STATUTORY INSTRUMENTS

1984 No. 2005

AGRICULTURE

The Sheep Annual Premium Regulations 1984

Made - - - - -	20*th December* 1984
Laid before Parliament	21*st December* 1984
Coming into Operation	1*st January* 1985

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 that section, and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title, commencement and application

1.—(1) These regulations may be cited as the Sheep Annual Premium Regulations 1984 and shall come into operation on 1st January 1985.

(2) These regulations shall apply where an application is made for a premium in respect of any marketing year commencing after 1st January 1985.

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 competent authority's functions under the first Council Regulation, the second Council Regulation, the Commission Regulation and these regulations;

(a) S.I. 1972/1811.

(b) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, with sections 37, 40 and 46 of the Criminal Justice Act 1982 (c. 48) and S.I. 1984/447, as regards Scotland, with sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21), as inserted by section 54 of the Criminal Justice Act 1982 and S.I. 1984/526 and, as regards Northern Ireland, with S.I. 1984/703 (N.I. 3) and S.R.(N.I.) 1984 No. 253.

"the Commission Regulation" means Commission Regulation (EEC) No. 3007/84**(a)** laying down detailed rules for the application of the premium for producers of sheepmeat;

"the first Council Regulation" means Council Regulation (EEC) No. 1837/80**(b)** on the common organisation of the market in sheepmeat and goatmeat, as amended**(c)**;

"the second Council Regulation" means Council Regulation (EEC) No. 872/84**(d)** laying down general rules for the granting of premiums to sheepmeat producers and repealing Regulation (EEC) No. 2643/80**(e)**;

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

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

"premium" means the premium provided for under Article 5 of the first Council Regulation;

"producer" means a producer of sheepmeat.

(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.

(3) In these regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation so numbered in these regulations.

Appointment of competent authority

3. For the purposes of the first Council Regulation, the second Council Regulation and the Commission Regulation, 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.

Application for premium

4.—(1) An application for a premium shall be in such form and shall contain such particulars as the competent authority may require.

(2) An application for a premium in respect of a marketing year shall be delivered to the competent authority on or after 1st January in the calendar year in which that marketing year commences and not later than—

(*a*) 10th April in that calendar year, or

(*b*) 9th April in that calendar year, if a leap year, or

(*c*) if 10th April or, in a leap year, 9th April is a Saturday, Sunday or public holiday, the next following working day.

(a) O.J. No. L283, 27.10.1984, p. 28.
(b) O.J. No. L183, 16.7.80, p.1.
(c) The amending instruments are Council Regulations (EEC) Nos 3446/80 (O.J. No. L359, 31.12.80, p. 16), 899/81 (O.J. No. L90, 4.4.81, p. 26) and 871/84 (O.J. No. L90, 1.4.84, p. 35).
(d) O.J. No. L90, 1.4.84, p. 40.
(e) O.J. No. L275, 18.10.80, p. 6.

Powers of Inspection

5.—(1) Where a producer has made an application for a premium, an authorised officer may, at all reasonable times and on production of his authority on demand, enter on any land occupied, or otherwise used, by the producer for the rearing of animals of the ovine species and may—

(*a*) inspect and count any such animals kept by the producer on that 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 any such animals kept or formerly kept by him.

(2) An authorised officer may be accompanied by such other persons acting under his instructions as appear to him to be necessary to enable him to exercise the powers conferred upon him by the preceding paragraph and may make such copies or take such extracts as he thinks fit of or from any document furnished for inspection.

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

Recovery of premiums

6.—(1) Where any person with a view to obtaining the payment of a premium to himself or any other person—

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

(*b*) furnishes to the competent authority any inaccurate information,

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.

(2) Where any producer, having undertaken pursuant to Article 2 of the Commission Regulation to keep a number of ewes, fails in any way to comply with that undertaking, the competent authority shall be entitled, subject to Articles 6 and 7 of the Commission Regulation, to recover on demand as a civil debt the whole or any part of any premium paid to him.

(3) Where any producer or any person in charge of his animals—

(*a*) intentionally obstructs an authorised officer in the exercise of the powers conferred on him by regulation 5 or a person accompanying and acting under the instructions of an authorised officer, or

(*b*) fails without reasonable excuse to comply with a requirement under regulation 5(1)(*b*), or

(*c*) fails to render all reasonable assistance pursuant to regulation 5(3),

the competent authority shall be entitled to recover on demand as a civil debt the whole or any part of any premium paid to that producer.

Offences

7. Any person who—

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

(*b*) intentionally obstructs an authorised officer in the exercise of the powers conferred by regulation 5 or a person accompanying and acting under the instructions of an authorised officer, or

(*c*) fails without reasonable excuse to comply with a requirement under regulation 5(1)(*b*),

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2000.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th December 1984.

(L.S.)

Michael Jopling,
Minister of Agriculture,
Fisheries and Food.

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

20th December 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations implement Commission Regulation (EEC) No. 3007/84 which lays down new detailed rules for the payment of an annual premium to sheepmeat producers and repeals the previous detailed rules. The premium was introduced by Article 5 of Council Regulation (EEC) No. 1837/80 (now amended by Council Regulation (EEC) No. 871/84) and general rules for its payment are laid down by Council Regulation (EEC) No. 872/84.

The present regulations make provision for those matters which the Commission Regulation leaves to Member States and which are necessary for the proper implementation of the annual premium scheme in the United Kingdom for the 1985/6 and subsequent marketing years. They appoint the "competent authority" responsible for administering the scheme in the various parts of the United Kingdom (regulation 3), stipulate the manner and time of making an application under it (regulation 4), and confer on authorised officers powers to inspect and count sheep and examine relevant documents (regulation 5).

Regulation 6 provides that the competent authority may recover premiums paid under the circumstances there specified and regulation 7 creates offences (making a false statement, intentional obstruction of authorised officers, failure to produce relevant documents) which are punishable on summary conviction by a fine not exceeding £2000.

Article 11 of the Commission Regulation permits certain Member States (including the United Kingdom) to deal with applications for premium submitted in respect of the 1984/5 marketing year in accordance with national provisions in force at the end of the 1983/4 marketing year. The Sheep Annual Premium Regulations 1980 (S.I. 1980/1577) thus remain in force and continue to apply to the payment of premium for the 1984/5 marketing year.

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