Given under the Seal of the Secretary of State for Scotland this fourteenth day of December, 1953.

James Stuart,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department this fifteenth day of December, 1953.

David Maxwell Fyfe,
Secretary of State for the Home Department.

Approved this sixteenth day of December, 1953.

Edward Heath,
Dennis Vosper,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order fixes a minimum average price to be paid for wool to producers in the United Kingdom for each of the years beginning on 1st May, 1954, and 1st May, 1955, respectively; and prescribes the manner in which the average price for each year is to be calculated.

HILL FARMING

1953 No. 1179

The Hill Cattle (Breeding Herds) (England and Wales) Scheme, 1953

Made - - - -	*29th July,* 1953
Laid before Parliament	*31st July,* 1953
Coming into Operation	*1st August,* 1953

The Minister of Agriculture and Fisheries in pursuance of Sections 13 and 17 of the Hill Farming Act, 1946(a) as amended by Section 6 of the Livestock Rearing Act, 1951(b), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Scheme:—

Citation and Commencement

1. This Scheme which may be cited as the Hill Cattle (Breeding Herds) (England and Wales) Scheme, 1953, shall come into operation on the 1st day of August, 1953.

Application

2. This Scheme shall apply to those parts of England and Wales specified in the Schedule hereto.

Interpretation

3.—(1) The Interpretation Act, 1889(c) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo. 6. c. 73. (b) 14 & 15 Geo. 6. c. 18. (c) 52 & 53 Vict. c. 63.

(2) In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Hill Farming Act, 1946, as amended by the Livestock Rearing Act, 1951, or any other enactment;

"breeding cow" means a female bovine animal which has borne a calf;

"Hill land" has the meaning assigned to it by paragraph 6 of this Scheme;

"in-calf heifer" means a female bovine animal which is with calf for the first time at the 4th December next preceding the qualifying day and which calves before the qualifying day;

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

"qualifying day" means the 4th or, if the Minister so appoints, some other day of June, in the year in respect of which the subsidy payment is to be made.

Subsidy Payments

4. Subject to the provisions of this Scheme, the Minister may, in respect of the year 1953 and each of the three next succeeding years, make subsidy payments in respect of cattle grazed on hill land (being cattle of a description to which this Scheme applies), to the person who was the occupier of the land at the beginning of the qualifying day:

Provided that

(*a*) in the case of cattle grazed on hill land that is subject to rights of common of pasture, payment may be made to the person who at the beginning of the qualifying day was entitled so to graze the cattle by virtue of his rights of common of pasture, or

(*b*) in the case of cattle grazed on other hill land that is by custom subject to rights of grazing, payment may be made, at the Minister's discretion, either to the person at the beginning of the qualifying day responsible for the care and management of the cattle, or to the person then owning the cattle.

Description of Cattle

5.—(1) Subject to the provisions of the next succeeding sub-paragraph, this Scheme shall apply to breeding cows and in-calf heifers of such type and quality as may from time to time be approved by the Minister forming part of a regular breeding herd, that is to say, a herd of cows and in-calf heifers maintained throughout their normal breeding life for the purpose of breeding store cattle for sale.

(2) This Scheme shall not apply to cows kept wholly or mainly for the production of milk for sale or for the making on the farm of cheese for sale, or solely for domestic milk supply.

Hill Land

6. In this Scheme, the expression "hill land" means land in those parts of England and Wales specified in the Schedule to this Scheme which is also livestock rearing land as defined in Section 1 (3) of the Livestock Rearing Act, 1951, that is to say:

land situated in an area consisting predominantly of mountains, hills or heath, being land which is, or by improvement could be made, suitable for use for the breeding, rearing and maintenance of sheep or cattle but not

for the carrying on, to any material extent, of dairy farming, the production, to any material extent, of fat sheep or fat cattle or the production of crops in quantity materially greater than that necessary to feed the number of sheep or cattle capable of being maintained on the land.

Amount of subsidy payment

7. A subsidy payment under this Scheme shall be of such amount as shall be prescribed by an Order made by the Minister in accordance with the provisions of subsection (3) of Section 14 of the Act.

Number of cows, etc., qualifying for subsidy payment

8. The number of cattle for which subsidy payments may be made to any person in respect of any year shall be—

(*a*) the number of breeding cows and in-calf heifers in the breeding herd on 4th December next preceding the qualifying day or, in the case of a newly established herd such other day, if any, as the Minister may appoint, or

(*b*) the number of breeding cows in the herd on the qualifying day,

whichever of these numbers is the less:

Provided that—

(i) if the number of cattle in respect of which an application is made is greater than the total number which, in the opinion of the Minister, is capable of being properly grazed on the hill land on which they are grazed, or

(ii) if the number of cattle in respect of which application is made includes cows (not being cows to which paragraph 5 (2) of this Scheme applies), from which at any season of the year an appreciable quantity of the milk produced is sold, or used for the making on the farm of cheese for sale,

the subsidy payments shall be restricted to such number as may be determined by the Minister.

Management

9. It shall be a condition of the making of subsidy payments under this Scheme that, subject to the provisions of this Scheme, cattle to the number in respect of which subsidy payments may be made—

(*a*) have been maintained throughout the period of the year before the qualifying day on hill land or on land used together with such hill land for their breeding, rearing and maintenance and other activities carried on in connection therewith, and are to be so maintained for the remainder of the year, and

(*b*) are grazed on the hill land at appropriate seasons in accordance with sound farming practice of the district in which the land is situated, in such manner as to bring about the maximum benefit to the grazings—

Provided that where, by reason of exceptional circumstances, it is impracticable to comply with the aforesaid condition so far as it requires the maintenance of the cattle throughout the year on hill land or on other land used together therewith, the Minister, if, in his opinion, having regard to all the circumstances including the length of the period for which the cattle have been or are to be so maintained on such land it is right so to do, may relax the requirement to such extent as he may determine.

Disqualification

10. If in the opinion of the Minister any cattle in respect of which subsidy payments were made under this Scheme were not in the year to which the subsidy payments related grazed and maintained in accordance with the provisions of this Scheme, the person to whom the subsidy payments were made shall be disqualified in the immediately succeeding year from receiving any subsidy payments under this Scheme for a number of cattle which would otherwise qualify for subsidy payments not exceeding the number which were not grazed and maintained as aforesaid.

Application for Subsidy Payment

11. It shall be a condition of the making of a subsidy payment under this Scheme that any person who desires to be paid in accordance with the provisions of this Scheme—

(*a*) shall apply in writing in such form and at such time as the Minister may from time to time require ;

(*b*) shall to the best of his ability facilitate any counting or inspection of the cattle, which the Minister may consider necessary, and shall, if so requested, gather them at some convenient place for the purpose.

Improvements to Lands

12. If in the year 1953 or any of the three next succeeding years, in the opinion of the Minister, it is necessary for the efficient use of hill land for the purposes of this Scheme that improvements to such land or to other land used together therewith for the maintenance of the cattle should be carried out, he may require an applicant for subsidy payments in respect of cattle grazed on the hill land to carry out any such improvements the total cost of which to the applicant will not exceed forty per cent. of the total subsidy payments estimated to be payable to him in respect of that year according to the information in his application and, if the applicant fails to do so, the Minister may reduce the amount of any subsidy payments otherwise falling to be made to the applicant in respect of that year by such sum as the Minister, having regard to all the circumstances of the case, shall determine. If it is not practicable to make such reductions in subsidy payments in respect of the year in which the Minister requires the improvements to be made, the reductions, or any part thereof, may be made in any subsidy payments falling to be paid in respect of any subsequent year.

Subsidy payments to persons entitled to claim otherwise than by virtue of an assignment

13. Any subsidy payments falling to be made under this Scheme, being payments which might be made to the person who, at the beginning of the qualifying day was the occupier of the hill land or a person to whom subsidy payments might otherwise be made under this Scheme, may be made to the person who, if any such payment had been a debt which, at the beginning of that day accrued due to either of the first mentioned persons, would have been entitled to claim the payment otherwise than by virtue of an assignment.

Withholding or reduction of subsidy to persons failing to participate in or to bear their share of the cost of improvement to common land

14. Where the Minister has in accordance with the provisions of Section 12 of the Act done work for making improvements for the benefit of any land which is subject to rights of common of pasture, then, if the Minister after

giving any person enjoying rights of common over the land an opportunity to make representations, is satisfied that such person has derived benefit from the doing of the work, and has failed to agree to bear a part of the cost of the work done, or has made default in the payment of the amount which can be recovered from him under subsection (7) of Section 12 of the Act, or any part of that amount, the following provisions shall apply to the making of any subsidy payments otherwise falling to be made to that person—

(*a*) if any such person did not agree to bear part of the cost of the work done, or has defaulted in payment of the whole of the amount which can be recovered from him under subsection (7) of Section 12 of the Act, no subsidy payment shall be made to him;

(*b*) if any such person defaults in payment of any part of the amount so due, subsidy payments payable to him may be reduced by the extent to which he is in default—

Provided that, if any person from whom subsidy payments have been withheld in whole, or in part, under the foregoing provisions subsequently pays in whole, or in part, any amount due from him, the Minister may pay to him subsidy payments previously withheld, or such proportion thereof as he may determine to be appropriate.

Prohibition of double subsidy and variation of the Hill Cattle (England and Wales) Scheme, 1947

15. Both this Scheme and the Hill Cattle (England and Wales) Scheme, 1947(**a**), as varied by the Hill Cattle (England and Wales) Amendment Scheme, 1948(**b**), and the Hill Cattle (England and Wales) Amendment Scheme, 1949(**c**), and extended by the Hill Cattle (England and Wales) Extension Scheme, 1951(**d**), shall have effect subject to the following provision and accordingly the Hill Cattle (England and Wales) Scheme, 1947, as so varied and extended, is hereby varied so as to include the following provision—

If in respect of any year the same cattle qualify for subsidy payments both under the Hill Cattle (Breeding Herds) (England and Wales) Scheme, 1953 and under the Hill Cattle (England and Wales) Scheme, 1947, as varied and extended, the Minister in determining the amounts payable in respect of the cattle under one of the aforesaid Schemes may take into consideration any amount paid or falling to be paid under the other Scheme and may reduce the amounts he has to determine to such an extent that the total amount of the payments falling to be made under both Schemes does not exceed the greater of the two amounts which, but for this provision, would be payable thereunder.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 29th day of July, nineteen hundred and fifty-three.

(L.S.)

Tom Dugdale,
Minister of Agriculture and Fisheries.

We approve, this 29th day of July, nineteen hundred and fifty-three.

Dennis Vosper,
Martin Redmayne,
Two of the Lords Commissioners of Her Majesty's Treasury.

(**a**) S.R. & O. 1947/975; Rev. I, p. 627; 1947 I, p. 19
(**b**) S.I. 1948/416; Rev. I, p. 634; 1948 I, p. 48. (**c**) S.I. 1949/450; 1949 I, p. 102.
(**d**) S.I. 1951/1043; 1951 I, p. 33.

SCHEDULE

The Administrative Counties of Chester, Cornwall, Cumberland, Derby, Devon, Durham, Hereford, Lancaster, Monmouth, Northumberland, Salop, Somerset, Stafford, Westmorland, Worcester, York (North Riding), York (West Riding).

Any County Borough which is surrounded in whole or in part by any of the above-mentioned Administrative Counties.

Wales excluding Anglesey.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

The Hill Farming Act, 1946, as extended and amended by the Livestock Rearing Act, 1951, provides that Schemes may be made providing for subsidy payments to be made in respect of certain cattle grazed on hill land in the year 1947 and each of the next nine succeeding years. This Scheme made by the Minister of Agriculture and Fisheries, with the approval of the Treasury, makes provision for subsidy payments to be made in respect of 1953 and the three next succeeding years in respect of cattle grazed on hill land in England and Wales. It defines hill land and the description of cattle to which the Scheme applies. Such cattle are breeding cows and in-calf heifers forming part of a regular breeding herd maintained throughout their normal breeding life for the purpose of breeding store cattle for sale. The Scheme also sets out the conditions under which the animals must be kept and contains consequential provisions against overstocking and provides for the making of applications for subsidy payments, the computation of the number of cattle qualifying for subsidy payment and other matters. This Scheme and the Hill Cattle (England and Wales) Scheme, 1947, are subject to a provision limiting the total payments which may be made if the same animal qualifies under both Schemes. The Hill Farming Act, 1946, requires the amount to be paid by way of subsidy payment in respect of an animal to be prescribed by the Minister in a separate Order; this Order is the Hill Cattle Subsidy (Breeding Herds) (England and Wales) Payment Order, 1953.

1953 No. 1180

The Hill Cattle (Breeding Herds) (Northern Ireland) Scheme, 1953

Made - - - -	29*th July*, 1953
Laid before Parliament	31*st July*, 1953
Coming into Operation	1*st August*, 1953

The Minister of Agriculture and Fisheries in pursuance of Sections 13 and 17 of the Hill Farming Act, 1946(**a**), as amended by Section 6 of the Livestock Rearing Act, 1951(**b**), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Scheme:—

Citation, Application and Commencement

1. This Scheme which may be cited as the Hill Cattle (Breeding Herds) (Northern Ireland) Scheme, 1953, applies to Northern Ireland and shall come into operation on the 1st day of August, 1953.

(**a**) 9 & 10 Geo. 6. c. 73. (**b**) 14 & 15 Geo. 6. c. 18.