

SCHEDULE 3

Regulations 12(1), (2), (3), (6), (9),(10),
(11), (12) and (13)

PART I

CATEGORIES OF PERSON ELIGIBLE TO BE ALLOCATED
QUOTA FROM THE NATIONAL RESERVE FOR A GIVEN YEAR

CATEGORY I

- (1) Any producer who—
 - (a) in the relevant year participated in—
 - (i) the Countryside Stewardship Scheme (in England); or
 - (ii) Tir Cymen (in Wales),
(established in each case under section 4(1) of the Countryside Act 1968);
 - (b) because of his participation in the relevant scheme specified in sub-paragraph (a) of this paragraph was required to reduce in (or in a period including) the relevant year the number of sheep or as the case may be suckler cows kept by him; and
 - (c) can demonstrate that at the time he makes his application for an allocation of quota from the national reserve for a given year—
 - (i) his participation in the relevant scheme specified in sub-paragraph (a) of this paragraph has ended, or
 - (ii) he is irrevocably committed to ending his participation in the relevant scheme specified in sub-paragraph (a) of this paragraph before the close of the application period for the Sheep Annual Premium Scheme or as the case may be Suckler Cow Premium Scheme for the year corresponding with that given year.
- (2) Any producer who—
 - (a) in the relevant year was a party to—
 - (i) any Wildlife Enhancement Scheme management agreement entered into under section 15 of the Countryside Act 1968(1),
 - (ii) any management agreement concerning a Site of Special Scientific Interest entered into under the said section 15,
 - (iii) any management agreement concerning land adjacent to a Site of Special Scientific Interest entered into under the said section 15,
 - (iv) any management agreement concerning a National Nature Reserve entered into under section 16 of the National Parks and Access to the Countryside Act 1949(2),

(1) 1968 c. 41; section 15 was amended by section 1 of and paragraph 9 to Schedule 1 to the Nature Conservancy Council Act 1973 (1973 c. 54), sections 72(8) and 73 and Schedule 17 to the Wildlife and Countryside Act 1981 (1981 c. 69), sections 132(1) and 162(2) of and paragraph 4(2) of Schedule 9, and Schedule 16, to the Environmental Protection Act 1990 (1990 c. 43) and section 4(10) of and paragraph 3 of Schedule 2 to the Natural Heritage (Scotland) Act 1991 (1991 c. 28) and sections 73(4) and 75(3) and paragraph 1(c)(i) of Schedule 8 of the Countryside and Rights of Way Act 2000 (2000 c. 37) and paragraphs 29(1) and (2) of Part I of Schedule 12 of the Abolition of Feudal Tenure etc (Scotland) Act 2000. (2000 asp 5).

(2) 1949 c. 97; section 16 was amended by section 1(1)(b) of and paragraph 1 of Schedule 1 to the Nature Conservancy Council Act 1973 (1973 c. 54) and section 4(6) of and paragraph 1(3) of Schedule 2 to the Natural Heritage (Scotland) Act 1991 (1991 c. 28).

Changes to legislation: There are currently no known outstanding effects for the The Sheep Annual Premium and Suckler Cow Premium Quotas Regulations 2003, SCHEDULE 3. (See end of Document for details)

- (v) any management agreement made under section 39 of the Wildlife and Countryside Act 1981(3) or section 49A of the Countryside (Scotland) Act 1967(4);
- (b) by virtue of his being bound by the relevant agreement specified in sub-paragraph (a) of this paragraph was required to reduce in (or in a period including) the relevant year the number of sheep or as the case may be suckler cows kept by him; and
- (c) can demonstrate that at the time he makes his application for an allocation of quota from the national reserve for a given year—
 - (i) he has ceased to be a party to the relevant agreement specified in sub-paragraph (a) of this paragraph, or
 - (ii) he is irrevocably committed to ending his participation in the relevant agreement specified in sub-paragraph (a) of this paragraph before the close of the application period for the Sheep Annual Premium Scheme or as the case may be Suckler Cow Premium Scheme for the year corresponding with that given year.

In this category “relevant year” means, in the case of a sheep producer, the 1991 marketing year and, in the case of a suckler cow producer, the 1992 calendar year; and “marketing year” means a marketing year as defined in Article 3(3) of Council Regulation 3013/89 on the common organisation of the market in sheepmeat and goatmeat(5).

CATEGORY II

Any producer who can demonstrate that at the time he makes his application for an allocation of quota from the national reserve for a given year—

- (a) he has in any capacity taken over any part of any land from which any amount of quota of the corresponding kind acquired under the Community legislation other than by way of lease or transfer has been removed by a departing tenant or sharefarmer whose tenancy or sharefarming agreement was made before 1st January 1993; or
- (b) he has irrevocably committed himself to taking over any such part by the close of the application period for the Sheep Annual Premium Scheme or as the case may be Suckler Cow Premium Scheme for the year corresponding with that given year.

CATEGORY III, GROUP (a)

Any person who at the time he makes his application for an allocation of quota from the national reserve for a given year can demonstrate that—

- (a) he has become a producer or (already being a producer) he has increased the size of his existing flock or as the case may be herd in consequence of his reverting from arable to livestock farming by virtue of his—
 - (i) making any Environmentally Sensitive Area Scheme agreement under section 18 of the Agriculture Act 1986(6) or article 3 of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987(7),

(3) 1981 c. 69; section 39 was amended by sections 7 and 102 of and paragraph 7(3) of Schedule 17, to the Local Government Act 1985 (1985 c. 51) and section 120 of and Schedule 24 to the Environment Act 1995 (c. 25) and section 2(5) of and paragraph 31(2) of Part I of Schedule 3 to the Norfolk and Suffolk Broads Act 1998 (1998 c. 4) and sections 96(a) and (b) and 102 and Part IV of Schedule 16 of the Countryside and Rights of Way Act 2000 (2000 c. 37).

(4) 1967 c. 86; section 49A was inserted by section 9 of the Countryside (Scotland) Act 1981 (1981 c. 44) and amended by paragraph 4(3) of Schedule 10 to the Natural Heritage (Scotland) Act 1991 (1991 c. 28), and section 76 of and paragraph 28(6) of Schedule 12 to the Abolition of Feudal Tenure (Scotland) Act 2000 (2000 asp5).

(5) OJNo. L289, 7.10.99, p. 1.

(6) 1986 c. 49; section 18 was amended by section 132 of and paragraph 13 of Schedule 9 to the Environmental Protection Act 1990 (1990 c. 43), section 27 and paragraph 12 of Schedule 10 to the Natural Heritage (Scotland) Act 1991 (1991 c. 28), paragraph 45 of Schedule 11 to the Agricultural Holdings (Scotland) Act 1991 (1991 c. 55) and section 73(4) and paragraph

Changes to legislation: There are currently no known outstanding effects for the The Sheep Annual Premium and Suckler Cow Premium Quotas Regulations 2003, SCHEDULE 3. (See end of Document for details)

- (ii) entering into any Nitrate Sensitive Area agreement under section 112 of the Water Act 1989(8) or section 31B of the Control of Pollution Act 1974,(9)
 - (iii) participating in the Countryside Stewardship Scheme in England or Tir Cymen in Wales (established in each case under section 4(1) of the Countryside Act 1968),
 - (iv) entering into any Wildlife Enhancement Scheme management agreement under section 15 of the Countryside Act 1968,
 - (v) entering into any management agreement concerning a Site of Special Scientific Interest under the said section 15,
 - (vi) entering into any management agreement concerning land adjacent to a Site of Special Scientific Interest under the said section 15,
 - (vii) entering into any management agreement concerning a National Nature Reserve under section 16 of the National Parks and Access to the Countryside Act 1949, or
 - (viii) making or as the case may be entering into any management agreement under section 39 of the Wildlife and Countryside Act 1981, section 49A of the Countryside (Scotland) Act 1967 or article 9 of the Nature (Conservation and Amenity Lands) (Northern Ireland) Order 1985(10),
 - (ix) undertaking to comply with the requirements of a Nitrate Sensitive Area Scheme established under the Nitrate Sensitive Area Regulations 1994(11),
 - (x) undertaking to comply with the management obligations of a Habitat Scheme established under the Habitat (Water Fringe) Regulations 1994(12), the Habitat (Salt-Marsh) Regulations 1994(13), the Habitats (Scotland) Regulations 1994(14), the Habitat (Broadleaved Woodland) (Wales) Regulations 1994(15), the Habitat (Water Fringe) (Wales) Regulations 1994(16), the Habitat (Coastal Belt) (Wales) Regulations 1994(17) or the Habitat (Species-Rich Grassland) (Wales) Regulations 1994(18), or
 - (xi) participating in a development project or scheme established under section 5 of the Natural Heritage (Scotland) Act 1991(19); or
- (b) he has irrevocably committed himself to becoming a producer or (already being a producer) to increasing the size of his existing flock or as the case may be herd by the close of the application period for the Sheep Annual Premium Scheme or as the case may be Suckler Cow Premium Scheme for the year corresponding with that given year in consequence of his reverting from arable to livestock farming by virtue of his taking the said action or participating in any such project or scheme.

19(j) of Schedule 8 of the Countryside and Rights of Way Act 2000 (2000 c. 37) and S.I.1994/249, S.I.1997/1457, S.I. 1999/416 and S.I. 2002/794.

(7) S.I. 1987/458 (N.I.3).

(8) 1989 c. 15; section 112 was repealed by section 3(1) of and Part I of Schedule 3 to the Water Consolidation (Consequential Provisions) Act 1991 (1991 c. 60).

(9) 1974 c. 40; section 31B was inserted by section 169 and Schedule 23 to the Water Act 1989 (1989 c. 15) and amended by section 88(1) and paragraph 39 of Schedule 11 of the Agricultural Holdings (Scotland) Act 1991 (1991 c. 55) and section 106 and paragraph 5 to Schedule 16 of the Environment Act 1995 (1995 c. 25).

(10) S.I. 1985/170 (N.I.1), amended by S.I. 1989/492 (N.I.3).

(11) S.I. 1994/1729, amended by S.I. 1995/1708, S.I.1995/2095, S.I.1996/3105, S.I.1997/990 and S.I. 1998/2138.

(12) S.I. 1994/1291, amended by S.I. 1996/1480 and S.I. 1996/3106.

(13) S.I. 1994/1293, amended by S.I. 1995/2871 (as corrected by S.I.1995/2891), S.I.1996/1479, S.I. 1996/3108 and S.I. 1999/3161.

(14) S.I. 1994/2710, repealed by S.I. 1996/3035.

(15) S.I. 1994/3099, amended by S.I. 1996/3075.

(16) S.I. 1994/3100, amended by S.I. 1996/3073.

(17) S.I. 1994/3101, amended by S.I. 1996/3074.

(18) S.I. 1994/3102, amended by S.I. 1996/3072.

(19) 1991 c. 28.

CATEGORY III, GROUP (b)

Any young natural person—

- (a) who is a newcomer to farming and whose first application for sheep annual premium or as the case may be suckler cow premium is in respect of a scheme year, or as the case may be, calendar year corresponding with the one in which he makes an application for an allocation of quota from a particular national reserve; or
- (b) who (although he was a newcomer to farming and made a successful first application for sheep annual premium or as the case may be suckler cow premium in respect of the scheme year, or as the case may be, calendar year immediately prior to the one in respect of which he makes an application for an allocation of quota from a particular national reserve) did not receive an allocation of quota from the national reserve immediately preceding that particular national reserve.

CATEGORY IV

Any other natural person—

- (a) who is a newcomer to farming and whose first application for sheep annual premium or as the case may be suckler cow premium is in respect of the scheme year, or as the case may be, calendar year corresponding with the one in which he makes an application for an allocation of quota from a particular national reserve; or
- (b) who (although he was a newcomer to farming and made a successful first application for sheep annual premium or as the case may be suckler cow premium in respect of the scheme year, or as the case may be, calendar year immediately prior to the one in respect of which he makes an application for an allocation of quota from a particular national reserve) did not receive an allocation of quota from the national reserve immediately preceding that particular national reserve.

CATEGORY V

Any person who at the time he makes his application for an allocation of quota from the national reserve for a given year can demonstrate that—

- (a) he has become a producer or (already being a producer) he has increased the size of his existing flock or as the case may be herd in accordance with an application or plan under the Organic Farming (England Rural Development Programme) Regulations 2003⁽²⁰⁾, or the Organic Farming Scheme (Wales) Regulations 2001⁽²¹⁾; or the Organic Farming Regulations (Northern Ireland) Regulations 2001⁽²²⁾; or the Organic Aid (Scotland) Regulations 1994⁽²³⁾; or
- (b) he has irrevocably committed himself to becoming a producer or (already being a producer) to increasing the size of his existing flock or as the case may be herd by the close of the application period for the Sheep Annual Premium Scheme or as the case may be Suckler Cow Premium Scheme for the year corresponding with that given year in accordance with an application or plan such as is described in sub- paragraph (a) above.

CATEGORY VI, GROUP (a)

Any producer who—

⁽²⁰⁾ S.I. 2003/1235.

⁽²¹⁾ S.I. 2001/424.(W.17).

⁽²²⁾ S.R. (N.I.) 2001 No. 5.

⁽²³⁾ S.I. 1994/1701, amended by S.I. 1996/3083 and S.S.I. 1999/107.

- (a) can produce appropriate documentary evidence that he intends to make his first application for sheep annual premium or as the case may be suckler cow premium in respect of a calendar year corresponding with the one in respect of which he makes an application for an allocation of quota from a particular national reserve; or
- (b) (although he made a successful first application for sheep annual premium or as the case may be suckler cow premium in respect of the calendar year immediately prior to the one in respect of which he makes an application for an allocation of quota from a particular national reserve) did not receive an allocation of quota from the national reserve for the immediately preceding year.

CATEGORY VI, GROUP (b)

Any producer who at the time he makes his application for an allocation of quota from the national reserve for a given year can demonstrate that—

- (a) he has acquired any part of an area—
 - (i) formerly used for sheep or as the case may be suckler cow production by another producer, and
 - (ii) which was acquired for industrial, military, commercial or construction purposes on the giving of an undertaking that it would in due course be returned to agricultural use; or
- (b) he has irrevocably committed himself to acquiring any such part of an area as is specified in paragraph (a) of this category before the close of the application period for the Sheep Annual Premium Scheme or as the case may be Suckler Cow Premium Scheme for the year following that given year.

In category II, quota which has been acquired by a tenant or sharefarmer under the Community legislation other than by way of lease or transfer shall be regarded as having been removed from land by that person where he leaves the land in question permanently, and paragraph 2 of Schedule 4 shall be construed accordingly.

PART II

CONDITION WHICH HAS TO BE SATISFIED IF A PERSON IS TO FALL WITHIN CATEGORY II

The departing tenant or sharefarmer shall have surrendered all the land in respect of which he had the relevant tenancy or as the case may be sharefarming agreement.

PART III

CONDITIONS WHICH HAVE TO BE SATISFIED IF A PERSON IS TO FALL WITHIN CATEGORY III, GROUP (B), OR CATEGORY IV

1. A person falls within category III, group (b), only if he is under 40 years of age on the date his application for an allocation of quota from the national reserve for any given year is received by the Minister to whom that application is required by these Regulations to be submitted.
2. A person falls within category IV only if he is at least 40 years of age on the date his application for an allocation of quota from the national reserve for any given year is received by the Minister to whom that application is required by these Regulations to be submitted.

Changes to legislation: There are currently no known outstanding effects for the The Sheep Annual Premium and Suckler Cow Premium Quotas Regulations 2003, SCHEDULE 3. (See end of Document for details)

3. In the case of category III, group (b), and category IV, the applicant concerned shall not previously have been the sole trader of or a manager in an enterprise, or a partner in a firm, involving the production of an agricultural commodity, although he may have owned no more than 5% of the issued share capital of any such enterprise of which he was a director or an employee.

4. In the case of category III, group (b), and category IV, the applicant concerned shall—

- (a) hold an appropriate certificate relating to the possession of agricultural skill and competence issued by an establishment recognised for that purpose by the Minister to whom he is required by these Regulations to submit his application; or
- (b) produce appropriate documentary evidence that, whilst not holding any such certificate as is specified in sub-paragraph (a) of this paragraph, he nevertheless possesses at least one year's relevant agricultural experience.

Changes to legislation:

There are currently no known outstanding effects for the The Sheep Annual Premium and Suckler Cow Premium Quotas Regulations 2003, SCHEDULE 3.