

1995 No. 245

AGRICULTURE

**The Hill Livestock (Compensatory Allowances) (Amendment)
(No. 2) Regulations (Northern Ireland) 1995**

Made 8th June 1995

Coming into operation 1st July 1995

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 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) (Amendment) (No. 2) Regulations (Northern Ireland) 1995 and shall come into operation on 1st July 1995.

Interpretation

2.—(1) In these Regulations, “the principal Regulations” means The Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1994(c); and

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment

3.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph 2 of regulation 2 (interpretation) of the principal Regulations:—

(a) for the definition of “breeding cow” there shall be substituted the following definition—

“ “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 has borne a calf and is capable of lactation;”;

(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), S.R. (N.I.) 1984 No. 253 and S.I. 1994/2795 (N.I. 15)

(c) S.R. 1994 No. 417 as amended by S.R. 1995 No. 22

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

(b) for the definition of “disadvantaged land” there shall be substituted the following definition—

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

(c) in the definition of “ECU” there shall be substituted for the phrase “as amended by Council Regulation (EEC) No. 3528/93 and Council Regulation (EC) No. 3311/94” the following phrase—

“as amended by Council Regulation (EEC) No. 3528/93, Council Regulation (EC) No. 3311/94 and Council Regulation (EC) No. 150/95(a);”

(d) the definitions of “hardy breed” or “hardy cross breed” and “specially qualified flock” shall be deleted;

(e) for the definition of “the qualifying day” there shall be substituted the following definition—

“ “the qualifying day” means the day on which a person lodges his claim for a compensatory allowance for cattle or as the case may be sheep under these Regulations in respect of a given Scheme year;”;

(f) for the definition of “severely disadvantaged land” there shall be substituted the following definition—

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

(3) In regulation 3 (compensatory allowances)—

(a) for paragraph (3) there shall be substituted the following paragraph—

“(3) Subject to the following provisions of these Regulations 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 a rate of 20.3 ECU per cow.”;

(b) for paragraph (4) there shall be substituted the following paragraph—

“(4) Subject to the following provisions of these Regulations, a compensatory allowance for sheep shall be payable in respect of the number of ewes comprised in a flock on the qualifying day at a rate of 3.045 ECU per ewe.”;

(c) in sub-paragraph (a) of paragraph (5) for the amount “123 ECU” there shall be substituted the amount “150 ECU”; and

(d) in sub-paragraph (b) of paragraph (5) for the amount of “123 ECU” there shall be substituted the amount of “150 ECU”.

(4) In sub-paragraph (b) of paragraph (1) of regulation 4 (provisions with respect to cattle) for the word “four” there shall be substituted the word “six”.

(5) In sub-paragraph (b) of paragraph (1) of regulation 5 (provisions with respect to sheep) for the words “four months from the day following the

qualifying day for that Scheme year” there shall be substituted the phrase “100 days starting on the last day of the period specified in paragraph (2) of regulation 7 during which his claim for that allowance in respect of that Scheme year has been lodged with the Department.”.

(6) For regulation 7 (claims for compensatory allowances) there shall be substituted the following regulation:—

“Application for compensatory allowances

7.—(1) An application for a compensatory allowance for cattle in respect of any Scheme year shall be lodged with the Department between 1st July and 8th December in the preceding Scheme year (both dates inclusive).

(2) An application for a compensatory allowance for sheep in respect of any Scheme year shall be lodged with the Department between 13th December in the preceding Scheme year and 9th January in the Scheme year in respect of which the application is made (both dates inclusive).

(3) A claim for a compensatory allowance shall be made in such form as the Department may require and no person shall be entitled to make more than one such claim for cattle in respect of any Scheme year, provided that where in respect of a given scheme year a number of claims for compensatory allowances for cattle are made by persons who have in respect of that year made more than one area aid application under Article 6 of Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community Aid Schemes(a) as amended by Council Regulation (EC) No. 165/94(b), Council Regulation (EC) No. 3233/94(c) and Council Regulation (EC) No. 3235/94(d) but who are regarded as a single farmer within the meaning of Article 1(4) of that first mentioned Council Regulation the claims concerned shall be deemed to be a single claim made by one person for the purpose of this paragraph.”.

Saving

4. Any claim for a compensatory allowance made in respect of the 1995 Scheme year shall be governed by the principal Regulations as in force immediately before the coming into operation of these Regulations.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 8th June 1995.

(L.S.)

P. T. Toal

Assistant Secretary

(a) O.J. No. L355, 5.12.92, p. 1

(b) O.J. No. L24, 29.1.94, p. 6

(c) O.J. No. L4338, 28.12.94, p. 13

(d) O.J. No. L4338, 28.12.94, p. 16

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations amend the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1994 (“the principal Regulations”).

2. The amendments made by these Regulations to the principal Regulations are as follows:

- (a) the existing definitions of the phrases “breeding cow”, “disadvantaged land”, “the qualifying day” and “severely disadvantaged land” are revised;
- (b) the definition of “ECU” is further amended;
- (c) the rates of compensatory allowances for both cattle and sheep are further revised;
- (d) the retention period for cattle — the period for which breeding cows have to be held by the applicant before he is eligible to claim a compensatory allowance for them — is increased from four to six months;
- (e) the retention period for sheep — the period for which ewes have to be held by the applicant before he is eligible to claim a compensatory allowance for them — is brought into line with that applicable to the Sheep Annual Premium Scheme.
- (f) the existing regulation 7 (claims for compensatory allowances) is replaced with a new regulation 7, setting out revised conditions for making applications for compensatory allowances for cattle and sheep.

3. It is provided by these Regulations that applications for compensatory allowances made in respect of 1995 are to be governed by the principal Regulations as in force immediately before the coming into force of these Regulations.