STATUTORY INSTRUMENTS

1972 No. 779

AGRICULTURE
LIVESTOCK INDUSTRIES
The Beef Cow (England and Wales) Scheme 1972

Made - - -	18*th May* 1972
Laid before Parliament	25*th May* 1972
Coming into Operation	30*th June* 1972

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in pursuance of section 12 of the Agriculture Act 1967(**a**), as read with the Transfer of Functions (Wales) Order 1969(**b**) and of all their other enabling powers, with the approval of the Treasury, hereby make 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 1972, and shall come into operation on 30th June 1972.

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;

"dispersed", in relation to a herd, means wholly or substantially disposed of by sale or otherwise, and removed from the agricultural unit or other land on which it is maintained, without immediate replacement;

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

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

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

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

(**a**) 1967 c. 22.
(**b**) S.I. 1969/388 (1969 I, p. 1070).
(**c**) 1946 c. 73.

"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.

(2) Where the Minister is satisfied that a herd is comprised of a mixture of cows maintained primarily for the production of milk and cows maintained primarily for the breeding of calves for beef, he may, if he so determines, specify a part of that herd as being a separate herd, and the part so specified shall be a herd for the purposes of this scheme.

(3) The Interpretation Act 1889(**a**) applies 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 the 31st December in the year 1972 and in 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. 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 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—

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

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

(*c*) in respect of which no payment has been made in relation to the preceding year either under this scheme or under a previous 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.

(**a**) 1889 c. 63.

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 foregoing provisions of this scheme shall be reduced by such number as may be determined by the Minister.

Exclusion of subsidy where hill cattle 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 which is capable of supporting cattle, 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 whereby subsidy payments are restricted by reference to the number of acres of hill land on which the cattle are grazed.

(3) Cows in respect of which subsidy payments may be made by virtue of subparagraph (2) above shall be treated as a herd for the purposes of this scheme.

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 in such a manner and at such time as the Minister may direct, during the period commencing with 1st January 1973 and ending with 31st December 1977;

(*c*) the applicant shall to the best of his ability facilitate any counting or inspection of cattle 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 15th May 1972.

(L.S.) *J. M. L. Prior,*
Minister of Agriculture, Fisheries and Food.

Given under my hand on 17th May 1972.

Peter Thomas,
Secretary of State for Wales.

We approve,

18th May 1972.

Tim Fortescue,
P. L. Hawkins,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the scheme.)

This scheme, which is made under section 12 of the Agriculture Act 1967 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 1972 and the four following years. Generally, it contains substantially the same provisions as those contained in the Beef Cow (England and Wales) Scheme 1967, as amended, which authorised payment until 1971.

Thus, provision is made for limiting the number of cows qualifying for subsidy by reference to the number of cows maintained in the herd throughout the year (or, exceptionally, throughout a part of the year) which appear to the Minister to be suitable for producing beef calves. Subsidy payment may also 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.

The scheme contains provisions for making applications for payment of subsidy, and for giving facilities to the Minister's officers for counting and inspecting cattle. Payment under the scheme is limited to applications made not later than 31st December 1977.

The amount of subsidy is prescribed by the Minister in a separate order made under section 12(4) of the 1967 Act.

SI 1972/779
ISBN 0-11-020779-3

