1964 No. 735

AGRICULTURE

HILL FARMING

The Hill Cattle (Breeding Herds) (England and Wales) Scheme 1964

Made - - - -	13*th May* 1964
Laid before Parliament	27*th May* 1964
Coming into Operation	28*th May* 1964

The Minister of Agriculture, Fisheries and Food in pursuance of sections 13, 14 and 15 of the Hill Farming Act 1946(a), as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963(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 1964, shall come into operation on 28th May 1964.

Application

2. This Scheme shall apply to England and Wales.

Interpretation

3.—(1) 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 extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963;

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

"county district" has the meaning assigned to it in section 305 of the Local Government Act 1933(c);

"hill land" has the meaning assigned to it in paragraph 6 of this Scheme;

"in-calf heifer" means a female bovine animal which is in-calf for the first time at 1st January next preceding the qualifying day and which calves before the qualifying day;

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

"qualifying day" means 4th June (or, if the Minister so appoints such other date in June) in any year in respect of which a subsidy payment falls to be made.

(2) The Interpretation Act 1889(d) 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) 1963 c. 11. (c) 23 & 24 Geo. 5. c. 51.
(d) 52 & 53 Vict. c. 63.

Subsidy payments

4. Subject to the provisions of this Scheme, the Minister may, in respect of the year 1964 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 subparagraph, 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 " hill land " means—

(*a*) land in those parts of England and Wales specified in Part I of the Schedule to this Scheme which is—

(i) land situated in an area consisting predominantly of mountains, hills or heath, or

(ii) land situated outside such an area in the county districts and parish specified in column 2 of Part II of the said Schedule, shown opposite the counties and county borough in which such districts and parish are respectively situated specified in column 1 of the said Part II,

being in either case 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;

(*b*) in relation to any year, land (not being hill land as mentioned in sub-paragraph (*a*) of this paragraph) which at any time within the period of twelve months immediately preceding the qualifying day in that year, was accepted by the Minister as having satisfied the conditions of the said subparagraph (*a*).

Subsidy payments (supplementary provisions)

7.—(1) Subject to subparagraphs (2) and (3) of this paragraph a subsidy payment shall be of such amount as shall be prescribed by an order made by the Minister in accordance with the provisions of section 14(3) of the Act.

(2) Except in special circumstances where the Minister, with the consent of the Treasury, otherwise directs, subsidy payments shall not be made under this Scheme in respect of hill cattle grazed on hill land as mentioned in paragraph 6(*a*)(ii) of this Scheme unless the land in respect of which subsidy payments are claimed was, for the purposes of the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1953(a), as extended (b), accepted by the Minister in respect of the year 1962, as being livestock rearing land as defined in section 1(3) of the Livestock Rearing Act 1951(c).

(3) Subsidy payments shall not be made under this Scheme in respect of hill cattle grazed on hill land as mentioned in paragraph 6(*b*) of this Scheme unless the Minister is satisfied, having regard to the applicant's livestock rearing commitments entered into before the beginning of the year in respect of which subsidy payments fall to be made, that to withhold subsidy payments would involve hardship.

Number of cows, etc. qualifying for subsidy payment

8.—(1) Subject to the provisions of this paragraph 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 1st January 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.

(2) If the number of cattle in respect of which an application is made—

(*a*) includes cows (not being cows to which paragraph 5(2) of this Scheme applies) from which at any season in the year an appreciable quantity of the milk produced is sold, or used for the making on the farm of cheese for sale;

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(*b*) 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

(*c*) is greater than the relevant number (computed in accordance with subparagraph (3) of this paragraph) ascertained by reference to a stocking ratio of one cow for each six acres of hill land in respect of which the application for subsidy payments is made,

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

(3) The relevant number referred to in subparagraph (2)(*c*) of this paragraph shall be computed as follows, that is to say—

(*a*) the number of acres of hill land, in respect of which the application for subsidy payments is made shall be divided by six; and

(a) S.I. 1953/1179 (1953 I, p. 42). (b) S.I. 1957/691 (1957 I, p. 128).
(c) 14 & 15 Geo. 6. c. 18.

(*b*) where the quotient so ascertained contains a fraction, no account shall be taken of the fraction if it is less than a half, but if the fraction consists of a half or more than a half it shall be taken to be the next highest whole number.

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, except—

(i) in the case of cattle grazed on hill land as mentioned in paragraph 6(*b*) of this Scheme,

(ii) where after the qualifying day a change of occupation occurs (whether by death or otherwise) of any hill land in respect of which an application for subsidy payments is made,

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 have been made to any person under this Scheme, or under the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1953, as extended as aforesaid, were not in the year to which the subsidy payments related grazed and maintained in accordance with the provisions of the Scheme under which payment was made, the number of cattle, computed in accordance with the provisions of this Scheme, in respect of which subsidy payments would otherwise fall to be made to that person in respect of any subsequent year shall be reduced by such number as the Minister may determine.

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 1964, 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 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 section 12(7) 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 section 12(7) 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.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

We approve
13th May 1964.

John Hill,
M. A. Hamilton,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

PART I

The administrative counties of Chester, Cornwall, Cumberland, Derby, Devon, Durham, Hereford, Lancaster, Monmouth, Northumberland, Salop, Somerset, Stafford, Westmorland, 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.

PART II

Administrative Counties (and County Borough) Column 1	County Districts (and Parish) Column 2
England	
Chester	The rural district of Congleton.
Derby	The urban district of Matlock.
Devon	The rural districts of Bideford, Broadwoodwidger, Holsworthy, Okehampton and Tavistock.
Durham	The rural districts of Barnard Castle and Lanchester, and the urban district of Stanley.
Lancaster	The rural district of Lancaster.
Northumberland	The rural districts of Castle Ward, Hexham and Morpeth.
Stafford	The rural district of Uttoxeter.
Wales and Monmouthshire	
Caernarvon	The rural districts of Gwyrfai, Lleyn and Nant Conway. The urban districts of Criccieth, Llandudno and Portmadoc. The municipal borough of Conway.
Cardigan	The rural districts of Aberaeron, Aberystwyth, Teifiside and Tregaron. The municipal borough of Lampeter.
Carmarthen	The rural districts of Carmarthen, Llandeilo, Llanelly and Newcastle Emlyn. The urban district of Cwmamman.
Denbigh	The rural districts of Aled and Hiraethog. The municipal borough of Colwyn Bay.
Glamorgan	The rural district of Penybont.
Merioneth	The rural districts of Deudraeth and Dolgellau. The urban districts of Barmouth and Ffestiniog.
Monmouth	The rural districts of Chepstow, Magor and St. Mellons, Monmouth and Pontypool. The municipal borough of Monmouth.
Pembroke	The rural districts of Cemaes, Haverfordwest and Narberth.
County Borough of Swansea.	The parish of Swansea.

EXPLANATORY NOTE

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

This Scheme, made by the Minister of Agriculture, Fisheries and Food, with the approval of the Treasury, under sections 13 to 15 of the Hill Farming Act 1946 (as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963), specifies, in respect of the years 1964 to 1967, the conditions subject to which subsidy payments may be paid in respect of "hill cattle" grazed on "hill land"—as these terms are respectively defined in the Scheme.

The principal changes between this Scheme and the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1953 as extended (S.I. 1953/1179, 1957/691), which expired in 1963, are as follows:—

(1) the definition of hill land is widened so that (read with other provisions) the Minister will henceforth be able to pay subsidy in respect of hill cattle grazed—

(*a*) on "livestock rearing land" (as defined in section 1(3)(*c*) of the Livestock Rearing Act 1951) in specified counties and county boroughs—which hitherto has alone constituted "hill land",

(*b*) on land in specified districts in those counties and county boroughs which the Minister accepted in respect of the year 1962 as being livestock rearing land, but which now appears to him not to be situated in "an area consisting predominantly of mountains, hills or heath" but in other respects fulfils the statutory definition of livestock rearing land, and

(*c*) in relation to any year, on land which the Minister accepted as being "hill land" (in either of the senses used in sub-paragraphs (*a*) and (*b*) above) at any time within a period of twelve months preceding the qualifying day (normally 4th June) in that year,

—but only if the Minister is satisfied that, by reason of the applicant's livestock rearing commitments entered into before the beginning of the calendar year, to withhold payment would involve hardship;

(2) the Scheme provides for the reduction of subsidy payments where the number of hill cattle on which subsidy is claimed exceeds the relevant number ascertained by reference to a stocking ratio of one cow to every six acres; and

(3) land in Worcestershire is no longer eligible.

The amount of subsidy payment per animal for each year to which the Scheme relates is separately prescribed by order made under section 14(3) of the 1946 Act.