STATUTORY INSTRUMENTS

1975 No. 357

AGRICULTURE

The Beef Premiums (Protection of Payments) Order 1975

Made - - - -	11*th March* 1975
Laid before Parliament	19*th March* 1975
Coming into Operation	20*th March* 1975

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Northern Ireland (being the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland) and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by section 5 of the Agriculture Act 1957(a), as read with the Transfer of Functions (Wales) Order 1969(b) and as applied by section 6(3) of the European Communities Act 1972(c), and of all other powers enabling them in that behalf, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Beef Premiums (Protection of Payments) Order 1975 and shall come into operation on 20th March 1975.

Interpretation

2.—(1) In this order, unless the context otherwise requires,—

"animal" means an animal of the bovine species;

"authorised officer", in relation to any purpose referred to in this order, means a person authorised by or on behalf of the Board to act for that purpose;

"the Board" means the Intervention Board for Agricultural Produce;

"carcase" means the carcase of an animal (as defined in this order);

"certified" means certified by an authorised officer as being eligible for a premium payment;

"Community" means the European Economic Community;

(a) 1957 c. 57.
(b) S.I. 1969/388 (1969 I, p. 1070).
(c) 1972 c. 68.

"deadweight certification centre" means a place for the time being approved by or on behalf of the Board for the certification of carcases;

"liveweight certification centre" means a place for the time being approved by or on behalf of the Board for the certification of animals;

"premium payment" means any sum payable in respect of an animal or carcase by virtue of Community arrangements for or related to the regulation of the market for produce of any description which includes that animal or carcase.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Supervision of examination etc. of animals and carcases

3. The examination, approval, marking and certification of animals and carcases in connection with applications for premium payments shall be carried out by or on behalf of the Board.

Marking and certification of animals and carcases

4.—(1) Where an animal has been approved for certification by an authorised officer at a liveweight certification centre, and has thereafter on the same day been sold by auction at the centre for slaughter, the animal shall immediately be marked as prescribed in Schedule 1 to this order.

(2) Where a carcase has been approved for certification by an authorised officer at a deadweight certification centre, the carcase shall immediately be marked as prescribed in Schedule 2 to this order.

(3) Produce which has been marked under either of the foregoing provisions of this article shall immediately be certified unless it appears to an authorised officer that the approval thereof for certification should have been withheld.

(4) Where a certified animal is slaughtered the carcase may, if the Board think fit, be marked as prescribed in Schedule 2 to this order.

(5) Where a certified animal is slaughtered and—

(*a*) the carcase is subjected to any veterinary examination required by the rules for the time being in force relating to intra-Community trade in fresh meat, and

(*b*) the Board have, by means of notices prominently displayed at the slaughterhouse, required carcases of a description which includes that carcase to be marked as prescribed in Schedule 2 to this order,

the carcase shall be so marked immediately after the inspection unless, in consequence of the inspection, it is rejected for the said trade; and no person shall cause a carcase required to be marked under this paragraph to be subjected to any such inspection unless an authorised officer is available to mark it.

(a) 1889 c. 63.

(6) No person other than an authorised officer or a person acting under the direction or with the permission of an authorised officer shall—

(*a*) move any produce required to be marked or certified under any of the foregoing provisions of this article until it has been so dealt with, or

(*b*) remove the ears from a carcase required to be marked under paragraph (5) above until it has been so marked.

(7) No person shall knowingly cause to be exported to another Member State of the Community a carcase which the Board have required to be marked pursuant to paragraph (5) above unless it has been so marked.

Removal etc. of ears of carcases

5. Where under any provision of this order a carcase is marked as prescribed in Schedule 2 thereto the Board may, if they think fit, cause the ear or ears of the carcase to be removed or mutilated at the time of marking.

Slaughter requirements

6.—(1) Where an animal is certified at a liveweight certification centre, and the Board have by means of notices prominently displayed at the centre required that animals of a description which includes that animal be slaughtered by such date, or before the end of such period of days beginning with the date of certification, as shall be specified in the notices, the animal shall be slaughtered on or before the date or before the end of the period so specified.

(2) Accordingly, references in paragraphs (3) and (4) below to the date by which an animal must be or should have been slaughtered are references to the said date or to the last day of the said period as the case may require.

(3) A person shall not knowingly—

(*a*) sell a certified animal on or before the date by which it must be slaughtered without informing the buyer, in writing, that the animal must be slaughtered by that date;

(*b*) sell a certified animal after the date by which it should have been slaughtered.

(4) No person shall knowingly have a certified animal in his possession or under his control after the date by which the animal should have been slaughtered.

Offences with respect to certified produce

7. No person shall—

(*a*) present to be approved for certification any produce which has already been certified;

(*b*) permit a certified animal to be used for breeding or milking or allow it to have access to any animal with which it may mate.

Production of movement records

8. A person who buys, sells or transports animals and who is required by law to keep or retain a record of the movement thereof shall produce it for inspection if so required by an authorised officer.

Records of transactions

9.—(1) A person who buys or sells certified animals shall keep a record showing, in respect of every purchase or sale by him of such animals, the particulars specified in Schedule 3 to this order.

(2) An invoice or similar account containing the said particulars or some of them, or a copy of such invoice or account, shall with respect to such of the said particulars as are contained therein be a sufficient record for the purposes of this article.

(3) A person who is required by this article to keep a record shall retain it for at least three years from the end of the calendar year to which it relates and shall produce it for inspection if so required by an authorised officer.

Marking as evidence of certification

10. An animal marked as prescribed for any animal in Schedule 1 to this order and a carcase marked as so prescribed or as prescribed for any carcase in Schedule 2 thereto shall be deemed to have been certified,—

(*a*) for the purpose of proceedings for a contravention of a provision of this order, unless the contrary is proved, and

(*b*) for any other purpose, unless the contrary is shown to the satisfaction of an authorised officer.

Power to obtain evidence

11.—(1) An officer to whom this article applies who reasonably suspects that there has been a contravention of this order, or of section 7 of the Agriculture Act 1957, or that a premium payment has been illegally obtained or that there has been an attempt to obtain a premium payment illegally may—

(*a*) take possession of the ears of any carcase presented for certification for a premium payment;

(*b*) take possession of any book, account or record required to be kept by law and appearing to him to be material, or take a copy of, or extract from, any such book, account or record.

(2) This article applies, for the purposes of paragraph (1)(*a*) above, to any authorised officer, and, for the purposes of paragraph (1)(*b*) above, to any officer who is specially authorised in writing for those purposes by the Board or the Minister of Agriculture, Fisheries and Food or, in Scotland or Northern Ireland, by the Secretary of State for Scotland or the Department of Agriculture for Northern Ireland respectively.

(3) An officer acting in exercise of the powers of paragraph (1)(*b*) above shall carry a warrant of his authority so to act, and shall produce the same on demand.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th March 1975.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

6th March 1975 *William Ross,*
Secretary of State for Scotland.

7th March 1975 *Merlyn Rees,*
Secretary of State for Northern Ireland.

11th March 1975 *John Morris,*
Secretary of State for Wales.

SCHEDULE 1 Articles 4(1), 10

MARKS FOR ANIMALS

1. A circular punch hole about 12 millimetres in diameter within a tattoo mark consisting of a circle or rectangle of dots measuring about 25 millimetres across the diameter or diagonal shall be placed in the left ear of a home-bred animal and in the right ear of an imported animal.

2. In addition, where the Board so require, a tattooed symbol unique to the animal being marked or to all animals marked on the same day, consisting of letters or figures or both, shall be placed in the ear which is marked under paragraph 1 above.

SCHEDULE 2 Articles 4(2), (4), (5), 5, 10

MARKS FOR CARCASES

1. The mark shall be applied at least once to each quarter of the carcase.

2. For carcases marked in England and Wales the mark shall be either—

(*a*) two concentric circles of about 40 and 26 millimetres in diameter with the inscription "M.A.F.F. CERTIFIED" between them, and within the smaller circle, the numbers allocated to the authorised officer for the time being using or directing the use of the instrument which applies the mark, or

(*b*) a mark similar to that described in sub-paragraph (*a*) above but with the substitution, for the inscription "M.A.F.F. CERTIFIED", of the inscription "I.B.A.P. CERTIFIED".

3. For carcases marked in Scotland or Northern Ireland the mark shall be either—

(*a*) a cross of St. Andrew within a circle about 40 millimetres in diameter, the arms of the cross ending where they touch the circle, or

(*b*) a mark similar in all respects to that described in paragraph 2(*b*) above.

Article 9

SCHEDULE 3

Particulars to be Recorded of Purchases and Sales of Certified Animals

1. The date of the transaction.

2. Numbers and descriptions of animals.

3. In the case of a purchase or sale by auction at an auction market, the name and address of the auctioneer, and in any other case the name and address of the other party to the transaction.

4. Where applicable, the dates by which any animals bought or sold are to be slaughtered.

5. Where applicable, the dates of slaughter of unsold animals.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for the protection of payments to be made under arrangements of the European Economic Community for the regulation of the market in beef. The general supervision of the protection provisions, including arrangements for the examination, certification and marking of produce, will be undertaken by the Intervention Board for Agricultural Produce.

The Order requires the marking of any animal or carcase qualifying for a premium payment before certification for such payment, and contains other provisions designed to prevent the payment of more than one premium in respect of the same animal or carcase. It prohibits the use for breeding or milking of certified animals and authorises the Board to require their slaughter.

Other provisions of the Order—

(*a*) provide for the production of records relating to the movement of bovine animals;

(*b*) provide for the keeping and production of records relating to the purchase, sale and slaughter of certified animals; and

(*c*) confer powers to obtain evidence of suspected offences on officers authorised for the purpose.

Any contravention of the Order is an offence under section 7 of the Agriculture Act 1957 and punishable on summary conviction with a fine not exceeding £100 or imprisonment for a term not exceeding 3 months or both.

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