
STATUTORY INSTRUMENTS

2001 No. 2503

The Beef Special Premium Regulations 2001

PART IV

General

Powers of authorised persons

15.—(1) An authorised person may at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, exercise the powers specified in this regulation for the purposes of—

- (a) carrying out any specified control measure, or
- (b) ascertaining whether an offence under regulation 19(d) has been or is being committed.

(2) An authorised person may enter any land, other than land used only as a dwelling, which is, or which such person has reasonable cause to believe to be, a holding occupied by, or in the possession of—

- (a) a person who has applied for a national administrative document pursuant to regulation 5; or
- (b) an applicant.

(3) An authorised person who has entered any land by virtue of paragraph (2)(a) may inspect, identify and count any bovine animals on that land.

(4) An authorised person who has entered any land by virtue of paragraph (2)(b) may—

- (a) inspect and verify the total area of land, including forage area, farmed by an applicant;
- (b) inspect, identify and count any bovine animals on that land;
- (c) carry out any other activity which is a specified control measure; and
- (d) inspect that land for the purpose of determining whether or not it has been overgrazed or unsuitable supplementary feeding methods have been used on it.

(5) An authorised person entering any land by virtue of this regulation may take with him such other persons as he considers necessary.

(6) An authorised person may—

- (a) require a person who has applied for a national administrative document, an applicant or any employee, servant or agent of that person or applicant to produce any specified record and to supply such additional information in that person's possession or under his control relating to an application for a national administrative document or beef special premium as the authorised person may reasonably request;
- (b) require a person who is selling a bovine animal in respect of which a national administrative document has been issued to produce or cause to be produced that national administrative document;

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- (c) inspect any cattle passport, national administrative document or specified record and, where any specified record 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 specified record;
- (d) require that copies of, or extracts from, any cattle passport, national administrative document or specified record be produced; and
- (e) seize and retain any specified record which he has reason to believe may be required as evidence in proceedings under these Regulations and, where any such record 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 person who has applied for a national administrative document, an applicant or any employee, servant or agent of that person or applicant shall give to an authorised person such assistance as the authorised person may reasonably request so as to enable the authorised person to exercise any power conferred by regulation 15 and in particular, in relation to any bovine animals, shall arrange for the collection, penning and securing of such bovine animals, if so requested.

Withholding and recovery of premium

17.—(1) Where at any time during a scheme year an applicant fails to—

- (a) comply with the requirements of regulation 14(1);
- (b) comply with the requirements of article 7(4) of Regulation 1760/2000 and the Cattle Identification Regulations 1998; or
- (c) in the reasonable opinion of the appropriate authority, keep any specified record in a form which is accurate and up to date,

the appropriate authority may withhold or recover on demand the whole or any part of any beef special premium payable or, as the case may be, paid to the applicant in respect of that scheme year.

(2) Where an applicant intentionally obstructs an authorised person, or a person accompanying such authorised person and acting under his instructions, from exercising a power conferred by regulation 15, or fails without reasonable excuse to comply with a request made by an authorised person when exercising such a power, the appropriate authority shall be entitled to recover on demand from that applicant the whole or any part of any beef special premium paid to him.

(3) Where a person (other than an applicant) intentionally obstructs an authorised person, or a person accompanying such authorised person and acting under his instructions, from exercising a power conferred by regulation 15, or fails without reasonable excuse to comply with a request made by an authorised person for the purpose of exercising such a power, the appropriate authority shall be entitled where such person was at the time of such obstruction or failure an employee, servant or agent of an applicant, to recover on demand from that applicant the whole or any part of any beef special premium paid to that applicant.

Rate of interest

18. Except where the appropriate authority recovers from any applicant any beef special premium or part of any such premium paid to that applicant as a result of an error of that authority, for the purpose of Article 14(1) of Commission Regulation 3887/92, interest shall be charged at the rate of one percentage point above the sterling three months London Interbank Offered Rate on a day to day basis for the period specified in that Article.

Offences

19. It shall be an offence for a person—

- (a) without reasonable excuse, to fail to comply with the provisions of regulation 6,7,8 or 14(1);
- (b) intentionally to obstruct an authorised person in the exercise of a power conferred by regulation 15;
- (c) without reasonable excuse, to fail to comply with 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—
 - (i) in purported compliance with any requirement imposed by regulation 14(1); or
 - (ii) for the purposes of obtaining for himself or any other person the whole or any part of any beef special premium.

Punishment of offences

20.—(1) A person guilty of an offence under regulation 19(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 19(d) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Time limit for prosecutions

21.—(1) Proceedings for an offence under regulation 19 may, subject to paragraph (2) below, in England and Wales be brought, and in Scotland 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 brought 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.

Offences by bodies corporate

22.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of that body corporate.

(3) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any

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neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Revocations and savings

23.—(1) Subject to paragraph (2), the Beef Special Premium Regulations 1996⁽¹⁾ (“the 1996 Regulations”) and the Beef Special Premium (Amendment) Regulations 1999⁽²⁾ are hereby revoked in so far as they apply to the extent to which these Regulations apply pursuant to regulation 3.

(2) Paragraph (1) shall not affect the continued operation of regulations 11 to 21 of the 1996 Regulations in respect of Community premium (within the meaning of those Regulations) paid under those Regulations.

(1) S.I.1996/3241, as amended by S.I. 1998/871, 1999/1179 and 2000/2573.

(2) S.I. 1999/1179.

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