1987 No. 92

AGRICULTURE

The Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1987

Made	*4th March 1987*
Coming into operation . .	*1st April 1987*

The Department of Agriculture being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by that section 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) 1987 and shall come into operation on 1st April 1987.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) 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 other agricultural purposes;

"approved breed" means any hardy breed or cross breed of sheep approved by the Department for the purposes of these regulations, being a breed or cross breed which is suitable for breeding and rearing on land in respect of which the severity of the permanent natural handicaps affecting the breeding and rearing of sheep on that land is greater than that affecting the breeding and rearing of sheep on severely disadvantaged land generally;

"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 qualifying day—

(*a*) has borne a calf, or

(**a**) S.I. 1972/1811

(**b**) 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. 1984 No. 253

(**c**) 1954 c. 33 (N.I.)

(*b*) has been brought into the herd primarily for the purpose of replacing an animal which has borne a calf, and is, in the opinion of the Department, suitable for the purpose of bearing a calf during the year following the qualifying day;

"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 4th April 1984, signed by the Secretary of State and deposited at the offices of the Department of Agriculture for Northern Ireland at Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB;

"disadvantaged land" means land—

(*a*) which is, in the opinion of the Department, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and

(*b*) whose agricultural production is, in the opinion of the Department, restricted in its range by, or by any combination of, soil, relief, aspect or climate,

which land is within the area shaded blue or shaded pink on the designated maps;

"eligible land" means an area of land of not less than three hectares, being land—

(*a*) which is situated in an area included in the list of less-favoured farming areas adopted by the Council or the Commission of the European Communities under Article 2(2) of Council Directive No. 75/268/EEC on mountain and hill farming and farming in certain less-favoured areas(**a**), and

(*b*) which is severely disadvantaged land or disadvantaged land;

"ECU" means the unit of account used for the purposes of the common agricultural structures policy of the European Economic Community, 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 exhange rate applicable on the qualifying day in the year in which the compensatory allowance is paid;

"ewe" means a female sheep which, on the qualifying day, is more than one year old;

"occupier" includes a person who has a right to use eligible land for the purpose of grazing cattle or sheep;

"qualified flock" means a flock of ewes which is kept on eligible land, or on eligible land and other land used with it, for the breeding and rearing of lambs, and which is, in the opinion of the Department, maintained and managed in accordance with sound husbandry practice;

(**a**) O.J. No. L128, 19.5.1975, p. 1. Council Directive 75/268/EEC was amended by Council Directive 80/666/EEC (O.J. No. L180, 14.7.1980, p. 34)

"the qualifying day" means, in respect of any year in which a compensatory allowance may be paid under these regulations, 1st January in that year;

"regular breeding herd" means a herd of cattle which is kept on eligible land, or on eligible land and other land used with it, and which—

(*a*) has, on the qualifying day, been in existence for a period of at least six months,

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

(*c*) is, in the opinion of the Department, reasonably constant in its composition and maintained and managed in accordance with sound husbandry practice;

"relevant afforested land" means land which in the opinion of the Department has been converted to forest on or after 1st January 1986 by or on behalf of a person to whom a compensatory allowance was paid under these regulations, the Hill Livestock (Compensatory Allowances) Regulations 1984(**a**), the Hill Livestock (Compensatory Allowances) Regulations 1979(**b**) or the Hill Livestock (Compensatory Allowances) Regulations 1975(**c**) in respect of that land 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;

"retirement pension" means a category A and category B pension within the meaning of section 12(1)(*f*) of the Social Security (Northern Ireland) Act 1975(**d**) and a category C and category D pension within the meaning of section 34(1)(*e*) of that Act;

"severely disadvantaged land" means land—

(*a*) which is, in the opinion of the Department inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and

(*b*) whose agricultural production is, in the opinion of the Department, severely restricted in its range by, or by any combination of, soil, relief, aspect or climate,

which land is within the area shaded pink on the designated maps;

"specially qualified flock" means a qualified flock in which all, or in the opinion of the Department substantially all, of the ewes comprised in the flock are of an approved breed, and which is maintained on severely disadvantaged land and other land used with it;

"the United Kingdom regulations" mean the Hill Livestock (Compensatory Allowances) Regulations 1984 and the Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1985.

(a) S.I. 1984/2024 amended by S.I. 1985/2075
(b) S.I. 1979/1748, amended by S.I. 1980/2028, 1981/1843 and 1982/1886 and revoked by S.I. 1984/2024
(c) S.I. 1975/2210 amended by S.I. 1976/1203, 1977/1960 and 1979/941 and revoked by S.I. 1979/1748
(d) 1975 c. 15

Compensatory allowances

3.—(1) Subject to the provisions of these regulations, the Department may in respect of the year 1985 and each succeeding year pay to any person who is on the qualifying day in that year the occupier of eligible land, a compensatory allowance for cattle and sheep maintained by him on that day, being cattle comprised in a regular breeding herd and sheep comprised in a qualified flock.

(2) Subject to regulations 3(4) and 4 a compensatory allowance for cattle shall be payable in respect of the number of breeding cows comprised in a herd on the qualifying day at the following rates—

(*a*) in the case of cows maintained by a person whose only eligible land is severely disadvantaged land, £54·50 or 101 ECU per cow, whichever is the less;

(*b*) in the case of cows maintained by a person whose eligible land comprises severely disadvantaged land and disadvantaged land—

(i) £54·50 or 101 ECU per cow, whichever is the less, up to an amount calculated by multiplying the total number of hectares of severely disadvantaged land which is available to that person in accordance with paragraph (4)(*a*) or which is relevant afforested land by £62·48 or 101 ECU, whichever is the less and deducting from the resulting figure any allowances payable in respect of sheep maintained by that person under paragraph (3) (other than such allowances payable at the rate of £2·25 or 15.15 ECU per ewe); and

(ii) thereafter £27·25 or 101 ECU per cow, whichever is the less;

(*c*) in the case of cows maintained by a person whose only eligible land is disadvantaged land, £27·25 or 101 ECU per cow, whichever is the less.

(3) Subject to regulations 3(4) and 5, a compensatory allowance for sheep shall be payable in respect of the number of ewes comprised in a flock on the qualifying day at the following rates—

(*a*) in the case of ewes of an approved breed comprised in a specially qualified flock, £6·75 or 15·15 ECU per ewe, whichever is the less;

(*b*) in the case of ewes not referred to in sub-paragraph (*a*) maintained by a person—

(i) whose only eligible land is severely disadvantaged land, £4·50 or 15·15 ECU per ewe, whichever is the less;

(ii) whose eligible land comprises severely disadvantaged land and disadvantaged land, £4·50 or 15·15 ECU per ewe, whichever is the less, for a number of ewes calculated by multiplying the total number of hectares of severely disadvantaged land which is available for the maintenance of the flock in accordance with regulation 5(2)(*c*) or which is relevant afforested land by 6, and deducting from the resulting figure the number of ewes, if any, falling within sub-paragraph (*a*) which are kept on that land, and thereafter for additional ewes £2·25 or 15·15 ECU per ewe, whichever is the less;

(iii) whose only eligible land is disadvantaged land £2.25 or 15.15 ECU per ewe, whichever is the less.

(4) Notwithstanding the provisions of paragraphs (2) and (3) the total amount of a compensatory allowance which may be paid in respect of any year—

(*a*) to the occupier of severely disadvantaged land, shall not exceed £62.48 or 101 ECU, whichever is the less, for each hectare of such land which appears to the Department to have been available to that occupier in the preceding year for the maintenance of his herd or flock or which is relevant afforested land;

(*b*) to the occupier of disadvantaged land, shall not exceed £46.86 or 101 ECU, whichever is the less, for each hectare of such land which appears to the Department to have been available to that occupier in the preceding year for the maintenance of his herd or flock or which is relevant afforested land.

(5) A compensatory allowance in respect of any year shall only be paid to an occupier of eligible land if (except in the case of such an occupier who is in receipt of a retirement pension) he has entered into a written undertaking in such form as the Department may require to the effect that he will, for a period of five years from the first payment of a compensatory allowance under these regulations continue to use eligible land for agricultural purposes.

Provisions with respect to cattle

4.—(1) Subject to the following provisions of this regulation, where the Department is of the opinion that the number of breeding cows comprised in a regular breeding herd on the qualifying day is greater or less than the number of breeding cows which it is satisfied has been the number normally comprised in that herd throughout the preceding year or, in the case of a herd newly established or re-established in that year, throughout such shorter period as the Department may determine (including, as breeding cows for this purpose heifers which have become, or would in its opinion have become, breeding cows by that qualifying day), a compensatory allowance shall be payable in relation to that qualifying day in respect of the number of breeding cows which the Department is satisfied is the number of breeding cows which has been normally so comprised in the herd.

(2) For the purposes of paragraph (1) the Department may disregard any temporary reduction in numbers where it is satisfied that such reduction was or is due to deaths or disposals of cows, and that those cows have been or will be suitably replaced as soon as reasonably practicable.

(3) Where the Department is satisfied that—

(*a*) the number of breeding cows comprised in a regular breeding herd on a qualifying day is less than the number normally comprised in that herd, and that the reduction is due to the slaughter of cows in the herd in the course of brucellosis eradication, and

(*b*) the person to whom a compensatory allowance in respect of that herd may be paid will make satisfactory arrangements for those animals to be suitably replaced in the herd as soon as reasonably practicable, and