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STATUTORY INSTRUMENTS

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**1996 No. 1965 (S.161)**

**AGRICULTURE**

**The Environmentally Sensitive Areas (Shetland Islands) 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 Agriculture Act 1986<sup>(1)</sup> 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 (Shetland Islands) 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 (Shetland Islands) Designation Order 1993<sup>(2)</sup>.

**Amendment of the principal Order**

2. In article 2(1) of the principal Order (interpretation) for the definition of “wetlands” there shall be substituted the following:—

““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

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(1) 1986 c. 49; section 18(4) was amended by S.I.1994/249.

(2) S.I. 1993/3150, amended by S.I. 1994/3067.

- (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 £3,000 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. In the Schedule to the principal Order in paragraph 12 of Part I (requirements to be included in an agreement with a crofter or farmer) and in paragraph 12 of Part II (requirements to be included in an agreement with a common grazings committee) for the word “Scheme” there shall be substituted the word “agreement”.

St Andrew’s House,  
Edinburgh  
18th July 1996 We consent,

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

22nd July 1996

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

**Status:** This is the original version (as it was originally made).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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Environmentally Sensitive Areas (Shetland Islands) 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 by providing for agreements entered into on or after 15th August 1996 that there is substituted, for the present maximum rate of £3,000 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 such plan and makes transitional provisions for agreements in force on that date (articles 5 and 6); and
- (d) makes a drafting amendment to Part I and Part II of the Schedule to the principal Order (article 7).