STATUTORY INSTRUMENTS

1967 No. 1555

AGRICULTURE

LIVESTOCK INDUSTRIES

The Beef Cow (England and Wales) Scheme 1967

Made - - - -	23*rd October* 1967
Laid before Parliament	31*st October* 1967
Coming into Operation	1*st November* 1967

The Minister of Agriculture, Fisheries and Food, in pursuance of section 12 of the Agriculture Act 1967(**a**) and all his other enabling powers, with the approval of the Treasury, hereby makes the following scheme:—

Citation, extent and commencement

1. This scheme, which applies to England and Wales, may be cited as the Beef Cow (England and Wales) Scheme 1967 and shall come into operation on 1st November 1967.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

" the Act " means the Agriculture Act 1967 ;

" agricultural unit " means land which is occupied as a unit for agricultural purposes, together with any other land, including common land, used in connection with such land for the purpose of grazing ;

" applicant " means a person who applies for payment, and " apply " and " application " shall be construed accordingly ;

" cow " means a female bovine animal which has borne a calf, or has, in the opinion of the Minister, been brought into a herd to replace one which has borne a calf ;

" eligible cow " means a cow which is in the opinion of the Minister suitable for breeding calves for beef ;

" dispersed " means wholly or substantially disposed of by sale or otherwise ;

" hill cattle scheme " means a scheme made under section 13(1)(*b*) of the Hill Farming Act 1946(**b**) ;

" the Minister " means the Minister of Agriculture, Fisheries and Food ;

" payment " means the making of subsidy payments under this scheme ;

" regular beef herd " means a herd which appears to the Minister to be maintained primarily for the purpose of breeding calves for beef, which is reasonably constant in numbers and composition, and which is maintained substantially on the same agricultural unit, or on the same grazing land, throughout any year in respect of which payment is applied for (excluding any part of that year during which the herd is not in existence) unless transferred to other land with the approval of the Minister.

(**a**) 1967 c. 22. (**b**) 1946 c. 73.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Beef Cow Subsidies

3.—(1) Subject to the provisions of this scheme, the Minister may make a subsidy payment in respect of any eligible cow which on a prescribed date is comprised in a regular beef herd.

(2) The prescribed dates for the purposes of this scheme shall be 31st December in the year 1967 and each of the four following years, except that, where as a result of exceptional circumstances a herd has been dispersed before any such date, the prescribed date in that year in relation to that herd, instead of being 31st December, may with the consent of the Minister be 30th June.

(3) A subsidy payment shall be of such amount as may be specified by an order made by the Minister under section 12(4) of the Act.

(4) Payment may be made—

(*a*) in the case of a herd maintained on an agricultural unit, to the occupier of the unit at the beginning of the prescribed date, and

(*b*) in any other case, to the owner of the herd at that time.

Limitation on numbers

4.—(1) In any herd, the number of cows on a prescribed date in respect of which subsidy payments may be made under paragraph 3 above shall not exceed—

(*a*) the number of eligible cows (including for this purpose any heifer which becomes an eligible cow by the prescribed date) comprised in the herd to the satisfaction of the Minister throughout the year or, in the case of a herd—

(i) which has been newly established or re-established in the course of that year, or

(ii) which has been dispersed before the end of that year, or

(iii) in respect of which no payment has been made in relation to the preceding year either under this scheme or under an arrangement by which grants were made for corresponding purposes out of money provided by Parliament before the coming into operation of this scheme,

throughout such shorter period of not less than six months in the year as the Minister considers appropriate, disregarding any temporary reduction in numbers due to the death or disposal of cows if they are replaced as soon as appears to the Minister to be reasonably practicable, or

(*b*) one cow for each 2½ acres of grass and forage crops available for the maintenance of the herd in that year, calculated in accordance with sub-paragraph (2) below,

whichever is the less.

(2) For the purposes of sub-paragraph (1)(*b*) above—

(*a*) " grass " includes lucerne and rough grazing, but not undersown grass during its first year, and grass is available for the maintenance of a herd in any year if it is grown on the agricultural unit or other land on which the herd is maintained in that year ;

(a) 1889 c. 63.

(*b*) the acreage of any land grazed by more than one herd may be apportioned by the Minister between the herds as he thinks reasonable ;

(*c*) " forage crops " means kale, rape, cabbage, fodder beet, mangolds, swedes and turnips, grown for feeding to cattle, and cereal crops cut and fed green, cut green for silage, or grazed off ;

(*d*) forage crops are available for the maintenance of a herd in any year if they are grown on the agricultural unit on which the herd is maintained, and grazed off or otherwise harvested during that year ;

(*e*) the acreage of any land shall not be counted more than once in the same year ;

(*f*) where the result of the calculation includes a fraction, it shall be rounded off to the nearest whole number, a half counting as one.

Reduction for low calving and for milk production

5. If in any year, in the opinion of the Minister—

(*a*) the number of calves born to cows in a herd is less than he considers reasonable, having regard to all the circumstances, or

(*b*) an appreciable quantity of milk is produced by a herd, and is sold as milk or milk products or is used for domestic consumption or for feeding to animals other than calves intended for beef production,

the number of cows in that herd in respect of which subsidy payments may be made under the preceding provisions of this scheme shall be reduced by such number as may be determined by the Minister.

Exclusion of subsidy where hill cow subsidy is paid

6.—(1) Subject to the provisions of this paragraph, payment may not be made in respect of cows comprised in a herd in any year if subsidy payments are made under a hill cattle scheme in respect of cattle comprised in the herd in that year.

(2) Where the land on which a herd is maintained is partly hill land as defined in a hill cattle scheme and partly other land, and subsidy payments are made under that scheme in respect of cattle comprised in the herd, payment may be made, subject to the provisions of this scheme, in respect of eligible cows which are disqualified from subsidy payments under the hill cattle scheme by reason of the application of a provision in that scheme enabling subsidy payments to be restricted by reference to the number of acres of hill land on which cattle are grazed.

(3) Cows in respect of which subsidy payments may be made by virtue of sub-paragraph (2) above shall be treated as a herd for the purposes of this scheme, and grass and forage crops grown on the hill land referred to in that sub-paragraph shall be disregarded for the purposes of the application of paragraph 4(1)(*b*) to that herd.

Claims, counting and inspection

7. It shall be a condition of payment that—

(*a*) a person shall give such notice of his intention to claim subsidy payments under this scheme as the Minister may require ;

(*b*) application for payment shall be made within the period of 5 years commencing on 1st November 1967 in such manner and at such time as the Minister may direct ;

(*c*) the applicant shall to the best of his ability facilitate any counting or inspection of cattle, or inspection of relevant grass and forage crops,

which the Minister considers necessary in connection with the application, and shall if requested gather the cattle together at some convenient place for the purpose.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th October 1967.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

We approve,
23rd October 1967.

E. Alan Fitch,
Harry Gourlay,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the scheme.)

This scheme, made with the approval of the Treasury, enables the Minister of Agriculture, Fisheries and Food to pay annual subsidies for cows comprised in regular beef herds in England and Wales on 31st December (or in special circumstances 30th June) in 1967 and the four following years.

The scheme provides for limiting the number of cows eligible for subsidy by reference to the numbers maintained in the herd throughout the year and the acreage of grass and forage crops available for their maintenance. Subsidy payments may be reduced to take account of low calving and milk production. Herds on which hill cattle subsidy is paid are not generally eligible for payment under this scheme in the same year, but in certain circumstances hill cattle subsidy can be paid on part of a herd and beef cow subsidy on the remainder.

Provision is made for giving notice of intention to claim the subsidy, for making applications for payment, and for giving facilities for counting and inspection. Payment under the scheme is limited to applications made within the period of five years commencing on 1st November 1967.

The amount of the subsidy is prescribed by the Minister in a separate order; initially this is the Beef Cow Subsidy Payment (England and Wales) Order 1967.