STATUTORY INSTRUMENTS

1972 No. 1618

AGRICULTURE

HILL LANDS

The Hill Sheep (Northern Ireland) Scheme 1972

Made - - - -	*25th October* 1972
Laid before Parliament	*3rd November* 1972
Coming into Operation	*1st December* 1972

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 43 of the Agriculture Act 1967**(b)**, and 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 Sheep (Northern Ireland) Scheme 1972, shall apply to Northern Ireland and shall come into operation on 1st December 1972.

Interpretation

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

"the Act" means the Hill Farming Act 1946, as amended or extended by any other enactment;

"ewe" includes a shearling ewe, but no younger animal ;

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

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

"qualified flock" means a flock of sheep kept on hill land in accordance with paragraph 7 of this scheme;

"shearling ewe" means a ewe whose age exceeds one year but does not exceed two years;

"subsidy payment" means a payment in respect of a ewe under this scheme;

"supplementary rate flock" has the meaning assigned to it by paragraph 6 of this scheme.

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

(2) Subject to sub-paragraph (3) 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.

(3) Where at any time after 31st May 1968 land is hill land as defined in sub-paragraph (2) above, the effect of any subsequent improvement to that land shall thereafter be disregarded in determining for the purpose of this scheme whether it is hill land as so defined.

(4) For the purposes of this scheme the person maintaining a flock is the person who owns the flock and is responsible for its maintenance.

(5) The Interpretation Act 1889**(a)** 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 make a subsidy payment in respect of any ewe which on a relevant day is comprised in a qualified flock.

(2) The relevant days for the purposes of this scheme shall be 1st December in the year 1972 and each of the four following years.

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

(4) Payment may be made to the person maintaining the flock at the beginning of the relevant day.

(5) A subsidy payment shall not be made in respect of a ewe as to which the Ministry is satisfied—

(*a*) that it is unsuitable for breeding, or

(*b*) that it does not conform to the requirements of paragraph 7 below in so far as they apply to the flock in which it is comprised, unless in the opinion of the Ministry such failure to conform is due to ill-health, weakness after lambing or other good reason.

Calculation of subsidy payments

4. Subsidy payments shall be calculated by reference to a basic rate of subsidy and a supplementary rate of subsidy.

Basic rate

5. The basic rate of subsidy may be paid in respect of a ewe comprised in a qualified flock.

(a) 1889 c. 63.

Supplementary rate

6.—(1) Subject to sub-paragraph (3) below, the supplementary rate of subsidy may be paid, in addition to the basic rate of subsidy, in respect of a ewe to which this paragraph applies which is comprised in a supplementary rate flock, that is to say a qualified flock—

(*a*) in which all, or substantially all, the ewes are ewes to which this paragraph applies;

(*b*) in which the ewes are kept in regular ages with at least three successive age groups, the youngest consisting of shearling ewes;

(*c*) in which sufficient ewe lambs are bred, reared and retained annually to maintain the size of the flock without introducing sheep from outside it; and

(*d*) which, subject to paragraph 8 below, is kept in accordance with the recognised practices of hill farming in the district.

(2) A flock shall be a supplementary rate flock, although not fulfilling a requirement set out at (*b*) or (*c*) above, if the flock is in all other respects a supplementary rate flock and the Ministry is satisfied that the requirement could not reasonably be fulfilled because of the small size of the flock, its recent formation, unavoidable and abnormal losses or other exceptional circumstances.

(3) Where the Ministry is satisfied that a ewe does not conform to the requirements of sub-paragraph (1)(*d*) above in so far as they apply to the flock in which it is comprised, the supplementary rate of subsidy shall not be payable in respect of that ewe unless in the opinion of the Ministry such failure to conform is due to ill-health, weakness after lambing or other good reason.

(4) This paragraph applies to ewes of the following breeds and crosses between breeds:—

(*a*) Blackface, Cheviot, Dalesbred, Derbyshire Gritstone, Exmoor Horn, Herdwick, Lonk, Radnor, Rough Fell, Scottish Blackface, Shetland, Swaledale and Welsh Mountain;

(*b*) such local hardy hill breeds as the Minister may approve; and

(*c*) crossbred ewes derived solely from any of the breeds referred to in (*a*) or (*b*) above.

Management requirements

7. Subject to paragraph 8 below, a flock shall live by grazing for the greater part of the year on the hill land on which it is kept, and the ewes in a flock, when moved off the hill land for lambing or other good reason, shall return to it as soon as is possible consistent with the recognised management practices of sheep farming in the district.

Exceptions for experimental purposes and good husbandry reasons

8. A requirement set out in paragraph 6(1)(*d*) or 7 above shall not apply to a flock:—

(*a*) where the Ministry has approved, for experimental purposes, a variation from normal hill farming practices which conflicts with that requirement, and the flock has been managed in accordance with the terms of that approval; or

(*b*) where the Ministry considers that in the interests of good sheep husbandry, or in circumstances beyond the control of the person maintaining the flock, it is reasonable that the requirements should not so apply.

Limitation of eligible numbers

9.—(1) In any flock the number of ewes on a relevant day in respect of which subsidy payments may be made under the preceding provisions of this scheme shall not exceed any of the following numbers:—

(*a*) the number of ewes comprised in the flock to the satisfaction of the Ministry over the greater part of the year, disregarding seasonal variations and such losses as it is satisfied are made good within a reasonable period or cannot be so made good; or

(*b*) where the number of lambs produced by the flock is unusually low for a flock of that size, such number of ewes as the Ministry considers to be a reasonable proportion of the flock, having regard to the number of lambs so produced; or

(*c*) $2\frac{1}{2}$ ewes for each acre of hill land on which the flock is grazed; or

(*d*) the number of ewes which in the opinion of the Ministry may properly be kept on that hill land without overgrazing it.

(2) For the purposes of this paragraph the acreage of any hill land grazed by more than one flock may be apportioned by the Ministry between the flocks as it thinks reasonable.

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

Anticipated dispersal

10.—(1) Where a flock is dispersed before 1st June following a relevant day, and it appears to the Ministry that the number of ewes comprised in the flock on the relevant day is greater than it would have been if such dispersal had not been anticipated, the number of such ewes in respect of which subsidy payments would otherwise be made under the provisions of this scheme may be reduced by such number as appears to the Ministry to represent the excess of ewes on the relevant day due to the prospect of such dispersal.

(2) In this paragraph "dispersed" means wholly or substantially disposed of by sale or otherwise.

Application, counting and inspection

11.—(1) It shall be a condition of the making of a subsidy payment under this scheme that any person who desires such a payment shall—

(*a*) apply in writing in such form and at such time as the Ministry may require;

(*b*) to the best of his ability facilitate any counting or inspection of sheep which the Ministry considers necessary in order to determine whether such a payment should be made, and if requested gather the flock together at some convenient place for the purpose;

(*c*) satisfy the Ministry, if required to do so, that he is entitled to use the hill grazings on which his sheep are kept.

(2) When counting a flock the Ministry may make a reasonable allowance for strayed sheep.

Payment otherwise than to person maintaining flock

12. A subsidy payment in respect of a ewe comprised in a flock on any of the relevant days 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 who then maintained the flock, would have been entitled to claim the payment otherwise than by virtue of an assignment.

Reduction where flock is partly grazed on ineligible land

13. Where a flock of sheep kept on hill land is grazed partly on hill land and partly on other land at a time when it should normally be grazed entirely on hill land, and the flock otherwise satisfies the requirements of this scheme, the number of ewes in the flock in respect of which subsidy payments may be made under the foregoing provisions of this scheme may be reduced by a number proportionate, in the Ministry's opinion, to the extent to which the flock is so grazed on that other land, and the remainder of the flock may be treated by the Ministry as having satisfied the requirements of this scheme.

(L.S.)

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd October 1972.

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

We approve,

25th October 1972.

Tim Fortescue,
Hugh Rossi,
Two of the Lords Commissioners of
Her Majesty's Treasury

EXPLANATORY NOTE

(This Note is not part of the scheme.)

This scheme succeeds the Hill Sheep (Northern Ireland) Scheme 1968 S.I. 1968/830, as amended in 1969 S.I. 1969/702. It enables the Minister of Agriculture, Fisheries and Food to make payments on ewes (including shearlings) comprised in flocks of sheep kept on hill land in Northern Ireland on 1st December in 1972 and the next four years. The only material change from the previous scheme is the omission of a requirement that every flock must be inspected.

The scheme does not fix the amount of subsidy payments, which the Hill Farming Act 1946 requires the Minister to prescribe in a separate order; this is done in the Hill Sheep Subsidy Payment (Northern Ireland) Order 1972 (S.I. 1972/1619).

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