
STATUTORY INSTRUMENTS

1996 No. 1939

AGRICULTURE

**The Sheep Annual Premium and Suckler Cow
Premium Quotas (Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>24th July 1996</i>
<i>Laid before Parliament</i>		<i>24th July 1996</i>
<i>Coming into force</i>	- -	<i>15th August 1996</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated⁽¹⁾ for the purposes of subsection (2) of section 2 of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, acting jointly in exercise of the powers conferred upon them by that subsection 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 (Amendment) Regulations 1996 and shall come into force on 15th August 1996.

Amendments to the Sheep Annual Premium and Suckler Cow Premium Quotas Regulations 1993

2.—(1) The Sheep Annual Premium and Suckler Cow Premium Quotas Regulations 1993⁽³⁾ shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) for the definition of “Commission Regulation 3567/92” there shall be substituted the following definition—

““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 (EEC) No. 3013/89 on the common organization of the market in

(1) S.I. 1972/1811.

(2) S.I. 1972 c. 68.

(3) S.I. 1993/1626, amended by S.I. 1993/3036 and S.I. 1994/2894.

- sheepmeat and goatmeat⁽⁴⁾ as last amended by Commission Regulation (EC) No. 1847/95⁽⁵⁾”;
- (b) for the definition of “Commission Regulation 3886/92” there shall be substituted the following definition—
- ““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 (EEC) No. 805/68 on the common organization of the market in beef⁽⁶⁾ as last amended by Commission Regulation (EC) No. 1264/96⁽⁷⁾”;
- (c) for the definition of “Council Regulation 805/68” there shall be substituted the following definition—
- ““Council Regulation 805/68” means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal⁽⁸⁾ as last amended by Commission Regulation (EC) No. 894/96⁽⁹⁾”;
- (d) for the definition of “Council Regulation 3013/89” there shall be substituted the following definition—
- ““Council Regulation 3013/89” means Council Regulation (EEC) No. 3013/89 on the common organization of the market in sheepmeat and goatmeat⁽¹⁰⁾ as last amended by Council Regulation (EC) No. 1265/95⁽¹¹⁾”;
- (e) in the definition of “the national reserve for any given year later than 1993”—
- (i) before the word “the” where it appears second there shall be inserted “(subject to paragraph (3) of this regulation)”;
- (ii) in sub-paragraph (a) for “which is surrendered to the national reserve in the marketing year corresponding with that year” there shall be substituted “which is surrendered to the national reserve following a notification of a transfer of that kind of quota made in respect of the marketing year prior to that given year pursuant to regulation 5”;
- (iii) there shall be substituted for the existing text of sub-paragraph (b) the following text—
- “(in the case of the national reserve for 1997 and subsequent years) any suckler cow premium quota such as is referred to in regulation 13(5) which is surrendered to the national reserve following a notification of a transfer of that kind of quota made in respect of the calendar year prior to that given year pursuant to regulation 5”;
- (iv) there shall be substituted for the existing text of sub-paragraph (c) the following text—
- “quota transferred to the national reserve in accordance with Article 6a of Commission Regulation 3567/92”;
- (v) sub-paragraph (d) shall be revoked,
- (vi) in sub-paragraph (e) for “paid” there shall be substituted “transferred”, and
- (vii) in sub-paragraph (f) the phrase “or (11)” shall be revoked;

⁽⁴⁾ OJ No. L362, 11.12.92, p. 41 (as read with the corrigenda at OJ No. L6, 12.1.93, p. 16).

⁽⁵⁾ OJ No. L177, 28.7.95, p. 32.

⁽⁶⁾ OJ No. L391, 31.12.92, p. 20.

⁽⁷⁾ OJ No. L163, 2.7.96, p. 22.

⁽⁸⁾ OJ No. L148, 28.6.68, p. 24 (OJ/SE 1968 (I) p. 187).

⁽⁹⁾ OJ No. L125, 23.5.96, p. 1.

⁽¹⁰⁾ OJ No. L289, 7.10.89, p. 1.

⁽¹¹⁾ OJ No. L123, 3.6.95, p. 1.

- (f) for the definition of “quota” there shall be substituted the following definition—
““quota” means sheep annual premium quota or as the case may be suckler cow premium quota;”;
- (g) there shall be inserted after the definition of “sheep annual premium” the following definition—
““sheep annual premium quota” means the right to sheep annual premium subject to the individual limit referred to in Article 5a of Council Regulation 3013/89;”;
- (h) there shall be inserted after the definition of “suckler cow premium” the following definition—
““suckler cow premium quota” means the right to suckler cow premium subject to the individual ceiling referred to in Article 4d of Council Regulation 805/68;”.
- (3) The following paragraphs shall be inserted after paragraph (2) of regulation 2—
“(3) With effect from 15th August 1996 the reference to “any given year later than 1993” in the definition of “the national reserve for any given year later than 1993” in paragraph (1) of this regulation shall be read as a reference to “any given year later than 1995”.
(4) Any reference in these Regulations to a national reserve for a specific year shall be construed in accordance with the definition of the phrase “the national reserve for any given year later than 1993” in paragraph (1) of this regulation.”.
- (4) For paragraphs (4) to (6) of regulation 5 (transfer or lease of quota: notification) there shall be substituted the following paragraphs—
“(4) Notification of a transfer or lease of sheep annual premium quota in respect of a given marketing year may be made from such date prior to the deadline for that notification, as specified in paragraph (2) of this regulation, as the Minister may reasonably determine until the expiry of that deadline.
(5) Notification of a transfer or lease of suckler cow premium quota in respect of a given calendar year may be made from such date prior to the deadline for that notification, as specified in paragraph (3) of this regulation, as the Minister may reasonably determine until the expiry of that deadline.
(6) The Minister may determine additional deadlines for notification of transfers and leases of quota—
(a) for the 1995 and 1996 marketing years (in the case of sheep annual premium quota); and
(b) for the 1995 calendar year (in the case of suckler cow premium quota).
(7) Any additional deadlines for notification determined under paragraph (6) of this regulation shall be published by such means as the Minister considers likely to come to the attention of producers likely to be affected by them.”.
- (5) The following regulation shall be substituted for regulation 7 (transfer of quota with holding)

“Transfer of quota with holding

7.—(1) The following paragraphs of this regulation shall apply for determining whether or not a producer has transferred quota without transferring his holding for the purposes of regulation 6.

(2) Subject to paragraph (3) of this regulation, a producer shall be regarded as transferring quota together with his holding if—

- (a) (where the transfer of the holding takes place at any time during a period within which a notification of a transfer or lease of quota may be made in respect of a given marketing or as the case may be calendar year pursuant to regulation 5 but before the recipient of the quota in question delivers a claim for the appropriate kind of premium in respect of the given marketing or calendar year concerned and in any event at least four weeks before the expiry of the deadline for delivering such a claim) the transfer of the quota occurs during that period;
- (b) (where the transfer of the holding takes place at any time during a period within which a notification of a transfer or lease of quota may be made in respect of a given marketing or as the case may be calendar year pursuant to regulation 5 but after the recipient of the quota in question has delivered a claim for the appropriate kind of premium in respect of the given marketing or calendar year concerned or less than four weeks from the expiry of the deadline for delivering such a claim) the transfer of the quota occurs before—
 - (i) the end of the next such period, or
 - (ii) the recipient of the quota in question delivers a claim for the appropriate kind of premium in respect of the next marketing or as the case may be calendar year; or
- (c) (where the transfer of the holding takes place during a period which is outside any period within which a notification of a transfer or lease of quota may be made in respect of a given marketing or as the case may be calendar year pursuant to regulation 5) the transfer of the quota occurs before—
 - (i) the end of the next such period, or
 - (ii) the recipient of the quota in question delivers a claim for the appropriate kind of premium in respect of the next marketing or as the case may be calendar year.

(3) For the purposes of paragraph (2) of this regulation, if the Minister is not satisfied on reasonable grounds that the recipient of the quota has already taken over the transferor's holding or (in the case of paragraph (2)(a) of this regulation) that the recipient is irrevocably committed to taking over the transferor's holding the transfer of quota shall be deemed to be a transfer without a corresponding transfer of a holding.”

(6) In paragraph (4)(b) of regulation 13A for “(7), (10) and (11)” there shall be substituted “(7) and (10)”.

(7) In each of paragraphs (7) and (10) of regulation 13A the phrase “, subject to paragraph (11) of this regulation,” shall be revoked.

(8) In paragraph (9) of regulation 13A—

- (a) there shall be inserted before the word “any” where it appears first the words “respect of”;
- (b) there shall be inserted before the word “year” where it appears first the words “marketing or calendar”; and
- (c) there shall be substituted for the words “for that year” the words “corresponding with the marketing or as the case may be calendar year concerned”.

(9) Paragraph (11) of regulation 13A shall be revoked.

(10) The following regulation shall be inserted after regulation 13A—

“Modifications to these Regulations following the creation of the combined reserve for 1996 and 1997

13B.—(1) Insofar as they relate to sheep annual premium quota the national reserves for 1996 and 1997 shall for the purposes of these Regulations be treated as if they were one national

reserve relating to a single given year later than 1995; and they shall for those purposes be operated as a single entity and be known as “the combined reserve”.

(2) These Regulations shall (to the extent that they relate to sheep annual premium quota) be modified in accordance with the following paragraphs of this regulation to enable the combined reserve to be operated as a single entity as described in paragraph (1) of this regulation.

(3) Insofar as the definition of the phrase “the national reserve for any given year later than 1993” in paragraph (1) of regulation 2 would in accordance with paragraph (4) of that regulation be construed as referring to the national reserve for 1996 or 1997, that definition shall be treated as a reference to the combined reserve.

(4) Insofar as the definition of the phrase “the national reserve for any given year later than 1993” in paragraph (1) regulation 2 relates to the combined reserve by virtue of paragraph (3) of this regulation the reference to “the national reserve for the previous year” in paragraph (f) of the definition shall be treated as a reference to the national reserve for 1995 as constituted on 14th August 1996 in accordance with that definition as it then stood.

(5) Insofar as the definition of the phrase “the national reserve for any given year later than 1993” in paragraph (1) of regulation 2 is a reference to the national reserve for 1998 the reference to “the national reserve for the previous year” in paragraph (f) of the definition shall be treated as a reference to the combined reserve.

(6) The text of sub-paragraph (a) of the definition of “the national reserve for any given year later than 1993” in paragraph (1) of regulation 2 shall insofar as that definition is to be treated as referring to the combined reserve by virtue of the operation of paragraph (3) of this regulation be modified to read “any sheep annual premium quota such as is referred to in regulation 13(5) which is surrendered to the national reserve following a notification of a transfer of that kind of quota made in respect of the 1996 marketing year”.

(7) In paragraph (5) of regulation 13A—

- (a) insofar as the reference to “a particular national reserve” was on 14th August 1996 to be treated as a reference to the national reserve for 1995 (as constituted on that date in accordance with the definition of “the national reserve for any given year later than 1993” in paragraph (1) of regulation 2 as it then stood) the reference to “the following national reserve” shall be treated as references to the combined reserve; and
- (b) insofar as the reference to “a particular national reserve” is by virtue of the operation of this regulation to be treated as a reference to the combined reserve the references to “the following national reserve” shall be treated as references to the national reserve for 1998.

(8) In paragraph (9) of regulation 13A—

- (a) insofar as the reference to “any given marketing year” is a reference to the marketing year beginning on 1st January 1996 the reference to “the national reserve corresponding with the marketing year concerned” shall be treated as a reference to the 1996 part; and
- (b) insofar as the reference to “any given marketing year” is a reference to the marketing year beginning on 6th January 1997 the reference to “the national reserve corresponding with the marketing year concerned” shall be treated as a reference to the 1997 part.

(9) In the case of an allocation of sheep annual premium quota from the combined reserve the references in Schedule 3 to these Regulations to “the appropriate national reserve” shall be treated as references to the part of the combined reserve to which a successful application for such quota was made.

(10) Insofar as—

- (a) the reference in paragraph 6(1) of Schedule 3 to these Regulations to “the appropriate national reserve” is a reference to the national reserve for 1995 as constituted on 14th August 1996 in accordance with the definition of “the national reserve for any given year later than 1993” in paragraph (1) of regulation 2 as it then stood the references to “the following national reserve” in that paragraph shall be treated as references to the combined reserve; and
- (b) the reference in paragraph 6(1) of Schedule 3 to these Regulations to “the appropriate national reserve” is a reference to the combined reserve the references to “the following national reserve” in that paragraph shall be treated as references to the national reserve for 1998.

(11) The combined reserve shall be divided into 2 parts, the first corresponding with what (but for this regulation) would have been the national reserve for 1996 insofar as it comprised sheep annual premium quota (that first part to be known as “the 1996 part”) and the second corresponding with what (but for this regulation) would have been the national reserve for 1997 insofar as it comprised sheep annual premium quota (that second part to be known as “the 1997 part”).

(12) In the case of an application for sheep annual premium quota from the combined reserve—

- (a) the reference in paragraph (3) of regulation 13A to “the national reserve to which that category relates” shall be treated as a reference to one of the parts into which the combined reserve is divided by paragraph (11) of this regulation; and
- (b) the references in Part II of Schedule 2 to these Regulations to “the appropriate national reserve” shall be treated as references to the particular part of the combined reserve to which that application has been made.

(13) As far as applications for allocations of sheep annual premium quota from the 1996 part are concerned—

- (a) a producer shall be regarded as satisfying paragraph (1)(c) of category I only if he can demonstrate at the time of making the application concerned that his participation in the scheme referred to in that paragraph ended by 4th February 1996 or before he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 4th February 1996;
- (b) a producer shall be regarded as satisfying paragraph (2)(c) of category I only if he can demonstrate at the time of making the application concerned that he ceased to be a party to the agreement specified in that paragraph by 4th February 1996 or before he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 4th February 1996;
- (c) a producer shall (subject to paragraph (14) of regulation 13A) be regarded as falling within category II only if he can demonstrate at the time of making the application concerned that he complied with paragraph (a) of that category by 4th February 1996 or before he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 4th February 1996;
- (d) a producer shall be regarded as falling within category III, group (a), only if he can demonstrate at the time of making the application concerned that he complied with paragraph (a) of that category by 4th February 1996 or before he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 4th February 1996;
- (e) a producer shall (subject to paragraph (16) of regulation 13A) be regarded as falling within category III, group (b), only if—

- (i) he made a valid application for sheep annual premium in respect of the 1996 marketing year, and
 - (ii) at the time of making that application he was a young natural person who was a newcomer to farming;
 - (f) a producer shall (subject to paragraph (16) of regulation 13A) be regarded as falling within category IV only if—
 - (i) he made a valid application for sheep annual premium in respect of the 1996 marketing year, and
 - (ii) at the time of making that application he was a natural person (not falling within category III, group (b)) who was a newcomer to farming;
 - (g) a producer shall be regarded as falling within category V only if he can demonstrate at the time of making the application concerned that he complied with paragraph (a) of that category by 4th February 1996 or before he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 4th February 1996;
 - (h) a producer shall be regarded as satisfying paragraph (1)(a) and (b) of category VI, group (a), only if the first time he applied for sheep annual premium was in respect of the 1996 marketing year;
 - (i) a producer shall be regarded as satisfying paragraphs (a) and (b) of category VI, group (b), only if he can demonstrate at the time of making the application concerned that he acquired any such part of an area as is specified in category 6 by 4th February 1996 or before he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 4th February 1996.
- (14) As far as applications for allocations of sheep annual premium quota from the 1997 part are concerned—
- (a) a producer shall be regarded as satisfying paragraph (1)(c) of category I only if he can demonstrate at the time of making the application concerned that—
 - (i) his participation in the scheme referred to in that paragraph ended between 5th February 1996 (or the date he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 5th February 1996) and that time, or
 - (ii) he is irrevocably committed to ending his participation in that scheme between—
 - (aa) that time, and
 - (bb) 4th February 1998;
 - (b) a producer shall be regarded as satisfying paragraph (2)(c) of category I only if he can demonstrate at the time of making the application concerned that—
 - (i) he ceased to be a party to the agreement referred to in that paragraph between 5th February 1996 (or the date he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 5th February 1996) and that time, or
 - (ii) he is irrevocably committed to ceasing his participation in that agreement between—
 - (aa) that time, and
 - (bb) 4th February 1998;

- (c) a producer shall (subject to paragraph (14) of regulation 13A) be regarded as falling within category II only if he can demonstrate at the time of making the application concerned that—
 - (i) he complied with paragraph (a) of that category between 5th February 1996 (or the date he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 5th February 1996) and that time, or
 - (ii) he is irrevocably committed to taking over a proportion of land which is specified in paragraph (b) of that category between—
 - (aa) that time, and
 - (bb) 4th February 1998;
- (d) a producer shall be regarded as falling within category III, group (a), only if he can demonstrate at the time of making the application concerned that—
 - (i) he complied with paragraph (a) of that category between 5th February 1996 (or the date he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 5th February 1996) and that time, or
 - (ii) he is irrevocably committed to complying with the requirement regarding becoming a producer or as the case may be increasing his flock size which is specified in paragraph (b) of that category between—
 - (aa) that time, and
 - (bb) 4th February 1998;
- (e) a producer shall (subject to paragraph (16) of regulation 13A) be regarded as falling within category III, group (b), only if at the time of making the application concerned—
 - (i) he is a young natural person who is a newcomer to farming, and
 - (ii) he can demonstrate that he intends to use any quota allocated to him following that application to make a first application for sheep annual premium in respect of the 1997 or 1998 marketing year;
- (f) a producer shall (subject to paragraph (16) of regulation 13A) be regarded as falling within category IV only if at the time of making the application concerned—
 - (i) he is a natural person not falling within category III, group (b), who is a newcomer to farming, and
 - (ii) he can demonstrate that he intends to use any quota allocated to him following that application to make a first application for sheep annual premium in respect of the 1997 or 1998 marketing year;
- (g) a producer shall be regarded as falling within category V only if he can demonstrate at the time of making the application concerned that—
 - (i) he complied with paragraph (a) of that category between 5th February 1996 (or the date he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 5th February 1996) and that time, or
 - (ii) he is irrevocably committed to complying with the requirement regarding becoming a producer or as the case may be increasing his flock size which is specified in paragraph (b) of that category between—
 - (aa) that time, and

- (bb) 4th February 1998;
- (h) a producer shall be regarded as satisfying paragraph (1)(a) and (b) of category VI, group (a), only if he can produce appropriate documentary evidence at the time of making the application concerned demonstrating that he intends to use any quota allocated to him following that application to make a first application for sheep annual premium in respect of the 1997 or 1998 marketing year;
- (i) a producer shall be regarded as—
 - (i) satisfying paragraph (a) of category VI, group (b), only if he can demonstrate at the time of making the application concerned that he acquired any such part of an area as is specified in category 6 between 5th February 1996 (or the date he delivered his application for sheep annual premium in respect of the 1996 marketing year, if that occurred earlier than 5th February 1996) and that time, or
 - (ii) satisfying paragraph (b) of that category only if he is irrevocably committed to acquiring any such part between—
 - (aa) that time, and
 - (bb) 4th February 1998.
- (15) In the case of an allocation of sheep annual premium quota from the 1996 part—
 - (a) the reference in paragraph 4(2) of Schedule 4 to these Regulations to “the marketing year which corresponds with the national reserve for the year from which the allocation is made” shall be treated as a reference to the 1996 marketing year; and
 - (b) the reference in that paragraph to “the next marketing year” shall be treated as a reference to the 1997 marketing year.
- (16) In the case of an allocation of sheep annual premium quota from the 1997 part—
 - (a) (where the recipient of the quota has satisfied paragraph (14)(a)(i), (b)(i), (c)(i), (d)(i), (g)(i) or (i)(i) of this regulation) the reference in the said paragraph 4(2) to “the marketing year which corresponds with the national reserve for the year from which the allocation is made” shall be treated as a reference to the 1997 marketing year and the reference in that paragraph to “the next marketing year” shall be treated as a reference to the 1998 marketing year;
 - (b) (where the recipient of the quota has satisfied paragraph (14)(a)(ii), (b)(ii), (c)(ii), (d)(ii), (g)(ii) or (i)(ii) of this regulation by virtue of demonstrating his commitment to doing something between the time of making his application for the allocation concerned and 4th February 1997) the reference in the said paragraph 4(2) to “the marketing year which corresponds with the national reserve for the year from which the allocation is made” shall be treated as a reference to the 1997 marketing year and the reference in that paragraph to “the next marketing year” shall be treated as a reference to the 1998 marketing year;
 - (c) (where the recipient of the quota has satisfied paragraph (14)(a)(ii), (b)(ii), (c)(ii), (d)(ii), (g)(ii) or (i)(ii) of this regulation by virtue of demonstrating his commitment to doing something between 5th February 1997 and 4th February 1998) the references in the said paragraph 4(2) to an allocation of sheep annual premium quota being effective from a given marketing year shall be treated as a reference to such an allocation being effective from the 1998 marketing year only;
 - (d) (where the recipient of the quota has satisfied paragraph (14)(e), (f) or (h) of this regulation by virtue of demonstrating that he intended to use that quota to make a first application for sheep annual premium in respect of the 1997 marketing year) the reference in the said paragraph 4(2) to “the marketing year which corresponds with

the national reserve for the year from which the allocation is made” shall be treated as a reference to the 1997 marketing year and the reference in that paragraph to “the next marketing year” shall be treated as a reference to the 1998 marketing year; and

- (e) (where the recipient of the quota has satisfied paragraph (14)(e), (f) or (h) of this regulation by virtue of demonstrating that he intended to use that quota to make a first application for sheep annual premium in respect of the 1998 marketing year) the references in the said paragraph 4(2) to an allocation of sheep annual premium quota being effective from a given marketing year shall be treated as a reference to such an allocation being effective from the 1998 marketing year only.”.

(11) In sub-paragraph (iii) of paragraph (a) of CATEGORY III, GROUP (a), of Part II of Schedule 2 there shall be inserted after “1994” the following—

“, the Habitat (Scotland) Regulations 1994(12), the Habitat (Broadleaved Woodland) (Wales) Regulations 1994(13), the Habitat (Water Fringe) (Wales) Regulations 1994(14), the Habitat (Coastal Belt) (Wales) Regulations 1994(15) or the Habitat (Species—Rich Grassland) (Wales) Regulations 1994(16)

(12) In CATEGORY III, GROUP (b), of Part II of Schedule 2 there shall be inserted before the word “person” the word “natural”.

(13) In CATEGORY IV of Part II of Schedule 2 there shall be inserted before the word “person” the word “natural”.

(14) In paragraph 9(a) of Schedule 3 there shall be inserted before the comma preceding “by the Minister” the phrase “the Habitat (Scotland) Regulations 1994, the Habitat (Broadleaved Woodland) (Wales) Regulations 1994, the Habitat (Water Fringe) (Wales) Regulations 1994, the Habitat (Coastal Belt) (Wales) Regulations 1994 or the Habitat (Species—Rich Grassland) (Wales) Regulations 1994”.

20th July 1996

Tony Baldry
Minister of State, Ministry of Agriculture,
Fisheries and Food

Scottish Office
24th July 1996

Lindsay
Parliamentary Under Secretary of State,

(12) S.I. 1994/2710 (S.138).
(13) S.I. 1994/3099.
(14) S.I. 1994/3100.
(15) S.I. 1994/3101.
(16) S.I. 1994/3102.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations (“the Regulations”) make a number of amendments to the Sheep Annual Premium and Suckler Cow Premium Quotas Regulations 1993 (“the 1993 Regulations”) [S.I.1993/1626, as already amended by S.I. 1993/3036 and S.I. 1994/2894]. Like the 1993 Regulations, the Regulations extend to the United Kingdom as a whole.

2. The Regulations—

- (a) update a number of references to Community instruments which appear in regulation 2(1) of the 1993 Regulations (regulation 2(2)(a) to (d));
- (b) amend the definition of “the national reserve for any given year later than 1993” appearing in regulation 2(1) of the 1993 Regulations (regulation 2(2)(e));
- (c) substitute a definition of “quota” for the existing definition of that word appearing in regulation 2(1) of the 1993 Regulations (regulation 2(2)(f));
- (d) insert definitions of “sheep annual premium quota” and “suckler cow premium quota” into regulation 2(1) of the 1993 Regulations (regulation 2(2)(g) and (h));
- (e) insert 2 new paragraphs into regulation 2 of the 1993 Regulations, with the effect of modifying the definition of the phrase “the national reserve for any given year later than 1993” which appears in paragraph (1) of that regulation (regulation 2(3));
- (f) amend regulation 5 of the 1993 Regulations, which deals with the notification of transfers and leases of quota (regulation 2(4));
- (g) substitute a new regulation 7, establishing principles for determining whether or not a producer has transferred quota together with his holding, for the existing regulation 7 of the 1993 Regulations (regulation 2(5));
- (h) amend paragraph (9) of regulation 13A to ensure that the mechanism for deducting purchased quota from national reserve allocations which is set out in it applies to quota acquired in respect of a given marketing or calendar year (regulation 2(8));
- (i) revoke paragraph (11) of regulation 13A of the 1993 Regulations, dealing with the calculation of quota allocations (regulation 2(9)), and make consequential amendments to regulation 13A of the 1993 Regulations in the light of that revocation (regulation 2(2)(e) (vii), (6) and (7)) [by virtue of the application of Article 14 of Commission Regulation (EEC) No. 3567/92 (OJ No. L362, 11.12.92, p. 41) and Article 40 of Commission Regulation (EEC) No. 3886/92 (OJ No. L391, 31.12.92, p. 20), dealing with the consequences of calculations leading to fractions, the situation which regulation 13A(11) of the 1993 Regulations addressed does not apply, and that provision was included in those Regulations in error];
- (j) insert a new regulation, 13B, into the 1993 Regulations, having effect—
 - (i) to create a combined national reserve of sheep annual premium quota for the 1996 and 1997 marketing years,
 - (ii) to modify the 1993 Regulations to enable the combined reserve to be operated as a single entity,
 - (iii) to lay down the eligibility criteria for allocations of sheep annual premium quota from the combined reserve, and

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

- (iv) to specify when allocations of sheep annual premium quota will be effective (regulation 2(10));
 - (k) make a number of miscellaneous amendments relating to the participation by Scottish and Welsh producers in habitat schemes and the eligibility of producers under categories IIIa and IV of the post-1993 national reserves (regulation 2(11) to (14)).
- 3.** The system of quotas for sheep annual premium was established by and remains subject to Council Regulation (EEC) No. 3013/89 (OJ No. L289, 7.10.89, p. 1) and Commission Regulation (EEC) No. 3567/92 (OJ No. L362, 11.12.92, p. 41) and the system of quotas for suckler cow premium was established by and remains subject to Council Regulation (EEC) No. 805/68 (OJ No. L148, 28.6.68, p. 24 (OJ/SE 1968 (I) p. 187)) and Commission Regulation (EEC) No. 3886/92 (OJ No. L391, 31.12.92, p. 20).
- 4.** No compliance cost assessment has been prepared in respect of these Regulations.