
STATUTORY INSTRUMENTS

1994 No. 1528

AGRICULTURE

The Suckler Cow Premium (Amendment) Regulations 1994

<i>Made</i>	- - - -	<i>10th June 1994</i>
<i>Laid before Parliament</i>		<i>10th June 1994</i>
<i>Coming into force</i>	- -	<i>1st July 1994</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European 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, extent and commencement

1. These Regulations may be cited as the Suckler Cow Premium (Amendment) Regulations 1994, shall apply in Great Britain and shall come into force on 1st July 1994.

Amendments to the Suckler Cow Premium Regulations 1993

2.—(1) The Suckler Cow Premium Regulations 1993⁽³⁾ shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) in the definition of “Council Regulation 805/68” for the phrase “and Council Regulation (EEC) No. 125/93⁽⁴⁾” substitute “, Council Regulation (EEC) No. 125/93 and Council Regulation (EC) No. 3611/93⁽⁵⁾”; and

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

““overgrazing” means grazing land with livestock—

(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

(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1993/1441.

(4) OJ No. L18, 27.1.93, p.1.

(5) OJ No. L328, 29.12.93, p.7.

- (b) in such numbers that the need for supplementary feeding leads to excessive trampling or poaching of the land by the animals or excessive rutting by vehicles used to transport the feed;”.
- (3) In paragraph (1) of regulation 3 (applications) substitute “9th December” for “11th December”.
- (4) Insert the following regulation after regulation 3—

“Overgrazing

3A.—(1) The number of suckler cows in respect of which premium may be paid to a producer for any given calendar year shall not exceed the number of suckler cows which the appropriate Minister notifies to the producer as being the number which the land on which those suckler cows are to be grazed and maintained during the retention period for them is in his opinion 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 appropriate Minister is satisfied that the number of suckler cows being grazed and maintained on land which is the subject of a notification made by him under paragraph (1) above exceeds the number of suckler cows specified in that notification he may withhold all premium payments otherwise payable to the recipient of the notification for the calendar year to which it relates.

(3) In paragraph (1) above, the retention period for the suckler cows is that referred to in Article 4d(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.”.

- (5) 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.”.
- (6) In regulation 6 (assistance to authorised persons) substitute “by” for “under”.
- (7) In paragraph (d)(i) of regulation 9 (offences) substitute “under regulation 5” for “by regulation 4”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

10th June 1994.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

7th June 1994

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make a number of amendments to the Suckler Cow Premium Regulations 1993 (S.I.1993/1441) [“the 1993 Regulations”]. Like the 1993 Regulations, they apply in Great Britain.

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 Council Regulation (EEC) No. 805/68 by Council Regulation (EC) No. 3611/93 (OJ 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 suckler cows 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, following notification to the producer by the appropriate Minister under paragraph (1) of that new regulation, the land continues to be 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 subparagraph, (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)) up-dating the definition of Council Regulation (EEC) No. 805/68 in the light of the aforementioned amendment made to it by Council Regulation (EC) No. 3611/93;
- (b) (in regulation 3(1)) substituting a reference to “9th December” for the existing reference to “11th December”; and
- (c) correcting textual inaccuracies contained in regulations 6 and 9(d)(i).

5. A compliance cost assessment has been prepared and has been deposited in the Library of each House of Parliament.