STATUTORY INSTRUMENTS

1973 No. 830

AGRICULTURE

HILL LANDS

The Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1973

Made - - - -	30*th April* 1973
Laid before Parliament	9*th May* 1973
Coming into Operation	31*st May* 1973

The Minister of Agriculture, Fisheries and Food, in pursuance of the powers conferred on him by sections 13, 14 and 15 of the Hill Farming Act 1946(a), as extended by section 43 of the Agriculture Act 1967(b), and of all his other enabling powers, with the approval of the Treasury, hereby makes the following scheme:—

Citation, extent and commencement

1. This scheme, which may be cited as the Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1973, applies to Northern Ireland, and shall come into operation on 31st May 1973.

Interpretation

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

"the Act" means the Hill Farming Act 1946, as amended by 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 5 of this scheme;

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

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

"the Ministry" means the Ministry of Agriculture for Northern Ireland;

"qualifying day" means 1st 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(c) applies to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Subsidy payments

3.—(1) Subject to the provisions of this scheme, the Minister may, in respect of the year 1973 and each of the four following years, make subsidy payments

(a) 1946 c. 73. (b) 1967 c. 22.
(c) 1889 c. 63.

in respect of cattle grazed on hill land (being cattle of a description to which this scheme applies) to the person who is the occupier of the land at the beginning of the qualifying day, or to one of the persons referred to in subparagraphs (2) and (3) below.

(2) Where at the beginning of the qualifying day the occupier of any land is grazing cattle on common land used with it, any payment under this scheme in respect of those cattle may be made to him.

(3) In any other case where at the beginning of the qualifying day cattle are being grazed on land subject to customary grazing rights, any payment under this scheme in respect of those cattle may be made, at the Ministry's discretion, either to their owner at that time or to the person then responsible for their care and management.

Description of cattle

4.—(1) Subject to subparagraph (2) below, 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, and which form part of a regular breeding herd; and for the purposes of this scheme, "regular breeding herd" means a herd of cows and in-calf heifers maintained throughout their normal breeding life for the purpose of breeding store cattle.

(2) This scheme shall not apply to cows kept solely for domestic milk supply.

Hill land

5.—(1) Subject to subparagraph (2) below, "hill land" means for the purposes of this scheme 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, in the opinion of the Minister, 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.

(2) Where at any time after 28th June 1968 land is hill land as defined in subparagraph (1) above, the effect of any subsequent improvement to that land shall thereafter be disregarded in determining for the purposes of this scheme whether it is hill land as so defined.

Amount of subsidy payments

6. A subsidy payment shall be of such amount as shall be prescribed by an order made by the Minister under the provisions of section 14(3) of the Act.

Number of cows, etc., qualifying for subsidy payments

7.—(1) Subject to subparagraph (2) below, the number of cattle for which subsidy payments may be made under this scheme 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 immediately preceding the qualifying day, or in the case of a newly established herd or re-established herd, such other day, if any, as the Ministry may appoint, or

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

whichever of these numbers is the less.

(2) Any temporary reduction in numbers due to the death or disposal of cattle comprised in the herd shall be disregarded for the purposes of subparagraph (1)(*a*) above if the cattle are replaced by other breeding cows or in-calf heifers as soon as appears to the Ministry to be reasonably practicable.

Reduction of numbers for milk production

8. If in any year, in the opinion of the Ministry, an appreciable quantity of milk is produced by a herd, and is sold or used for the making on the farm of cheese for sale, the number of cattle in respect of which subsidy payments may be made under the foregoing provisions of this scheme shall be reduced by the number of cows reasonably capable, in the opinion of the Ministry, of producing that quantity of milk.

Limitation of eligible numbers

9.—(1) In any herd, the number of cattle in respect of which subsidy payments may be made in respect of any year under the foregoing provisions of this scheme shall not exceed any of the following numbers—

(*a*) where the number of calves born to cows in the herd is unusually low for a herd of that size, such number of breeding cows as the Ministry considers to be a reasonable proportion of the herd on the qualifying day, having regard to the number of calves so produced; or

(*b*) one cow for each four acres of hill land available for the maintenance of the herd; or

(*c*) the number of cows which, in the opinion of the Ministry, may properly be kept in any year on the land on which the herd is substantially maintained without overgrazing it.

(2) For the purposes of this paragraph, the acreage of any hill land grazed by more than one herd may be apportioned by the Ministry among the herds as it thinks reasonable.

(3) Where the result of a calculation under subparagraph (1)(*b*) above includes a fraction, it shall be rounded off to the nearest whole number, a half counting as one.

Management

10.—(1) It shall be a condition of the making of subsidy payments under this scheme that, subject to the provisions of the 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 where after the qualifying day there is a change of occupation (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.

(2) Where by reason of exceptional circumstances it is impracticable to comply with the foregoing 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 Ministry may, if, in its opinion (having regard to all the circum-

stances, 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, relax the requirement to such extent as it may determine.

(3) For the purposes of this paragraph, any temporary reduction in numbers due to the death or disposal of breeding cattle comprised in the herd may be disregarded, where the Ministry considers it appropriate, if they are replaced as soon as appears to it to be reasonably practicable.

(4) Where after a qualifying day for the purposes of this scheme or the previous scheme there is during the same year a reduction in numbers of cattle in the herd which are maintained or grazed in accordance with this paragraph or paragraph 10 of the previous scheme, any consequent reduction in the number of cattle qualifying for subsidy payments in that year, instead of being made in respect of that year, may be made in respect of any of the next three following years for which payments may be made under this scheme; and for the purposes of this subparagraph, "the previous scheme" means the Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1968(a), as amended (b).

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 Ministry may from time to time require; and

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

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

12. A subsidy payment in respect of a breeding cow grazed on any land on a qualifying day may be made to any person who, if such payment had been a debt which, at the beginning of that day, accrued due to the person to whom payment might otherwise have been made under paragraph 3 of this scheme, would have been entitled to claim the payment otherwise than by virtue of an assignment.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th April 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

We approve,
30th April 1973.

Tim Fortescue,
V. H. Goodhew,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) S.I. 1968/965 (1968 II, p. 2569). (b) S.I. 1969/700 (1969 II, p. 1918).

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

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 43 of the Agriculture Act 1967), specifies in respect of the years 1973 to 1977 the conditions subject to which subsidy payments may be made in respect of "hill cattle" grazed on "hill land"—as these terms are respectively defined in the scheme.

Apart from some minor drafting amendments, the principal difference in this scheme from the Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1968, as amended, (which governed the payment of hill cattle subsidy until 1973), is that the scheme no longer provides for the payment of brucellosis incentives which are now made in respect of beef animals under the Brucellosis (Beef Incentives) Payments Scheme 1972 (S.I. 1972 No. 1329). Consequently, the amount of subsidy payable under the scheme will now be the same in respect of each eligible animal, and that amount is separately prescribed for the period of the scheme by an order made under section 14(3) of the 1946 Act.