STATUTORY INSTRUMENTS

1983 No. 1158

AGRICULTURE

The Sheep and Goats (Removal to Northern Ireland) Regulations 1983

Laid before Parliament in draft

Made - - - -	28*th July* 1983
Coming into Operation	29*th July* 1983

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, of which a draft has been approved by resolution of each House of Parliament:—

Title and commencement

1. These regulations may be cited as the Sheep and Goats (Removal to Northern Ireland) Regulations 1983, and shall come into operation on the day after the day on which they are made.

Interpretation

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

"animal" means an animal of the ovine or caprine species;

"authorised officer" means, for any purpose referred to in these regulations, a person authorised to act for that purpose by the Board, or, in relation to Great Britain, by the Meat and Livestock Commission when acting for the Board, or, in relation to Northern Ireland, by the Department of Agriculture for Northern Ireland when so acting;

"the Board" means the Intervention Board for Agricultural Produce established under section 6 of the European Communities Act 1972;

"carcase" means the carcase of an animal (whether in whole or in part), fresh, chilled, frozen, salted in brine, dried or smoked;

(**a**) S.I. 1972/1811.
(**b**) 1972 c. 68.

"the Commission Regulation" means Commission Regulation (EEC) No. 2661/80(a) laying down detailed rules for applying the variable slaughter premium for sheep;

"the departure charge" means the amount to be charged on departure as referred to in Article 4.1 of the Commission Regulation;

"removal" means removal from a port in Great Britain to a port in Northern Ireland, and "remove" shall be construed accordingly;

"removal declaration" means a written declaration of intention to remove an animal or carcase, containing the particulars specified in Schedule 1;

"the security" means the security referred to in Article 4.2 of the Commission Regulation.

(2) In these regulations, unless the context otherwise requires, "qualified person" means—

(a) in relation to any part of the United Kingdom, an officer of the Board specially authorised for the purposes of these regulations by the Board;

(b) in relation to England, an officer of the Ministry of Agriculture, Fisheries and Food so authorised by the Minister of Agriculture, Fisheries and Food;

(c) in relation to Scotland, an officer of the Department of Agriculture and Fisheries for Scotland so authorised by the Secretary of State;

(d) in relation to Wales, an officer of the Secretary of State so authorised by the Secretary of State;

(e) in relation to Northern Ireland, an officer of the Department of Agriculture for Northern Ireland so authorised by that Department.

(3) In these regulations, unless the context otherwise requires, any reference to a numbered regulation or schedule is a reference to the regulation or schedule bearing that number in these regulations.

Removal of animals and carcases

3.—(1) No person shall remove, or attempt to remove, or cause or permit to be removed, any animal (other than a pure-bred breeding animal) or carcase unless, not less than three working days previously, he has delivered to the Board, or (in the case of the item referred to in sub-paragraph (a) of this paragraph) to an authorised officer, in respect of that animal or carcase—

(a) a removal declaration; and

(b) the security.

(2) No person shall remove, or attempt to remove, or cause or permit to be removed, any pure-bred breeding animal unless, not less than three working days previously, he has delivered to the Board or to an authorised officer in respect of that animal—

(a) a removal declaration; and

(a) O.J. No. L 276, 20.10.80, p.19, as amended by Commission Regulation (EEC) No. 1238/82, O.J. No. L 143, 20.5.82, p.10.

(b) a certificate or equivalent document issued by the appropriate breed society identifying that animal as a pure-bred specimen of its breed.

(3) The certificate or equivalent document referred to in sub-paragraph (2)(b) of this regulation shall not be required if the Board are otherwise satisfied that the animal is a pure-bred breeding animal.

(4) In this regulation "working day" means any day other than a Saturday or Sunday, Christmas Day, Good Friday or any other day which, in the part of Great Britain from which the animal or carcase is to be removed, is a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(**a**).

Inspection of animals and carcases

4.—(1) Any person having possession, charge or control of any animal or carcase in respect of which a removal declaration has been delivered shall permit an authorised officer to inspect that animal or carcase and (except in the case of a pure-bred breeding animal) weigh the same at any reasonable time before removal.

(2) Any person having possession, charge or control of any such animal shall present it for the purposes of paragraph (1) of this regulation at such premises as the Board may direct.

Prohibition against removals other than from specified ports

5. No person shall remove, or attempt to remove, or cause or permit to be removed, any animal or carcase except from a port specified in Schedule 2.

Production of books, accounts and records

6. A qualified person who reasonably suspects that there has been a removal or attempted removal of an animal (other than a pure-bred breeding animal) or carcase in respect of which the security has not been delivered to the Board, may require any person (whether a principal, agent or employee) who has, or whom he reasonably believes has, bought, sold, transported or removed that animal or carcase to produce for inspection any books, accounts or records in his possession or control relating to transactions in or movements of animals or carcases; and that person shall comply with every such requirement made of him.

Power to prevent removal or detain

7. A qualified person who reasonably suspects that there has been a contravention of, or failure to comply with, regulation 3(1), 3(2), 4 or 5 may prevent the removal of, or detain, any animal or carcase until he is reasonably satisfied that—

(a) a removal declaration in respect thereof has been delivered to the Board or to an authorised officer and (except in the case of a pure-bred

(**a**) 1971 c. 80.

breeding animal) the security in respect thereof has been delivered to the Board; and

(b) the animal or carcase has been inspected and (except in the case of a pure-bred breeding animal) weighed by an authorised officer.

Powers of entry and to obtain evidence

8. A qualified person who reasonably suspects that there has been an offence under these regulations may, for the purpose of investigating such an offence—

(a) enter upon land on which animals or carcases are being held for the time being and inspect any animal or carcase found thereon;

(b) enter and examine the contents of any vehicle, vessel or aircraft which he reasonably suspects of being or having been used in connection with any such offence, or open and examine the contents of any container which he reasonably suspects of being or having been so used;

(c) take possession of, or take a copy of, or extract from, any book, account or record appearing to him to be material which is produced pursuant to regulation 6, or which is in the possession or control of a person whom he reasonably suspects is guilty of such an offence.

Warrants of qualified persons

9. A qualified person acting in exercise of the powers conferred by regulation 6, 7 or 8 shall carry a warrant of his authority so to act, and shall produce the same on demand.

Offences and penalties

10.—(1) If any person contravenes, or fails to comply with, any provision of regulation 3(1), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding four hundred pounds.

(2) If any person contravenes, or fails to comply with, any provision of regulation 3(2), 4 or 5, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred pounds.

(3) If any person—

(a) fails without reasonable cause to comply with a requirement made of him under regulation 6; or

(b) intentionally obstructs a qualified person in the exercise of any of the powers conferred upon him by regulation 6, 7 or 8;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred pounds.

(4) If any person knowingly or recklessly, for the purpose of avoiding in respect of any animal or carcase payment of the departure charge—

(a) signs or delivers, or causes to be signed or delivered, a removal declaration; or

(b) makes any statement;

which is untrue in any material respect, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand pounds 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.

Offences by officers of bodies corporate

11.—(1) Where an offence under these regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (1) of this regulation shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Defence

12. In any proceedings for an offence under regulation 10(1) or (2), it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Recovery of departure charge

13. Any person who removes, or causes or permits or be removed, any animal (other than a pure-bred breeding animal) or carcase shall be liable to pay the departure charge to the Board on demand, and in the event of default in payment the departure charge shall be recoverable by the Board as a civil debt.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th July 1983.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
One of Her Majesty's Principal Secretaries of State.

28th July 1983.

Regulation 2(1) SCHEDULE 1

Particulars to be contained in removal declarations

1. The name, address and signature of the consignor of the animals or carcases to be removed.
2. The numbers, weights and descriptions, including full Common Customs Tariff headings, of the animals or carcases to be removed.
3. For animals, the address of the farm premises, and for carcases, the address of the slaughterhouse, from which they originate, if different from that of the consignor.
4. The names of the ports from and to which the animals or carcases are to be removed.
5. The expected date of the removal.
6. The name and address of the consignee of the animals or carcases.
7. The name and address of the haulage contractor by whom removal is to be effected.

Regulation 5 SCHEDULE 2

Ports through which removals of animals and carcases may take place.

Bristol.

Cairnryan.

Cardiff.

Fishguard.

Heysham.

Holyhead.

Liverpool.

Milford Haven.

Pembroke.

Silloth.

Stranraer.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations make provision for the protection of arrangements of the European Economic Community for the regulation of the market in sheepmeat and goatmeat. Under Article 9 of Council Regulation (EEC) No. 1837/80 on the common organisation of the market in sheepmeat and goatmeat (O.J. No. L 183, 16.7.1980, p.l), as amended by Council Regulation (EEC) No. 1195/82 (O.J. No. L 140, 20.5.1982, p.22), and implemented by Commission Regulation (EEC) No. 2661/80 laying down detailed rules for applying the variable slaughter premium for sheep (O.J. No. L 276, 20.10.80, p.19), as amended by Commission Regulation (EEC) No. 1238/82 (O.J. No. L 143, 20. 5.1982, p.10), an amount equivalent to the variable slaughter premium paid in Great Britain is to be charged on departure of live sheep and goats (other than pure-bred breeding animals), sheepmeat and goatmeat to Northern Ireland. Article 4.2 of Commission Regulation (EEC) No. 2661/80 (as amended by Article 1.5 of Commission Regulation (EEC) No. 1238/82) provides that on departure a security shall be lodged to cover the amount to be charged.

Under Article 5.3 of Commission Regulation (EEC) No. 2661/80 (as amended by Article 1.6 of Commission Regulation (EEC) No. 1238/80), the competent authorities in the United Kingdom must take all the necessary steps to prevent irregular movements of the products referred to in the first paragraph of this note.

In implementation of these provisions, regulation 3 of these regulations prohibits the removal or attempted removal of live sheep or goats, sheepmeat or goatmeat from Great Britain to Northern Ireland unless there have been lodged with the Intervention Board for Agricultural Produce a written declaration of intention to remove (containing the particulars specified in Schedule 1) and either, in the case of animals (other than pure-bred breeding animals) and meat, the security referred to in the first paragraph of this note, or, in the case of pure-bred breeding animals, evidence of pure-bred status.

Regulation 4 provides for inspection and weighing of animals and meat on behalf of the Intervention Board for Agricultural Produce. Regulation 5 prohibits removals other than from the ports specified in Schedule 2.

Regulations 6, 7 and 8 confer on "qualified persons" (who are defined in regulation 2(2) and must carry and produce warrants of their authority pursuant to regulation 9) power to require the production of documents, power to prevent the removal of, or detain, animals and meat, powers of entry and power to obtain evidence, when an offence under these regulations is reasonably suspected.

Regulations 10, 11 and 12 deal with offences and regulation 13 with recovery of the amount to be charged on departure, if payment of this is evaded.

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