

1983 No. 1010**AGRICULTURE****The Sheep Variable Premium (Recovery Powers) Regulations
1983**

<i>Made - - - -</i>	<i>14th July 1983</i>
<i>Laid before Parliament</i>	<i>15th July 1983</i>
<i>Coming into Operation</i>	<i>5th August 1983</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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, acting jointly in exercise of powers conferred upon them by the said section 2(2), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title, commencement and interpretation

1.—(1) These regulations may be cited as the Sheep Variable Premium (Recovery Powers) Regulations 1983, and shall come into operation on the 5th August 1983.

(2) In these regulations—

“animal” means an animal of the ovine species;

“the Board” means the Intervention Board for Agricultural Produce;

“contravention” includes failure to comply;

“disposal period” has the same meaning as in Article 6A of the Protection Order;

“premium payment” has the same meaning as in the Protection Order;

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

(a) S.I. 1972/1811.

(b) 1972 c. 68.

(c) S.I. 1980/1811, amended by S.I. 1981/751, 1982/726, 1983/1009.

*Recovery of premium payments***2.** Where a person—

- (a) permits an animal in respect of which a premium payment has been made to be used for breeding, in contravention of Article 6 of the Protection Order; or
- (b) sells such an animal, or has such an animal in his possession or under his control, after the expiry of the disposal period in relation thereto, in contravention of Article 6A of the Protection Order;

he shall be liable to pay to the Board on demand an amount equal to the premium payment, and in the event of default in payment that amount shall be recoverable by the Board as a civil debt.

Evidence

3. For the purpose of any proceedings under these regulations, an animal which is proved to have been marked as prescribed for an animal in Schedule 1 to the Protection Order shall be deemed to be an animal in respect of which a premium payment has been made unless the contrary is proved.

Revocation

4. The Sheep Variable Premium (Recovery Powers) Regulations 1980(a) are hereby revoked.

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

(L.S.)

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

13th July 1983.

(a) S.I. 1980/1578.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations replace the Sheep Variable Premium (Recovery Powers) Regulations 1980 (“the 1980 Regulations”). They implement the obligation to recover an amount equal to the variable slaughter premium paid in respect of sheep which is contained in Article 5.2 of 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).

The regulations enable the Intervention Board for Agricultural Produce to recover this amount—

- (a) if an animal is used for breeding, in contravention of Article 6 of the Sheep Variable Premium (Protection of Payments) (No. 2) Order 1980 (a provision repeated from the 1980 Regulations); or
- (b) if an animal is sold or held after the expiry of its “disposal period”—the period within which it must under Article 6A of that Order be slaughtered, exported, or removed to Northern Ireland. Article 6A implements a requirement added to Commission Regulation (EEC) No. 2661/80 as paragraph 4 of Article 1 thereof by Commission Regulation (EEC) No. 1689/83 (O.J. No. L165, 24.6.83, p.23).

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