1993 No. 475

AGRICULTURE

Deseasonalisation Premium (Protection of Payments) Regulations (Northern Ireland) 1993

Made . . . . . *8th December 1993*

Coming into operation . . *1st January 1994*

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Deseasonalisation Premium (Protection of Payments) Regulations (Northern Ireland) 1993 and shall come into operation on 1st January 1994.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"animal" means a castrated male animal of the bovine species which is slaughtered during the period 31st December 1993 to 30th April 1994;

"applicant" means a producer who has made an application under regulation 3;

"authorised person" means any person authorised in writing by the Department to act for the purposes of regulation 4;

"Commission Regulation 3886/92" means Commission Regulation (EEC) No. 3886/92(**d**) laying down detailed rules for the application of the premium schemes provided for in Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and repealing Regulations (EEC) No. 1244/82 and (EEC) No. 714/89,

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(**a**) S.I. 1972/1811
(**b**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253
(**c**) 1954 c. 33 (N.I.)
(**d**) OJ No. L391, 31.12.92, p. 20

as amended so far as is relevant to these Regulations by Commission Regulation (EEC) No. 538/93(**a**) and Commission Regulation (EEC) No. 1909/93(**b**).

"Commission Regulation 3887/92" means Commission Regulation (EEC) No. 3887/92(**c**) laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes;

"the Council Regulation" means Council Regulation (EEC) No. 805/68(**d**) on the common organisation of the market in beef and veal, as amended, so far as is relevant to these Regulations, by Council Regulation (EEC) No. 2066/92(**e**) and Council Regulation (EEC) No. 125/93(**f**);

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

"premium" means the deseasonalisation premium referred to in Article 4c of the Council Regulation;

"producer" has the same meaning as in Article 4(*a*) of the Council Regulation.

(3) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in the Council Regulation, Commission Regulation 3886/92 and Commission Regulation 3887/92.

Application for premium payments

3.—(1) Subject to the provisions of this regulation a producer may apply to the Department for a premium payment, in respect of an animal, in such form as the Department may require.

(2) An application under paragraph (1) shall be lodged with the Department during the period 31st May 1994 to 30th September 1994.

(3) A producer may lodge only one application.

Powers of entry and inspection

4.—(1) An authorised person may, up to 31st December 1997,—

(*a*) enter at any reasonable time upon any land which was used for the slaughter of animals to which an application under regulation 3(1) related; and

(*b*) search for, examine, take possession of or copy any record or document relating to that application.

(2) An authorised person acting in exercise of the powers conferred by paragraph (1) shall carry a warrant of his authority so to act and shall produce it on demand.

(**a**) OJ No. L57, 10.3.93, p. 19
(**b**) OJ No. L173, 16.7.93, p. 11
(**c**) OJ No. L391, 31.12.92, p. 36
(**d**) OJ No. L148, 28.6.68, p. 24 (OJ/SE) 1968 vol. 1, p. 187
(**e**) OJ No. L215, 30.7.92, p. 49
(**f**) OJ No. L18, 27.1.93, p. 1

Rate of interest

5. Except where the Department recovers from any applicant any premium or part of any premium paid to that applicant as a result of an error of the Department, 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

6.—(1) If any person wilfully obstructs an authorised person who is acting under regulation 4, he shall be liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding one month or both.

(2) If any person—

(*a*) knowingly or recklessly makes any false statement for the purpose of obtaining the payment to himself or any other person of a premium;

(*b*) wilfully makes a false entry in any book, account, record or other document relating to an application for premium or with intent to deceive makes use of any such entry which he knows to be false;

he shall be liable on summary conviction to a fine not exceeding £2,000 or to imprisonment for a term not exceeding three months or both or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

Revocation

7.—(1) Subject to paragraph (2) the Deseasonalisation Premium (Protection of Payments) Regulations (Northern Ireland) 1992(**a**), the Deseasonalisation Premium (Protection of Payments) (Amendment No. 2) Regulations (Northern Ireland) 1993(**b**) and regulation 3 of the Beef Special Premium and Deseasonalisation Premium (Protection of Payments) (Amendment) Regulations(**c**) are hereby revoked.

(2) Notwithstanding paragraph (1) the Regulations set out in that paragraph shall continue to have effect in relation to an application for payment of premium in respect of male animals of the bovine species slaughtered, or which the application states have been slaughtered, during the period 31st December 1992 to 30th April 1993.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 8th December 1993.

(L.S.) *D. A. J. Hirrell*
Assistant Secretary

(**a**) S.R. 1992 No. 570
(**b**) S.R. 1993 No. 337
(**c**) S.R. 1993 No. 176

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Article 4c of Council Regulation (EEC) No. 805/68 (inserted by Council Regulation (EEC) No. 2066/92 and amended by Council Regulation (EEC) No. 125/93) provides for the payment to beef and veal producers of a deseasonalisation premium. Detailed rules for the administration of the premium are laid down in Commission Regulation (EEC) No. 3886/92 as amended by Commission Regulation (EEC) No. 538/93 and Commission Regulation (EEC) No. 1909/93 and in Commission Regulation (EEC) No. 3887/92. Northern Ireland satisfies the conditions for the granting of the premium in 1994 and it will therefore be paid on eligible animals slaughtered during the period 1st January 1994 to 30th April 1994.

These Regulations supplement the relevant provisions of the Council and Commission Regulations in respect of 1994. A producer may lodge an application with the Department of Agriculture during the period 1st June to 30th September 1994 inclusive (regulation 3). The Regulations permit an authorised person acting on behalf of the Department of Agriculture to enter premises used for the slaughter of animals in respect of which premium has been claimed to inspect relevant documents (regulation 4). They also prescribe the rate of interest payable when a wrong payment is recovered (regulation 5). The Regulations also provide for offences relating to the making of false statements (which are punishable on summary conviction with a fine not exceeding £2,000 or imprisonment for a term not exceeding 3 months or both, or on conviction on indictment with a fine or with imprisonment not exceeding 2 years or both) and wilful obstruction of an authorised person exercising the powers of entry (which is punishable on summary conviction with a fine not exceeding £400 or imprisonment for a term not exceeding one month or both) (regulation 6).

These Regulations revoke the Deseasonalisation Premium (Protection of Payments) Regulations (Northern Ireland) 1992, the Deseasonalisation Premium (Protection of Payments) (Amendment No. 2) Regulations (Northern Ireland) 1993 and regulation 3 of the Beef Special Premium and Deseasonalisation Premium (Protection of Payments) (Amendment) Regulation (Northern Ireland) 1993 with a saving in relation to applications in respect of animals slaughtered during the period 1st January 1993 to 30th April 1993 (regulation 7).

Application forms with explanatory notes will be available from the Department of Agriculture's County Agricultural Development Offices from the end of May 1994.