STATUTORY INSTRUMENTS

1964 No. 656

AGRICULTURE

HILL FARMING

The Hill Sheep (England and Wales) Scheme 1964

Made - - - -	*5th May* 1964
Laid before Parliament	*12th May* 1964
Coming into Operation	*13th 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 Sheep (England and Wales) Scheme 1964, shall come into operation on 13th 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 amended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963 or any other enactment ;

" hill land " has the meaning assigned to it by paragraph 8 of this Scheme ;

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

" relevant day " means, in relation to the year 1963 and to each of the three next succeeding years, 2nd December ;

" 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.

(2) The Interpretation Act 1889(c) 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) 52 & 53 Vict. c. 63.

Subsidy payments

4. Subject to the provisions of this Scheme, the Minister may make a subsidy payment of such amount as may be prescribed by an Order made by the Minister in accordance with the provisions of section 14(3) of the Act 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.

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.

Description of sheep

6.—(1) This Scheme shall apply to sheep of the following breeds:—

Cheviot, Dalesbred, 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.

(2) Where in any particular case any sheep of the breeds referred to in the preceding subparagraph, or any such crossbred ewes or shearling ewes—

(*a*) are not of sufficiently hardy strain to be capable of living under natural conditions upon hill land for the greater part of the year, or

(*b*) except through illness, weakness after lambing or other good reason, do not conform to the requirements of paragraph 9 of this Scheme relating to the flock in which, but for the provisions of this subparagraph, they would be comprised,

such sheep shall be disregarded for the purposes of this Scheme.

Description of flocks

7. 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 6 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 the person maintaining the flock satisfies the Minister that any of the conditions set out at (*a*) and (*b*) 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 6, not being standard rate flocks, which otherwise satisfy the conditions of this Scheme, excluding flocks in which more than a small proportion of the ewes are mated with rams other than—

(*a*) rams of any of the single breeds referred to in paragraph 6, or

(*b*) 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, Llanwenog, Teeswater and Devon Closewool.

Hill Land

8. 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

9.—(1) 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—

(*a*) which is kept on hill land under natural conditions in accordance with the recognised practices of hill sheep farming,

(*b*) which, except in severe weather or at lambing time, lives on the hill land by grazing, and

(*c*) in which the ewes, when moved off the hill land for lambing, return to it with their lambs not later than the following 1st June and rear them on the hill land.

(2) The Minister may treat a flock as satisfying the requirements of the preceding subparagraph if, where any such requirement is not satisfied, the management of the flock in that respect conforms, in his opinion, to the recognised practice of hill sheep farming in the district, and such practice is not substantially different from the requirement.

Flying Flocks

10. 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

11. If at any time between a relevant day and 4th June next following the person who maintains a flock of sheep to which this 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

12. 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 are 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 may properly be kept on that land.

Application for subsidy payment

13. 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 require.

Computation of numbers of sheep

14.—(1) 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.

(2) 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, adding a reasonable allowance for strayed sheep and for any reduction in the numbers of the flock during the period between the relevant day and the day on which the flock is counted and deducting a reasonable allowance for any increase in numbers during that period.

(3) An applicant shall facilitate such counting of sheep to the best of his ability.

Assignment of Subsidy Payments

15. 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 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 4th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture,
Fisheries and Food.

We approve on 5th May 1964.

John Hill,
Ian MacArthur,
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, York (North Riding), York (West Riding).

Any County Borough which is surrounded by or immediately adjoins 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 section 2 of the Agriculture (Miscellaneous Provisions) Act 1963, provides that schemes may be made for subsidy payments in respect of hill sheep. This Scheme follows with minor changes the Hill Sheep (England and Wales) Scheme 1960. 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 (*including Dalesbred*) kept on hill land in certain counties of England and Wales (*excluding Worcester*) 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. *Individual sheep which are not managed in accordance with hill farming practices are excluded from the Scheme.* The Scheme sets out the conditions under which the sheep must be kept, *taking into account recognised local practice,* and contains consequential provisions against overstocking; it also 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 1963-64 is fixed by the Hill Sheep Subsidy Payment (England and Wales) Order (S.I. 1964/657).

The principal changes from the previous scheme are set out above in italics.