
STATUTORY INSTRUMENTS

1996 No. 1500

The Hill Livestock (Compensatory Allowances) Regulations 1996

Title, extent and commencement

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, the Minister of Agriculture, Fisheries and Food; and
- (b) in relation to any other part of Great Britain, the Secretary of State;

“authorised person” means a person (whether or not an officer of the Minister concerned) who is authorised by the appropriate Minister, either generally or specially, to act in matters arising under these Regulations;

“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 day of lodgement of a claim for a compensatory allowance for it has borne a calf and on that day is capable of lactation;

“claimant” means a person who has made a claim for a compensatory allowance under these Regulations;

“Commission Regulation 2385/91” means Commission Regulation (EEC) No. 2385/91 laying down detailed rules for certain special cases regarding the definition of sheepmeat and goatmeat producers and producer groups⁽¹⁾;

“Commission Regulation 3887/92” means Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes⁽²⁾;

“compensatory allowance” means the allowance payable under regulation 3;

“Council Regulation 805/68” means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal⁽³⁾;

“Council Regulation 3493/90” means Council Regulation (EEC) No. 3493/90 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers⁽⁴⁾;

“Council Regulation 3508/92” means Council Regulation (EEC) No. 3508/92 establishing an integrated administration system for certain Community aid schemes⁽⁵⁾;

(1) OJ No. L219, 7.8.91, p.15, as last amended by Commission Regulation (EC) No. 2569/95 (OJ No. L262, 1.11.95, p.32).

(2) OJ No. L391, 31.12.92, p.36, as last amended by Commission Regulation (EC) No. 2015/95 (OJ No. L197, 22.8.95, p.2).

(3) OJ No. L148, 28.6.68, p.24 (OJ/SE Vol. I p.187), as last amended by Commission Regulation (EC) No. 2417/95 (OJ No. L248, 14.10.95, p.39).

(4) OJ No. L337, 4.12.90, p.7, as last amended by Council Regulation (EC) No. 233/94 (OJ No. L30, 3.2.94, p.9).

(5) OJ No. L355, 5.12.92, p.1, as last amended by Council Regulation (EC) No. 3072/95 (OJ No. L329, 30.12.95, p.18).

“Council Regulation 3813/92” means Council Regulation (EEC) No. 3813/92 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽⁶⁾;

“Council Regulation 3320/94” means Council Regulation (EC) No. 3320/94 on the consolidation of the existing Community legislation on the definition of the ecu following the entry into force of the Treaty on European Union⁽⁷⁾;

“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 20th May 1991, 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 Nobel House, 17 Smith Square, London SW1P 3HX;
- (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 20th May 1991, signed by the Secretary of State for Wales and deposited at the offices of the Welsh Office Agriculture Department at Cathays Park, Cardiff CF1 3NQ;
- (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 15th May 1991, signed by the Secretary of State for Scotland and deposited at the offices of the Scottish Office Agriculture and Fisheries Department at Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TW;

“disadvantaged land”(except in the expression “severely disadvantaged land”) means—

- (a) in relation to land situated in England and Wales, the land shown coloured blue on the designated maps; and
- (b) in relation to land situated in Scotland, land shown coloured blue or coloured pink on the designated maps, and—
 - (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 that land, and
 - (ii) whose agricultural production is in the opinion of the appropriate Minister restricted (but not severely restricted) in its range by or by any combination of soil, relief, aspect or climate;

“ECU” means the unit of account used in legal instruments relating to the common agricultural policy of the European Community as defined in Council Regulation 3320/94, 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 conversion rate (as determined in accordance with Council Regulation 3813/92) applicable on 1st January in the Scheme year in respect of which the compensatory allowance is paid;

“eligible land” means an area of land of not less than 3 hectares which is severely disadvantaged land or disadvantaged land;

“ewe” means a female sheep comprised in a qualified flock which, on 1st January in any Scheme year, is at least one year old;

(6) OJ No. L387, 31.12.92, p.1, as last amended by Council Regulation (EC) No. 150/95 (OJ No. L22, 31.1.95, p.1); “agricultural conversion rate” is defined in Article 1(c).

(7) OJ No. L350, 31.12.94, p.27.

“forage area” has the same meaning as in the second indent of Article 4g(3) of Council Regulation 805/68;

“hardy breed or hardy cross-breed” means a breed or as the case may be cross-breed of sheep which is in the opinion of the appropriate Minister suitable for breeding and rearing on land where the severity of the permanent natural handicaps affecting the breeding and rearing of sheep on it is greater than that affecting the breeding and rearing of sheep on severely disadvantaged land generally;

“husbandry practice” includes practice in relation to the grazing and feeding of livestock;

“livestock unit” means a unit of measurement of livestock numbers and a single livestock unit equals—

- (a) 1 breeding cow;
- (b) 1 in-calf bovine animal used to replace a breeding cow in accordance with regulation 6(1);
- (c) 6.67 ewes; or
- (d) 6.67 female sheep (not being ewes) used to replace ewes in accordance with regulation 6(2);

“the 1995 Order” means the Bovine Animals (Records, Identification and Movement) Order 1995⁽⁸⁾;

“the 1996 Order” means the Sheep and Goats (Records, Identification and Movement) Order 1996⁽⁹⁾;

“overgrazing” means grazing land with livestock in such numbers as adversely to affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree, and “overgrazed” shall be construed accordingly;

“production unit” has the same meaning as in Council Regulation 3508/92;

“qualified flock” means a flock of sheep which is usually kept on a production unit which includes disadvantaged land or severely disadvantaged land and which is, in the opinion of the appropriate Minister—

- (a) maintained primarily for the purpose of breeding and rearing lambs; and
- (b) maintained and managed in accordance with sound husbandry practice, and includes a “specially qualified flock”;

“regular breeding herd” means a herd of cattle which is usually kept on a production unit which includes disadvantaged land or severely disadvantaged land and which is, in the opinion of the appropriate Minister—

- (a) maintained primarily for the purpose of breeding and rearing calves; and
- (b) maintained and managed in accordance with sound husbandry practice;

“the 1975 Regulations” means the Hill Livestock (Compensatory Allowances) Regulations 1975⁽¹⁰⁾;

“the 1978 Regulations” means the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978⁽¹¹⁾;

⁽⁸⁾ S.I.1995/12.

⁽⁹⁾ S.I. 1996/28.

⁽¹⁰⁾ S.I. 1975/2210, amended by S.I. 1976/1203, S.I. 1977/1960 and S.I. 1979/941 and revoked by S.I. 1979/1748.

⁽¹¹⁾ S.I. 1978/393, to which there are amendments not relevant to these Regulations.

“the 1979 Regulations” means the Hill Livestock (Compensatory Allowances) Regulations 1979⁽¹²⁾;

“the 1984 Regulations” means the Hill Livestock (Compensatory Allowances) Regulations 1984⁽¹³⁾;

“the 1992 Regulations” means the Hill Livestock (Compensatory Allowances) Regulations 1992⁽¹⁴⁾;

“the 1993 Regulations” means the Hill Livestock (Compensatory Allowances) Regulations 1993⁽¹⁵⁾;

“the 1994 Regulations” means the Hill Livestock (Compensatory Allowances) Regulations 1994⁽¹⁶⁾;

“relevant afforested land” means land which in the opinion of the appropriate Minister was converted to forest on or after 1st January 1986 and before 1st January 1988 by or on behalf of a person to whom a compensatory allowance was paid in respect of the land under the 1975 Regulations, the 1979 Regulations or the 1984 Regulations 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;

“retirement pension” means a category A and category B pension within the meaning of section 20(1)(f) of the Social Security Contributions and Benefits Act 1992⁽¹⁷⁾, a category C and category D pension within the meaning of section 63(f) of that Act, or graduated retirement benefit as referred to in Schedule 1 to the 1978 Regulations;

“Scheme year” means 1997 and each succeeding calendar year;

“severely disadvantaged land” means—

- (a) in relation to land situated in England and Wales—
 - (i) the land shown coloured pink on the designated maps, or
 - (ii) land situated in the Isles of Scilly; and
- (b) in relation to land situated in Scotland, land shown coloured pink on the designated maps, and—
 - (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 that 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;

“the 1992 Sheep Regulations” means the Sheep Annual Premium Regulations 1992⁽¹⁸⁾;

“specially qualified flock” means a qualified flock—

- (a) in which all or, in the opinion of the appropriate Minister, substantially all of the ewes comprised in the flock are of any hardy breed or hardy cross-breed;
- (b) in which the ewes are in the opinion of the appropriate Minister maintained in 3 distinct age groups; and

⁽¹²⁾ S.I. 1979/1748, amended by S.I. 1980/2028, S.I. 1981/1843 and S.I. 1982/1886 and revoked by S.I. 1984/2024.

⁽¹³⁾ S.I. 1984/2024, amended by S.I. 1985/2075, S.I. 1987/2129, S.I. 1991/392 and S.I. 1991/1439 and revoked, insofar as they applied to Northern Ireland, by S.R. (N.I.) 1987 No. 92 and, insofar as they applied to Great Britain, by S.I. 1992/269.

⁽¹⁴⁾ S.I. 1992/269, amended by S.I. 1993/70 and revoked by S.I. 1993/2631.

⁽¹⁵⁾ S.I. 1993/2631, amended by S.I. 1993/2924 and S.I. 1994/94 and revoked by S.I. 1994/2740.

⁽¹⁶⁾ S.I. 1994/2740, amended by S.I. 1995/100, S.I. 1995/1481, S.I. 1995/2778 and S.I. 1996/27 and revoked by these Regulations.

⁽¹⁷⁾ 1992 c. 4.

⁽¹⁸⁾ S.I. 1992/2677, amended by S.I. 1994/2741, S.I. 1995/2779 and S.I. 1996/49.

- (c) which in England and Wales is maintained on severely disadvantaged land or on severely disadvantaged land and other land used with it, and in Scotland is maintained or substantially maintained on severely disadvantaged land suitable for use for the maintenance of a hardy breed or hardy cross-breed but not sheep of other breeds;

“specified control measure” means any check which a member state is required to carry out under Article 6 of Commission Regulation 3887/92;

“the 1993 Suckler Cow Regulations” means the Suckler Cow Premium Regulations 1993⁽¹⁹⁾;

“unsuitable supplementary feeding methods” means providing supplementary feed (other than to maintain livestock during abnormal weather conditions) in such a manner as to result in damage to vegetation through excessive trampling or poaching of the land by animals or excessive rutting by vehicles.

(2) In these Regulations—

- (a) any reference to a retention period for ewes applicable to a given Scheme year is a reference to the minimum period for which the animals concerned shall have to be kept by the relevant claimant following a claim by him for a compensatory allowance for those animals in respect of that given Scheme year, and which is 100 days (starting on the last date for lodging that claim, as specified in paragraph (2) of regulation 8);
- (b) any reference to a retention period for breeding cows applicable to a given Scheme year is a reference to the minimum period for which the animals concerned shall have to be kept by the relevant claimant following a claim by him for a compensatory allowance for those animals in respect of that given Scheme year, and which is 6 months (starting on the day following the date of lodgement of that claim, as required by paragraph (1) of regulation 8).

(3) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date these Regulations are made.

(4) Where in Scotland an agricultural unit consists in part only of land which is disadvantaged land or severely disadvantaged land the land so designated shall not be regarded as disadvantaged land or as the case may be severely disadvantaged land unless in the opinion of the appropriate Minister it would be suitable to be dealt with as a separate unit which is capable, having regard to the number of other animals normally grazed on it, of maintaining a regular breeding herd or a qualified flock.

(5) Any reference in these Regulations to—

- (a) a numbered regulation (with no corresponding reference to a specific instrument) is a reference to the regulation in these Regulations so numbered; and
- (b) a numbered paragraph (with no corresponding reference to a specific regulation) is a reference to the paragraph so numbered in the regulation in which the reference appears.

⁽¹⁹⁾ S.I. 1993/1441, amended by S.I. 1994/1528, S.I. 1995/15 and S.I. 1995/1446.