STATUTORY INSTRUMENTS

1972 No. 1329

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (Beef Incentives) Payments Scheme 1972

Made - - -	22*nd August* 1972
Laid before Parliament	31*st August* 1972
Coming into Operation	30*th September* 1972

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and Wales respectively, acting jointly, in pursuance of subsections (1), (9) and (10) of section 106 of the Agriculture Act 1970(a) and of all their other enabling powers, with the consent of the Treasury, hereby make the following scheme:

Citation, commencement and extent

1. This scheme, which may be cited as the Brucellosis (Beef Incentives) Payments Scheme 1972, shall come into operation on 30th September 1972 and shall apply to the United Kingdom.

Interpretation

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

"accredited herd" means a herd of cattle in Great Britain which, to the satisfaction of the appropriate Minister, either—

(*a*) has been found to be free from brucellosis by means of a series of diagnostic tests carried out by him or on his behalf and has been, since the date of commencement of such tests, the subject of adequate precautions against the introduction or re-introduction and consequent spreading of brucellosis, or

(*b*) has been wholly constituted by the transfer of animals from other accredited herds in Great Britain or from such similar herds outside Great Britain as the Minister of Agriculture, Fisheries and Food, in relation to herds in England and Wales, or the Secretary of State, in relation to herds in Scotland, may either generally or in any special case allow, and has been, since being so constituted, the subject of such precautions as aforesaid;

and "accreditation" shall be construed accordingly;

"the appropriate Minister" means the Minister of Agriculture, Fisheries and Food or, in relation to herds kept in Scotland, the Secretary of State, and "the Ministry" means the Ministry of Agriculture for Northern Ireland;

(a) 1970 c. 40.

"beef cow scheme" means a scheme made under section 12 of the Agriculture Act 1967(a);

"brucellosis incentives agreement" means a voluntary arrangement between the appropriate Minister and the owner of a herd providing for the eradication of brucellosis from the herd upon terms which include the slaughter by the owner of any reactors found in the herd, without compensation, the making of payments to the owner in respect of a period commencing not earlier than the date of the final test as a result of which it becomes an accredited herd or, if there is no such test, the date on which the constitution of the herd is commenced and the taking by him of precautions against the introduction or re-introduction and consequent spreading of brucellosis;

"certified herd" means a herd of cattle in Northern Ireland in respect of which the Ministry has issued a Brucellosis Certificate in accordance with the provisions of an order made under the Diseases of Animals Act (Northern Ireland) 1958(b) in connection with the eradication of that disease, being an order which provides for such certificates to be issued only in respect of herds—

(*a*) which have been officially tested by the Ministry for the presence of brucella infection with negative results, or

(*b*) have been wholly constituted by the transfer of animals from other certified herds or from similar herds in the Republic of Ireland;

and "certification" shall be construed accordingly;

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

"incentive payments" has the meaning assigned to it by paragraph 3 of this scheme;

"prescribed date" means a prescribed date for the purposes of a beef cow scheme;

"qualifying day" means a qualifying day for the purposes of a hill cattle scheme;

"reactor" means an animal which, when tested for brucellosis by or on behalf of the appropriate Minister, gives rise to a reaction consistent with its being affected with that disease;

'test" means a test by or on behalf of the appropriate Minister or the Ministry for the purpose of determining whether brucellosis is present in a herd.

(2) For the purposes of this scheme the date of a test is the date when samples are first taken from cattle for use in the test.

(3) The Interpretation Act 1889(d) applies to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Incentive payments for the eradication of brucellosis

3.—(1) Payments, to be known as incentive payments, may be made by the appropriate Minister in accordance with the provisions of this scheme in connection with the eradication of brucellosis from herds of cattle.

(2) Such incentive payments shall be made by way of supplement to subsidy payments under a hill cattle or beef cow scheme, and shall be subject to

(a) 1967 c. 22.
(b) 1958 c. 13 (N.I.).
(c) 1946 c. 73.
(d) 1889 c. 63.

the terms and conditions governing the subsidy payments to which they are supplemental.

(3) Subject to sub-paragraph (5) below, incentive payments under this scheme may be made in respect of a herd when a qualifying day for the purposes of a hill cattle scheme or a prescribed date for the purpose of a beef cow scheme, as the case may be, falls within the appropriate qualifying period specified in paragraph 4 or paragraph 5 below, and on that qualifying day or prescribed date—

(*a*) in the case of a herd in Great Britain, the herd is the subject of a brucellosis incentives agreement and either is an accredited herd or has undergone a final test as a result of which it subsequently becomes an accredited herd;

(*b*) in the case of a herd in Northern Ireland, the herd is a certified herd or is to the satisfaction of the Ministry fully qualified for certification.

(4) The amount of any such incentive payment shall be £5 for each animal which qualifies for the subsidy payment to which the incentive payment is supplemental.

(5) No payment shall be made under this scheme—

(*a*) in respect of a herd which for the time being qualifies for incentive payments under the Brucellosis Payments Scheme 1971(**a**), or

(*b*) by way of supplement to subsidy payments under a hill cattle scheme which is in force on the date on which this scheme is made, or

(*c*) in relation to a qualifying day or prescribed date before 1st January 1972.

Qualifying period for incentive payments in Great Britain

4.—(1) Subject to sub-paragraphs (2) and (3) below, the qualifying period for incentive payments in respect of a herd in Great Britain shall commence—

(*a*) in the case of such a herd as is referred to under head (*a*) of the definition of an accredited herd in paragraph 2 above, on the date of the final test as a result of which it has first become an accredited herd;

(*b*) in the case of such a herd as is referred to under head (*b*) of that definition, on the date on which the first animal to be comprised in the herd has been moved on to the premises where the herd is to be kept;

and shall end five years after it has commenced or on 31st March 1976, whichever is the later.

(2) Where in relation to a qualifying day or prescribed date a herd has not been in existence long enough to qualify for subsidy payments under a hill cattle scheme or a beef cow scheme, as the case may be, the qualifying period for the herd shall not commence earlier than one month after that qualifying day or prescribed date.

(3) Where during the qualifying period the making either of incentive payments under this scheme or of equivalent increases in subsidy payments under a beef cow or hill cattle scheme has been temporarily interrupted, or the commencement of such payments or increases has been delayed, as a

(**a**) S.I. 1971/1967 (1971 III, p. 5311).

result of a break in accreditation or in the operation of a brucellosis incentives agreement or other special circumstances, the appropriate Minister may if he thinks fit extend the period by not more than the length of the interruption or delay.

Qualifying period for incentive payments in Northern Ireland

5.—(1) Subject to sub-paragraph (2) below, the qualifying period for incentive payments in respect of a herd in Northern Ireland shall commence—

(*a*) in the case of such a herd as is referred to under head (*a*) of the definition of a certified herd in paragraph 2 above, on the date of the final test as a result of which it has become a certified herd, except where on 1st September 1970 the Ministry was satisfied that the herd was reinfected with brucellosis, in which case the period shall commence with the date on which the herd is subsequently found to the satisfaction of the Ministry to be free from that reinfection;

(*b*) in the case of such a herd as is referred to under head (*b*) of that definition, on the date on which, to the satisfaction of the Ministry, the herd has become fully qualified for certification;

and shall end two years after it has commenced or on 31st March 1973, whichever is the later.

(2) The qualifying period for a herd, if it continues until 31st March 1974, shall then come to an end, unless on 31st March 1972—

(*a*) the herd was already in being and was not a certified herd, and

(*b*) the last test as a result of which it became a certified herd had not been made,

or unless on 1st September 1970 the herd was a certified herd as to which the Ministry was satisfied that it was reinfected with brucellosis.

Supplementary hill cattle and beef cow payments for animals slaughtered in the course of brucellosis eradication

6.—(1) Where on a qualifying day for the purposes of a hill cattle scheme or a prescribed date for the purposes of a beef cow scheme, as the case may be, the number of cows eligible for subsidy payments under that scheme in a herd to which this paragraph applies is reduced as a result of animals in the herd being slaughtered in the course of the eradication of brucellosis, supplementary payments may be made by the appropriate Minister under this scheme to the person entitled to subsidy payments under that scheme equal to the difference between the payment to which he would in the opinion of the appropriate Minister have been entitled under that scheme in respect of the herd if the animals had not been slaughtered and the payment to which he is actually so entitled.

(2) It shall be a condition of payment under this paragraph that any animals in respect of which payment is made shall be replaced as soon after slaughter as appears to the appropriate Minister to be reasonably practicable, but he may nevertheless make such a payment before replacement of the animals if he is satisfied that suitable arrangements have been made for repayment in the event of the animals not being so replaced.

(3) This paragraph applies to herds which are on the qualifying day or prescribed date, as the case may be, either—

(*a*) accredited herds, or

(*b*) certified herds, or

(*c*) herds which are undergoing a programme of testing, voluntary or compulsory, for the presence of brucellosis, carried out by or under the direction of the appropriate Minister or the Ministry, for the purpose of enabling them to qualify as accredited or certified herds, or

(*d*) herds in Northern Ireland which have been wholly constituted by the transfer of animals from other certified herds or from similar herds in the Republic of Ireland and which are, to the satisfaction of the Ministry, fully qualified for certification.

(4) For the purposes of this paragraph subsidy payments under a hill cattle or beef cow scheme shall include any payments made by way of supplement to those subsidy payments either under paragraph 3 of this scheme or under paragraph 4 of the Brucellosis Payments Scheme 1971.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th August 1972.

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

(L.S.)

Gordon Campbell,
Secretary of State for Scotland.

15th August 1972.

Given under my hand on 15th August 1972.

Peter Thomas,
Secretary of State for Wales.

We approve,
22nd August 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.)

This scheme, which is made under section 106(1) of the Agriculture Act 1970, enables incentive payments to be made in connection with the eradication of brucellosis from beef herds in the United Kingdom, both inside and outside eradication areas.

The payments will take the place of the differential payments hitherto made under hill cattle and beef cow schemes, as these latter expire. They will be supplemental to payments under the new hill cattle and beef cow schemes, and there is no change in either the amounts or the terms of the incentive payments. This scheme does however define the periods for which incentive payments may be made, i.e. for approximately five years following accreditation in Great Britain and for approximately two years following certification in Northern Ireland.

The scheme does not apply to herds eligible for incentive payments under the Brucellosis Payments Scheme 1971, by which the owner of a herd in an eradication area in Great Britain can receive payments from the commencement of eradication until approximately one year after accreditation.

The scheme also enables the appropriate Minister to make up hill cattle and beef cow subsidy payments which are reduced as a result of animals being slaughtered for brucellosis and not replaced by the date on which they would have qualified. Consequential reductions in incentive payments made under this scheme or under the Brucellosis Payments Scheme 1971 can also be made good.