STATUTORY INSTRUMENTS

1978 No. 18

AGRICULTURE

The Beef Premiums (Recovery Powers) Regulations 1978

Made - - -	10*th January* 1978
Laid before Parliament	11*th January* 1978
Coming into Operation	1*st February* 1978

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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, acting jointly in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Beef Premiums (Recovery Powers) Regulations 1978 and shall come into operation on 1st February 1978.

(2) In these regulations—

"animal" means an animal of the bovine species;

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

"contravention" includes failure to comply;

"premium payment" has the same meaning as in the Protection Order;

"the Protection Order" means the Beef Premiums (Protection of Payments) Order 1978(**c**).

(3) The Interpretation Act 1889(**d**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Recovery of premium payments

2. Where a person, in contravention of any provision of the Protection Order—

(*a*) has in his possession an animal in respect of which a premium payment has been made; or

(*b*) sells or exports such an animal, or permits it to be used for breeding or milking;

he shall be liable to pay to the Board on demand an amount equal to the premium payment.

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68.
(**c**) S.I. 1978/17
(**d**) 1889 c. 63.

Evidence

3. For the purpose of any proceedings under these regulations, an animal which is proved to have been marked as prescribed for any animal in Schedule 1 to the Protection Order shall be deemed to be an animal in respect of which a premium payment has been made unless the contrary is proved.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th January 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

10*th January* 1978.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations enable the Intervention Board for Agricultural Produce to recover a beef premium payment made under Community arrangements if, contrary to any provision of the Beef Premiums (Protection of Payments) Order 1978, the animal in respect of which it was paid has been retained in possession, sold, exported or used for breeding or milking. The obligation to recover payments is contained in Article 2 of Commission Regulation (EEC) No. 926/77 (O.J. No. L 109, 30.4.77, p. 4).

SI 1978/18
ISBN 0-11-083018-0

