- (a) keep a record showing, in respect of every purchase or sale by him of such animals, the particulars specified in Schedule 3 to this Order; and
- (b) make a copy of every document issued by him informing a purchaser in writing of the date of certification and the disposal requirement in relation to such animals.

(2) A person who buys or sells certified animals shall retain, for at least three years after the end of the calendar year in which they were drawn up or issued—

- (a) all records kept pursuant to paragraph (1)(a) above;

(b) all invoices and similar accounts in respect of his purchases and sales of such animals, and all documents informing him or his agent or employee in writing of the date of certification and the disposal requirement in relation to such animals;

(c) all copies made pursuant to paragraph (1)(b) above;

(d) all documents received by him in respect of any such animals exported from Great Britain, or removed from Great Britain to Northern Ireland.

(3) For the purpose of paragraphs (1) and (2) above “certified animal” shall include an animal in respect of which a premium payment is claimed after it has been sold.

(4) A person who is required by paragraph (2) above to retain records, invoices, accounts, copies or documents shall produce the same for inspection if so required by an authorised officer.”.

Amendment to Schedule 3 to the principal order

5. For Schedule 3 to the principal order there shall be substituted the following Schedule:—

“SCHEDULE 3

Article 8

Particulars to be recorded of purchases, sales and disposals of certified animals

1. The date of the transaction.
2. Numbers and descriptions of animals.
3. In the case of a purchase or sale by auction at an auction market, the name and address of the auctioneer, and, in any other case, the name and address of the other party to the transaction.
4. The date of certification.
5. The date of slaughter, export from Great Britain or removal from Great Britain to Northern Ireland of unsold live animals.”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th July 1983.



Michael Jopling,
Minister of Agriculture, Fisheries
and Food.

13th July 1983.

George Younger,
Secretary of State for Scotland.

13th July 1983.

Nicholas Edwards,
Secretary of State for Wales.

14th July 1983.

James Prior,
Secretary of State for
Northern Ireland.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Sheep Variable Premium (Protection of Payments) (No. 2) Order 1980 ("the principal order") by inserting a requirement that animals certified as eligible for a premium payment shall within twenty-one days after the date of their certification be slaughtered, exported from Great Britain, or removed from Great Britain to Northern Ireland.

This is in implementation of Commission Regulation (EEC) No. 1689/83 (O.J. No. L165, 24.6.83, p.23) which adds this requirement to Commission Regulation (EEC) No. 2661/80 laying down detailed rules for applying the variable slaughter premium for sheep (O.J. No. L276, 20.10.80, p.19) as paragraph 4 of Article 1 thereof.

The Order also provides for the enforcement of this requirement.

Article 3 contains the requirement itself, provides that notice thereof shall be given to anyone who purchases a certified animal, and prohibits the sale or holding of a certified animal after the expiry of the twenty-one day period.

Articles 4 and 5 extend the provisions of the principal order concerning the keeping, retention and production of records in respect of sales and purchases of certified animals and remove the record-keeping provisions applying to certified carcasses.

Article 2 corrects a small defect in the principal order.

Any contravention or failure to comply with the provisions contained in this Order is an offence under section 7 of the Agriculture Act 1957.

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