
 STATUTORY INSTRUMENTS

1985 No. 2075

AGRICULTURE

The Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1985
Laid before Parliament in draft

<i>Made - - - -</i>	31st December 1985
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<i>Coming into Operation</i>	1st January 1986
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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 and commencement

1. These regulations may be cited as the Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1985 and shall come into operation on 1st January 1986.

Amendment of the Hill Livestock (Compensatory Allowances) Regulations 1984

2. The Hill Livestock (Compensatory Allowances) Regulations 1984(c) shall be amended in accordance with regulations 3 to 6 below.

3. In regulation 2(1) (interpretation) there shall be inserted after the definition of "regular breeding herd" the following definition —

“ “relevant afforested land” means land which in the opinion of the appropriate Minister has been converted to forest on or after 1st January 1986 by or on behalf of a person to whom a compensatory allowance was paid under these regulations, the Hill Livestock (Compensatory Allowances) Regulations 1979(d) or the Hill Livestock (Compensatory Allowances) Regulations 1975(e) in respect of that land before the date when the conversion to forest was completed; but land shall cease to be relevant afforested land for the purposes of these regulations 15 years after the date when such conversion was completed;”.

(a) S.I. 1972/1811.

(b) 1972 c.68.

(c) S.I. 1984/2024.

(d) S.I. 1979/1748, amended by S.I. 1980/2028, 1981/1843, 1982/1886 and revoked by S.I. 1984/2024.

(e) S.I. 1975/2210, amended by S.I. 1976/1203, 1977/1960, 1979/941 and revoked by S.I. 1979/1748.

4.—(1) Regulation 3 (compensatory allowances) shall be amended as follows.

(2) In paragraph (2)(a) for the words “£44.50 or 97 ECU per cow” there shall be substituted the words “£54.50 or 101 ECU per cow”.

(3) There shall be substituted for paragraph (2)(b)(i) and (ii) the following paragraphs—

- “ (i) £54.50 or 101 ECU per cow, whichever is the less, up to an amount calculated by multiplying the total number of hectares of severely disadvantaged land which is available to that person in accordance with paragraph (4)(a) below or which is relevant afforested land by £62.48 or 101 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 £2.25 or 15.15 ECU per ewe); and
(ii) thereafter £27.25 or 101 ECU per cow, whichever is the less;”.

(4) In paragraph (2)(c) for the words “£22.25 or 97 ECU per cow” there shall be substituted the words “£27.25 or 101 ECU per cow”.

(5) In paragraph (3)(a) for the words “£6.25 or 14.55 ECU per ewe” there shall be substituted the words “£6.75 or 15.15 ECU per ewe”.

(6) There shall be substituted for paragraph (3)(b)(i), (ii) and (iii) the following paragraphs—

- “ (i) whose only eligible land is severely disadvantaged land, £4.50 or 15.15 ECU per ewe, whichever is the less;
(ii) whose eligible land comprises severely disadvantaged land and disadvantaged land, £4.50 or 15.15 ECU per ewe, whichever is the less, for a number of ewes calculated by multiplying the total number of hectares of severely disadvantaged land which is available for the maintenance of the flock in accordance with regulation 5(2)(c) below or which is relevant afforested land by 6, and deducting from the resulting figure the number of ewes, if any, falling within sub-paragraph (a) above which are kept on that land, and thereafter for additional ewes £2.25 or 15.15 ECU per ewe, whichever is the less;
(iii) whose only eligible land is disadvantaged land, £2.25 or 15.15 ECU per ewe, whichever is the less;”.

(7) In paragraph (4)(a) for the words “£60, or 97 ECU” there shall be substituted the words “£62.48 or 101 ECU” and there shall be inserted at the end the words “or which is relevant afforested land”.

(8) In paragraph (4)(b) for the words “£45 or 97 ECU” there shall be substituted the words “£46.86 or 101 ECU” and there shall be inserted at the end the words “or which is relevant afforested land”.

(9) In paragraph (5) for the words from “he enters” to the end there shall be substituted the words “he has entered 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 first payment of a compensatory allowance under these regulations made after 1st January 1986, continue to use eligible land for agricultural purposes”.

5. In regulation 5(2)(c) (provisions with respect to sheep) there shall be inserted after the words “sub-paragraph (a) above” the words “or which is relevant afforested land”.

6. For regulation 8 (release from undertaking) there shall be substituted the following regulation—

“8.—(1) 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 is in receipt of a retirement pension; or

(b) he is prevented from continuing to discharge that undertaking by reason of any material circumstances beyond his control.

(2) A person in receipt of a compensatory allowance under these regulations may be released from that undertaking where he ceases farming and at least 3 hectares of his eligible land, or the eligible land used by him for the grazing of animals, continues to be used for agricultural purposes”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th December 1985.



Michael Jopling,
Minister of Agriculture,
Fisheries and Food.

Gray of Contin,
On behalf of One of Her Majesty's
Principal Secretaries of State.

31st December 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Hill Livestock (Compensatory Allowances) Regulations 1984 (implementing part of Council Directive No. 75/268/EEC (OJ No. L 128, 19.5.75, p.1) on mountain and hill farming and farming in certain less-favoured areas) and comply with Articles 13 to 15 of Council Regulation (EEC) No. 797/85 (OJ No. L 93, 30.3.85, p.1) on improving the efficiency of agricultural structures.

These regulations increase the rates of allowance payable for animals kept on severely disadvantaged land from £44.50 to £54.50 per cow, from £6.25 to £6.75 per ewe in a specially qualified flock and from £4.25 to £4.50 for other ewes. For animals kept on disadvantaged land the rates are increased from £22.25 to £27.25 per cow and from £2.12 to £2.25 per ewe (regulation 4(2) to (6)).

The regulations increase the overall limits on payments for each hectare of severely disadvantaged land from £60 or 97 ECU, to £62.48 or 101 ECU, whichever is the less, and of disadvantaged land from £45 or 97 ECU, to £46.86 or 101 ECU, whichever is the less (regulation 4(7) and (8)).

Where both severely disadvantaged land and disadvantaged land are occupied, revised provision is made for allocating allowances at the higher and lower rates among ewes maintained on the two categories of land (regulation 4(6)).

Where a person in receipt of an allowance afforests land used as a basis for calculating the allowance, those areas may continue to be taken into account for calculating the allowance for 15 years from the date of afforestation (regulations 3, 4(3), (6) to (8) and 5).

The terms of the undertaking required from applicants and the provisions relating to release from that undertaking are revised to comply with Council Regulation 797/85 (regulations 4(9) and 6).