
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 199

Slaughter Premium Regulations (Northern Ireland) 2001

Part II

Conditions for payment of slaughter premium

Application of regulations 4 to 12

3. Regulations 4 to 12 shall apply to claimants and occupiers of land to the extent that the Department is the relevant competent authority in relation to their holdings for the purposes of the IACS Regulations.

Claim for slaughter premium

4.—(1) A claim, in the form of the notification document, in respect of a premium calf and a claim in respect of a premium adult, shall be submitted to the Department and shall be accompanied by such documents as the Department may reasonably require.

(2) It is the responsibility of the claimant to check the accuracy of the notification documents and to delete entries that are not eligible.

(3) Any animals which the claimant has confirmed to be eligible under the Scheme but which are not listed on the notification document should be entered together with supporting claimant's documents confirming the eligibility of the animal.

Period for submitting claims

5. A claim shall be submitted to the Department within a period commencing with the day after the date of slaughter for the premium animal in respect of which the claim is submitted and expiring—

- (a) six months later; or
- (b) at the end of February in the calendar year following that in which that premium animal was slaughtered,

whichever is the sooner.

Animals slaughtered in Great Britain

6.—(1) No claimant shall be granted a slaughter premium on the slaughter of a premium animal that has been exported to Great Britain for slaughter unless the conditions specified in paragraph (2) have been satisfied.

(2) That, in the case of the slaughter of a premium animal, it has been slaughtered in a slaughterhouse in England, Scotland or Wales registered for the slaughter of premium animals in accordance with Article 35 of Commission Regulation (EC) No. 2342/1999.

Retention of records

7. A claimant shall retain any book, register (other than a register kept in compliance with Article 7(1) and (4) of Regulation 1760/2000), bill, invoice, account, receipt, certificate, voucher, correspondence or other document or record relating to a premium animal in respect of which he has submitted a claim for a period of four years from the date on which the claim was submitted.

Overgrazing

8.—(1) Subject to paragraph (2), where the Department forms the opinion that any parcel of land is being overgrazed, it may serve on the occupier a written notice specifying the maximum number of bovine animals which may be grazed and maintained on that parcel in the following calendar year.

(2) The maximum number referred to in paragraph (1) shall be determined having regard to such conditions as may be specified in the notice.

(3) Where the Department has previously served a notice under paragraph (1) or any of the provisions specified in paragraph (5) in relation to a parcel of land, it may serve a further such notice in relation thereto without having formed the opinion that it is being overgrazed.

(4) Where the Department has served a notice in relation to a parcel of land under paragraph (1) or (3), or any of the provisions specified in paragraph (5), it shall withhold, or, where it has already been paid, recover any slaughter premium payable or paid on such number of premium animals grazed and maintained there in the calendar year in respect of which that notice was issued as, when added to the number of other animals (including other premium animals) grazed and maintained there in that year, results in the maximum number of animals specified in the notice being exceeded.

(5) The provisions referred to in paragraph (3) are—

- (a) regulation 10 of the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1996(1);
- (b) regulation 3A of the Suckler Cow Premium Regulations (Northern Ireland) 1993(2); and
- (a) regulation 3A of the Sheep Annual Premium Regulations (Northern Ireland) 1992(3).

(6) The Department may withhold or recover slaughter premium pursuant to paragraph (3) where it is satisfied that any other condition in the notice has been breached.

Unsuitable supplementary feeding methods

9.—(1) Where in any calendar year, a claimant uses unsuitable supplementary feeding methods, the Department may—

- (a) in accordance with paragraph (2), reduce or withhold the amount of slaughter premium otherwise payable to him; or
- (b) where slaughter premium has already been paid to him, recover any slaughter premium so paid;

in respect of premium animals slaughtered in that year.

(2) Where the claimant was not penalised for using unsuitable supplementary feeding methods under paragraph (1) nor under any of the provisions specified in paragraph (3) in the preceding calendar year, the amount of slaughter premium referred to in paragraph (1) may be reduced by ten per cent; where the claimant was so penalised in the preceding calendar year, but not in the calendar

(1) S.R. 1996 No. 611

(2) S.R. 1993 No. 280 as amended by S.R. 1994 No. 211, S.R. 1995 No. 246, S.R. 1996 No. 229 and S.R. 1997 No. 53

(3) S.R. 1992 No. 476 as amended by S.R. 1994 No. 404, S.R. 1995 No. 403, S.R. 1996 No. 497, S.R. 1997 No. 485, S.R. 1999 No. 457 and S.R. 2000 No. 301

year before that, that amount may be reduced by twenty per cent; and where the claimant was so penalised in each of the two preceding years that amount may be withheld.

- (3) The provisions referred to in paragraph (2) are—
- (a) regulation 11 of the Beef Special Premium (Protection of Payments) Regulations (Northern Ireland) 1996;
 - (b) regulation 3B of the Suckler Cow Premium Regulations (Northern Ireland) 1993; and
 - (c) regulation 3B of the Sheep Annual Premium Regulations (Northern Ireland) 1992.

Withholding and recovery of slaughter premium

10.—(1) The Department may withhold, or recover on demand, the whole or any part of any slaughter premium claimed from or granted by it in any of the following circumstances—

- (a) where the grant of a slaughter premium to the claimant in question would not, or does not, comply with the Community rules;
 - (b) where, at any time between the submission of the claim in respect thereof and its slaughter, a premium animal was not—
 - (i) subject to an approved identification as required by Article 4 of the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998;
 - (ii) identified with an ear tag in accordance with which Article 14 of the Tuberculosis Control Order (Northern Ireland) 1964 applied;
 - (iii) identified in accordance with Regulation 4 of the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998(4);
 - (iv) identified and registered in accordance with Council Regulation 820/97 and Commission Regulation (EC) No. 2629/97 laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals; or
 - (v) identified and registered in accordance with Regulation 1760/2000.
 - (c) where the conditions specified in regulation 6(1) have not been satisfied; or
 - (d) where the claimant in question, or an officer, employee, servant or agent of that claimant, intentionally obstructs an authorised person, or a person accompanying an authorised person and acting under his instructions, from exercising any power conferred by regulations 14 or 15, or fails without reasonable excuse to comply with a requirement made by an authorised person under regulation 15, or with a request made by an authorised person under regulation 16; and
 - (e) where the claimant has, for the purpose of obtaining for himself or any other person the grant of slaughter premium, knowingly or recklessly made a statement or furnished any information which is false or misleading in a material particular.
- (2) Before taking any step specified in paragraph (1)(a) to (e) the Department shall—
- (a) give to the claimant a written explanation of the reasons for the step proposed to be taken;
 - (b) afford the claimant the opportunity of making written representations within such time as the Department considers reasonable; and
 - (c) consider any such representations.

(3) This regulation applies without prejudice to any dispute procedure contained in an undertaking made under these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) In this regulation, “dispute procedure” means a mechanism for resolving disputes between the Department and the claimant.

Rate of interest

11. Where the Department recovers the whole or any part of any slaughter premium pursuant to regulation 10, unless the sum recovered was paid as a result of the Department’s own error, it shall be entitled in addition to charge and recover on demand interest on the sum recovered at the rate of one per cent above the sterling three months London Interbank Offered Rate on a day-to-day basis for the period from payment to recover i.e. recovery.