1972 No. 727 (S.51)

AGRICULTURE

LIVESTOCK INDUSTRIES

The Beef Cow (Scotland) Scheme 1972

Made - - -	*9th May* 1972
Laid before Parliament	*15th May* 1972
Coming into Operation	*2nd June* 1972

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 1972 and shall come into operation on 2nd June 1972.

Interpretation

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

"applicant" means a person who makes application for a subsidy payment in accordance with the provisions of the scheme, 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 with respect to a date in June,

(**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).

and "December Return" means such a return so required to be made annually with respect to 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;

"prescribed date" in relation to the year 1972 or any of the years 1973, 1974, 1975 and 1976, means the date which coincides with the date with respect to which the June Return is made 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 1972 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 1972 in such manner and at such time as the Secretary of State may direct.

Herds to be maintained throughout any relevant period

5. Subject to the provisions of this scheme, a subsidy payment in respect of a cow comprised in a herd on the prescribed date in any relevant period may be made only

(*a*) where the Secretary of State is satisfied that the herd was grazed and maintained throughout that relevant period on the land specified in the application; or

(a) 1889 c. 63.

(*b*) where the herd has not been so grazed and maintained either because;

(i) the herd was not in existence during any part of that period; or

(ii) of other exceptional circumstances;

and the Secretary of State if he thinks fit deems the herd to have been so grazed and maintained.

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 cows 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 in respect of the land specified in the application, or

(*b*) the number of cows and in-calf heifers comprised in the herd on the date with respect to which the immediately preceding December Return is required to be made in respect of that land, and included in that Return,

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.

Determination 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 number not exceeding the number of cows comprised in the herd on the prescribed date 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 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 is greater than the number of cows which in his opinion 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 1972 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**).

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

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 an application made by or on behalf of that applicant 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.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
5th May 1972.

We approve.
9th May 1972.

V. H. Goodhew,
Oscar Murton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

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 1972, relates to Scotland and makes provision for subsidy payments from 1972 to 1976. 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 1972 (S.I. 1972/728).

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