
STATUTORY INSTRUMENTS

1993 No. 1626

AGRICULTURE

**The Sheep Annual Premium and Suckler
Cow Premium Quotas Regulations 1993**

<i>Made</i>	- - - -	<i>25th June 1993</i>
<i>Laid before Parliament</i>		<i>30th June 1993</i>
<i>Coming into force</i>	- -	<i>1st July 1993</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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 Economic Community, acting jointly in exercise of the powers conferred on them by that section, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Sheep Annual Premium and Suckler Cow Premium Quotas Regulations 1993 and shall come into force on 1st July 1993.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“Commission Regulation 3567/92” means Commission Regulation [\(EEC\) No 3567/92](#) laying down detailed rules for the application of the individual limits, national reserves and transfer of rights provided for in Articles 5a to 5c of Council Regulation 3013/89⁽³⁾, as amended by Commission Regulation [\(EEC\) No 1199/93](#)⁽⁴⁾;

“Commission Regulation 3886/92” means Commission Regulation [\(EEC\) No 3886/92](#) laying down detailed rules for the application of the premium schemes provided for in Council Regulation 805/68⁽⁵⁾, as amended by Commission Regulation [\(EEC\) No 538/93](#)⁽⁶⁾;

(1) S.I.1972/1811.

(2) [1972 c. 68](#).

(3) OJNo. L362, 11.12.92, p.41, as read with the corrigenda at OJ No. L6, 12.1.93, p.16.

(4) OJ No. L122, 18.5.93, p.26.

(5) OJ No. L391, 31.12.92, p.20.

(6) OJ No. L57, 10.3.93, p.19.

“the Community legislation” means Articles 5a and 5b of Council Regulation 3013/89, Commission Regulation 3567/92, Articles 4d to 4h of Council Regulation 805/68, and Articles 22 to 40 and, so far as they relate to suckler cow premium, 41 to 45 of Commission Regulation 3886/92;

“Council Regulation 805/68” means Council Regulation (EEC) No 805/68 on the common organisation of the market in beef and veal(7), as amended, so far as is relevant to these Regulations, by Council Regulation (EEC) No 2066/92(8) and Council Regulation (EEC) No 125/93(9).

“Council Regulation 3013/89” means Council Regulation (EEC) No 3013/89 on the common organisation of the market in sheepmeat and goatmeat(10), as amended, so far as is relevant to these Regulations, by Council Regulation (EEC) No 2069/92(11);

“holding” has the same meaning as in—

- (a) Article 1(3) of Council Regulation (EEC) No 3493/90 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers(12) in so far as these Regulations relate to sheep annual premium quota, and
- (b) Article 4a of Council Regulation 805/68 in so far as these Regulations relate to suckler cow premium quota;

“lease” means—

- (a) a temporary lease under Article 5a(4)(d) of Council Regulation 3013/89 in so far as these Regulations relate to sheep annual premium quota, and
- (b) a temporary transfer under Article 4e(3) of Council Regulation 805/68 in so far as these Regulations relate to suckler cow premium quota,

and “lessor” shall be construed accordingly;

“the Minister” means—

- (a) in relation to England, the Minister of Agriculture, Fisheries and Food,
- (b) in relation to Wales or Scotland, the Secretary of State, and
- (c) in relation to Northern Ireland, the Department of Agriculture for Northern Ireland;

“national reserve” means—

- (a) the national reserve of quota established under Article 5b of Council Regulation 3013/89 in so far as these Regulations relate to sheep annual premium quota, and
- (b) the national reserve of quota established under Article 4f of Council Regulation 805/68 in so far as these Regulations relate to suckler cow premium quota;

“producer” has the same meaning as in—

- (a) Article 1(1) of Council Regulation (EEC) No 3493/90 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers in so far as these Regulations relate to sheep annual premium quota, and
- (b) Article 4a of Council Regulation 805/68 in so far as these Regulations relate to suckler cow premium quota;

(7) OJ No. L148, 28.6.68, p.24 (OJ/SE 1968(I) p.187).

(8) OJ No. L215, 30.7.92, p.49.

(9) OJ No. L18, 27.1.93, p.1.

(10) OJ No. L289, 7.10.89, p.1.

(11) OJ No. L215, 30.7.92, p.59.

(12) OJ No. L337, 4.12.90, p.7, to which there are amendments not relevant to these Regulations.

“quota” means the right to sheep annual premium up to the individual limit established under Article 5a of Council Regulation 3013/89 and the right to suckler cow premium up to the individual ceiling established under Article 4d of Council Regulation 805/68;

“quota register” means the register prepared and maintained under regulation 14;

“sensitive zones” means the sensitive zones specified in the Schedule to these Regulations, and a reference to a numbered sensitive zone is a reference to the sensitive zone so numbered in that Schedule;

“sheep annual premium” means the premium granted under Article 5 of Council Regulation 3013/89;

“suckler cow premium” means the premium granted under Article 4d of Council Regulation 805/68;

“transfer”, in relation to quota, means—

- (a) a transfer of quota under Article 5a(4)(b) of Council Regulation 3013/89 in so far as these Regulations relate to sheep annual premium quota, and
- (b) a transfer of quota under Article 4e(1) of Council Regulation 805/68 in so far as these Regulations relate to suckler cow premium quota,

but does not include a lease, and “transferor” and “transferee” shall be construed accordingly.

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation so numbered in these Regulations.

Location of holdings

3.—(1) Where a producer’s holding is not situated entirely in a single sensitive zone, then—

- (a) if the greater part of the agricultural area utilised for farming on the holding is in sensitive zones 1, 2, 3, 4 and 6, his holding shall be treated for the purposes of these Regulations as being situated in whichever of those sensitive zones contains the greatest area of that part; and
- (b) if the greater part of the agricultural area utilised for farming on the holding is in sensitive zones 5 and 7, his holding shall be treated for the purposes of these Regulations as situated in whichever of those sensitive zones contains the greater area of that part.

(2) Where a producer’s holding is situated in sensitive zone 5, or is to be treated by virtue of paragraph (1) of this regulation as so situated, and the parts of the holding in sensitive zone 5 are not situated entirely within England, Wales or Scotland, the holding shall be treated for the purposes of these Regulations as being situated in whichever of those countries contains the greatest part of the agricultural area utilised for farming on the holding that is within sensitive zone 5.

(3) In this Regulation “agricultural area utilised for farming” has the same meaning as in Article 5(b) of Council Regulation (EEC) No 571/88 on the organisation of Community surveys on the structure of agricultural holdings between 1988 and 1997(13).

Reference years

4.—(1) The marketing year used under Article 5a(5)(a) of Council Regulation 3013/89 in establishing a coefficient for the purpose of determining quotas for sheep annual premium under Article 5a(1) of that Regulation shall be the 1990 marketing year.

(2) The reference year used for determining quotas for suckler cow premium under Article 4d(2) of Council Regulation 805/68 shall be 1992.

(13) OJ No. L56, 2.3.88, p.1, to which there are amendments not relevant to these Regulations.

Transfer or lease of quota: notification

5.—(1) The notification of a transfer or lease of quota specified in Article 7(2) of Commission Regulation 3567/92 and Article 34(2) of Commission Regulation 3886/92 shall be made to the Minister with responsibility for the part of the United Kingdom in which the transferor's holding is situated in such form as the Minister may from time to time determine.

(2) For a transfer or lease of quota for sheep annual premium the deadline for notification under Article 7(2) of Commission Regulation 3567/92 shall be the latest date that leaves 2 clear months before the first day of the first period for submitting applications for premium in respect of the next marketing year.

(3) For a transfer or lease of quota for suckler cow premium the deadline for notification shall be the latest date that leaves 2 clear months before the first day of the next period for submitting applications for premium.

(4) Notification of a transfer or lease of quota may be made at any time from the first day of a period for submitting applications for premium until the deadline for notification.

(5) In 1993 the Minister may determine additional deadlines for notification for transfers to be effective for the 1993 marketing year in the case of sheep annual premium or for 1993 in the case of suckler cow premium.

(6) Any additional deadlines for notification determined under paragraph (5) of this regulation shall be published by such means as the Minister considers likely to come to the attention of producers.

Transfer or lease of quota: other provisions

6.—(1) Where a producer transfers quota without transferring his holding, the part of the quota surrendered to the national reserve under Article 5a(4)(b) of Council Regulation 3013/89 or Article 4e(1) of Council Regulation 805/68 shall be 15%.

(2) A producer with a suckler cow premium quota for less than 10 animals shall not—

(a) transfer suckler cow premium quota for less than 1 animal without transferring his holding;
or

(b) lease suckler cow premium quota for less than 1 animal to another producer,

unless he transfers or leases the whole of his quota.

Transfer of quota with holding

7.—(1) Where a producer transfers quota to a person taking over his holding, the notification of transfer shall, subject to paragraph (3) of this regulation, be made no later than the next deadline for notification and shall be accompanied by evidence satisfactory to the Minister of the taking over of the holding.

(2) The evidence shall demonstrate either that the transferee of the quota has already taken over the holding or that he is under an obligation to take it over before the first day of the period for submitting applications for premium next following the deadline for notification.

(3) Where a producer transfers quota during the last 4 weeks before a notification deadline to a person taking over his holding, the notification of transfer shall be made no later than the second deadline for notification following the transfer.

(4) If the requirements of this regulation are not met in respect of a transfer of quota, or if the Minister is not satisfied that a transferee of quota has taken over or is under an obligation to take over the transferor's holding, the Minister shall treat the transfer of quota as having been made without a transfer of a holding.

Sensitive zones

8.—(1) Quota that is allocated to a producer under Article 2(1) of Commission Regulation 3567/92 for sheep annual premium quota or Article 27(1) of Commission Regulation 3886/92 for suckler cow premium quota and quota that is allocated to a producer from the national reserve shall be regarded as belonging to the sensitive zone in which the producer's holding is situated.

(2) A producer shall not transfer or lease quota to a producer whose holding is not situated in the sensitive zone to which the quota belongs, except in accordance with regulation 9.

(3) A producer shall not use quota that does not belong to the sensitive zone in which his holding is situated.

(4) Where a producer has, on or before the date on which these Regulations come into force, incurred an obligation whose fulfilment has the effect that his holding is situated in a different sensitive zone from that in which it is situated on the date on which these Regulations come into force, his quota shall be treated for the purposes of this regulation as if the obligation had been fulfilled before that date.

Transfers and leases between sensitive zones

9.—(1) A producer whose holding is situated in one of sensitive zones 1 to 4 may transfer or lease quota to a producer whose holding is situated in sensitive zone 5, and a producer whose holding is situated in sensitive zone 6 may transfer or lease quota to a producer whose holding is situated in sensitive zone 7, if—

- (a) the transferor or lessor is participating in a qualifying environmental scheme that involves extensification of livestock production;
- (b) he cannot fully use his quota without exceeding the maximum stocking level permitted under that scheme; and
- (c) the amount of quota transferred or leased does not exceed the amount by which his quota exceeds the maximum stocking level permitted under the scheme.

(2) Quota that is transferred to a producer by virtue of paragraph (1) of this regulation shall thereafter be regarded as belonging to the sensitive zone in which the transferee's holding is situated.

(3) In paragraph (1) of this regulation “qualifying environmental scheme” means—

- (a) an aid scheme introduced under Articles 21 to 24 of Council Regulation (EEC) No 2328/91 on improving the efficiency of agricultural structures⁽¹⁴⁾;
- (b) the aid scheme introduced by Council Regulation (EEC) No 2078/92 on agriculture production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside⁽¹⁵⁾; or
- (c) an experimental scheme made under section 4(1) of the Countryside Act 1968⁽¹⁶⁾.

Leases in connection with environmental programmes

10. A producer participating in a programme recognised by the Commission for the purpose of Article 7(4) of Commission Regulation 3567/92 or Article 34(3) of Commission Regulation 3886/92 shall not be subject to the time restrictions on leasing imposed by those provisions in respect of any quota that he leases to another producer if he could not use that quota without exceeding the maximum stocking level permitted under the programme.

⁽¹⁴⁾ OJ No. L218, 6.8.91, p.1.

⁽¹⁵⁾ OJ No. L215, 30.7.92, p.85.

⁽¹⁶⁾ 1968 c. 41; section 4(1) was inserted by section 40 of the Wildlife and Countryside Act 1981 (c. 69).

Initial national reserves

11.—(1) The initial national reserve of sheep annual premium quota established under Article 5b(1) of Council Regulation 3013/89 shall be equal to at least 1% of the sum of quotas allocated to producers and shall be stocked from the excess of quota over the number of animals for which premium was paid for the 1991 marketing year that results from the application of the coefficient established under Article 5a(5) of Council Regulation 3013/89.

(2) The initial national reserve of suckler cow premium quota established under Article 4f(1) of Council Regulation 805/68 shall be equal to at least 1% of the total number of animals for which premium was granted for 1992 and shall be created by reducing producers' quotas under Article 4d(2) of that Regulation by such a proportion as the Minister may determine.

Division of national reserves

12. Each national reserve shall be divided into 7 divisions, consisting of a division for each sensitive zone.

Distribution of quota among divisions

13.—(1) The quota that forms the initial national reserve for sheep annual premium by virtue of regulation 11(1) shall be distributed among the divisions of the national reserve in proportion to the total number of animals for which premium was claimed for the 1992 marketing year by producers whose holdings are in the sensitive zones to which the divisions relate.

(2) The quota that forms the initial national reserve for suckler cow premium by virtue of Article 4d(2) of Council Regulation 805/68 (as read with regulation 11(2)) shall be distributed among the divisions of the national reserve by reference to the sensitive zones in which the holdings of the producers from the reduction of whose quotas the quota is derived are situated.

(3) The additional reserves created under Article 5b(3) of Council Regulation 3013/89 and Article 4f(3) of Council Regulation 805/68 shall be established separately for each of sensitive zones 1, 2, 3, 4 and 6, and they shall be added to the divisions of the national reserve relating to those sensitive zones.

(4) The quota that is added to the national reserve for suckler cow premium under Article 4d(6) of Council Regulation 805/68 shall be distributed among the divisions of the national reserve in proportion to the size of those divisions when the additional reserve created under Article 4f(3) of that Regulation (as read with paragraph (3) of this regulation) is added to the initial national reserve established under Article 4f(1) of that Regulation by virtue of Article 4d(2) of that Regulation (as read with regulation 11(2) and paragraph (2) of this regulation).

(5) Quota that is surrendered to the national reserve under Article 5a(4)(b) of Council Regulation 3013/89 or Article 4e(1) of Council Regulation 805/68 (as read with regulation 6(1)) on a transfer of quota shall be added to the division of the national reserve relating to the sensitive zone in which the transferor's holding is situated immediately before the transfer.

Quota register

14.—(1) The Minister shall prepare and maintain a register containing an entry relating to each producer who has quota.

(2) The entry for each producer shall include—

- (a) his name;
- (b) his address;
- (c) his holding number;

- (d) his producer identification number;
- (e) an indication of the sensitive zone in which his holding is situated;
- (f) a statement of the amount of his quota, broken down, for sheep annual premium quota, into quota for full premium and quota for reduced premium;
- (g) a statement of the amount of any of that quota that he has leased to other producers, together with the expiry dates of any such leases; and
- (h) the amount of any additional quota that he holds under leases from other producers, together with the expiry date of any such leases.

Copies of quota register entries

15.—(1) Any person who has entered into a financial arrangement with a producer in reliance on an expectation of the producer's continuing right to receive sheep annual premium or suckler cow premium may make a request to the Minister in such form as the Minister may from time to time determine for a copy of the entry in the quota register relating to that producer.

(2) The Minister shall inform the producer of the request.

(3) After taking into account any representations made by the person making the request or by the producer the Minister shall decide whether to meet the request.

(4) The Minister shall supply a copy of an entry in the quota register on request to the producer to whom the entry relates or any person who has the producer's written consent.

(5) The Minister may make a reasonable charge for supplying a copy of an entry in the quota register to anyone other than the producer to whom the entry relates.

Offences and penalties

16.—(1) Any person who fails without reasonable excuse to comply with a requirement imposed on him by regulation 5(1), 6(2) or 8(2) or (3) or by or under the Community legislation shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

(2) Any person who, in connection with these Regulations or the Community legislation, makes a statement or uses a document which he knows to be false in a material particular, or recklessly makes a statement or uses a document which is false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th June 1993.

L.S.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

25th June 1993

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulations 2, 8 and 9

SENSITIVE ZONES

Less-favoured farming areas in England

1. The areas of England that are situated—
 - (a) within the area included in the list of less-favoured farming areas established under Article 2(2) of Council Directive [75/268/EEC](#) on mountain and hill farming and farming in less-favoured areas⁽¹⁷⁾, as amended by Council Directive [80/6/EEC](#)⁽¹⁸⁾, which list is contained in Council Directive [84/169/EEC](#)⁽¹⁹⁾, as amended by Commission Decision [91/25/EEC](#)⁽²⁰⁾; and
 - (b) within the area shaded blue or shaded pink on the designated maps, as defined in regulation 2(a) of the Hill Livestock (Compensatory Allowances) Regulations 1992⁽²¹⁾

Less-favoured farming areas in Wales

2. The areas of Wales that are situated as described in item 1 above.

Less-favoured farming areas in the Scottish Highlands and Islands

3. The areas of Scotland that are situated as described in item 1 above and that are within the areas of operation of the Highlands and Islands Enterprise designated by or under section 21 of the Enterprise and New Towns (Scotland) Act 1990⁽²²⁾.

Other less-favoured farming areas in Scotland

4. The areas of Scotland that are situated as described in item 1 above and that are not within sensitive zone 3.

The rest of Great Britain

5. The areas of Great Britain that are not within sensitive zones 1 to 4.

Less-favoured farming areas in Northern Ireland

6. The areas of Northern Ireland that are situated as described in paragraph (a) of item 1 above and that are within the area shaded blue or shaded pink on the designated map, as defined in regulation 2(2) of the Hill Livestock (Compensatory Allowances) Regulations (Northern Ireland) 1992⁽²³⁾.

The rest of Northern Ireland

7. The areas of Northern Ireland that are not within sensitive zone 6.

⁽¹⁷⁾ OJ No. L128, 19.5.75, p.1.

⁽¹⁸⁾ OJ No. L180, 14.7.80, p.34.

⁽¹⁹⁾ OJ No. L82, 26.3.84, p.67.

⁽²⁰⁾ OJ No. L16, 22.1.91, p.25.

⁽²¹⁾ S.I. 1992/269.

⁽²²⁾ 1990 c. 35.

⁽²³⁾ S.R. (N.I.) 1992 No. 68.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply throughout the United Kingdom, come into force on 1st July 1993. They make provision for the implementation in part of Articles 5a and 5b of Council Regulation (EEC) No 3013/89 and Commission Regulation (EEC) No 3567/92 (both defined in regulation 2(1)), which establish a system of quotas for sheep annual premium, and Articles 4d to 4h of Council Regulation (EEC) No 805/68 and Articles 22 to 45 of Commission Regulation (EEC) No 3886/92 (both defined in regulation 2(1)), which establish a system of quotas for suckler cow premium.

The Regulations—

- (a) specify reference years for determining quotas (regulation 4);
- (b) lay down supplementary rules for notifying transfers and leases of quota (regulation 5);
- (c) specify the proportion of quota that is surrendered to the national reserve on a transfer of quota without a holding (regulation 6(1));
- (d) specify a minimum level of suckler cow premium quota that small producers may transfer without a holding or that they may lease to other producers (regulation 6(2));
- (e) lay down additional notification rules for transfers of quota with holdings (regulation 7);
- (f) prohibit quota from being transferred between sensitive zones in most circumstances (regulations 8 and 9);
- (g) relax the time restrictions on leasing for producers participating in recognised environmental programmes (regulation 10);
- (h) provide for the initial stocking of the national reserves of quota (regulation 11);
- (i) provide for the distribution of quota in the national reserves into divisions corresponding to the sensitive zones (regulations 12 and 13);
- (j) establish a quota register and provide for the supply of copies of register entries in specified circumstances (regulations 14 and 15); and
- (k) create offences and penalties (regulation 16).