
STATUTORY INSTRUMENTS

2001 No. 281

AGRICULTURE

The Sheep Annual Premium (Amendment) Regulations 2001

Made - - - - *5th February 2001*
Laid before Parliament *6th February 2001*
Coming into force - - *1st March 2001*

The Minister of Agriculture, Fisheries and Food, being a Minister 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 in exercise of the powers conferred upon him by the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Sheep Annual Premium (Amendment) Regulations 2001 and shall come into force on 1st March 2001.

Interpretation

2. In these Regulations—

“holding” means all the production units managed by a producer situated within the United Kingdom;

“the IACS Regulations” means the Integrated Administration and Control System Regulations 1993⁽³⁾;

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

“the principal Regulations” means the Sheep Annual Premium Regulations 1992⁽⁴⁾; and

(1) S.I. 1972/1811. The power of the Minister of Agriculture, Fisheries and Food to make, as a Minister designated in relation to the common agricultural policy of the European Community, regulations which extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (1998 c. 46). The Minister’s power to make, as a Minister so designated, regulations which extend to Wales is confirmed by article 3(4) of the European Communities (Designation) (No. 3) Order 1999 (S.I. 1999/2788).

(2) 1972 c. 68.

(3) S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.

(4) S.I. 1992/2677, amended by S.I. 1994/2741, 1995/2779, 1996/49, 1997/2500 and 2000/2573.

“producer” means a producer as defined in Article 1 of Council Regulation (EEC) No. 3493/90 (laying down general rules for the grant of premium to sheepmeat and goatmeat producers)(5).

Amendment of the principal Regulations

3.—(1) In so far as they relate to a producer to a relevant extent, the principal Regulations shall be amended in accordance with the provisions of paragraphs (3) to (8) of this regulation.

(2) In paragraph (1) above, “to a relevant extent” means to the extent that the Minister is the relevant competent authority for the purposes of the IACS Regulations in relation to the holding of the producer in question.

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

(a) in the definition of “the Commission Regulation”, the words “as last amended by Commission Regulation (EC) No. 2721/2000(6)” shall be substituted for the words “as last amended by Commission Regulation (EC) No. 1648/95”;

(b) the following definition shall be substituted for the definition of “ the Council Regulation”—

““the Council Regulation” means Council Regulation (EC) No. 2467/98 on the common organisation of the market in sheepmeat and goatmeat(7), as amended by Council Regulation (EC) No. 1669/2000(8);”;

(c) the following definition shall be inserted after the definition of “ the Council Regulation”—

““holding” means all the production units managed by a producer situated within the United Kingdom;”;

(d) in the definition of “marketing year”, the words “Article 3” shall be substituted for the words “Article 3(3)”.

(4) In paragraph (3) of regulation 3 (application for premium), the words “ the Commission Regulation” shall be substituted for the words “Commission Regulation 3887/92”.

(5) In paragraph (4) of regulation 3—

(a) sub-paragraph (a) shall be deleted;

(b) in sub-paragraph (b), the words “as last amended by Commission Regulation (EC) No. 1410/1999(9)” shall be substituted for the words “ as last amended by Commission Regulation (EC) No. 1526/96”;

(c) in sub-paragraph (c), the words “as last amended by Council Regulation (EC) No. 193/98(10)” shall be substituted for the words “ as last amended by Commission Regulation (EC) No. 40/96”; and

(d) in sub-paragraph (d), the words “as last amended by Council Regulation (EC) No. 1593/2000(11)” shall be substituted for the words “ as last amended by Council Regulation (EC) No. 2466/96”.

(6) In regulation 5 (powers of authorised officers), the following paragraph shall be substituted for the existing paragraph (5)(a)—

(5) OJ No. L337, 4.12.90, p.7.

(6) OJ No. L314, 14.12.2000, p.8.

(7) OJ No. L312, 20.11.98, p.1.

(8) OJ No. L193, 29.7.2000, p.8.

(9) OJ No. L164, 30.6.1999, p.53.

(10) OJ No. L20, 27.1.98, p.18.

(11) OJ No. L182, 21.7.2000, p.4.

“(a) require any producer or any employee, servant or agent of a producer to produce any record that producer is required to keep pursuant to regulation 8 and to supply such additional information in that person’s possession or under his control relating to an application for premium as the authorised officer may reasonably request;”.

(7) After regulation 7, the following regulation shall be inserted—

“Record keeping

8.—(1) Where at any time during a marketing year a producer fails to comply with the record keeping requirements of paragraphs (2) to (4) of this regulation, the Minister of Agriculture, Fisheries and Food may withhold or recover on demand the whole or any part of any premium payable or paid to the producer in respect of that marketing year.

(2) On or before 31st January each year, the producer shall record the total number of female sheep on the holding on 1st January of that year which either were over 12 months old or had given birth, and the date the entry was made.

(3) Without prejudice to the requirements of paragraph (2), within 14 days of any of the following events—

- (a) the intentional movement on or off the holding of female sheep which either were over 12 months old or had given birth;
- (b) a female sheep which has not given birth reaching the age of 12 months;
- (c) a sheep under 12 months old giving birth;
- (d) the discovery that a female sheep which either was over 12 months old or had given birth has been lost from the holding, either because it has died or because it is missing from the holding,

the producer shall record the total number of female sheep on the holding which have given birth or are over 12 months old, the date of the entry and the reasons that the total number of such sheep on the holding has changed.

(4) All records under this regulation shall be retained by the producer for a period of four years.”.

(8) Regulation 8A shall be deleted.

Amendment of the Sheep and Goats Identification (England) Order 2000

4.—(1) The Sheep and Goats Identification (England) Order 2000(12) shall be amended in accordance with the provisions of this regulation.

(2) Article 5 shall be deleted.

(3) In article 19 (Enforcement), the words “(other than article 5, which shall be enforced by the Minister)” shall be deleted.

5th February 2001

Joyce Quin
Minister of State, Ministry of Agriculture,
Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st March 2001, amend the Sheep Annual Premium Regulations 1992 (S.I.1992/2677, as already amended by S.I. 1994/2741, 1995/2779, 1996/49, 1997/2500 and 2000/2573) (“the principal Regulations”).

They amend the principal Regulations in so far as to a “relevant extent ” the latter relate to any producer for the purposes of Council Regulation (EEC) No. 3493/90 laying down general rules for the grant of premium to sheepmeat and goatmeat producers (OJ No. L337, 4.12.90, p.7). The “relevant extent ” for this purpose is the extent to which, in relation to the holding of the producer in question, the Minister of Agriculture, Fisheries and Food is the relevant competent authority for the purposes of the Integrated Administration and Control System Regulations 1993 (S.I. 1993/1317, as amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573).

The Regulations insert a new regulation 8 into the principal Regulations which imposes record-keeping requirements on those producers relating to specified events. In addition, they make consequential amendments to the principal Regulations as well as updating, where necessary, references to Community legislation (regulation 3). These record-keeping requirements implement Article 4(1)(b) of Council Directive (EEC) No. 92/102 on the identification and registration of animals (OJ No. L355, 5.12.92, p.32) and were previously specified in article 5 of the Sheep and Goats Identification (England) Order 2000 (S.I. 2000/2027), and these Regulations also make consequential amendments to that Order (regulation 4).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.