HILL FARMING

1955 No. 679

The Hill Sheep (England and Wales) Scheme, 1955

Made - - - -	*3rd May*, 1955
Laid before Parliament	*6th May*, 1955
Coming into Operation	*7th May*, 1955

The Minister of Agriculture, Fisheries and Food, 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 Sheep (England and Wales) Scheme, 1955, shall come into operation on the seventh day of May, 1955.

Application

2. This Scheme shall apply to England and Wales.

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.

(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;

"hill land" has the meaning assigned to it by paragraph 9 of this Scheme;

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

"relevant day" means in relation to the years 1954 and 1955, the 3rd and 2nd days of December respectively;

"shearling ewe" means a ewe whose age on the relevant day to which an application for subsidy payment relates, exceeds one year, but does not exceed two years;

"subsidy payment" means any payment falling to be made in respect of any ewe or shearling ewe in accordance with the provisions of this Scheme.

Subsidy Payments

4. Subject to the provisions of this Scheme, the Minister may make a subsidy payment in respect of any shearling ewe or any ewe more than two years old comprised on a relevant day in a flock of sheep kept on hill land, being sheep of a description and flock to which the Scheme applies, to the person who, at the beginning of that day, was maintaining that flock.

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

Person maintaining Flock

5. For the purposes of this Scheme the person maintaining a flock of sheep is the person who owns or rents the flock and is responsible for its maintenance, provided that, where a flock of sheep includes ewes or shearling ewes taken into the flock for grazing under an agreement by which the person taking them in is entitled by way of payment to half the lamb crop, and half of the wool, or under any similar agreement, then, the person taking them in shall be deemed to be the person maintaining that flock, unless the Minister on representations being made to him otherwise decides.

Amount of subsidy payment

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

Description of Sheep

7. This Scheme shall apply to the following breeds of sheep :—

Cheviot, Derbyshire Gritstone, Exmoor Horn, Herdwick, Lonk, Radnor, Rough Fell, Scottish Blackface, Shetland, Swaledale and Welsh Mountain, and such local breeds as the Minister may approve and to any crossbred ewe or shearling ewe derived solely from any of these breeds.

Provided that, where it appears to the Minister in any particular case that any sheep of the breeds set out above or such crossbred ewes or shearling ewes are not of sufficiently hardy type to be capable of living under natural conditions upon hill land for the greater part of the year, such sheep may be disregarded for the purposes of the Scheme.

Descriptions of Flocks

8. This Scheme shall apply to flocks of the following descriptions :—

Standard Rate Flocks—that is to say, breeding flocks of ewes and shearling ewes of a single breed or cross breed referred to in paragraph 7 which are kept (*a*) in regular ages so that there are at least three successive age groups, the youngest age group consisting of shearling ewes, and the two succeeding age groups consisting of ewes born respectively in the two lambing seasons preceding that in which the shearling ewes were born, and (*b*) so that a sufficient number of ewe lambs are bred, reared, and retained in the flock annually to maintain the number of breeding sheep in the flock without the introduction of ewes, shearling ewes or ewe lambs from outside the flock—

Provided that if, in the opinion of the Minister, any of the conditions set out above have not been fulfilled because of the small size of a flock, its recent formation, unavoidable and abnormal losses, or other exceptional circumstances, the flock may be treated as a Standard Rate Flock.

Reduced Rate Flocks—that is to say, flocks of a single breed or any cross breed referred to in paragraph 7, not being standard rate flocks, which otherwise satisfy the conditions of this Scheme, including flocks containing sheep to which this Scheme applies in which a substantial number of the ewes are mated with rams of the following breeds for the production of crossbred ewes or lambs for sale:—

Border Leicester (including the blue-faced type of Leicester), Wensleydale, Kerry Hill, Clun Forest and Devon Closewool.

Hill Land

9. In this Scheme the expression " hill land " means mountain and hill land in the areas specified in the Schedule to this Scheme which is suitable only for use for the maintenance of sheep of a hardy kind, provided that where land has been improved to an extent which renders it suitable for use for the maintenance of sheep other than a hardy kind the Minister may, if he is satisfied that the land was in its original and unimproved state suitable only for the maintenance of hardy sheep, regard such land as hill land for the purposes of the Scheme.

Management

10. It shall be a condition of the making of a subsidy payment in respect of any ewe or shearling ewe that it shall be one of a flock which is kept in accordance with the recognised practices of hill sheep farming and which is kept for substantially the greater part of the year on hill land and under natural conditions ; that the flock shall live by grazing and not receive supplementary feeding except in severe weather or at lambing time, and that the ewes shall rear their lambs on hill land—

Provided that where the Minister is satisfied that in any particular district it is a recognised practice of hill sheep farming to keep ewes or shearling ewes on hill land for a shorter period or to give them supplementary feeding during the winter months, he may, if he thinks fit, regard such flocks as managed in accordance with the conditions of this Scheme.

Flying Flocks

11. No ewe or shearling ewe comprised in a flock in which a substantial proportion of the ewes or shearling ewes are kept for less than two breeding seasons shall be eligible for a subsidy payment.

Reduction in number of sheep eligible for subsidy payments on dispersal of flock

12. If at any time between a relevant day and 4th June next following the person who maintains a flock of sheep to which the Scheme applies, sells or otherwise disperses his flock, and in the opinion of the Minister the number of ewes or shearling ewes for which application for subsidy payments has been made exceeds the number which would have been eligible if the flock had not been dispersed, the Minister may reduce the number of ewes or shearling ewes in respect of which subsidy payments may be made to the number which in his opinion would have been eligible if the flock had not been dispersed.

Overstocking

13. If it appears to the Minister that any person has applied for subsidy payments for a number of ewes or shearling ewes exceeding the number which ought to be kept on the hill land on which they were grazed the Minister may reduce the number of ewes or shearling ewes in respect of which subsidy payments would otherwise be made to that person to the number which, in his opinion might properly be kept on that land.

Application for Subsidy Payment

14. 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 shall apply in writing in such form and at such time as the Minister may from time to time require.

Computation of Numbers of Sheep

15. Where it appears to him to be advisable for the better computation of the number of ewes or shearling ewes in respect of which payment may be made, the Minister may require an applicant for subsidy payments to collect together the flock in respect of which he has applied and to permit it to be counted by a duly authorised officer. In that event, the number of ewes or shearling ewes in respect of which subsidy payments may be made shall be the number of eligible ewes or shearling ewes so counted plus a reasonable allowance for strayed sheep and for any loss during the period between the relevant day and the day on which the flock is counted. An applicant shall facilitate such counting of sheep to the best of his ability.

Assignment of Subsidy Payments

16. Any reference in this Scheme to the person who was maintaining a flock of sheep at the beginning of a relevant day shall be construed as including a reference to any person who, if any subsidy payment which might lawfully be made under this Scheme in respect of ewes and shearling ewes comprised in the flock were a debt which had at the beginning of that day accrued due to the person maintaining the flock, would have been entitled to claim that subsidy payment otherwise than by virtue of an assignment.

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

17. 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 may be appropriate.

Revocation

18. The Hill Sheep (England and Wales) Scheme, 1947(**a**), the Hill Sheep (England and Wales) Emergency Payments Scheme, 1948(**b**), and the Hill Sheep (England and Wales) Extension Scheme, 1951(**c**), are hereby revoked,

(**a**) S.R. & O. 1947/636 (Rev. I, p. 650: 1947 I, p. 39).
(**b**) S.I. 1948/511 (Rev. I, p. 655: 1948 I, p. 50).
(**c**) S.I. 1951/1935 (1951 I, p. 51).

save that the aforesaid schemes shall continue to have effect in respect of any application for subsidy payments to be made thereunder which is outstanding immediately before the coming into operation of this Scheme.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this second day of May, 1955.

(L.S.)

D. Heathcoat Amory,
Minister of Agriculture, Fisheries and Food.

We approve this third day of May, 1955.

Hendrie D. Oakshott,
Martin Redmayne,
Two of the Lords Commissioners of Her Majesty's Treasury.

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 by the Livestock Rearing Act, 1951, provides that schemes may be made for subsidy payments in respect of hill sheep. This Scheme consolidates with minor amendments the Hill Sheep (England and Wales) Scheme, 1947, as varied by the Hill Sheep (England and Wales) Emergency Payments Scheme, 1948, and the Hill Sheep (England and Wales) Extension Scheme, 1951. It is made by the Minister of Agriculture, Fisheries and Food with the approval of the Treasury and makes provision for subsidy payments in respect of flocks of ewes of mountain breeds kept on hill land in England and Wales in accordance with the recognised practices of hill sheep farming. It defines "hill land" and the descriptions of sheep and flocks to which the Scheme applies. The Scheme also sets out the conditions under which the sheep must be kept and contains consequential provisions against overstocking, and provides for the making of applications for subsidy payments, the counting of the number of sheep qualifying for subsidy payments, and other matters. The Scheme does not fix the amount to be paid by way of subsidy payment which the Hill Farming Act, 1946 requires the Minister to prescribe in a separate Order; the amount for the season 1954-55 is fixed by the Hill Sheep Subsidy Payment (England and Wales) Order, 1955.