payment to be made in respect of the year 1951. Section 6 of the Livestock Rearing Act, 1951, however, extended the periods for which payment of subsidy in respect of hill cattle could be made to the year 1952 and the four next succeeding years. This Scheme extends the provisions of the Hill Cattle (England and Wales) Scheme, 1947, so that they apply to these additional payments, and also makes some minor and consequential amendments.

The Hill Cattle (Scotland) Scheme, 1951

1951 No 2059 (S. 101)

Made - - - -	*27th November,* 1951
Laid before Parliament	*28th November,* 1951
Coming into Operation	*1st December,* 1951

In exercise of the powers conferred upon me by section 13 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 me in that behalf, and with the approval of the Treasury, I hereby make the following Scheme:—

Citation and Commencement

1. This Scheme may be cited as the Hill Cattle (Scotland) Scheme, 1951, shall extend to Scotland only, and shall come into operation on the 1st day of December, 1951.

Interpretation

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

(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;

"applicant" means the person making an application for subsidy payment;

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

"hill farming land" means mountain, hill and heath land which is suitable for use for the maintenance of sheep of a hardy kind but not of sheep of other kinds, or which by improvement could be made so suitable, and other land used or being used therewith for hill farming purposes;

"hill farming purposes" means the maintenance of sheep of a hardy kind and the keeping and management thereof in accordance with the recognised practices of hill sheep farming, and includes other activities carried on in connection therewith;

"hill land" means hill farming land and livestock rearing land;

"in-calf heifer" means a female bovine animal which is with calf for the first time at 4th December or such other date in December as a Return is required to be made and which calves within the period of six

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

months subsequent to the said 4th December or other said date as the case may be;

"livestock rearing land" means land other than hill farming 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;

"occupier" means a person who occupies hill land as

(*a*) owner or

(*b*) tenant within the meaning of the Agricultural Holdings (Scotland) Act, 1949(**a**), or

(*c*) landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931(**b**);

"regular breeding herd" means a herd of cows and in-calf heifers maintained on hill land throughout their normal breeding life;

"Return" means information furnished under the Agricultural Statistics (Scotland) Regulation, 1948(**c**);

"subsidy payment" means a payment falling to be made in respect of cattle under this Scheme;

"works of improvement" means draining, fencing, bracken cutting and other works required to be executed in the course of sound farming practice.

Subsidy Payments

3. Subject to the provisions of this Scheme, the Secretary of State may in respect of the year 1952 and each of the next four succeeding years make to the occupier of hill land subsidy payments in respect of cattle to which this Scheme applies and which are grazed and maintained on hill land.

Description of cattle qualifying for subsidy payment

4.—(1) Subject to the provisions of the next succeeding paragraph this Scheme shall apply to breeding cows and in-calf heifers forming part of a regular breeding herd of such type and quality as may from time to time be approved by the Secretary of State: provided that the Secretary of State may withhold any subsidy payment which might otherwise have been made unless he is satisfied that a bull or bulls of a type and quality approved by him will be used for serving cattle in respect of which an application is made.

(2) This Scheme shall not apply to cows kept for the production of milk for sale or cows of the Ayrshire and Channel Island breeds kept solely for domestic milk supply.

Amount of subsidy payment

5. A subsidy payment under this Scheme shall be of such amount as shall be prescribed by Order made by the Secretary of State in accordance with the provisions of sub-section (3) of section 14 of the Act.

(a) 12, 13 & 14 Geo. 6. c. 75. (b) 49 & 50 Vict. c. 29; 50 & 51 Vict. c. 24; 54 & 55 Vict. c. 41; 8 Edw. 7. c. 50; 1 & 2 Geo. 5. c. 49; 9 & 10 Geo. 5. c. 97; 21 & 22 Geo. 5. c. 44.
(c) S.I. 1948 (No. 2239) I, p. 93.

Persons entitled to subsidy payments

6. A subsidy payment shall be made only to the person who is the occupier of hill land as at the beginning of the 4th day of June, or such other day in June on which a Return is required to be made, in the year to which the subsidy payment relates.

Provided that where at the removal term of Whitsunday in any year there occurs a change in the occupation of hill land on which cattle to which this Scheme applies are grazed and maintained any subsidy payment falling to be made to the occupier in accordance with the foregoing provisions of this Article shall be reduced to the extent of one half and the occupier who removed at the said term shall be entitled to receive the remaining half of such subsidy payment.

Number of cows, etc., qualifying for subsidy payment

7.—(1) Subsidy payments shall only be made in respect of

(*a*) the number of breeding cows and in-calf heifers kept on hill land as shown in a Return as at 4th December, or such other day in December on which a Return is required to be made, in the year immediately preceding the year of application or

(*b*) the number of breeding cows shown in a Return as at 4th June, or such other day in June on which a Return is required to be made, in the year of application,

whichever of these numbers is the less: provided that 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 Secretary of State, is capable of being properly grazed and maintained on hill land the subsidy payments shall be restricted to such number as may be approved by the Secretary of State.

(2) No payment shall be made under this Scheme unless the Secretary of State is satisfied that cattle to that number in respect of which subsidy payment would be made under the provisions of the immediately foregoing paragraph—

(*a*) have been grazed and maintained on hill land between said dates in December and June, and are to be so grazed and maintained until 3rd December immediately following, or in the event of a change in the occupation after the said date in June the date of such change whichever is the earlier, and

(*b*) are grazed and maintained—

(i) in the case of hill farming land, at appropriate seasons in accordance with sound farming practice on that part of the hill farming land which is mountain, hill and heath land, or

(ii) in the case of livestock rearing land, in such a manner as to bring about the maximum improvement of the land.

Application for subsidy payment

8.—(1) No claim for subsidy payment shall be entertained in any year under this Scheme unless an application is submitted on a form provided by the Secretary of State and is received by him not later than the 30th day of June in the year in which the cattle, to which the application relates, are grazed and maintained:

Provided that the Secretary of State, in any case which appears to him to be exceptional, and if he in his sole discretion considers it desirable in the circumstances so to do, may accept an application received by him after that date.

(2) (*a*) In the case of a township or common grazings committee whose Return as at 4th June, or such other day in June on which a Return is required to be made, in the year of application includes breeding cows and as at 4th December or such other day in December in the immediately preceding year on which a Return is required to be made includes breeding cows and in-calf heifers grazed and maintained by landholders within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931, on hill land which is a common pasture or common grazing, application shall be made by the clerk or other authorised officer of the township or common grazings committee appointed under the said Acts for the management of such common pasture or common grazing.

(*b*) On such application being approved the subsidy payment shall be made to the said clerk or other authorised officer of the township or common grazings committee and it shall be his duty to disburse to each landholder the appropriate share of the subsidy payment in respect of his cattle.

(3) (*a*) Any application in respect of cattle grazed and maintained on hill land by a sheep stock club or by a sheep stock club co-operative credit society within the meaning of the Industrial and Provident Societies Acts, 1893 to 1928(**a**), shall be made by the Secretary or other authorised officer as may be prescribed in the rules of the club or society.

(*b*) On such application being approved the subsidy payment shall be made to the Secretary or other authorised officer.

Transference of cattle in winter

9.—(1) Where the occupier of hill farming land has on that land insufficient land which is suitable or which by improvement could be made suitable to graze or provide feed for maintaining in winter months breeding cows and in-calf heifers (being cattle qualifying for subsidy payment) to the number which he deems it would be desirable for him to maintain thereon throughout a year, and from time to time as may be necessary during winter months transfers such number of breeding cows and in-calf heifers to other land then in his occupation or to other land on which he has arranged by let or otherwise for such cattle to be grazed and maintained, such breeding cows and in-calf heifers shall not qualify for subsidy payment unless the transfer is approved by the Secretary of State.

(2) The approval of the Secretary of State under the immediately foregoing paragraph will be granted only if he is satisfied that

(*a*) having regard to the requirements for winter feed of his other livestock on hill farming land the applicant has on that land insufficient land suitable or which by improvement could be made suitable to graze or provide feed for breeding cows and in-calf heifers to an extent necessary to avoid having to winter any of them away ;

(*b*) the transfer conforms to sound farming practice ;

(*c*) the number of breeding cows and in-calf heifers grazed and maintained on the hill farming land is not excessive in relation to the carrying capacity of the land and the other livestock kept thereon ;

(a) 56 & 57 Vict. c. 39; 57 & 58 Vict. c. 8; 58 & 59 Vict. c. 30; 3 & 4 Geo. 5. c. 31; 18 & 19 Geo. 5. c. 4.

(*d*) the breeding cows and in-calf heifers are only removed from the applicant's hill farming land to other land for so long as there is insufficient feed for them on the hill farming land ; and

(*e*) while breeding cows and in-calf heifers are being grazed and maintained on land, other than hill farming land forming part of the same unit in the occupation of the applicant, such cattle shall remain during such period as they may be transferred the property of the applicant and shall continue to form some or all of the breeding cows and in-calf heifers qualifying for subsidy payment.

Disqualification for payment on breach of grazing conditions

10.—(1) If in the opinion of the Secretary of State any cattle in respect of which subsidy payments were made under this Scheme, were not during the whole year to which the subsidy payments related grazed and maintained in conformity with sound farming practice on the hill land, 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 an equivalent number of cattle which would otherwise qualify for subsidy payment to the number which were not grazed and maintained as aforesaid.

(2) The disqualification imposed by the immediately preceding paragraph shall, where a change in the occupation of hill land occurred at the removal term of Whitsunday in the year in respect of which subsidy payments were made, apply only to the occupier occupying the land after that term.

Works of Improvement

11. Where the Secretary of State is satisfied that works of improvement are necessary in order to improve the grazings on any hill land an applicant may be required by the Secretary of State to carry out such works of improvement as a condition of subsidy payments being made.

Relationship of subsidy payments to Returns

12. No subsidy payments shall be made under this Scheme—

(*a*) where a Return has not been made—

(i) as at 4th June or such other day in June at as which a Return is required to be made in the year in which the application for subsidy payment is made, and

(ii) as at 4th December or such other day in December as at which a Return is required to be made, in the immediately preceding year ; or

(*b*) where an entry in respect of breeding cows or in-calf heifers which would qualify under this Scheme has been omitted from a Return made as at the dates specified in the immediately foregoing paragraph, unless it is shown to the satisfaction of the Secretary of State that the omission of such entry was made in good faith.

Prohibition against assignments of subsidy payment

13. Any subsidy payment in respect of any breeding cow or in-calf heifer grazed and maintained on any hill land which might lawfully be made under this Scheme to the person who at the beginning of 4th June or such other day in June as at which a Return is required to be made was the occupier of hill land and who satisfied the conditions of this Scheme may be made

to a person, who, if any such payment had been a debt which at the beginning of that day accrued due to the first mentioned person, would be entitled to claim the payment otherwise than by virtue of an assignment.

James Stuart,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.
26th November, 1951.

We approve,

Herbert Butcher,
H. R. Mackeson,
Two of the Lords Commissioners of His Majesty's Treasury.

27th November, 1951.

EXPLANATORY NOTE

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

The Hill Farming Act, 1946, provides that Schemes may be made providing for subsidy payments to be made in respect of cattle grazed and maintained on hill land in the year 1947 and each of the next four succeeding years. The Livestock Rearing Act, 1951, extends the above mentioned period by five years. This Scheme, made by the Secretary of State for Scotland with the approval of the Treasury, relates to Scotland and makes provision for subsidy payments to be made throughout the whole of the additional five-year period in respect of cattle grazed and maintained on hill land in Scotland. It defines hill land and the descriptions of cattle to which it applies. It also specifies the conditions under which the cattle must be grazed and maintained and contains provisions against overstocking and against the assignment of subsidy payments and provides for the making of annual applications for subsidy payments, the computation of the number of cattle qualifying for subsidy payment, and other matters. 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 Secretary of State in a separate Order; this Order is the Hill Cattle Subsidy Payment (Scotland) Order, 1951.

The Hill Cattle (Northern Ireland) Extension Scheme, 1951

1951 No. 1266

Made - - - -	11*th July*, 1951
Laid before Parliament	13*th July*, 1951
Coming into Operation	14*th July*, 1951

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, the Minister of Agriculture and

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