

SCHEDULE 4

Regulation 12(4) and (9)

AMOUNTS OF QUOTA TO BE ALLOCATED FROM
THE NATIONAL RESERVE FOR ANY GIVEN YEAR

1. In the case of a successful application for an allocation of quota from the national reserve for a given year by a person falling within category I the amount of quota allocated to him shall be equivalent to the difference between the number of animals in respect of which he received sheep annual premium or as the case may be suckler cow premium in the relevant year and the number of animals in respect of which he received that premium in the scheme year, or as the case may be, calendar year before his participation in the relevant scheme specified in that category began or he became a party to the relevant agreement specified therein.

2.—(1) Subject to sub-paragraph (2) of this paragraph, in the case of a successful application for an allocation of quota from the national reserve for a given year by a person falling within category II—

- (a) where a single producer takes over the whole of the land from which the quota has been removed, the amount of quota allocated to that producer shall correspond with the amount of quota acquired by the departing tenant or sharefarmer in respect of that land under the Community legislation other than by way of lease or transfer;
- (b) where a single producer takes over part only of the land from which the quota has been removed, the amount of quota allocated to that producer shall equal

$$A \times (B/C)$$

where

A is the quota acquired as specified in paragraph (a) of this sub-paragraph, B is the available forage hectarage of that part and C is the available forage hectarage of that land;

- (c) where a number of producers simultaneously take over the whole of the land from which the quota has been removed—
 - (i) the total amount of quota allocated to those producers shall correspond with the amount of quota acquired by the departing tenant or sharefarmer in respect of that land under the Community legislation other than by way of lease or transfer, and
 - (ii) the amount of quota allocated to each producer shall—
 - (aa) where the producers concerned farm the land as a single holding, be that agreed between them or if there is no such agreement such amount as gives each producer an equal allocation of quota units with any surplus being carried forward for distribution from the following national reserve, or
 - (bb) where the producers concerned farm the land individually in separate holdings, be calculated by reference to the available forage hectarage of his holding; and
- (d) where a number of producers simultaneously take over part only of the land from which the quota has been removed—
 - (i) the total amount of quota allocated to those producers shall equal

$$A \times (B/C)$$

where

A is the quota acquired as specified in paragraph (c)(i) of this sub-paragraph, B is the available forage hectarage of that part and C is the available forage hectarage of that land, and

Changes to legislation: There are currently no known outstanding effects for the The Sheep Annual Premium and Suckler Cow Premium Quotas Regulations 2003, SCHEDULE 4. (See end of Document for details)

- (ii) the amount of quota allocated to each producer shall—
 - (aa) where the producers concerned farm the land taken over as a single holding, be that agreed between them or if there is no such agreement such amount as gives each producer an equal allocation of quota units with any surplus being carried forward for distribution from the following national reserve, or
 - (bb) where the producers concerned farm the land taken over individually in separate holdings, be calculated by reference to the available forage hectarage of his holding.

(2) Notwithstanding sub-paragraph (1) of this paragraph, where the holding of the departing tenant or sharefarmer comprised both the land from which quota had been removed and other production units, the total amount of quota available for allocation to the producer taking over the land from which quota had been removed shall be that specified in the relevant tenancy or sharefarming agreement or (where that information is not available) shall equal

$$A \times (B/C)$$

where

A is the amount of quota acquired by that tenant or sharefarmer other than by way of lease or transfer, B is the available forage hectarage of that land and C is the available forage hectarage of that holding.

3. In the case of a successful application for an allocation of quota from the national reserve for a given year by a person falling within category III, group (a), the amount of quota allocated to him shall be determined—

- (a) by the Minister with responsibility for the part of the United Kingdom in which that person's holding is situated;
- (b) where the producer is 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) or a development project or scheme established under section 5 of the Natural Heritage (Scotland) Act 1991, after that Minister has taken into account a recommendation made by the body responsible for accepting his application to join the scheme concerned; and
- (c) where the producer has entered into or as the case may be made—
 - (i) any Wildlife Enhancement Scheme management agreement under section 15 of the Countryside Act 1968,
 - (ii) any management agreement concerning a Site of Special Scientific Interest under the said section 15,
 - (iii) any management agreement concerning land adjacent to a Site of Special Scientific Interest under the said section 15,
 - (iv) any management agreement concerning a National Nature Reserve under section 16 of the National Parks and Access to the Countryside Act 1949, or
 - (v) 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,

after that Minister has taken into account a recommendation made by the body responsible for accepting his application to enter into or make the agreement concerned, so as to ensure that he receives such amount of quota as corresponds with the number of sheep or as the case may be suckler cows which is necessary to ensure that the requirements of the appropriate scheme or agreement are fulfilled.

4.—(1) In the case of a successful application for an allocation of quota from the national reserve for any given year by a person falling within paragraph (a) of category III, group (b), or paragraph (a) of category IV, the amount of quota allocated to that person shall be the amount of quota specified in that application, provided that amount is reasonable in the circumstances.

(2) In the case of a successful application for an allocation of quota from the national reserve for any given year by a person falling within paragraph (b) of category III, group (b), or paragraph (b) of category IV, the amount of quota allocated to him shall correspond with the number of animals specified in the successful application for the immediately preceding year, unless the number of eligible animals kept on the applicant's holding throughout the retention period⁽¹⁾ for that last-mentioned application was lower than the number specified in it, in which case the amount of quota allocated to him shall correspond with that lower number.

5. In the case of a successful application for an allocation of quota from the national reserve for a given year by a person falling within category V the amount of quota allocated to him shall correspond with the number of additional sheep or as the case may be suckler cows as are specified in the relevant approved plan.

6.—(1) In the case of a successful application for an allocation of quota from the national reserve for any given year by any person falling within paragraph (a) of category VI, group (a), the amount of quota allocated to him shall correspond with the number of sheep or as the case may be suckler cows specified in that application, provided that amount is reasonable in the circumstances.

(2) In the case of a successful application for an allocation of quota from the national reserve for any given year by a person falling within paragraph (b) of category VI, group (a), the amount of quota allocated to him shall correspond with the number of animals specified in the successful application for the immediately preceding year, unless the number of eligible animals kept on the applicant's holding throughout the retention period for that last-mentioned application was lower than the number specified in it, in which case the amount of quota allocated to him shall correspond with that lower number.

7. In the case of a successful application for an allocation of quota from the appropriate national reserve by a person falling within category VI, group (b), the amount of quota allocated to that person shall correspond with the number of sheep or as the case may be suckler cows which in the opinion of the Minister to whom the application was made his holding can support.

(1) The requirement to have a retention period for suckler cow premium claims is set out in Article 6(2) of Council Regulation 1254/99.

Changes to legislation:

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