
WELSH STATUTORY INSTRUMENTS

2001 No. 1332 (W.82)

AGRICULTURE, WALES

The Slaughter Premium (Wales) Regulations 2001

Made - - - - - *27th March 2001*

Coming into force - - - - - *25th April 2001*

The National Assembly for Wales, being 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, in exercise of the powers conferred upon it by the said section 2(2), hereby makes the following Regulations:

Part I

Introduction

Title and commencement

1. These Regulations may be cited as the Slaughter Premium (Wales) Regulations 2001 and shall come into force on 25th April 2001.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“authorised person” “(*person awdurdodedig*)” means a person who is authorised by the Board, either generally or specially, to act in matters arising under these Regulations, whether or not he or she is an officer of the Board ;

“the Board” “(*y Bwrdd*)” means the Intervention Board for Agricultural Produce established under section 6 of the European Communities Act 1972;

“bovine animal” “(*anifail buchol*)” means an animal of the domestic bovine species;

“cattle passport” “(*pasbort gwartheg*)” means, in relation to a premium animal—

(1) By virtue of the European Communities (Designation) (No.3) Order 1999 ([S.I 1999/2788](#)) (“the Order”). The National Assembly’s power to make, as a body designated in relation to the common agricultural policy of the European Community, regulations which extend to holdings which include land situated within the United Kingdom but outside of Wales is confirmed by paragraph 2(b) of Schedule 2 to the Order.

(2) [1972 c. 68](#).

- (a) to which the Cattle Passports Order 1996(3) applied, a cattle passport as defined in article 2(2) of that Order;
- (b) to which Article 6(1) of Council Regulation 820/97 applied, a valid cattle passport issued pursuant to that Article; and
- (c) to which Article 6(1) of Regulation 1760/2000 applies, a valid cattle passport issued pursuant to that Article;

“claim” (“*cais*”) means a claim for slaughter premium;

“claimant” (“*ceisydd*”) means a producer who submits a claim;

“claimant’s document” (“*dogfen ceisydd*”) means any of the following documents or records, whether in writing or kept by means of a computer—

- (a) any cattle passport or other approved identification;
- (b) any national administrative document, as defined in regulation 2(1) of the Beef Special Premium Regulations 1996(4);
- (c) any register kept in compliance with Article 7(1) and (4) of Regulation 1760/2000;
- (d) any record made under Article 5 of the Bovine Animals (Records, Identification and Movement) Order 1995(5);
- (e) any record made under Article 9 of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990(6); and
- (f) any book, register (other than a register referred to in sub-paragraph (c) of this definition), bill, invoice, account, receipt, certificate, voucher, correspondence or other document or record relating to a bovine animal;

“Commission Regulation 3887/92” (“*Rheoliad y Comisiwn 3887/92*”) means Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes(7);

“Commission Regulation 2342/1999” (“*Rheoliad y Comisiwn 2342/1999*”) means Commission Regulation (EC) No. 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes(8) (as amended by Commission Regulation (EC) No. 1042/2000(9) and Commission Regulation (EC) No. 1900/2000(10));

“the Community rules” (“*rheolau'r Gymuned*”) means the rules concerning slaughter premium laid down in Articles 11, 21 and 23 of Council Regulation 1254/1999 and Chapter V of Commission Regulation 2342/1999 and the rules concerning the content of claims laid down in Article 5 of, and reduction of Community aid laid down in Articles 10, 10b, 10c and 10d of Commission Regulation 3887/92;

“Council Regulation 820/97” (“*Rheoliad y Cyngor 820/97*”) means Council Regulation (EC) No. 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef products(11)

(3) S.I.1996/1686, revoked by S.I. 1998/871.

(4) S.I. 1996/3241, amended by S.I. 1999/1179.

(5) S.I. 1995/12, partially revoked by S.I. 1998/871.

(6) S.I. 1990/1867, amended by S.I. 1993 / 503 and revoked by S.I. 1995/12.

(7) OJ No. L391, 31.12.92, p.36, as last amended by Commission Regulation (EC) No. 2801/1999 (OJ No. L340, 31.12.1999, p.29).

(8) OJ No. L281, 4.11.1999, p.30.

(9) OJ No. L118, 19.5.2000, p.4.

(10) OJ No. L228, 8.9.2000, p.25.

(11) OJ No.L117, 7.5.1997, p.1, repealed by Regulation EC No. 1760/2000 of the European Parliament and of the Council (OJ No. L204, 11.8.2000, p.1).

“Council Regulation 1254/1999” (“*Rheoliady Cyngor 1254/1999*”) means Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal⁽¹²⁾;

“eartag number” (“*rhif tag clust*”) means—

- (a) the number on an eartag attached to a bovine animal as the approved identification required by article 4(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990, or
- (b) an eartag number as defined in article 2(1) of the Bovine Animals (Records, Identification and Movement) Order 1995, or
- (c) the unique identification code referred to in Article 4(1) of Regulation 1760/2000, as the case may be;

“electronic communication” (“*gohebiaeth electronig*”) has the same meaning as in the Electronic Communications Act 2000⁽¹³⁾;

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

“the IACS Regulations” (“*Rheoliadau IACS*”) means the Integrated Administration and Control System Regulations 1993 ⁽¹⁴⁾ ;

“kill number” (“*rhif lladd*”) means the number, unique to each premium animal, assigned at a slaughterhouse to the slaughter of that animal;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“officer” (“*swyddog*”) means a director, manager, secretary or other similar officer of a claimant or a slaughterhouse operator which is a body corporate, or any person who purports to act in any such capacity;

“other approved identification” (“*dull adnabod arall a gymeradwywyd*”) means approved identification required by article 4(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990 other than an eartag number;

“overgrazing” (“*gorbori*”) means grazing land with livestock 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 and “overgrazed” shall be construed accordingly;

“premium adult animal” (“*anifail premiwm mewn oed*”) means a bovine animal at least eight months old at the time of its slaughter in respect of which a claim has been or will be submitted, other than a premium older animal;

“premium animal” (“*anifail premiwm*”) means a premium adult animal, a premium calf and a premium older animal;

“premium calf” (“*llo premiwm*”) means a bovine animal at least one, but less than seven, months old at the time of its slaughter and with carcass weight of less than 160 kilograms, in respect of which a claim has been or will be submitted;

“premium older animal” (“*anifail premiwm hŷn*”) means a bovine animal in respect of which a claim has been or will be submitted which is slaughtered on the day after it attains the age of thirty months, or later;

“producer” (“*cynhyrhydd*”) has the same meaning as in Chapter 1 of Title I of Council Regulation 1254/1999;

⁽¹²⁾ OJ No. L160, 26.6.1999, p.21.

⁽¹³⁾ 2000 c. 7.

⁽¹⁴⁾ S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.

“register”, used as a verb (“*cofrestru*”), means register a slaughterhouse pursuant to regulation 14 and “registered” and “registration” shall be interpreted accordingly;

“Regulation 1760/2000” (“*Rheoliad 1760/2000*”) means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and requiring the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(15);

“relevant competent authority” (“*awdurdod cymwys perthnasol*”) has the same meaning as in the IACS Regulations;

“retention period” (“*cyfnod cadw*”) means the minimum period, referred to in Article 37 of Commission Regulation 2342/1999, for which a claimant must hold a premium animal, which is—

- (a) one month in the case of a premium calf less than three months old at the time of its slaughter, and
- (b) two months in the case of any other premium animal;

“slaughter premium” (“*premiwm cigydda*”) means a premium granted pursuant to Article 11 of Council Regulation 1254/1999 to a producer keeping bovine animals on his holding, on the slaughter of a bovine animal;

“slaughterhouse document” (“*dogfen lladd-dy*”) means any book, register, bill, invoice, account, receipt, voucher, correspondence or other document or record relating to the business or operation of a slaughterhouse or to any premium animal slaughtered or delivered for slaughter there, whether in writing or kept by means of a computer, and includes the record of eartag numbers, kill numbers and dates of slaughter referred to in paragraph 1 of the Schedule;

“slaughterhouse operator” (“*gweithredydd lladd-dy*”) means a person carrying on the business of a slaughterhouse or the duly authorised representative of such a person;

“specified control measure” (“*mesur rheoli penodedig*”) means any check which a Member state is required to carry out under Article 6 of Commission Regulation 3887/92; and

“unsuitable supplementary feeding methods” (“*dulliau bwydo atodol anaddas*”) means providing supplementary feed (other than to maintain livestock during abnormal weather conditions) in such a manner as to result in damage to vegetation through excessive trampling or poaching of land by livestock or excessive rutting by vehicles.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

(3) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date on which these Regulations are made.

(4) Any reference in these Regulations to a numbered regulation or Part (with no accompanying reference to a specific instrument) is a reference to the regulation or Part so numbered in these Regulations and any reference to the Schedule is a reference to the Schedule to these Regulations.

Part II

Conditions for payment of slaughter premium

Application of regulations 4 to 11 and 20 (where relating to Part II)

3. Regulations 4 to 11, and (in so far as it relates to notices served under regulation 8(1) or (3)) regulation 20, apply to claimants and occupiers of land to the extent that the National Assembly is the relevant competent authority in relation to their holdings for the purposes of the IACS Regulations.

Claims for slaughter premium

4.—(1) A claim in respect of a premium calf, a premium adult animal and a premium older animal shall be submitted to the Board and each shall be in such form and shall contain, in addition to the information required by the Community rules, such particulars, and shall be accompanied by such documents, as the Board may reasonably require.

(2) A claim in respect of a premium calf at least five months old at the time of its slaughter shall be accompanied by the written record relating to its slaughter referred to in paragraph 5 of the Schedule.

(3) A claim submitted pursuant to paragraph (1) may be in respect of any number of premium calves, premium adult animals or premium older animals, as the case may be.

Period for submitting claims

5. A claim shall be submitted to the Board, within a period commencing with the day after the end of the retention period for the premium animal in respect of which the claim is submitted and expiring—

- (a) six months later, or
- (b) at the end of February in the calendar year following that in which that premium animal was slaughtered,

whichever is the sooner.

Limit on number of claims

6. A claimant shall not be entitled to submit more than—

- (a) twelve claims in respect of premium calves, and
- (b) twelve claims in respect of premium adult animals, and
- (c) twelve claims in respect of premium older animals,

slaughtered in any one calendar year.

Slaughter in registered slaughterhouses

7.—(1) No claimant shall be granted a slaughter premium on the slaughter of a premium animal unless the conditions specified in paragraph (2) have been satisfied.

(2) The conditions referred to in paragraph (1) are—

- (a) that in the case of the slaughter of a premium animal other than a premium calf, it has been slaughtered in a slaughterhouse registered for the slaughter of premium animals other than premium calves by the Board—
 - (i) pursuant to regulation 14; or

- (ii) pursuant to any enactment conferring a corresponding power of registration in relation to slaughterhouses in England, Scotland or Northern Ireland in terms which are in substance identical to those contained in regulations 13 to 19 and the Schedule;
- and
- (b) that in the case of the slaughter of a premium calf, it has been slaughtered in a slaughterhouse registered for the slaughter of premium calves by the Board—
 - (i) pursuant to regulation 14; or
 - (ii) pursuant to any enactment conferring a corresponding power of registration in relation to slaughterhouses in England, Scotland or Northern Ireland in terms which are in substance identical to those contained in regulations 13 to 19 and the Schedule.

Overgrazing

8.—(1) Subject to paragraph (2), where the Board forms the opinion that any parcel of land is being overgrazed it may serve on the occupier a written notice specifying the maximum number of animals which may be grazed and maintained on that parcel in the following calendar year.

(2) The maximum number referred to in paragraph (1) shall be determined having regard to such conditions as may be specified in the notice.

(3) Where a notice in relation to a parcel of land has previously been served by the Board under paragraph (1) or by the National Assembly under any of the provisions specified in paragraph (5), the Board may serve a further notice under paragraph (1) in relation thereto without having formed the opinion that it is being overgrazed.

(4) Where a notice in relation to a parcel of land has been served by the Board under paragraph (1) or (3), or by the National Assembly under any of the provisions specified in paragraph (5), the Board shall withhold, or where it has already been paid, recover any slaughter premium payable or paid on such number of premium animals grazed and maintained there in the calendar year in respect of which that notice was issued as, when added to the number of other animals (including other premium animals) grazed and maintained there in that year, results in the maximum number of animals specified in the notice being exceeded.

(5) The provisions referred to in paragraphs (3) and (4) are the following—

- (a) regulation 11 of the Beef Special Premium Scheme Regulations 1996;
- (b) regulation 3A of the Suckler Cow Premium Regulations 1993⁽¹⁶⁾, and
- (c) regulation 3A of the Sheep Annual Premium Regulations 1992⁽¹⁷⁾.

(6) The Board may withhold, or recover, slaughter premium where it is satisfied that any other condition in the notice has been breached.

Unsuitable supplementary feeding methods

9.—(1) Where, in any calendar year, a claimant uses unsuitable supplementary feeding methods, the Board may—

- (a) in accordance with paragraph (2), reduce or withhold the amount of slaughter premium otherwise payable to the claimant; or
- (b) where slaughter premium has already been paid to the claimant, recover any slaughter premium so paid;

in respect of premium animals slaughtered in that year.

⁽¹⁶⁾ S.I. 1993/1441, as amended by 1994/1528, 1995/15, 1995/1446, 1996/1448 and 1997/249.

⁽¹⁷⁾ S.I. 1992/2677, as amended by 1994/2741, 1995/2779, 1996/49 and 1997/2500.

(2) Where the claimant was not penalised for using unsuitable supplementary feeding methods under paragraph (1) nor under any of the provisions specified in paragraph (3) in the preceding calendar year, the amount of slaughter premium referred to in paragraph (1) may be reduced by ten per cent; where the claimant was so penalised in the preceding calendar year, but not in the calendar year before that, that amount may be reduced by twenty per cent; and where the claimant was so penalised in each of the two preceding calendar years that amount may be withheld.

(3) The provisions referred to in paragraph (2) are—

- (a) regulation 12 of the Beef Special Premium Scheme Regulations 1996;
- (b) regulation 3B of the Suckler Cow Premium Regulations 1993; and
- (c) regulation 3B of the Sheep Annual Premium Regulations 1992.

Withholding and recovery of slaughter premium

10. The Board may withhold, or recover on demand, the whole or any part of any slaughter premium claimed from or granted by it in any of the following circumstances—

- (a) where the grant of a slaughter premium to the claimant in question would not, or does not, comply with the Community rules;
- (b) where, at any time between the submission of the claim in respect thereof and its slaughter, a premium animal was not—
 - (i) subject to an approved identification as required by article 4(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990; or
 - (ii) identified with an eartag in accordance with article 8 or 9 of the Bovine Animals (Records, Identification and Movement) Order 1995; or
 - (iii) registered in accordance with regulation 5 of the Cattle (Registration of Older Animals)(Wales) Regulations 2000⁽¹⁸⁾ or in accordance with any requirements for such registration contained in any corresponding regulations applying to England, Scotland and Northern Ireland; or
 - (iv) identified and registered in accordance with Council Regulation 820/97 and Commission Regulation (EC) No. 2629/97 laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals⁽¹⁹⁾; or
 - (v) identified and registered in accordance with Regulation 1760/2000;
- (c) where the conditions specified in regulation 7(2) have not been satisfied;
- (d) where the claimant in question, or an officer, employee, servant or agent of that claimant, intentionally obstructs an authorised person, or a person accompanying an authorised person and acting under his or her instructions, from exercising any power conferred by regulations 24 or 25, or fails without reasonable excuse to comply with a requirement made by an authorised person under regulation 25, or with a request made by an authorised person under regulation 26; and
- (e) where the claimant has, for the purpose of obtaining for himself or any other person the grant of slaughter premium, knowingly or recklessly made a statement or furnished any information which is false or misleading in a material particular.

⁽¹⁸⁾ S.I. 2000/3339 (W. 217).

⁽¹⁹⁾ OJ No. L354, 30.12.97, p.19.

Rate of interest

11. Where the the Board recovers the whole or any part of any slaughter premium pursuant to regulation 10, unless the sum recovered was paid as a result of its own error, it shall be entitled in addition to charge and recover on demand interest on the sum recovered at the rate of one per cent above the sterling three months London Interbank Offered Rate on a day-to-day basis for the period from payment to recovery.

Part III**Registration of slaughterhouses****Application of regulations 13 to 19 and 20 (where relating to Part III)**

12. Regulations 13 to 19, and (in so far as it relates to notices served under regulation 15 or 17) regulation 20, apply to slaughterhouses in Wales.

Application for registration

13.—(1) A slaughterhouse operator may apply to the Board to register a slaughterhouse for the slaughter of premium animals other than premium calves, or premium calves, or both.

(2) An application under paragraph (1) shall—

- (a) be in writing;
- (b) be in the English or the Welsh language;
- (c) be signed by or on behalf of the slaughterhouse operator;
- (d) contain the name, or business name, and address of the slaughterhouse operator;
- (e) identify the slaughterhouse to which the application relates;
- (f) indicate the premium animals for the slaughter of which registration is sought;
- (g) contain an undertaking that—
 - (i) if and for as long as the slaughterhouse is registered for the slaughter of premium animals other than premium calves, the conditions set out in Part I of the Schedule will be complied with; and
 - (ii) if and for as long as the slaughterhouse is registered for the slaughter of premium calves, the conditions set out in Parts I and II of the Schedule will be complied with.

Registration of slaughterhouses

14. Where an application complying with regulation 13(2) is submitted under regulation 13(1), the Board shall register the slaughterhouse identified in it for the slaughter of the premium animals indicated in accordance with regulation 13(2)(f) by entering the slaughterhouse, together with a note of the premium animals so indicated, on a list, which the Board shall maintain, of slaughterhouses so registered.

Breach of conditions of registration

15. If the Board is not satisfied that the conditions set out in Part I of the Schedule are being complied with at a registered slaughterhouse, or that the conditions set out in Part II of the Schedule are being complied with at a slaughterhouse registered for the slaughter of premium calves, it may serve on the slaughterhouse operator a written notice—

- (a) stating that it proposes to cancel the registration of the slaughterhouse because it is not satisfied that the conditions set out in the Schedule are being complied with there;
- (b) specifying the conditions in relation to which the Board is not satisfied, the action the slaughterhouse operator is required to take to comply with them, and a reasonable time of at least two weeks within which the slaughterhouse operator must take such action; and
- (c) stating that, if it is not satisfied, at the expiry of that reasonable time, that the required action has been taken, the registration of the slaughterhouse will be cancelled.

Cancellation of registration

16. The Board may, in accordance with the procedure in regulation 17, cancel the registration of a slaughterhouse—

- (a) if the Board has served a written notice on the slaughterhouse operator pursuant to regulation 15 and is still not satisfied, at the expiry of the reasonable time referred to in regulation 15(b), that the conditions specified in the notice are being complied with; or
- (b) if the slaughterhouse operator, or any officer, employee, servant or agent of the slaughterhouse operator, is convicted of an offence in relation to any claim.

Cancellation procedure

17.—(1) The Board shall cancel the registration of a slaughterhouse by serving a notice of cancellation pursuant to paragraph (2) and deleting the slaughterhouse from the list maintained by the Board under regulation 14.

(2) A notice of cancellation under paragraph (1) shall be served on the slaughterhouse operator and shall state that—

- (a) the registration of the slaughterhouse for the slaughter of premium animals has been cancelled, and
- (b) no slaughter premium will be granted on the slaughter of any bovine animal slaughtered at the slaughterhouse unless and until such time as the slaughterhouse is registered again.

Display of notice of cancellation

18. Where the registration of a slaughterhouse has been cancelled pursuant to regulation 16, the slaughterhouse operator shall permit an authorised person to affix a copy of the notice of cancellation there in a conspicuous position easily visible to all persons delivering animals to the slaughterhouse and shall maintain it in that position in a clearly legible condition until the expiry of one year from the date of cancellation or until the slaughterhouse is registered again, whichever shall be the sooner.

Registration following cancellation

19.—(1) If the registration of a slaughterhouse has been cancelled pursuant to regulation 16, the Board shall not register it again unless the Board is satisfied that the conditions set out in Part I and, if the slaughterhouse operator is applying to register the slaughterhouse for the slaughter of premium calves, Part II, of the Schedule will be complied with there.

(2) Subject in any case to paragraph (1), if the registration of a slaughterhouse has been cancelled pursuant to regulation 16(b), the Board may refuse to register it again until the expiry of such period, not exceeding six months from the date of cancellation, as the Board considers reasonable in the circumstances of the case.

Part IV

Notices

Service of notices

20. Any notice required to be served on an occupier of a parcel of land pursuant to regulation 8(1) or (3) or on a slaughterhouse operator pursuant to regulation 15 or regulation 17 may be served—

- (a) by delivering it to him or her;
- (b) by leaving it at his or her usual or last known place of abode or business, or, if he or she has given an address for service, at that address;
- (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to him or her at his or her usual or last known place of abode or business or, if he or she has given an address for service, at that address; or
- (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body corporate at its registered or principal office, or by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of that body corporate at that office.

Part V

Enforcement

Application of regulations 22 to 30

21. Regulations 22 to 30 apply—

- (a) in so far as they relate to claimants, to the extent that the National Assembly is the relevant competent authority in relation to their holdings for the purposes of the IACS Regulations; and
- (b) in so far as they relate to slaughterhouses, in relation to slaughterhouses in Wales.

Retention of records

22. A claimant shall retain any book, register (other than a register kept in compliance with Article 7(1) and (4) of Regulation 1760/2000), bill, invoice, account, receipt, certificate, voucher, correspondence or other document or record relating to a premium animal in respect of which he or she has submitted a claim for a period of four years from the date on which the claim was submitted.

Exercise of powers by authorised persons

23. An authorised person may at all reasonable hours and on producing, if so required, some duly authenticated document showing his or her authority, exercise the powers conferred by regulations 24 and 25 for the purposes of—

- (a) carrying out any specified control measure; or
- (b) ascertaining whether an offence under regulation 28 has been or is being committed; or
- (c) ensuring that slaughter premium has been or will be granted only in accordance with—
 - (i) the Community rules; and
 - (ii) the requirements of regulations 8 and 9.

Powers of entry and inspection

24.—(1) An authorised person may enter any land, other than land used only as a dwelling, which is, or which he or she reasonably believes to be—

- (a) occupied by a claimant or used by him or her for keeping bovine animals; or
- (b) used for, or in connection with, a slaughterhouse.

(2) An authorised person who has entered any land by virtue of this regulation may—

- (a) inspect and verify the area of the land or any part thereof;
- (b) inspect any building, structure or equipment, including weighing equipment, on the land;
- (c) inspect and count any bovine animals on the land and read their eartags or other identification marks;
- (d) inspect any carcase, or part of a carcase, of any bovine animal on the land;
- (e) carry out any other activity which is a specified control measure; and
- (f) inspect the land for the purpose of determining whether it has been overgrazed or whether unsuitable supplementary feeding methods have been used on it.

(3) An authorised person entering land by virtue of this regulation may take with him or her such other persons acting under his or her instructions as he or she considers necessary.

Powers in relation to documents

25. An authorised person may—

- (a) require a claimant or any officer, employee, servant or agent of a claimant to produce any claimant's document in his or her possession or under his or her control and to supply such additional information in that person's possession or under his or her control relating to a claim as the authorised person may reasonably request;
- (b) require a slaughterhouse operator or any officer, employee, servant or agent of a slaughterhouse operator to produce any slaughterhouse document in his or her possession or under his or her control and to supply such additional information in that person's possession or under his or her control relating to the business or operation of a slaughterhouse or to any bovine animal slaughtered or delivered for slaughter there as the authorised person may reasonably request;
- (c) examine any claimant's document referred to in sub-paragraph (a), or any slaughterhouse document referred to in sub-paragraph (b), and, where it 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 claimant's document, or slaughterhouse document, as the case may be;
- (d) make such copies of any claimant's document referred to in sub-paragraph (a), or any slaughterhouse document referred to in sub-paragraph (b), as he or she may think fit; and
- (e) seize and retain any claimant's document referred to in sub-paragraph (a), or any slaughterhouse document referred to in sub-paragraph (b), which he or she has reason to believe may be required as evidence in proceedings in relation to a claim and, where any such claimant's document or slaughterhouse document 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

26. A claimant, a slaughterhouse operator, any officer, employee, servant or agent of a claimant or a slaughterhouse operator and any person in charge of animals on land entered pursuant to regulation 24 shall render an authorised person such assistance as he or she may reasonably request

so as to enable him or her to exercise any power conferred by regulation 24 or 25 and in particular, in relation to any bovine animal, shall arrange for the penning and securing of such animal if so requested.

Offences

27. It shall be an offence for a person—

- (a) without reasonable excuse to fail to comply with regulation 22;
- (b) where the registration of a slaughterhouse for the slaughter of premium animals has been cancelled, without reasonable excuse—
 - (i) to fail to permit an authorised person to affix a copy of the notice of cancellation there in a conspicuous position easily visible to all persons delivering animals to the slaughterhouse; or
 - (ii) to fail to maintain such copy of the notice of cancellation in that position in a clearly legible condition until the expiry of one year from the date of cancellation, or until the slaughterhouse is registered again, whichever shall be the sooner, or to alter or deface it;
- (c) intentionally to obstruct an authorised person in the exercise of a power conferred by regulation 24 or 25;
- (d) without reasonable excuse, to fail to comply with a requirement made under regulation 25 or a request made under regulation 26; or
- (e) 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 for the purpose of obtaining for himself, herself or any other person the grant of a slaughter premium.

Penalties

28.—(1) A person guilty of an offence under regulation 27(a), (b), (c) or (d) 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 27(e) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Time limit for prosecutions

29.—(1) Proceedings for an offence under regulation 27 may, subject to paragraph (2), 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 or her knowledge.

(2) No such proceedings shall be commenced 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 or her opinion to warrant the proceedings came to his or her 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

30.—(1) Where a body corporate is guilty of an offence under regulation 27, 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, an officer of the body corporate that person, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(20)**.

27th March 2001

D. Elis Thomas
The Presiding Officer of the National Assembly

SCHEDULE

Regulations 4(2), 7(2) and 13(2)(g)

CONDITIONS TO BE COMPLIED WITH BY REGISTERED SLAUGHTERHOUSES

PART 1

Conditions applicable to all premium animals

1. The slaughterhouse operator shall make for each day, either in writing or by means of a computer, an accurate record of the kill number, date of slaughter and (subject to paragraph 2) eartag number of every premium animal slaughtered on that day.

2. If a premium animal has no eartag number, but is marked with or accompanied by other approved identification, the slaughterhouse operator shall enter in the record referred to in paragraph 1, instead of the eartag number, a copy of the other approved identification.

3. The slaughterhouse operator shall retain the records referred to in paragraph 1 and all other slaughterhouse documents, except eartags, cattle passports and other approved identification, until 31st December of the third year following the year in which they were created, or received by the operator, whichever is the later.

4. The slaughterhouse operator shall ensure that an authorised person attending, or communicating with, the slaughterhouse is able to exercise the powers conferred by regulations 24 and 25, that any requirement made by an authorised person under regulation 25 is complied with and that assistance is rendered to him or her in accordance with regulation 26.

PART II

Conditions applicable to premium calves slaughtered at five or six months old

5. Following the slaughter of a premium calf aged at least five months old, the slaughterhouse operator shall provide the person from whom he or she purchased it, or for whom he or she slaughtered it, as the case may be, with a written record showing—

- (a) the name and address of the slaughterhouse;
- (b) the eartag number of the premium calf;
- (c) its kill number;
- (d) the date of slaughter;
- (e) its carcass weight; and
- (f) whether the carcass was weighed—
 - (i) after chilling or warm; and
 - (ii) with or without liver, kidneys or kidney fat.

6.—(1) The carcass weight referred to in paragraph 5(e) of this Schedule shall be the weight in kilograms after chilling, or the warm weight in kilograms as soon as possible after slaughter reduced by two per cent, of the carcass presented after skinning, evisceration and bleeding, and without the head and the feet.

(2) If the carcass is presented without the liver, kidneys or kidney fat its weight shall be increased by—

- (a) 3.5 kilograms for the liver;

- (b) 0.5 kilograms for the kidneys; and
 - (c) 3.5 kilograms for the kidney fat.
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EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations, which come into force on 25th April 2001, lay down national implementing measures for the slaughter premium scheme for bovine animals introduced by Article 11 of Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal (OJ No. L160, 26.6.1999, p.21). They provide for the administration of the scheme in relation to holdings situated wholly in Wales, and also holdings situated partly in Wales and partly elsewhere in the United Kingdom, where the National Assembly for Wales has agreed that the Intervention Board for Agricultural Produce be responsible for processing the farmer's claim for premium (regulations 3 to 11). They also provide for the enforcement of the scheme in relation to such holdings (regulations 21 to 30).

The provisions relating to administration establish the procedure for submitting claims for premium (regulations 4, 5 and 6), impose sanctions for overgrazing and the use of unsuitable supplementary feeding methods (which are included as a condition of the scheme by virtue of Article 3 of Council Regulation (EC) No. 1259/1999 establishing common rules for direct support schemes under the common agricultural policy (OJ No. L160, 26.6.1999, p.113)) (regulations 8 and 9), and provide for withholding or recovery of slaughter premium where there is a breach of the rules of the scheme (regulations 10 and 11). Regulation 7 requires that, to be eligible for slaughter premium, animals must be slaughtered in slaughterhouses registered with the Intervention Board for Agricultural Produce. Regulations 12 to 19 provide for the registration of slaughterhouses located in Wales; of these, regulations 13, 14, and 19 set out the procedure for registration and regulations 15 to 18 the circumstances in which, and the procedure by which, registration may be cancelled. The conditions which registered slaughterhouses must comply with are set out in the Schedule to the Regulations. The enforcement provisions in regulations 21 to 30 also apply in respect of such registrations.

The provisions relating to enforcement require claimants to retain certain records (regulation 22) and confer powers of entry, inspection and collection of evidence on authorised persons (regulations 24 and 25). These include the powers required under Article 6 of Commission Regulation (EC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes. Regulations 28 to 30 deal with offences and penalties.

A Regulatory Appraisal has been prepared in respect of these regulations, a copy of which is available from the National Assembly for Wales, Agriculture Department, Cathays Park, Cardiff, CF10 3NQ.