STATUTORY INSTRUMENTS

1980 No. 1577

AGRICULTURE

The Sheep Annual Premium Regulations 1980

Made - - -	20*th October* 1980
Laid before Parliament	20*th October* 1980
Coming into Operation	10*th November* 1980

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 on them by the said section 2(2), hereby make the following regulations:—

Citation, extent and commencement

1. These regulations, which may be cited as the Sheep Annual Premium Regulations 1980, shall apply throughout the United Kingdom, and shall come into operation on 10th November, 1980.

Interpretation

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

"authorised officer" means—

(*a*) in relation to England, an authorised officer of the Minister,

(*b*) in relation to Scotland or Wales, an authorised officer of the Secretary of State,

(*c*) in relation to Northern Ireland, an authorised officer of the Department of Agriculture for Northern Ireland,

acting in each case on behalf of the competent authority in connection with the discharge of the authority's functions under the Commission Regulation and these regulations;

"the competent authority" has the meaning assigned to it by regulation 3 of these regulations;

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"qualified flock" means a flock of ewes which is kept in the United Kingdom for the breeding and rearing of lambs;

"qualifying day" means, in respect of any marketing year in which a premium may be paid under these regulations, 1st January in the preceding marketing year except that in respect of the marketing year beginning on 20th October 1980 it shall mean 1st January 1981;

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

"the first Council Regulation" means Regulation (EEC) No. 1837/80 of the Council of 27th June 1980(a);

"the second Council Regulation" means Regulation (EEC) No. 2643/80 of the Council of 14th October 1980(b);

"the Commission Regulation" means Regulation (EEC) No. 2660/80 of the Commission of 17th October 1980(c).

(2) Other expressions used in these regulations have, in so far as the context admits, the same meanings as in the first Council Regulation, the second Council Regulation, and the Commission Regulation.

Appointment of Competent Authority

3. For the purposes of the Commission Regulation (which lays down detailed rules for the premium for sheepmeat producers), the competent authority shall be—

(*a*) in relation to England and Northern Ireland, the Minister;

(*b*) in relation to Scotland or Wales, the Secretary of State.

Payment of Premiums

4.—(1) Subject to the provisions of the first and second Council Regulations and the Commission Regulation, the competent authority may, in respect of the marketing year beginning on 20th October 1980 and each succeeding marketing year, pay a premium to any producer who maintains ewes in a qualified flock on the qualifying day.

(2) Subject to paragraph (1) above, the number of ewes in respect of which premium may be paid in relation to any qualifying day shall not exceed the number which the competent authority may determine as the number of ewes which he is satisfied has been comprised in the flock throughout the greater part of the year preceding that day, or in the case of a flock newly established or re-established in that year such shorter period as the competent authority may determine, disregarding—

(i) any seasonal variation in number, and

(ii) any losses which he is satisfied have been or will be made good, or cannot reasonably be made good, within a reasonable period.

(3) Where the number of lambs produced by the flock in the year preceding the qualifying day is, in the opinion of the competent authority, unusually low for a flock of its size, the number of ewes in respect of which premium may be paid shall be such as he may determine, regard being had to the number of lambs so produced.

Applications for Premiums

5. Payment of a premium shall not be made unless an application for that payment has been submitted to the competent authority in such form and at such time as he may require.

Powers of Inspection

6.—(1) Where a producer has applied for the payment of a premium under Article 2(1) of the Commission Regulation, and has made a declaration under

(a) O.J. No. L183, 16.7.80, p. 1. (b) O.J. No. L275, 18.10.80, p. 6.
(c) O.J. No. L276, 20.10.80, p. 16.

Article 2(2) thereof, an authorised officer may, on production of his authority on demand, enter on any land occupied by that producer, or otherwise used by him, for the rearing of animals of the ovine species and may—

(*a*) inspect and count any ewes kept by the producer on such land; and

(*b*) require the producer to furnish for inspection any bill, account, voucher or record in his possession or under his control relating to the numbers of ewes kept or formerly kept by him.

(2) In exercising the power conferred on him by the preceding paragraph, an authorised officer may be accompanied by such other persons acting under his instructions as appear to him to be necessary for the purpose and, in relation to the inspection of documents he shall be entitled to make such copies or take such extracts as he may think fit.

(3) The producer and any person in charge of animals on the land shall render all reasonable assistance to an authorised officer to enable him to exercise the powers conferred on him by this regulation.

Recovery of Premiums

7.—Where any person—

(*a*) with a view to obtaining the payment to himself or to any other person of a premium payable under Article 5(1) of the first Council Regulation in accordance with the provisions of the second Council Regulation—

(i) makes any statement which is untrue or misleading in a material respect, or

(ii) furnishes to the competent authority any inaccurate information, or

(*b*) having made a declaration under Article 2(2) of the Commission Regulation fails in any way to comply therewith,

the competent authority shall be entitled to recover on demand as a civil debt the whole or any part of any premium paid to him or to such other person.

Offences

8.—Any person who—

(*a*) knowingly or recklessly makes a false statement for the purpose of obtaining the payment to himself or to any other person of a premium payable under Article 5(1) of the first Council Regulation in accordance with the provisions of the second Council Regulation,

or

(*b*) intentionally obstructs an authorised officer in the exercise of the powers conferred on him by regulation 6 of these regulations or any other person accompanying him pursuant to that regulation or fails without reasonable excuse to furnish on request by an authorised officer any document referred to in paragraph (1) of that regulation,

shall be liable on summary conviction to a fine not exceeding £400.00.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th October 1980.

(L.S.)

Peter Walker,
Minister of Agriculture,
Fisheries and Food.

20th October 1980.

George Younger,
Secretary of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Regulation (EEC) No. 2643/80 of the Council of Ministers of the European Communities dated 14th October 1980 lays down general rules governing the granting of an annual premium for the benefit of sheepmeat producers as part of the common organisation of the market in sheepmeat and goatmeat introduced by Regulation (EEC) No. 1837/80 of the Council dated 27th June 1980. Detailed rules implementing the scheme are laid down in Regulation (EEC) No. 2660/80 of the Commission dated 17th October 1980.

The present regulations make provision for those matters which are left to Member States by the scheme and which are necessary for its proper implementation in the United Kingdom. They appoint "the competent authority" responsible for administering the scheme in the various parts of the United Kingdom, specify the circumstances for payment of the premium, and provide for powers of entry on to land by authorised officers acting on behalf of the competent authority for the purposes of inspecting and counting ewes and of examining relevant documents.

The regulations give to the competent authority power to recover premium paid in certain circumstances, and they also create a number of offences (false statements, obstruction of authorised officers, etc.) which are punishable on summary conviction by a fine not exceeding £400·00.

SI 1980/1577
ISBN 0-11-007577-3

