STATUTORY INSTRUMENTS

1980 No. 1239

AGRICULTURE

The Suckler Cow Premium Regulations 1980

Made - - - -	14*th August* 1980
Laid before Parliament	18*th August* 1980
Coming into Operation	19*th August* 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) and of all their other enabling powers hereby make the following regulations:—

Citation, extent and commencement

1. These regulations, which may be cited as the Suckler Cow Premium Regulations 1980, shall apply throughout the United Kingdom, and shall come into operation on 19th August 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 Regulation of the Council, the Regulation of the Commission 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;

"the Regulation of the Council" means Regulation (EEC) No. 1357/80 of the Council of 5th June 1980(**c**);

"the Regulation of the Commission" means Regulation (EEC) No. 1885/80 of the Commission of 15th July 1980(**d**).

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

(**c**) O.J. No. L140, 5.6 1980, p. 1. (**d**) O.J. No. L184, 15.7. 1980, p. 29.

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

Appointment of competent authority

3.—For the purposes of the Regulation of the Council (which introduces a system of premiums for maintaining suckler cows) and the Regulation of the Commission (which lays down detailed rules implementing the system of premiums for maintaining suckler cows), the competent authority is—

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

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

Powers of Inspection

4.—(1) Where a producer has applied for the payment of a premium under Article 1 of the Regulation of the Council, or has given an undertaking under Article 2(2) thereof, or where the successor of a producer has given an undertaking under Article 4(3) of the Regulation of the Commission, an authorised officer may, on production of his authority on demand, enter on any land occupied by that producer or successor or otherwise used by him for the keeping of cattle and may—

(*a*) verify the total area of land farmed by the produce;

(*b*) inspect and count any cattle kept by the producer or successor on such land; and

(*c*) require the producer or successor to furnish for inspection—

(i) any bill, account, voucher or record in his possession or under his control relating to the numbers of cattle kept or formerly kept by him, or relating to transactions carried out by him or in respect of which he has or has had an interest, concerning cattle, milk or milk products, and

(ii) any book, account or record in his possession or under his control relating to his holding or relating to a holding in which he has or has had an interest and which the authorised officer considers necessary to substantiate his claim for eligibility as a producer for the purposes of the Council Regulation.

(2) In exercising a power conferred on him by the preceding paragraph, an authorised officer may be accompanied by such 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 or successor 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

5.—Where any person—

(*a*) with a view to obtaining the payment to himself or to any other person of a premium payable under the Regulation of the Council—

(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 given an undertaking under Article 2(2) of the Regulation of the Council or Article 4(3) of the Regulation of the Commission fails in any way to comply therewith, or

(*c*) fails to satisfy the competent authority with regard to the matters mentioned in Article 2(1) of the Regulation of the Council,

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 any other person.

Offences

6.—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 the Regulation of the Council, or

(*b*) obstructs an authorised officer in the exercise of the powers conferred on him by regulation 4 of these regulations or any other person accompanying him pursuant to that regulation or fails 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.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th August 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

Nicholas Edwards,
Secretary of State.

14th August 1980.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Regulation (EEC) No. 1357/80 of the Council of Ministers of the European Communities dated 5th June 1980 introduces a scheme for the payment of premiums for maintaining suckler cows and Regulation (EEC) No. 1885/80 of the Commission dated 15th July 1980 lays down detailed rules implementing the scheme.

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 accordingly appoint "the competent authority" responsible for administering the scheme in the various parts of the United Kingdom, and provide for powers of entry on land by authorised officers acting on behalf of the competent authority for the purposes of inspecting and counting cattle and of examining relevant documents.

The regulations give to the competent authority power to recover premiums 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.

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