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STATUTORY INSTRUMENTS

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**1995 No. 1481**

**AGRICULTURE**

**The Hill Livestock (Compensatory Allowances)  
(Amendment) (No. 2) Regulations 1995**

<i>Made</i>	- - - -	<i>20th June 1995</i>
<i>Laid before Parliament</i>		<i>22nd June 1995</i>
<i>Coming into force</i>	- -	<i>13th July 1995</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, acting jointly 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:

**Title, extent and commencement**

1. These Regulations may be cited as the Hill Livestock (Compensatory Allowances) (Amendment) (No. 2) Regulations 1995, shall extend to Great Britain and shall come into force on 13th July 1995.

**Amendments to the Hill Livestock (Compensatory Allowances) Regulations 1994**

2.—(1) The Hill Livestock (Compensatory Allowances) Regulations 1994<sup>(3)</sup> (referred to subsequently in these Regulations as “the 1994 Regulations”) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation)—

- (a) for the definition of “breeding cow” there shall be substituted the following definition—
- ““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 has borne a calf and is capable of lactation;”

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1994/2740, amended by S.I. 1995/100.

- (b) in the definition of “ECU” there shall be substituted for the phrase “as amended by Council Regulation (EEC) No. 3528/93 and Council Regulation (EC) No. 3311/94” the following phrase—
- “as amended by Council Regulation (EEC) No. 3528/93, Council Regulation (EC) No. 3311/94 and Council Regulation (EC) No. 150/95(4);”
- (c) for the definition of “the qualifying day” there shall be substituted the following definition—
- ““the qualifying day” means the day on which a person lodges his claim for a compensatory allowance for cattle or as the case may be sheep under these Regulations in respect of a given Scheme year;”
- (3) In regulation 3 (compensatory allowances)—
- (a) for paragraph (3) there shall be substituted the following paragraph—
- “(3) Subject to the following provisions of these Regulations, 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 a rate of 20.3 ECU per cow;”
- (b) for paragraph (4) there shall be substituted the following paragraph—
- “(4) Subject to the following provisions of these Regulations, a compensatory allowance for sheep shall be payable in respect of the number of ewes comprised in a flock on the qualifying day at a rate of 3.045 ECU per ewe;”
- (c) in sub-paragraph (a) of paragraph (5) for the amount “123 ECU” there shall be substituted the amount “150 ECU” ; and
- (d) in sub-paragraph (b) of paragraph (5) for the amount “123 ECU” there shall be substituted the amount “150 ECU” .
- (4) In sub-paragraph (b) of paragraph (1) of regulation 4 (provisions with respect to cattle) for the word “four” there shall be substituted the word “six” .
- (5) In sub-paragraph (b) of paragraph (1) of regulation 5 (provisions with respect to sheep) for the words “four months from the day following the qualifying day for that Scheme year” there shall be substituted the phrase “100 days starting on the last day of the period specified in sub-paragraph (a) or as the case may be (b) of paragraph (4) of regulation 7 during which his claim for that allowance in respect of that Scheme year has been lodged with the appropriate Minister” .
- (6) In paragraph (1) of regulation 6 (overgrazing) there shall be inserted after the word “allowances” the words “for cattle” .
- (7) In paragraph (2) of regulation 6—
- (a) there shall be inserted after the word “allowances” the words “for sheep” ; and
- (b) there shall be inserted after the word “year” where it appears second the phrase “specified in regulation 7(4)(a)” .
- (8) In paragraph (3) of regulation 6—
- (a) there shall be inserted after the word “allowances” the words “for cattle” ; and
- (b) there shall be inserted after the word “year” where it appears second the phrase “or in the year preceding the opening date for lodging claims for compensatory allowances for sheep in respect of any given Scheme year specified in regulation 7(4)(a)” .
- (9) For regulation 7 (claims for compensatory allowances) there shall be substituted the following regulation—

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(4) OJ No. L22, 31.1.95, p. 1.

### **“Claims for compensatory allowances**

7.—(1) A claim for a compensatory allowance for cattle in respect of the 1996 Scheme year shall, subject to paragraph (3), be lodged with the appropriate Minister on or after 13th July 1995 and not later than 8th December 1995.

(2) A claim for a compensatory allowance for cattle in respect of the 1997 or any subsequent Scheme year shall be lodged with the appropriate Minister on or after 1st July and not later than 8th December in the preceding Scheme year.

(3) Where a claim for a compensatory allowance for cattle in respect of the 1996 Scheme year has been lodged with the appropriate Minister on or after 1st July 1995 but before 13th July 1995 that Minister may treat that claim as equivalent to one lodged in accordance with paragraph (1).

(4) Any claim for a compensatory allowance for sheep in respect of any Scheme year shall be lodged with the appropriate Minister in one only of the following periods—

- (a) on or after 15th November and not later than 15th December in the preceding Scheme year; or
- (b) on or after 15th January and not later than 20th February in the Scheme year concerned.

(5) A claim for a compensatory allowance shall be made in such form as the appropriate Minister may require, and no person shall be entitled to make more than one such claim for cattle in respect of any Scheme year, provided that where in respect of a given Scheme year a number of claims for compensatory allowances for cattle are made by persons who have in respect of that year made more than one area aid application under Article 6 of Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes<sup>(5)</sup> as amended by Council Regulation (EC) No. 165/94<sup>(6)</sup>, Council Regulation (EC) No. 3233/94<sup>(7)</sup> and Council Regulation (EC) No. 3235/94<sup>(10)</sup> but who are regarded as a single farmer within the meaning of Article 1(4) of that first-mentioned Council Regulation the claims concerned shall be deemed to be a single claim made by one person for the purposes of this paragraph.

(6) Where the claimant is a producer group within the meaning of point 2 of Article 1 of Council Regulation (EEC) No. 3493/90<sup>(8)</sup> the claimant shall in making a claim for a compensatory allowance for sheep under this regulation observe signature formalities equivalent to those imposed by Article 2(1) of Commission Regulation (EEC) No. 2385/91<sup>(9)</sup> in relation to the application referred to therein..”

### **Saving**

3.—(1) Any claim for a compensatory allowance made in respect of the 1995 Scheme year shall be governed by the 1994 Regulations as in force immediately before the coming into force of these Regulations.

(2) In this regulation, “compensatory allowance” has the same meaning as in regulation 2(1) of the 1994 Regulations.

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(5) OJ No. L355, 5.12.92, p. 1.

(6) OJ No. L24, 29.1.94, p. 6.

(7) OJ No. L338, 28.12.94, p. 13.

(10) OJ No. L338, 28.12.94, p.16.

(8) OJ No. L337, 4.12.90, p. 7, to which there are amendments not relevant to these Regulations.

(9) OJ No. L219, 7.7.91, p. 15, to which there are amendments not relevant to these Regulations.

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

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19th June 1995

*Michael Jack*  
Minister of State, Minister of Agriculture,  
Fisheries and Food

Scottish Office  
20th June 1995

*Hector Monro*  
Parliamentary Under Secretary of State,

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend the Hill Livestock (Compensatory Allowances) Regulations 1994 (S.I.1994/2740, as already amended by S.I. 1995/100).
2. The amendments made by these Regulations to S.I. 1994/2740 are as follows:
  - (a) there are substituted for the existing definitions of the phrases concerned revised definitions of “breeding cow” and “the qualifying day” ;
  - (b) the definition of “ECU” is further amended;
  - (c) the rates of payment of compensatory allowances for both cattle and sheep are further revised;
  - (d) the retention period for cattle—the period for which breeding cows have to be held by the claimant before he is eligible to claim a compensatory allowance for them—is increased from four to six months;
  - (e) the retention period for sheep—the period for which ewes have to be held by the claimant before he is eligible to claim a compensatory allowance for them—is brought into line with that applicable to the Sheep Annual Premium Scheme (see Article 1(2) and (3) of Commission Regulation (EEC) No. 2700/93, OJ No. L245, 1.10.93, p.99, and regulation 3(2) of the Sheep Annual Premium Regulations 1992, S.I. 1992/2677, amended by S.I. 1994/2741);
  - (f) the existing regulation 7 (claims for compensatory allowances) is replaced with a new regulation 7, setting out revised conditions for making claims for compensatory allowances for cattle and sheep;
  - (g) regulation 6 (dealing with overgrazing) is amended in the light of the revised claim periods set out in the new regulation 7.
3. It is provided by these Regulations that claims for compensatory allowances made in respect of 1995 are to be governed by S.I. 1994/2740 as in force immediately before the coming into force of these Regulations.
4. A compliance cost assessment has been prepared and has been deposited in the Library of each House of Parliament.