
 STATUTORY INSTRUMENTS

1984 No. 2024

AGRICULTURE

The Hill Livestock (Compensatory Allowances) Regulations 1984*Laid before Parliament in draft*

Made - - - -	20th December 1984
Coming into Operation	1st January 1985

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, 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, in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations, a draft of which has been approved by resolution of each House of Parliament:—

Citation, extent and commencement

1. These regulations may be cited as the Hill Livestock (Compensatory Allowances) Regulations 1984, shall apply throughout the United Kingdom, and shall come into operation on 1st January 1985.

Interpretation

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

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the use of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“the appropriate Minister” means—

- (a) in relation to England and Northern Ireland, the Minister of Agriculture, Fisheries and Food, and
- (b) in relation to any other part of the United Kingdom, the Secretary of State;

“approved breed” means any hardy breed or cross breed of sheep approved by the appropriate Minister for the purposes of these regulations, being a breed or cross breed which is suitable for breeding and rearing on land in respect of which the severity of the permanent natural handicaps affecting the breeding and rearing of sheep on that

(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 section 40 of the Criminal Justice Act 1982 (c.48) and S.I. 1984/447, as regards Scotland, with section 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.

land is greater than that affecting the breeding and rearing of sheep on severely disadvantaged land generally;

“breeding cow” means a female bovine animal, comprised in a regular breeding herd, which is not maintained primarily for the production of milk and which, on or before the qualifying day—

- (a) has borne a calf, or
- (b) has been brought into the herd primarily for the purpose of replacing an animal which has borne a calf, and is, in the opinion of the appropriate Minister, suitable for the purpose of bearing a calf during the year following the qualifying day;

“designated maps” means—

- (a) in relation to England, the 3 volumes of maps numbered 1 to 3, each such volume being marked “volume of maps of less-favoured farming areas in England” and with the number of the volume, dated 3rd April 1984, signed and sealed by the Minister of Agriculture, Fisheries and Food and deposited at the offices of the Ministry of Agriculture, Fisheries and Food at Great Westminster House, Horseferry Road, London SW1P 2AE;
- (b) in relation to Wales, the 2 volumes of maps numbered 1 and 2, both volumes being marked “volume of maps of less-favoured farming areas in Wales” and with the number of the volume, dated 29th March 1984, signed by the Secretary of State for Wales and deposited at the offices of the Welsh Office Agriculture Department at Plas Crug, Aberystwyth, Dyfed SY23 1NG;
- (c) in relation to Scotland, the 4 maps numbered 1 to 4, each such map being marked “map of less-favoured farming areas in Scotland” and with the number of the map, dated 2nd April 1984, signed by the Secretary of State for Scotland and deposited at the offices of the Department of Agriculture and Fisheries for Scotland at Chesser House, Gorgie Road, Edinburgh EH11 3AW;
- (d) in relation to Northern Ireland, the map marked “map of less-favoured farming areas in Northern Ireland”, dated 4th April 1984, signed by the Secretary of State for Northern Ireland and deposited at the offices of the Department of Agriculture for Northern Ireland at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB;

“disadvantaged land” means land—

- (a) which is, in the opinion of the appropriate Minister, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and
- (b) whose agricultural production is, in the opinion of the appropriate Minister, restricted in its range by, or by any combination of, soil, relief, aspect or climate,

which land is within the area shaded blue or shaded pink on the designated maps;

“eligible land” means an area of land of not less than three hectares, being land—

(a) which is situated in an area included in the list of less-favoured farming areas adopted by the Council or the Commission of the European Communities under Article 2(2) of Council Directive No. 75/268/EEC on mountain and hill farming and farming in certain less-favoured areas(a) , and

(b) which is severely disadvantaged land or disadvantaged land;

“ECU” means the unit of account used for the purposes of the common agricultural structures policy of the European Economic Community, and any reference in these regulations to a specified number of ECU in relation to a compensatory allowance shall be taken to be a reference to the sterling equivalent of that number of ECU converted into sterling at the agricultural exchange rate applicable on the qualifying day in the year in which the compensatory allowance is paid;

“ewe” means a female sheep which, on the qualifying day, is more than one year old;

“hill sheep land” in relation to Scotland means severely disadvantaged land suitable for use for the maintenance of sheep of a hardy breed, but not of sheep of other breeds;

“occupier” includes a person who has a right to use eligible land for the purpose of grazing cattle or sheep;

“qualified flock” means a flock of ewes which is kept on eligible land, or on eligible land and other land used with it, for the breeding and rearing of lambs, and which is, in the opinion of the appropriate Minister, maintained and managed in accordance with sound husbandry practice;

“the qualifying day” means, in respect of any year in which a compensatory allowance may be paid under these regulations, 1st January in that year;

“regular breeding herd” means a herd of cattle which is kept on eligible land, or on eligible land and other land used with it, and which—

(a) has, on the qualifying day, been in existence for a period of at least six months,

(b) is, in the opinion of the appropriate Minister, maintained primarily for the purpose of breeding and rearing calves, and

(c) is, in the opinion of the appropriate Minister, reasonably constant in its composition and maintained and managed in accordance with sound husbandry practice;

“retirement pension” means—

(a) in relation to Great Britain, a category A and category B pension within the meaning of section 12(1)(f) of the Social Security Act 1975(b) , and a category C and category D pension within the meaning of section 34(1)(e) of that Act;

(b) in relation to Northern Ireland, a category A and category B pension within the meaning of section 12(1)(f) of the Social Security (Northern Ireland) Act 1975 (c) , and a category C and category D pension within the meaning of section 34(1)(e) of that Act;

(a) O.J. No. L128, 19.5.1975, p.1. Council Directive 75/268/EEC was amended by Council Directive 80/666/EEC (O.J. No. L180, 14.7.1980, p. 34).

(b) 1975 c.14; section 12(1)(f) was amended by the Social Security Pension Act 1975 (c.60), Schedule 4, paragraph 37.

(c) 1975 c.15.

“severely disadvantaged land” means—

(a) land—

- (i) which is, in the opinion of the appropriate Minister, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and
- (ii) whose agricultural production is, in the opinion of the appropriate Minister, severely restricted in its range by, or by any combination of, soil, relief, aspect or climate, or

(b) land situated in the Isles of Scilly,

which land is within the area shaded pink on the designated maps;

“specially qualified flock” means a qualified flock in which all, or in the opinion of the appropriate Minister substantially all, of the ewes comprised in the flock are of an approved breed, and which—

- (a) in England, Wales and Northern Ireland is maintained on severely disadvantaged land or on severely disadvantaged land and other land used with it;
- (b) in Scotland is maintained or substantially maintained on hill sheep land.

(2) Where in Scotland any agricultural unit consists in part only of eligible land, that land or any part thereof shall be deemed for the purposes of these regulations not to be eligible land unless, in the opinion of the appropriate Minister, such land or such part thereof would be suitable to be dealt with as a separate unit which is capable, having regard to the number of other animals normally grazed thereon, of maintaining a regular breeding herd or a qualified flock.

Compensatory allowances

3.—(1) Subject to the provisions of these regulations, the appropriate Minister may, in respect of the year 1985 and each succeeding year, pay to any person who is on the qualifying day in that year the occupier of eligible land, a compensatory allowance for cattle and sheep maintained by him on that day, being cattle comprised in a regular breeding herd and sheep comprised in a qualified flock.

(2) Subject to regulations 3(4) and 4 below, a compensatory allowance for cattle shall be payable in respect of the number of breeding cows comprised in a herd on the qualifying day at the following rates—

- (a) in the case of cows maintained by a person whose only eligible land is severely disadvantaged land, £44.50 or 97 ECU per cow, whichever is the less;
- (b) in the case of cows maintained by a person whose eligible land comprises severely disadvantaged land and disadvantaged land—
 - (i) £44.50 or 97 ECU per cow, whichever is the less, up to an amount calculated by multiplying the number of hectares of severely disadvantaged land available to that person in accordance with regulation 3(4)(a) below by £60 or 97 ECU, whichever is the less, and deducting from the resulting figure any allowances payable in respect of sheep maintained by that person under paragraph (3) below (other than such allowances payable at the rate of £2.12 or 14.55 ECU per ewe); and

- (ii) thereafter £22.25 or 97 ECU per cow, whichever is the less;
 - (c) in the case of cows maintained by a person whose only eligible land is disadvantaged land, £22.25 or 97 ECU per cow, whichever is the less.
- (3) Subject to regulations 3(4) and 5 below, a compensatory allowance for sheep shall be payable in respect of the number of ewes comprised in a flock on the qualifying day at the following rates—
- (a) in the case of ewes of an approved breed comprised in a specially qualified flock, £6.25 or 14.55 ECU per ewe, whichever is the less;
 - (b) in the case of ewes not referred to in sub-paragraph (a) above maintained by a person—
 - (i) whose only eligible land is severely disadvantaged land, £4.25 or 14.55 ECU per ewe, whichever is the less;
 - (ii) whose eligible land comprises severely disadvantaged land and disadvantaged land, £4.25 or 14.55 ECU per ewe, whichever is the less, for a number of ewes calculated by multiplying the number of hectares of severely disadvantaged land available for the maintenance of the flock in accordance with regulation 5(2)(c) by 6, and thereafter for additional ewes £2.12 or 14.55 ECU per ewe, whichever is the less;
 - (iii) whose only eligible land is disadvantaged land, £2.12 or 14.55 ECU per ewe, whichever is the less.
- (4) Notwithstanding the provisions of paragraphs (2) and (3) above, the total amount of a compensatory allowance which may be paid in respect of any year—
- (a) to the occupier of severely disadvantaged land, shall not exceed £60, or 97 ECU, whichever is the less, for each hectare of such land which appears to the appropriate Minister to have been available to that occupier in the preceding year for the maintenance of his herd or flock;
 - (b) to the occupier of disadvantaged land, shall not exceed £45 or 97 ECU, whichever is the less, for each hectare of such land which appears to the appropriate Minister to have been available to that occupier in the preceding year for the maintenance of his herd or flock.
- (5) A compensatory allowance in respect of any year shall only be paid to an occupier of eligible land if (except in the case of such an occupier who is in receipt of a retirement pension) he enters into a written undertaking in such form as the appropriate Minister may require to the effect that he will, for a period of five years from the qualifying day in that year, continue to use eligible land for agricultural purposes.

Provisions with respect to cattle

4.—(1) Subject to the following provisions of this regulation, where the appropriate Minister is of the opinion that the number of breeding cows comprised in a regular breeding herd on the qualifying day is greater or less than the number of breeding cows which he is satisfied has been the number normally comprised in that herd throughout the preceding year or, in the case of a herd newly established or re-established in that year, throughout such shorter period as the appropriate Minister may determine (including, as breeding cows for this purpose heifers which have become, or would in his

opinion have become, breeding cows by that qualifying day), a compensatory allowance shall be payable in relation to that qualifying day in respect of the number of breeding cows which the appropriate Minister is satisfied is the number of breeding cows which has been normally so comprised in the herd.

(2) For the purposes of paragraph (1) above, the appropriate Minister may disregard any temporary reduction in numbers where he is satisfied that such reduction was or is due to deaths or disposals of cows, and that those cows have been or will be suitably replaced as soon as reasonably practicable.

(3) Where the appropriate Minister is satisfied that—

- (a) the number of breeding cows comprised in a regular breeding herd on a qualifying day is less than the number normally comprised in that herd, and that the reduction is due to the slaughter of cows in the herd in the course of brucellosis eradication, and
- (b) the person to whom a compensatory allowance in respect of that herd may be paid will make satisfactory arrangements for those animals to be suitably replaced in the herd as soon as reasonably practicable, and for repayment of any compensatory allowance paid in respect of any such animal in the event of its not being so replaced,

a compensatory allowance shall be payable in relation to that qualifying day in respect of such number of breeding cows as would, in the opinion of the appropriate Minister, have been comprised in that herd on that qualifying day had its numbers not been reduced by reason of such slaughter.

(4) Where, in the opinion of the appropriate Minister, an appreciable quantity of milk has been produced by a regular breeding herd in the period of 12 months immediately preceding the qualifying day, and such milk has been sold or used for the manufacture of milk products for sale, a compensatory allowance shall be payable in relation to that qualifying day in respect of the number of breeding cows comprised in the herd on that day, reduced by such number as appears to the appropriate Minister to be the number of cows in the herd required to produce that quantity of milk in that period.

(5) Notwithstanding the foregoing provisions of these regulations, the number of breeding cows in respect of which compensatory allowance may be paid in relation to any qualifying day shall not exceed either of the following numbers, that is to say—

- (a) where the number of calves produced by the herd in the year preceding that day is, in the opinion of the appropriate Minister, unusually low for a herd of its size, such number of breeding cows as he considers to be reasonable, regard being had to the number of calves so produced; or
- (b) the number of breeding cows which, in the opinion of the appropriate Minister, the land on which the herd was substantially grazed and maintained in the year preceding that day was capable of carrying without overgrazing it, taking into account the number of other animals grazed and maintained on that land in that year.

Provisions with respect to sheep

5.—(1) A compensatory allowance for sheep shall not be paid in respect of any ewe the use of which for breeding would not, in the opinion of the appropriate Minister, be in accordance with sound husbandry practice.

(2) Subject to paragraph (1) above, and notwithstanding the foregoing provisions of these regulations, the number of ewes in respect of which compensatory allowance may be paid in relation to any qualifying day may not exceed—

- (a) the number of ewes which the appropriate Minister 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, throughout such shorter period thereof as the appropriate Minister 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;
- (b) the number of ewes which, in the opinion of the appropriate Minister, is reasonable, having regard to the number of lambs produced in the year preceding the qualifying day;
- (c) a number calculated at the rate of—
 - (i) six ewes for each hectare of severely disadvantaged land, and
 - (ii) nine ewes for each hectare of disadvantaged land,
 being land which the appropriate Minister is satisfied was available for the maintenance of the flock throughout the greater part of the year preceding that day, or throughout such shorter period of that year as is referred to in sub-paragraph (a) above; or
- (d) the number of ewes which the appropriate Minister determines to be the number which the land on which the flock was substantially grazed and maintained in the year preceding that day was, in his opinion, capable of carrying without overgrazing, taking into account the number of other animals grazed and maintained on the land in that year.

Power of appropriate Minister to apportion eligible land in certain cases

6. Where it appears to the appropriate Minister that on the qualifying day in any year, or during the year immediately preceding that qualifying day, any land was available for the maintenance of—

- (a) more than one regular breeding herd,
- (b) more than one qualified flock, or
- (c) breeding cows comprised in a regular breeding herd and ewes comprised in a qualified flock,

he may, for the purpose of determining any person's entitlement under the foregoing provisions of these regulations, apportion that land among the occupiers or former occupiers thereof as he thinks reasonable in the circumstances.

Applications for compensatory allowances

7.—(1) Payment of a compensatory allowance shall not be made unless an application for that payment has been submitted to the appropriate Minister in such form and at such time as he may require.

(2) If a person authorised by the appropriate Minister so requires, the herd or flock to which an application relates shall be gathered together at a convenient place for the purpose of counting and inspection, and such

documents or records as may be required by the appropriate Minister shall be produced for inspection in support of any application.

(3) In any counting of sheep, a reasonable allowance may be made for dead or ungathered animals.

Release from undertaking

8. A person in receipt of a compensatory allowance under these regulations shall be released from the undertaking referred to in regulation 3(5) above where—

- (a) he ceases farming in accordance with the provisions of Article 2(1) of Council Directive No. 72/160/EEC concerning measures to encourage the cessation of farming and the re-allocation of utilised agricultural areas for the purposes of structural improvement (a);
- (b) he is in receipt of a retirement pension; or
- (c) he is prevented from continuing to discharge that undertaking by reason of—
 - (i) any material circumstances beyond his control, or
 - (ii) the compulsory purchase of his eligible land, or the eligible land used by him for the grazing of animals, or its purchase in the public interest.

Recovery of compensatory allowances

9. Where any person—

- (a) with a view to obtaining payment to himself or to any other person of a compensatory allowance under these regulations makes any statement which is untrue or misleading in a material particular, or
- (b) having given an undertaking under regulation 3(5) above, which has not been released in accordance with regulation 8 above, fails in any way to comply with the terms thereof, or
- (c) fails to replace animals in accordance with regulation 4(2) or (3) above in respect of which a compensatory allowance has been paid under the provisions of these regulations, or
- (d) being a person in receipt of a compensatory allowance under these regulations, fails to comply with a requirement by a person authorised by the appropriate Minister to gather a herd or flock for counting and inspection or to produce documents or records required by the appropriate Minister in accordance with regulation 7(2),

the appropriate Minister shall be entitled to recover on demand as a civil debt the whole or any part of any compensatory allowance paid to him or to such other person.

False statements

10. If any person for the purpose of obtaining for himself or any other person a compensatory allowance under these regulations knowingly or recklessly makes a false statement, he shall be liable on summary conviction to a fine not exceeding £1,000.

(a) O.J. No. L96, 23.4.72, p. 9.

Revocations

11. The regulations listed in the Schedule hereto are hereby revoked.

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



Michael Jopling,
Minister of Agriculture, Fisheries
and Food.

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

20th December 1984.

SCHEDULE
REVOCATIONS

Regulation 11

Regulations revoked	References
The Hill Livestock (Compensatory Allowances) Regulations 1979	S.I. 1979/1748
The Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1980	S.I. 1980/2028
The Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1981	S.I. 1981/1843
The Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1982	S.I. 1982/1886

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply throughout the United Kingdom, consolidate with amendments the Hill Livestock (Compensatory Allowances) Regulations 1979, (as amended), which implemented part of Council Directive 75/268/EEC on mountain and hill farming and farming in certain less favoured areas (O.J. No. L128, 19.5.75, p. 1), as amended by Council Directive 80/666/EEC (O.J. No. L180, 14.7.80, p. 34). The main provisions of the regulations are as follows—

Provision continues to be made for the payment of an annual compensatory allowance for cattle and sheep maintained by the occupier of “eligible land”. Eligible land is defined by reference to land in a less favoured farming area included in the list of such areas adopted under Article 2 of Council Directive 75/268/EEC (the full list of less favoured farming areas is contained in Council Directive No. 84/169/EEC (O.J. No. L82, 26.3.84, p. 67)), which is “severely disadvantaged land” or “disadvantaged land” (as defined in the regulations). Severely disadvantaged land and disadvantaged land must be respectively within the area shaded pink, or within the area shaded blue or pink on designated maps referred to in the regulations. (Severely disadvantaged land corresponds to eligible land under the previous regulations, but the regulations have not previously applied to disadvantaged land (regulations 2(1) and 3(1)).)

The existing rates of allowance (£44.50 per cow, £6.25 per ewe in a specially qualified flock or £4.25 for other ewes) are payable for eligible animals kept on severely disadvantaged land, subject to an overall financial limit of £60 per hectare of land available for the herd or flock and a stocking limit of 6 ewes per hectare of such land. For eligible animals kept on disadvantaged land, allowances are introduced at a rate of £22.25 per cow and £2.12 per ewe, subject to an overall financial limit of £45 per hectare of available land a stocking limit of 9 ewes per hectare of such land. Where both severely disadvantaged and disadvantaged land is occupied, provisions are made for allocating allowances at the higher and lower rates among the cows and ewes maintained on the two categories of land (regulation 3(2)–(4)). Further provisions affecting the number of cattle and sheep in respect of which an allowance may be paid are set out in regulations 4 and 5.

Knowingly or recklessly making a false statement for the purpose of obtaining an allowance is now punishable on summary conviction by a maximum fine of £1,000 (regulation 10).

The designated maps referred to in these regulations are available for inspection during normal office hours at the addresses specified in the definition of “designated maps” (regulation 2(1)). Copies of the maps may be inspected during normal office hours at any Regional or Divisional Office of the Ministry of Agriculture, Fisheries and Food, at the Welsh Office Agriculture Department at Plas Crug, Aberystwyth or any of its Divisional Offices, at any Area Office of the Department of Agriculture and Fisheries for Scotland or at any County Agricultural Executive Office or selected Area Offices of the Department of Agriculture for Northern Ireland.

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