



Hill Farming Act 1946

1946 CHAPTER 73

Subsidies for Hill Sheep and Hill Cattle

13 Schemes for subsidy payments in respect of hill sheep and hill cattle

- (1) The appropriate Minister may—
- (a) in accordance with schemes made. by him with the approval of the Treasury as respects England and Wales, Scotland and Northern Ireland respectively, make, out of moneys provided by Parliament, payments in respect of sheep of such descriptions as may be specified in the schemes respectively, and are comprised, on any of the relevant days as hereinafter defined, in flocks of such descriptions as may be so specified, being flocks kept in accordance with the schemes, in the areas to which they respectively relate, on hill land as thereby defined ;
 - (b) in accordance with schemes so made, make, out of moneys so provided, in respect of the year nineteen hundred and forty-seven and each of the four next succeeding years, payments in respect of cattle of such descriptions as may be specified in the schemes respectively, being cattle grazed in accordance with the schemes, in the areas to which they respectively relate, on hill land as thereby defined.
- (2) Schemes made under paragraphs (a) and (b) of the preceding subsection respectively are in this Act referred to respectively as " hill sheep schemes " and " hill cattle schemes ", a payment falling to be made in respect of an animal in accordance with any such scheme is in this Act referred to as a " subsidy payment", and, for the purposes of the provisions of this Act relating to hill sheep schemes, the expression " the relevant days " means, in relation to such a scheme having effect as respects England and Wales or Scotland, such day of December in the year nineteen hundred and forty-six and in the four next succeeding years as may be specified in the scheme in relation to each of those years and, in relation to such a scheme having effect as respects Northern Ireland, such day of January in the year nineteen hundred and forty-seven and in the four next succeeding years as may be so specified.

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14 Recipients, and amounts, of subsidy payments

- (1) Subject to the provisions of the next succeeding section, subsidy payments falling to be made, in accordance with a hill sheep scheme, in respect of sheep comprised in a flock on any of the relevant days shall be made to the person maintaining the flock at the beginning of that day.
- (2) Subject to the provisions of the next succeeding section, subsidy payments falling to be made, in accordance with a hill cattle scheme, in respect of any year in respect of cattle grazed on any land shall be made to the person who, at the beginning of such day as may be specified in the scheme, is the occupier of the land :

Provided that, in the case of cattle grazed on land that is subject to rights of common of pasture and in a case in which it appears to the appropriate Minister that it would more readily conduce to the achievement of the objects of a hill cattle scheme if subsidy payments to be made in accordance therewith in respect of cattle grazed on land of any description specified in the scheme were to be made to a person other than the occupier of land of that description, provision may be made by a bill cattle scheme for the making of the payments to a person who, at the beginning of such day as may be specified in the scheme, satisfies such conditions as may be so specified.

- (3) The amount which may be paid by way of subsidy payment in respect of an animal—
 - (a) in the case of a payment falling to be made in accordance with a hill sheep scheme, in respect of any of the relevant days;
 - (b) in the case of a payment falling to be made in accordance with a hill cattle - scheme, in respect of any year ;

shall be such as may be prescribed as respects that scheme in relation to that day or year, as the case may be, by order of - the appropriate Minister, and any such order may prescribe different amounts in relation to different descriptions of sheep or cattle, as .the case may be, and, in the case of payments falling to .be made in respect, of sheep, in relation to sheep comprised in flocks kept for different purposes or in flocks wherein the number of sheep is maintained by different methods.

15 Supplementary provisions as to hill sheep and hill cattle schemes

- (1) A hill sheep scheme and a hill cattle scheme may contain provisions—
 - (a) determining the minimum number of sheep or cattle in respect of which subsidy payments may be made to any person ;
 - (b) determining the manner in which the number of sheep or cattle in respect of which such payments may be so made is to be computed;
 - (c) providing, in such circumstances as may be specified in the scheme, for the reduction, to such extent as may be so specified, of the number of sheep or cattle, computed in accordance with any provision of the scheme having effect by virtue of the last preceding paragraph, in respect of which subsidy payments would otherwise be made to any person ;
 - (d) providing, in such circumstances as may be so specified, for the reduction, to such extent as may be so specified, of the amount of a subsidy payment ;
 - (e) precluding, either generally or in such circumstances as may be so specified, and either wholly or to such extent as may be so specified, the making of subsidy payments to a person, or a person of such class as may be so specified, as to whom it is determined in accordance with the scheme that he has benefited from work done under section twelve of this Act and either that he did not agree to bear a part of the cost of the work done or that he has made

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default in payment of the amount which ' can be recovered from him under subsection (7) of that , section or any part of that amount ;

- (f) for securing that no subsidy payment shall be made unless application therefor is made at the time and in the manner specified in the scheme ; and
- (g) generally for securing that subsidy payments are properly made ;

and may contain such incidental and supplementary provisions as appear to the appropriate Minister to be requisite or expedient for the purposes of the scheme.

- (2) A hill sheep scheme may contain provisions—
 - (a) defining the circumstances in which persons are to be treated for the purposes of the last preceding section as maintaining, flocks of sheep ; and
 - (b) for enabling subsidy payments in respect of sheep comprised in a flock on any of the relevant days to be made to a person who, if any such payment had been a debt which, at the beginning of that day, accrued due to the person who then maintained the flock, would have been entitled to claim the payment otherwise than by virtue of an assignment.
- (3) A hill cattle scheme may contain provisions for enabling subsidy payments in respect of cattle grazed on any land, being payments which, apart from this provision, would be required to be made to the person who, at the beginning of a day specified in the scheme was the occupier of the land or satisfied conditions specified in the scheme, to be made to a person who, if any such payment had been a debt which, at the beginning of that day accrued due to the first-mentioned person, would have been entitled to claim the payment otherwise than by virtue of an assignment.

16 Provisions as to imported sheep and cattle

- (1) With a view to ensuring that subsidy payments are properly made, the Ministers may by order provide (subject to such exceptions, if any, as may be specified in the order) for the marking of sheep and cattle imported or brought into the United Kingdom.
- (2) If any person—
 - (a) contravenes or fails to comply with an order made under the preceding subsection ; or
 - (b) with intent to deceive alters or defaces a mark placed on an animal in pursuance of an order so made ;he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (3) With a view to ensuring that subsidy payments are properly made, the Ministers may by order determine the times and places at which sheep and cattle may be imported or brought into the United Kingdom from Eire or the Isle of Man, and make provision as to the routes to be followed by sheep and cattle so imported or brought and as to their detention for inspection, and an order under this subsection may contain such provisions as appear to the Ministers necessary for securing the due operation and enforcement of the order, including provision as to forfeiture of sheep and cattle.

17 Variation of hill sheep and lull cattle scheme and orders connected therewith

The power hereinbefore conferred to make a hill sheep scheme or a hill cattle scheme or an order prescribing the amount of a subsidy payment or made under the last

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preceding section shall be construed as including a power to vary or revoke the scheme or order by a subsequent scheme or order, as the case may be.