1974. No. 298

EUROPEAN COMMUNITIES

Beef Subsidy

REGULATIONS, DATED 22ND NOVEMBER 1974, MADE BY THE DEPARTMENT OF AGRICULTURE UNDER SECTION 2(2) AND (5) OF THE EUROPEAN COMMUNITIES ACT 1972.

The Department of Agriculture, in exercise of the powers conferred on it by section 2(2) and (5) of the European Communities Act 1972(a) as applying subject to the provisions of Article 2(1) of, and the Schedule to, the European Communities (Designation) Order(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Beef Subsidy (Northern Ireland) Regulations 1974 and shall come into operation on 2nd December 1974.

(2) In these regulations—

"beef token" means a token issued in accordance with these regulations or valid in Northern Ireland by virtue of regulation 3(4);

"the Department" means the Department of Agriculture for Northern Ireland;

"pensionable age" means, in the case of a man, the age of 65 and, in the case of a woman, the age of 60;

"recipient of social welfare benefits" has the same meaning as in Council Regulation (EEC) No. 1856/74(c) laying down general rules governing the sale of beef and veal at reduced prices to certain categories of consumer;

"supplier" means a person who sells fresh, frozen or chilled beef or veal.

(3) The Interpretation Act (Northern Ireland) 1954(d) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament of Northern Ireland.

Persons entitled to beef tokens

2.—(1) Subject to the following provisions of this regulation, a person shall be entitled to a beef token for any week during the period from 2nd December 1974 to 6th April 1975 if he is entitled to a payment of a qualifying benefit in respect of a period which includes a day in that week, and is on that day over pensionable age, in Northern Ireland, and a recipient of social welfare benefits.

(2) For the purposes of paragraph (1) above, a person is entitled to a payment of a qualifying benefit if—

(*a*) he is entitled to a payment of a pension or allowance, in respect of himself, which is a qualifying benefit specified in section 2 of the Pensioners' Payments Act 1974(e); or

(a) 1972. c. 68
(b) S.I. 1972/1811.
(c) OJ No. L195, 18.7.74, p. 15.
(d) 1954. c. 33.
(e) 1974. c. 54.

(*b*) he is a person who is specified in the Schedule to these regulations as a person who is to be treated as entitled to a payment of a qualifying benefit:

Provided that where a person—

(i) is awarded a qualifying benefit in respect of any period earlier than the three weeks before the week in which the award is made, or

(ii) becomes a person who is to be treated under sub-paragraph (*b*) above as entitled to a payment of a qualifying benefit in respect of any period earlier than the three weeks before the week in which he becomes such a person,

he shall not be entitled in consequence thereof to a beef token in respect of any week in that earlier period.

(3) No person shall be entitled to more than one beef token in respect of any one week.

Issue and validity of beef tokens

3.—(1) The Department shall cause a beef token to be issued to or in respect of a person for each week for which he is entitled to it, and a beef token may, if the Department thinks fit, be issued in advance.

(2) Each beef token shall be valid for the purchase from a supplier, in accordance with the provisions of these regulations, of fresh, frozen or chilled beef or veal at a price—

(*a*) which is not less than 40 pence, and

(*b*) of which the part not consisting of the token is 20 pence less than the price at which the supplier would have sold the beef or veal but for his acceptance of the token.

(3) Each beef token shall be valid only for the period stated on it.

(4) A token issued by the Secretary of State for Social Services under the provisions of the Beef Subsidy Regulations 1974(f) for purposes corresponding to those of these Regulations shall be valid in Northern Ireland as if it were a beef token issued by the Department under these regulations.

Use of beef tokens

4.—(1) Only the person to or in respect of whom a beef token is issued, or someone acting on his behalf, shall be entitled to use it.

(2) A person entitled to use a beef token shall not use it except by surrendering it to a supplier who sells him fresh, frozen or chilled beef or veal at a price—

(*a*) which is not less than 40 pence, and

(*b*) of which the part not consisting of the token is 20 pence less than the price at which the supplier would have sold the beef or veal but for his acceptance of the token.

Payment to suppliers

5. A supplier who has accepted a valid beef token in accordance with the provisions of regulation 4(2) above and who has, not later than 31st July 1975, submitted it to such person, or dealt with it in such manner, as may be specified for the purposes of this regulation in any special or general direction of the Department, shall be entitled to payment by or on behalf of the Department of 20 pence.

(f) S.I. 1974/1930.

Miscellaneous provisions relating to beef tokens

6.—(1) Every beef token shall remain the property of the Department.

(2) Any person ceasing to be entitled to a beef token, or who is in possession of a beef token on behalf of a person so ceasing, shall deliver it forthwith to any local office.

(3) The Department may, in its discretion, cause any beef token which has been lost to be replaced; and where the person to or in respect of whom a replacement beef token has been issued subsequently finds the token which had been lost, he shall not be entitled to use it and shall deliver it forthwith to any local office.

(4) Where a person entitled to beef tokens dies, any person who has or obtains possession of any token issued in respect of the deceased shall deliver it forthwith to any local office.

(5) In this regulation "any local office" means any local office of the Department of Health and Social Services for Northern Ireland.

Recovery in cases of misuse of beef tokens

7. The value of any beef token which is used, whether fraudulently or otherwise, by a person not entitled to use it may be recovered, by or on behalf of the Department, from that person or any other person who has dealt with the token contrary to the provisions of these regulations.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland this 22nd day of November 1974.

(L.S.) *J. Parke,*
Assistant Secretary.

SCHEDULE Regulation 2

Persons who are to be treated as being entitled to a payment of a qualifying benefit

A person is to be treated as being entitled to a payment of a qualifying benefit if—

(*a*) he would be entitled to a payment of a qualifying benefit other than a supplementary pension under the Supplementary Benefits &c. Act (Northern Ireland) 1966(g)—

(i) but for the fact that he is entitled to receive some other payment out of public funds;

(ii) but for the operation of section 29(7) or 42A(1) or (2) of the National Insurance Act (Northern Ireland) 1966(h) or section 18(3A) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(i) or any regulations made under section 18(3) of the latter Act whereby entitlement to benefit is affected by the amount of a person's earnings in a given period;

(iii) but for the terms of any arrangement to which section 4 of the National Insurance and Supplementary Benefit Act 1973(j) applies and by which he is bound; or

(iv) but for the fact that he has not made a claim for the payment;

(*b*) he is the spouse of a person—

(i) who is entitled in respect of him to an increase in the payment of a qualifying benefit or who would be so entitled if he made a claim for it; or

(ii) to whom paragraph (*a*) above applies.

(*c*) he is a person whose requirements and resources fall to be aggregated under paragraph 3(1) of Schedule 2 to the Supplementary Benefits &c. Act (Northern Ireland) 1966 with those of a person entitled to a qualifying benefit;

(*d*) she is a widow entitled to a pension under regulations made under any enactment relating to police being a pension which the Department accepts as being analogous to a qualifying benefit.

EXPLANATORY NOTE

(*This note is not part of the regulations, but is intended to indicate their general purport.*)

These regulations make the necessary arrangements to take advantage of the right conferred on Member States of the European Economic Community to allow certain persons to buy fresh, frozen or chilled beef or veal at a subsidised price (the subsidy being recouped as to 50 per cent. from Community funds). (Council Regulation (EEC) No. 1856/74, OJ No. L195, 18.7.74, page 15; Commission Decision 74/423/EEC, OJ No. L223, 13.8.74, page 9.).

(g) 1966. c. 28. (N.I.).
(h) 1966. c. 6. (N.I.).
(i) 1966. c. 9 (N.I.).
(j) 1973. c. 42.