
STATUTORY INSTRUMENTS

1996 No. 1962 (S.158)

AGRICULTURE

The Environmentally Sensitive Areas (Machair of the Uists and Benbecula, Barra and Vatersay) Designation (Amendment) Order 1996

<i>Made</i>	- - - -	<i>22nd July 1996</i>
<i>Laid before Parliament</i>		<i>25th July 1996</i>
<i>Coming into force</i>	- -	<i>15th August 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 18(1), (4) and (11) of the Agricultural Act 1986(1) and of all other powers enabling him in that behalf, with the consent of the Treasury, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Environmentally Sensitive Areas (Machair of the Uists and Benbecula, Barra and Vatersay) Designation (Amendment) Order 1996 and shall come into force on 15th August 1996.

(2) In this Order—

“the principal Order” means the Environmentally Sensitive Areas (Machair of the Uists and Benbecula, Barra and Vatersay) Designation Order 1993(2).

Amendment of the principal Order

2. In article 2 of the principal Order (interpretation)—

(a) after the definition of “croft” there shall be inserted—

““extensively managed hay and grass silage crops” means crops taken from previously sown improved grassland which has not been regularly reseeded and in which the productive sown grass species no longer predominate;”;

(b) after the definition of “herb rich grassland” there shall be inserted—

““intensively managed hay and grass silage crops” means crops taken from regularly resown grass receiving routine fertiliser dressings on an annual basis;”;

(1) 1986 c. 49; section 18(4) was amended by S.I.1994/249.
(2) S.I. 1993/3149, amended by S.I. 1994/3067.

(c) for the definition of “wetlands” there shall be substituted the following definition:–

““wetlands” means ground which does not constitute rough grazings and is saturated with water for a significant proportion of the year.”.

3. For article 6(2) of the principal Order (rates of payment under agreement with any crofter or farmer) there shall be substituted–

“(2) Payments to a crofter or farmer shall be at the rate of not less than–

- (a) £150 per annum for the year of any such agreement which commenced but which had not ended before 15th August 1996; and
- (b) £250 per annum for any year of such agreement commencing on or after that date.”.

4. For article 7(2) of the principal Order (rates of payment under agreement with a common grazings committee) there shall be substituted–

“(2) Payments to a common grazings committee shall be at the rate of not less than–

- (a) £150 per annum for the year of any such agreement which commenced but which had not ended before 15th August 1996; and
- (b) £250 per annum for any year of such agreement commencing on or after that date.”.

5. In article 8 of the principal Order (payments to a crofter or farmer for additional agricultural operations) for the words “Such payments” to the end there shall be substituted–

“Such payments shall be at a rate to be determined by the Secretary of State–

- (a) in the case of an agreement entered into on or after 15th August 1996, up to a maximum of £20,000 for each 5 year conservation plan; and
- (b) in the case of an agreement entered into before that date–
 - (i) for the year of the 5 year conservation plan included in such agreement which commenced but which had not ended before that date, up to a maximum rate of £2,000 per annum per crofter or farmer for that year; and
 - (ii) for the whole years or remaining whole years of such 5 year conservation plan, up to a maximum rate calculated by multiplying £4,000 by the number of those whole years or remaining whole years.”.

6. In article 9 of the principal Order (payments to a common grazings committee for additional agricultural operations) for the words “Such payments” to the end there shall be substituted–

“Such payments shall be at a rate to be determined by the Secretary of State–

- (a) in the case of an agreement entered into on or after 15th August 1996, up to a maximum rate of £60,000 for each 5 year conservation plan; and
- (b) in the case of an agreement entered into before that date–
 - (i) for the year of the 5 year conservation plan included in such agreement which commenced but which had not ended before that date, up to a maximum rate of £12,000 per annum per common grazings committee for that year; and
 - (ii) for the whole years or remaining whole years of such 5 year conservation plan, up to a maximum rate calculated by multiplying £12,000 by the number of those whole years or remaining whole years.”.

7.—(1) In Part I of the Schedule to the principal Order (requirements to be included in an agreement with a crofter or farmer)–

- (a) in paragraph 2 the words “undertake to” shall be omitted;

- (b) after paragraph 6 there shall be inserted—
- “6A. The crofter or farmer shall not remove any dykes unless authorised to do so in writing by the Secretary of State and shall maintain stockproof dykes in a stockproof condition.”;
- (c) in paragraph 7 for the word “Scheme” there shall be substituted the word “agreement”;
- (d) for paragraph 7(b) and (c) there shall be substituted—
- “(b) identify all machair associated with the croft or farm in respect of which the crofter or farmer shall agree—
- (i) to identify the ploughable area of such machair and ensure at least 15% of this area is in arable crop (or lying fallow after such recent cropping);
 - (ii) if available, to apply to the cropped area of the machair at least one dressing per annum of seaweed, at the minimum rate of 40 tonnes per hectare, or one dressing per annum of dung at the minimum rate of 25 tonnes per hectare;
 - (iii) if the cropped area is to be undersown or sown away to pasture, to use a grass seed mix approved in writing by the Secretary of State;
 - (iv) not to roll or harrow any area of machair used for hay or grass silage production after *1st May*, (or any date which may be specified by the Secretary of State following consultation with Scottish Natural Heritage);
- (v) not to cut intensively managed hay, grass and arable silage crops before *31st July*, (or any date which may be specified by the Secretary of State following consultation with Scottish Natural Heritage);
- (vi) not to cut extensively managed hay and grass silage crops before *15th August* (or any date which may be specified by the Secretary of State following consultation with Scottish Natural Heritage); and
 - (vii) to cut all hay, grass and arable silage crops by such method as will minimise the risk of damage to young birds;
- (c) identify all cropped or mown areas of non-machair ground associated with the croft or farm in respect of which the crofter or farmer shall agree—
- (i) not to cut intensively managed hay, grass and arable silage crops before *31st July*, (or any date which may be specified by the Secretary of State following consultation with Scottish Natural Heritage);
 - (ii) not to cut extensively managed hay and grass silage crops before *15th August* (or any date which may be specified by the Secretary of State following consultation with Scottish Natural Heritage);
 - (iii) to cut all hay, grass and arable silage crops by such method as will minimise the risk of damage to young birds;
 - (iv) not to graze or top extensively managed hay and grass silage between *31st May* and *14th August* (or any date which may be specified by the Secretary of State following consultation with Scottish Natural Heritage); and
- (v) not to roll or harrow grassland after *1st May*, or arable land after *15th May*, (or any date which may be specified by the Secretary of State following consultation with Scottish Natural Heritage);”; and
- (e) after paragraph 7(g) there shall be added—
- “(h) if the farmer or crofter so wishes, measures to restore dykes to standards consistent with conservation interests.”.

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

(2) In Part II of the Schedule to the principal Order (requirements to be included in an agreement with a common grazings committee)–

(a) in paragraph 1 the words “undertake to” shall be omitted;

(b) after paragraph 6 there shall be inserted–

“**6A.** The common grazings committee shall not remove any dykes unless authorised to do so in writing by the Secretary of State, and shall maintain stockproof dykes in a stockproof condition.”;

(c) in paragraph 7 for the word “Scheme” there shall be substituted the word “agreement”; and

(d) after paragraph 7(b)(iv) there shall be added–

“(v) if the grazings committee so wishes, measures to restore dykes to standards consistent with conservation interests.”.

St Andrew’s House,
Edinburgh
18th July 1996

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

We consent,

22 July 1996

Liam Fox
Simon Burns
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (Machair of the Uists and Benbecula, Barra and Vatersay) Designation Order 1993 (“the principal Order”).

The Order—

- (a) amends the definition of “wetlands” (article 2);
- (b) increases the minimum rate of payments under an agreement under section 18(3) of the Agriculture Act 1986 for any year of such agreement commencing on or after 15th August 1996 from £150 to £250 per annum per crofter, farmer or common grazings committee (articles 3 and 4);
- (c) amends the maximum rate of payments for expenditure identified in such agreement as required to undertake additional farming operations specified in the principal Order. For agreements entered into on or after 15th August 1996 there is substituted, for the present maximum rate of £2,000 per annum per crofter or farmer and £12,000 per annum per common grazings committee a maximum rate in relation to an agreement with a farmer or crofter of £20,000 for each 5 year conservation plan and, in relation to an agreement with a common grazings committee, £60,000 for each 5 year conservation plan. Transitional provisions are made for agreements in force on that date (articles 5 and 6); and
- (d) in relation to agreements entered into on or after 15th August 1996, amends Part I of the Schedule to the principal Order so as to include among the requirements to be included in an agreement with a farmer or crofter a requirement in relation to the protection of dykes; and extends the additional operations to be identified in each 5 year conservation plan to include operations in relation to both intensively and extensively managed hay and grass silage crops, and if the farmer or crofter so wishes measures for the restoration of dykes so as to enable payment to be made in respect of measures to protect grassland birds and for such restoration; and makes drafting amendments to that Part (articles 2, 7(1) and 8); and
- (e) in relation to agreements entered into on or after 15th August 1996 amends Part II of the Schedule to the principal Order so as to include among the requirements to be included in an agreement with a common grazing committee a requirement in relation to the protection of dykes; and extends the additional operations to be identified in each 5 year farm conservation plan to include, if the committee so wishes, measures for the restoration of dykes so as to enable payment to be made for such restoration and makes drafting amendments to that Part (article 7(2)).