STATUTORY INSTRUMENTS

1967 No. 1560 (S. 130)

AGRICULTURE

LIVESTOCK INDUSTRIES

The Beef Cow (Scotland) Scheme 1967

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

In exercise of the powers conferred upon me by section 12 of the Agriculture Act 1967(a) and of all other powers enabling me in that behalf, and with the approval of the Treasury, I hereby make the following scheme:—

Citation and commencement

1. This scheme may be cited as the Beef Cow (Scotland) Scheme 1967 and shall come into operation on 1st November 1967.

Interpretation

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

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

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

"herd" means a herd which appears to the Secretary of State to be grazed and maintained primarily for the purpose of breeding calves for beef;

"in-calf heifer" means a female bovine animal which is with calf for the first time;

"June Return" means the return of information required by the Secretary of State in exercise of the powers conferred on him by the Agricultural Statistics (Scotland) Regulations 1948(b) as amended by the Agricultural Statistics (Scotland) Amendment Regulations 1957(c) to be made by occupiers of land used for agriculture annually as at a date in June, and "December Return" means such a return so required to be made annually as at a date in December; and "date of the December Return" means the latter of those two dates;

"occupier" in relation to any land, includes any person who has right or permission to use that land for the grazing and maintenance of a herd;

(a) 1967 c. 22. (b) S.I. 1948/2239 (Rev. I, p. 589: 1948 I, p. 93).
(c) S.I. 1957/876 (1957 I, p. 83).

"prescribed date" in relation to the year 1967 or any of the years 1968, 1969, 1970 and 1971, means the date which coincides with the date of the June Return in that year;

"relevant period" in relation to a prescribed date, means the period from 1st October next preceding that date to 30th September next succeeding it;

"subsidy payment" means a payment in respect of a cow for which provision is made by this scheme.

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

Subsidy payment

3.—(1) Subject to the provisions of this scheme, the Secretary of State may make a subsidy payment in respect of any cow which on the prescribed date in the year 1967 or any of the four next succeeding years is comprised in a herd with respect to which the provisions of this scheme are fulfilled.

(2) A subsidy payment shall be of such amount as may be specified by an order made by the Secretary of State under section 12(4) of the Agriculture Act 1967.

(3) A subsidy payment in respect of a cow comprised in a herd on a prescribed date shall be made to the person who at the beginning of that date—

(*a*) is responsible for the grazing and maintenance of the herd and for taking the commercial risks connected with it, and

(*b*) is the occupier of the land on which the herd is grazed and maintained.

Application for subsidy payment

4. A subsidy payment shall not be made unless an application therefor is made by the applicant within the period of five years commencing on 1st June 1967 in such manner and at such time as the Secretary of State may direct.

Herds to be maintained throughout the relevant period

5. Subject to the provisions of this scheme, a subsidy payment in respect of a cow comprised in a herd on a prescribed date may be made only where the Secretary of State is satisfied that the herd was grazed and maintained throughout the relevant period on the land specified in the application:

Provided that where a herd has not been grazed and maintained throughout the relevant period on the land specified in the application either because the herd was not in existence during any part of that period or because of other exceptional circumstances the Secretary of State may, if he thinks fit, regard the herd as having been grazed and maintained throughout the relevant period on that land.

Number of cows qualifying for subsidy payments

6. Subject to the provisions of this and the three next succeeding paragraphs, the number of cows in respect of which subsidy payments may be made as being comprised in a herd on a prescribed date shall be equal to—

(*a*) the number of cows comprised in the herd on that date and included in the June Return required to be made as at that date in respect of the land specified in the application, or

(a) 1889 c. 63.

(*b*) the number of cows and in-calf heifers comprised in the herd at the date of, and included in, the December Return required to be made as at a date in the immediately preceding December in respect of that land ;

whichever is the less :

Provided that where the Secretary of State is satisfied that—

(i) no such June or no such December Return has been made, or

(ii) any such Return which has been made is inaccurate in respect of the number of cows or in-calf heifers included therein or is inappropriate for the computation of the number of cows in respect of which subsidy payments fall to be made ;

the number of cows in respect of which subsidy payments may be made as aforesaid shall be equal to such number as the Secretary of State, having regard to all the circumstances, deems to be the number of cows in respect of which subsidy payments should be made.

Reduction of number of cows qualifying for subsidy payments in certain circumstances

7.—(1) Where the Secretary of State is satisfied that the number of cows in respect of which subsidy payments would otherwise fall to be made as being comprised in a herd on a prescribed date exceeds the number of cows (including any which were in-calf heifers during any part of the relevant period prior to that date) which have been comprised in the herd and which have been grazed and maintained throughout the relevant period on the land specified in the application, the number of cows in respect of which subsidy payments may be made shall be such lesser number as the Secretary of State may determine:

Provided that in determining for the purposes of this sub-paragraph the number of cows which have been so comprised in a herd and which have been so grazed and maintained—

(*a*) the Secretary of State may have regard to the number of cows and in-calf heifers found to be comprised in the herd at any count and inspection thereof in relation to the relevant period carried out by a person authorised by the Secretary of State in that behalf,

(*b*) there shall be disregarded any interval, which in the opinion of the Secretary of State was not unreasonably long, between the date a cow replaced ceased to be on the said land and the date the replacement was brought on to that land, and

(*c*) where a cow or in-calf heifer, not being a replacement, was not being grazed and maintained on the said land at the beginning of the relevant period but was by the date of the December Return made in that period or by such later date as the Secretary of State may in exceptional circumstances allow brought on to that land for the first time, such cow or heifer shall be deemed to have been grazed and maintained on such land during the period between the commencement of the relevant period and the date when it was brought on to the land.

(2) Where the Secretary of State is of the opinion that the number of cows in respect of which subsidy payments would otherwise fall to be made as being comprised in a herd on a prescribed date is greater than the number of cows which the land specified in the application was, taking into account the number of any other livestock normally grazed on that land, capable of carrying or that the number of calves bred during the relevant period by the herd was not satisfactory, the Secretary of State may make subsidy payments in respect of such lesser number of cows as he may determine.

(3) Where, in the opinion of the Secretary of State, any subsidy payments made to any person in respect of cows comprised in a herd on a prescribed date should not have been made because the provisions of this scheme had not been complied with by that person, the number of cows comprised in a herd on any subsequent prescribed date in respect of which subsidy payments would otherwise fall to be made to that person may be reduced to such number as the Secretary of State may determine.

Disqualification

8. A subsidy payment shall not be made in respect of any cow comprised in a herd on a prescribed date if in the opinion of the Secretary of State—

(*a*) the cow is not suitable for breeding calves for beef, or

(*b*) the milk produced by the cow in the relevant period was used wholly or mainly otherwise than for rearing calves for beef, or

(*c*) the management or maintenance of the cow during the relevant period was not in accordance with sound farming practice.

Exclusion of subsidy payment where hill cattle subsidy paid

9. A subsidy payment in respect of a cow which on the prescribed date in the year 1967 or any of the four next succeeding years is comprised in a herd shall not be made if a payment in respect of that cow has been made, or if in the opinion of the Secretary of State the cow qualifies for a payment, in respect of that year under any hill cattle scheme within the meaning of the Hill Farming Act 1946(**a**).

Count and inspection

10. A person authorised by the Secretary of State in that behalf may require an applicant to gather or cause to be gathered the herd in which there are comprised the cows to which the application relates for the purpose of the counting or inspection by that person of the animals in the herd, and to give all reasonable assistance and information to that person for the purposes of any such authority as aforesaid, and failure by the applicant to gather the herd or to cause it to be gathered or to give such assistance or information shall be a ground upon which the Secretary of State may withhold all or any of the subsidy payments which would otherwise be payable to the applicant.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
19th October 1967.

We approve.

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

23rd October 1967.

(**a**) 1946 c. 73.

EXPLANATORY NOTE

(This Note is not part of the scheme.)

The Agriculture Act 1967 empowers the Secretary of State with the approval of the Treasury to make schemes for annual subsidy payments in respect of cows comprised on a specified date in herds kept primarily for breeding calves for beef.

This scheme, the Beef Cow (Scotland) Scheme 1967, relates to Scotland and makes provision for subsidy payments from 1967 to 1971. It specifies the conditions under which the herd must be grazed and maintained and provides for various other matters. These include the making of applications for subsidy, the computation of the number of cows in respect of which subsidy may be paid and the reduction of that number on account of matters such as overstocking and unsatisfactory calving. Subsidy is not payable on a cow which qualifies for a hill cattle subsidy payment in respect of the same period or in the case of unsuitable or badly-managed cows or cows whose milk is not used for calf-rearing.

The amount of the subsidy payment in respect of a cow is prescribed in a separate order, the Beef Cow Subsidy Payment (Scotland) Order 1967.