# 1964 No. 737

## AGRICULTURE

### HILL FARMING

## The Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1964

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| *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) (Northern Ireland) Scheme 1964, shall come into operation on 28th May 1964.

*Application*

**2.** This Scheme shall apply to Northern Ireland.

*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 ;

" 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 ;

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

" occupier " means a person who is in occupation of any land under an estate, or interest, for a period of not less than 12 months ;

" 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.

(a) 9 & 10 Geo. 6. c. 73. (b) 1963 c. 11.

(2) The Interpretation Act 1889(a) as applied to Northern Ireland by the Interpretation Act 1921(b) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

*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 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 which is livestock rearing land as defined in section 1(3) of the Livestock Rearing Act 1951(c), 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 ;

(*b*) in relation to any year, land which at any time within the period of twelve months immediately preceding the qualifying day in that year, was accepted by the Ministry as being livestock rearing land.

*Subsidy payments (supplementary provisions)*

**7.**—(1) Subject to subparagraph (2) of this paragraph 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 section 14(3) of the Act.

(a) 52 & 53 Vict. c. 63. (b) 12 Geo. 5. c. 4 (N.I.). (c) 14 & 15 Geo. 6. c. 18.

(2) 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 Ministry 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 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) 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 ;

(*b*) is greater than the total number which, in the opinion of the Ministry, is capable of being properly grazed on the hill land on which they are grazed ; or

1965/988 (*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 Ministry.

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

1964/988 (*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

(*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 Ministry, if, in its 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 it may determine.

*Disqualification*

**10.** If, in the opinion of the Ministry, any cattle in respect of which subsidy payments have been made to any person under this Scheme, or under the Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1953(**a**), as extended(**b**), 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 Ministry 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 Ministry may from time to time require ;

(*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.

*Improvements to lands*

**12.** If in the year 1964, or any of the three next succeeding years, in the opinion of the Ministry, 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, it 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 Ministry 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 Ministry, 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 Ministry 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

(**a**) S.I. 1953/1180 (1953 I, p. 47). (**b**) S.I. 1957/844 (1957 I, p. 129).

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.

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 Peel,*
*M. A. Hamilton,*
Two of the Lords Commissioners of Her Majesty's Treasury.

## 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 Northern Ireland 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) (Northern Ireland) Scheme 1953 as extended (S.I. 1953/1180, 1957/844), which expired in 1963, are as follows:—

(1) the definition of "hill land" is widened so that (read with other provisions) the Ministry will henceforth be able to pay subsidy, in relation to any year, in respect of hill cattle grazed on land which the Ministry accepted as being "livestock rearing land" (as defined in section 1(3)(*c*) of the Livestock Rearing Act 1951) at any time within a period of twelve months preceding the qualifying day (normally 1st June) in that year,—but only if the Ministry 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.

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.