STATUTORY RULES OF NORTHERN IRELAND

1996 No. 230

AGRICULTURE

The Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1996

Made - - - -	*7th June 1996*
Coming into operation	*1st July 1996*

The Department of Agriculture 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 upon 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) 1996, and shall come into operation on 1st July 1996.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to a Measure 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;

"applicant" means a person who has applied for a compensatory allowance under these Regulations;

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

(**1**) S.I.1972/1811
(**2**) 1972 c. 68: section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. (N.I.) 1984 No. 253 and S.I. 1994/2795 (N.I. 15)
(**3**) 1954 c. 33 (N.I.)

"breeding cow" means a female bovine animal comprised in a regular breeding herd which is not maintained primarily for the production of milk and which on or before the day of lodgement of an application for a compensatory allowance has borne a calf and is capable of lactation;

"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(**4**);

"Commission Regulation 3887/92" means Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes(**5**);

"compensatory allowance" means the allowance payable under regulation 3;

"Council Regulation 805/68" means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal(**6**);

"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(**7**);

"Council Regulation 3508/92" means Council Regulation (EEC) No. 3508/92 establishing an integrated administration system for certain Community aid schemes(**8**);

"Council Regulation 3813/92" means Council Regulation (EEC) No. 3813/92 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy(**9**);

"Council Regulation 3320/94" means Council Regulation (EC) No. 3320/94 on the consolidation of the existing Community legislation on the definition of the ECU following the entry into force of the Treaty on European Union(**10**);

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

"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;

"ECU" means the unit of account used in legal instruments relating to the common agricultural policy of the European Community as defined in Council Regulation (EEC) No. 3320/94, and any reference in these Regulations to a specified number of ECU in relation to a compensatory allowance shall be taken to be a reference to the sterling equivalent of that number of ECU converted into sterling at the agricultural conversion rate (as determined in accordance with Council Regulation 3813/92) applicable on 1st January in the Scheme year in respect of which the compensatory allowance is paid;

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

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

(**4**) O.J. No. L219, 7.8.91, p. 15, as last amended by Commission Regulation (EC) No. 2569/95 (O.J. No. L.262, 1.11.95, p. 32)
(**5**) O.J. No. L.391, 31.12.92, p. 36, as last amended by Commission Regulation (EC) No. 2015/95 (O.J. No. L.197, 22.8.95, p. 2)
(**6**) O.J. No. L.148, 28.6.68, p. 24 (O.J./S.E. Vol. I p. 137), as last amended by Commission Regulation (EC) No. 2417/95 (O.J. No. L.248, 14.10.95, p. 39)
(**7**) O.J. No. L.337, 4.12.90, p. 7, as last amended by Council Regulation (EC) No. 233/94 (O.J. No. L.30, 3.2.94, p. 9)
(**8**) O.J. No. L.355, 5.12.992, p. 1, as last amended by Council Regulation (EC) No. 3072/95 (O.J. No. L.329, 30.12.95, p. 18)
(**9**) O.J. No. L.387, 31.12.92, p. 1, as last amended by Council Regulation (EC) No. 150/95 (O.J. No. L.22, 31.1.95, p. 1); "agricultural conversion rate" is defined in Article 1(c)
(**10**) O.J. No. L.350, 31.12.94, p. 27

"forage area" has the same meaning as in the second indent of Article 4g(3) of Council Regulation 805/68;

"hardy breed or hardy cross-breed" means a breed or as the case may be 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;

"livestock unit" means a unit of measurement of livestock numbers and a single livestock unit equals—

(a) 1 breeding cow;

(b) 1 in-calf heifer used to replace a breeding cow;

(c) 6.67 ewes; or

(d) 6.67 ewe lambs used to replace ewes;

"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;

"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, maintained and managed in accordance with sound husbandry practice;

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

"regular breeding herd" means a herd of cattle which is usually kept on a production unit which includes disadvantaged land or severaly disadvantaged land and which—

(a) is, in the opinion of the Department, maintained primarily for the purpose of breeding and rearing calves, and

(b) is, in the opinion of the Department, maintained and managed in accordance with sound husbandry practice;

"the 1975 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations 1975(**11**);

"the 1978 Regulations" means the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(**12**);

"the 1979 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations 1979(**13**);

"the 1984 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1984(**14**);

"the 1992 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1992(**15**);

"the 1993 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1993(**16**);

"the 1994 Regulations" means the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1994(**17**);

(**11**) S.I. 1975/2210, amended by S.I. 1976/1203, 1977/1960 and 1979/941 and revoked by S.I. 1979/1748
(**12**) S.R. 1978 No. 105
(**13**) S.I. 1979/1748, amended by S.I. 1980/2028, 1981/1843, 1982/1886 and revoked by S.I. 1984/2024
(**14**) S.R. 1984 No. 2024
(**15**) S.R. (N.I.) 1992 No. 68 as amended by S.R. 1993 No. 16
(**16**) S.R. 1993 No. 449 as amended by S.R. 1993 No. 474
(**17**) 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

"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 that land before the date when the conversion to forest was completed under the Hill Livestock (Compensatory Allowances) Regulations 1984, the Hill Livestock (Compensatory Allowances) Regulations 1979; or the Hill Livestock (Compensatory Allowances) Reguations 1975; 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;

"retirement pension" means a category A and category B pension within the meaning of section 20(1)(*f*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**18**); a category C and 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 Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978;

"Scheme year" means 1997 and each succeeding calendar year;

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

"the 1992 Sheep Regulations" means the Sheep Annual Premium Regulations (Northern Ireland) 1992(**19**);

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

"specially qualified flock" means a qualified flock—

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

(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 severely disadvantaged land and other land used with it;

"specified control measure" means any check which a member state is required to carry out under Article 6 of the Commission Regulation 3887/92;

"the 1993 Suckler Cow Regulations" means the Suckler Cow Premium Regulations (Northern Ireland) 1993(**20**);

"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.

(3) (a) any reference to a retention period for ewes applicable to a given Scheme year is a reference to the minimum period for which the animals concerned shall have to be kept by the relevant applicant following an application by him for a compensatory allowance for those animals in respect of that given Scheme year, and is 100 days (starting on the last date for lodging that application, as specified in paragraph (2) of regulation 8);

(b) any reference to a retention period for breeding cows applicable to a given Scheme year is a reference to the minimum period for which the animals concerned shall have to be kept by the relevant applicant following an application by him for a compensatory allowance for these animals in respect of that given Scheme year, and is 6 months (starting on the day following the date of lodgement of that claim, as required by paragraph (1) of regulation 8).

(**18**) 1992 c. 7
(**19**) S.R. 1992 No. 476 as amended by S.R. 1994 No. 404 and S.R. 1995 No. 403
(**20**) S.R. 1993 No. 280 as amended by S.R. 1994 No. 211 and S.R. 1995 No. 246

(4) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date these Regulations come into force.

Compensatory allowances for cattle and sheep

3.—(1) The Department may in respect of any Scheme year pay to any person who in the year prior to that Scheme year submitted a valid area aid application under Article 6 of Council Regulation 3508/92 which indicated eligible land a compensatory allowance for each breeding cow and ewe which was—

(a) owned; or

(b) leased under a formal leasing arrangement;

by him throughout the retention period for the animal concerned applicable to the Scheme year in question, at the rate of 20·3 ECU per breeding cow and 3·045 ECU per ewe.

(2) A compensatory allowance in respect of any Scheme year shall be paid to a person only if (except in the case of a person who is in receipt of a retirement pension) he has entered into a written undertaking in such form as the Department may reasonably require to the effect that he will, for a period of five years from the first payment of a compensatory allowance made under these Regulations, the 1994 Regulations, the 1993 Regulations, the 1992 Regulations or the 1984 Regulations, continue to use eligible land for agricultural purposes.

(3) The total amount of a compensatory allowance which may be paid in respect of any Scheme year—

(a) to the occupier of severaly disadvantaged land, shall not exceed £88·70 or 150 ECU for each hectare of such land which was included in an area aid application made under Article 6 of Council Regulation 3508/92 in the calendar year preceding that year and was determined by the Department to be eligible forage area for the purposes of that Regulation or which is relevant afforested land; or

(b) to the occupier of disadvantaged land, shall not exceed £60·85 or 150 ECU for each hectare of such land which was included in an area aid application made under Article 6 of Council Regulation 3508/92 in the calendar year preceding that year and was determined by the Department to be eligible forage area for the purposes of that Regulation or which is relevant afforested land.

(4) Where in this regulation alternative rates are given in sterling and ECU the rate which results in the lower payment in sterling shall apply.

Provisions with respect to cattle

4.—(1) The number of breeding cows for which a compensatory allowance may be paid to a person who has made a valid application for compensatory allowances for breeding cows in respect of any given Scheme year shall be the least of—

(a) the number of such animals included in that application;

(b) the number of such animals which were—

(i) owned, or

(ii) leased under a formal leasing arrangement,

by him throughout the retention period for the animals concerned applicable to that Scheme year;

(c) the number of such animals which, in the opinion of the Department, is reasonable, having regard to the number of calves produced by the regular breeding herd of which they form part in the 12 months preceding the date of lodgement of that application in