STATUTORY RULES OF NORTHERN IRELAND

1999 No. 497

AGRICULTURE

The Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1999

Made - - - -	*17th December 1999*
Coming into operation	*17th December 1999*

The Department of Agriculture and Rural Development being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1999 and shall come into operation on 17th December 1999.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**), except section 20(2) and (3), shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the use of land for other agricultural purposes;

"area aid application" has the same meaning as in Article 6 of Council Regulation 3508/92;

"authorised person" means a person who is authorised by the Department, either generally or specially, to act in matters arising under these Regulations or the Enforcement Regulations, whether or not he is an officer of the Department;

"breeding cow" means a female bovine animal comprised in a regular breeding herd which is not maintained primarily for the production of milk, which—

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)

(a) has borne a calf on or before the day on which a claim is lodged for a compensatory allowance for it or, in the case of a claim accepted as valid pursuant to regulation 11(4), had borne a calf on or before the day on which the claim was received by the Department, and is, or was, capable of lactation on that day; or

(b) has not yet borne a calf but—

(i) has been added to the herd to replace, for the purposes of an application for the premium for maintaining suckler cows made in 1999 pursuant to regulation 3 of the Suckler Cow Regulations 1993(**4**), an animal included in that application, and

(ii) was in-calf when it was so added to the herd, and

(iii) is otherwise eligible for the said premium;

"the 1998 Cattle Regulations" means the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998(**5**);

"the 1998 No. 2 Cattle Regulations" means the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998(**6**);

"the 1999 Cattle Regulations" means the Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999(**7**);

"claimant" means a person who has made a claim for a compensatory allowance;

"Commission Regulation 2385/91" means Commission Regulation (EEC) No. 2385/91 laying down detailed rules for certain special cases regarding the definition of sheepmeat and goatmeat producers and producer groups(**8**);

"Commission Regulation 1750/1999" means Commission Regulation (EC) No. 1750/1999 laying down detailed rules for the application of Council Regulation (EC) No. 1257/1999 for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)(**9**);

"Commission Regulation 2603/1999" means Commission Regulation (EC) 2603/1999 laying down rules for the transition to the rural development support provided for by Council Regulation (EC) No. 1257/1999(**10**);

"compensatory allowance" means a compensatory allowance payable in respect of the Scheme Year on the basis of livestock numbers for breeding cows or ewes in accordance with Article 7 of Commission Regulation 2603/1999;

"Council Regulation 3493/90" means Council Regulation (EEC) No. 3493/90 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers(**11**);

"Council Regulation 3508/92" means Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes(**12**);

"Council Regulation 1257/1999" means Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations(**13**);

"the Department" means the Department of Agriculture and Rural Development;

(**4**) S.R. 1993 No. 280 as amended by S.R. 1994 No. 211, S.R. 1995 No. 246, S.R. 1996 No. 229 and S.R. 1997 No. 53
(**5**) S.R. 1998 No. 27
(**6**) S.R. 1998 No. 279
(**7**) S.R. 1999 No. 265
(**8**) O.J. No. L219, 7.8.91, as amended by Commission Regulation (EC) No. 2143/96 (O.J. No. L286, 8.11.96, p. 10)
(**9**) O.J. No. L214, 13.8.1999, p. 31
(**10**) O.J. No. L316, 10.12.1999, p. 26
(**11**) O.J. No. L337, 4.12.90, p. 7, as last amended by Council Regulation (EC) No. 233/94 (O.J. No. L30, 3.2.94, p. 9)
(**12**) O.J. No. L355, 5.12.92, p. 1, as last amended by Council Regulation (EC) No. 1036/1999 (O.J. No. L127, 21.5.99, p. 4)
(**13**) O.J. No. L160, 26.6.1999, p. 80

"designated map" means the map marked "map of less-favoured farming areas in Northern Ireland", dated 8th May 1991, signed by the Secretary of State and deposited at the Offices of the Department at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB;

"disadvantaged land" (except in the expression "severely disadvantaged land") means the land shown coloured blue on the designated map;

"eligible land" means an area of land of not less than 3 hectares which is disadvantaged land or severely disadvantaged land;

"the Enforcement Regulations" means the Hill Livestock (Compensatory Allowances) (Enforcement) Regulations 1999(**14**);

"ewe" means a female sheep which is at least one year old on 1st January 2000 and is comprised in a qualified flock;

"forage area" means land used to graze or feed livestock which was included as such in a valid area aid application submitted in 1999;

"hardy breed or hardy cross-breed" means a breed or cross-breed of sheep which is in the opinion of the Department suitable for breeding and rearing on land where the severity of the permanent natural handicaps affecting the breeding and rearing of sheep on it is greater than that affecting the breeding and rearing of sheep on severely disadvantaged land generally;

"holding" means all the production units managed by a claimant situated within the United Kingdom;

"husbandry practice" includes practice in relation to the grazing and feeding of livestock;

"livestock unit" means a unit of measurement of livestock numbers, and the following constitute a single livestock unit—

(a) 1 breeding cow;

(b) 1 female bovine animal used to replace a breeding cow in accordance with regulation 9(1);

(c) 6.67 ewes; or

(d) 6.67 female sheep (not being ewes) used to replace ewes in accordance with regulation 9(3);

"overgrazing" means grazing land with livestock in such numbers as adversely to affect the growth, quality or species composition of vegetation (other than vegetation normally grazed to destruction) on that land to a significant degree and "overgrazed" shall be construed accordingly;

"production unit" has the same meaning as in Council Regulation 3508/92;

"qualified flock" means a flock of sheep which is usually kept on a production unit which includes disadvantaged land or severely disadvantaged land and which is, in the opinion of the Department—

(a) maintained primarily for the purpose of breeding and rearing lambs; and

(b) maintained and managed in accordance with sound husbandry practice,

and includes a specially qualified flock;

"regular breeding herd" means a herd of cattle which is usually kept on a production unit which includes disadvantaged land or severely disadvantaged land and which is, in the opinion of the Department—

(a) maintained primarily for the purpose of breeding and rearing calves; and

(b) maintained and managed in accordance with sound husbandry practice;

(**14**) S.I. 1999/3315

"the 1975 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations 1975(**15**);

"the 1979 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations 1979(**16**);

"the 1984 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations 1984(**17**);

"the 1992 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1992(**18**);

"the 1993 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1993(**19**);

"the 1994 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1994(**20**);

"the 1996 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1996(**21**);

"relevant afforested land" means land which in the opinion of the Department was converted to forest on or after 1st January 1986 and before 1st January 1988 by or on behalf of a person to whom a compensatory allowance was paid in respect of the land under the 1975 Regulations, the 1979 Regulations or the 1984 Regulations before the date when the conversion to forest was completed but land shall cease to be relevant afforested land for the purposes of these Regulations 15 years after the date when such conversion was completed;

"retention period" means the minimum period for which the claimant must maintain animals for which compensatory allowance is claimed, which is—

(a) in relation to breeding cows, where a claim for a compensatory allowance for those breeding cows is lodged in accordance with regulation 11(1), three months commencing on the day after that on which the claim is lodged;

(b) in relation to breeding cows, where a claim for a compensatory allowance for those breeding cows is received by the Department before the day on which these Regulations come into operation and accepted as valid pursuant to regulation 11(4), a period commencing on that day and expiring at the end of a three month period commencing on the day after that on which the claim was received; and

(c) in relation to ewes, 100 days commencing on the last day provided for in regulation 11(2) for lodging a claim for a compensatory allowance for ewes;

"retirement pension" means a category A or category B pension within the meaning of section 20(1)(*f*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**22**); a category C or category D pension within the meaning of section 63(*f*) of that Act, or a graduated retirement benefit as referred to in Schedule 1 to the 1978 Social Security Regulations;

"Scheme Year" means the calendar year 2000;

"severely disadvantaged land" means the land shown coloured pink on the designated map;

"specially qualified flock" means a qualified flock—

(**15**) S.I. 1975/2210, as amended by S.I. 1976/1203, 1977/1960 and 1979/941 and revoked by S.I. 1979/1748
(**16**) S.I. 1979/1748, as amended by S.I. 1980/2028, 1981/1843, 1982/1886 and revoked by S.I. 1984/2024
(**17**) S.I. 1984/2024
(**18**) S.R. 1992 No. 68 as amended by S.R. 1993 No. 16
(**19**) S.R. 1993 No. 449 as last amended by S.R. No. 474
(**20**) S.R. 1994 No. 417 as amended by S.R. 1995 No. 22, S.R. 1995 No. 245, S.R. 1995 No. 404 and S.R. 1996 No. 7
(**21**) S.R. 1996 No. 230 as amended by S.R. 1996 No. 498, S.R. 1997 No. 13, S.R. 1997 No. 486, S.R. 1998 No. 439 and S.R. 1999 No. 68
(**22**) 1992 c. 7

(a) in which all or, in the opinion of the Department, substantially all, of the ewes comprised in the flock are of any hardy breed or hardy cross-breed; and

(b) in which the ewes are in the opinion of the Department maintained in 3 distinct age groups; and

(c) which is maintained on severely disadvantaged land or on such land and other land used with it;

"unsuitable supplementary feeding methods" means providing supplementary feed (other than to maintain livestock during abnormal weather conditions) in such a manner as to result in damage to vegetation through excessive trampling or poaching of the land by animals or excessive rutting by vehicles;

"usual good farming practices" means the farming practices described in Article 14(2) of Council Regulation 1257/1999 and defined in Article 28 of Commission Regulation 1750/1999.

(3) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date on which these Regulations are made.

Payment of compensatory allowance

3.—(1) The Department may pay in respect of the Scheme Year to any person who maintains breeding cows or ewes on eligible land a compensatory allowance for each breeding cow and ewe which he owns, or leases under a formal leasing arrangement, throughout the retention period applicable to the animal concerned.

(2) A compensatory allowance may be paid only where the eligible land on which the claimant maintains breeding cows or ewes forms part of a holding for which a valid area aid application was submitted in 1999.

Rates of payment

4.—(1) The compensatory allowance for breeding cows shall be paid at the rates set out in Part I of the Schedule.

(2) The compensatory allowance for ewes shall be paid at the rates set out in Part II of the Schedule.

(3) The total amount of compensatory allowances which may be paid to a claimant shall not exceed the maximum specified in Part III of the Schedule.

Continued use of eligible land

5. A compensatory allowance may be paid to a claimant not in receipt of a retirement pension only if he has given a written undertaking, in such form as the Department may reasonably require, that he will, for a period of five years from the first payment of compensatory allowance under these Regulations, the 1996 Regulations or the 1994 Regulations, continue to use eligible land for agriculture.

Usual good farming practices

6. A compensatory allowance may be paid only if, in the opinion of the Department, the claimant applies usual good farming practices on the eligible land on which he maintains breeding cows or ewes.