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STATUTORY INSTRUMENTS

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**1997 No. 33**

**AGRICULTURE**

**The Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>13th January 1997</i>
<i>Laid before Parliament</i>		<i>14th January 1997</i>
<i>Coming into force</i>	- -	<i>4th February 1997</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(1)</sup> for the purposes of subsection (2) of section 2 of the European Communities Act 1972<sup>(2)</sup> 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, extent and commencement**

1. These Regulations may be cited as the Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1997, shall extend to Great Britain and shall come into force on 4th February 1997.

**Amendments to the Hill Livestock (Compensatory Allowances) Regulations 1996**

2.—(1) The Hill Livestock (Compensatory Allowances) Regulations 1996<sup>(3)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (3) of regulation 2 (interpretation) there shall be substituted for “these Regulations” on its second appearance the following—

“the Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1997”.

(3) There shall be inserted at the beginning of paragraph (1) of regulation 3 (compensatory allowances for breeding cows and ewes) the following phrase—

“Subject to paragraphs (1A) and (1B),”.

(4) There shall be inserted between paragraphs (1) and (2) of regulation 3 the following paragraphs—

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(1) S.I. 1972/1811.  
(2) 1972 c. 68.  
(3) S.I. 1996/1500.

“(1A) Notwithstanding the rate of payment per breeding cow which is set out in paragraph (1), where a person is eligible under that paragraph to be paid a compensatory allowance for breeding cows in respect of the 1997 Scheme year, the rates of payment for breeding cows applicable to that year shall be as follows—

- (a) where the eligible land indicated on the area aid application submitted by that person as described in paragraph (1) comprises severely disadvantaged land only, £97.50 per breeding cow;
- (b) where that eligible land comprises both severely disadvantaged land and disadvantaged land—
  - (i) £97.50 per breeding cow, up to an amount of money calculated by multiplying the total number of hectares of that severely disadvantaged land and any other such land occupied by the person concerned which (although not indicated on that area aid application) is relevant afforested land by £121.49 and deducting from the resulting figure any compensatory allowance for sheep payable to the person concerned under paragraph (1B) (a), and
  - (ii) thereafter for additional breeding cows, £69.75 per breeding cow; and
- (c) where that eligible land comprises disadvantaged land only, £69.75 per breeding cow.

(1B) Notwithstanding the rate of payment per ewe which is set out in paragraph (1), where a person is eligible under that paragraph to be paid a compensatory allowance for ewes in respect of the 1997 Scheme year, the rates of payment for ewes applicable to that year shall be as follows—

- (a) in the case of ewes which are of a hardy breed or hardy cross-breed comprised in a specially qualified flock, £5.75 per ewe;
- (b) in the case of any other ewes maintained by that person—
  - (i) (where the eligible land indicated on the area aid application submitted by him as described in paragraph (1) comprises severely disadvantaged land only) £3 per ewe,
  - (ii) (where that eligible land comprises both severely disadvantaged land and disadvantaged land)—
    - (aa) £3 per ewe, for a number of ewes calculated by multiplying the total number of hectares of that severely disadvantaged land and any other such land occupied by him which (although not indicated on that area aid application) is relevant afforested land by 6 and deducting from the resulting figure the number of ewes (if any) for which a compensatory allowance is payable to the person concerned under sub-paragraph (a) of this paragraph, up to an amount of money calculated by multiplying the said total number of hectares by £121.49 and deducting from the resulting figure any compensatory allowance for cattle payable to the person concerned under paragraph (1A)(b)(i) and any compensatory allowance for ewes payable to him under sub-paragraph (a) of this paragraph, and
    - (bb) thereafter for additional ewes, £2.65 per ewe, and
  - (iii) (where that eligible land comprises disadvantaged land only) £2.65 per ewe.”.

- (5) There shall be inserted at the beginning of paragraph (3) of regulation 3 the following phrase—  
 “Subject to paragraph (3A),”.

(6) There shall be inserted between paragraphs (3) and (4) of regulation 3 the following paragraph—

“(3A) Insofar as the reference to “any Scheme year” in paragraph (3) is a reference to the 1997 Scheme year—

- (a) the reference in sub-paragraph (a) of that paragraph to “£88.70” shall be construed as a reference to £121.49; and
- (b) the reference in sub-paragraph (b) of that paragraph to “£60.85” shall be construed as a reference to £97.65.”.

(7) There shall be substituted for sub-paragraph (d) of paragraph (1) of regulation 4 (provisions with respect to breeding cows) the following sub-paragraph—

“(d) the number of breeding cows which, when added to the number of ewes which are the subject of a claim for compensatory allowances made by that person in respect of that Scheme year, is equivalent to 1.4 livestock units per hectare of eligible land which—

- (i) was included in an area aid application made under Article 6 of Council Regulation 3508/92 in the calendar year preceding that Scheme year and was determined by the appropriate Minister to be eligible forage area for the purposes of that Regulation, or
- (ii) is relevant afforested land.”.

(8) There shall be substituted for sub-paragraph (e) of paragraph (1) of regulation 5 (provisions with respect to ewes) the following sub-paragraph—

“(e) the number of ewes which, when added to the number of breeding cows which are the subject of a claim for compensatory allowances made by that person in respect of that Scheme year, is equivalent to 1.4 livestock units per hectare of eligible land which—

- (i) was included in an area aid application made under Article 6 of Council Regulation 3508/92 in the calendar year preceding that Scheme year and was determined by the appropriate Minister to be eligible forage area for the purposes of that Regulation, or
- (ii) is relevant afforested land.”.

(9) In each of paragraphs (1) and (2) of regulation 6 (replacement animals) there shall be substituted for the word “him” the phrase “the claimant concerned”.

13th January 1997

*Tim Boswell*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

10th January 1997

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

**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 Regulations)*

1. These Regulations amend the Hill Livestock (Compensatory Allowances) Regulations 1996 (S.I.1996/1500).
2. Like those Regulations, these Regulations extend to Great Britain.
3. S.I. 1996/1500 complies with Council Directive 75/268/EEC on mountain and hill farming and farming in less-favoured areas (OJNo. L128, 19.5.75, p.1), as last amended by Council Decision 95/1/EC, Euratom, ECSC adjusting the instruments concerning the accession of new member States to the European Union (OJ No. L1, 1.1.95, p.1), and with Articles 17 to 19 of Council Regulation (EEC) No. 2328/91 on improving the efficiency of agricultural structures (OJ No. L218, 6.8.91, p.1), as last amended by Commission Regulation (EC) No. 2387/95 (OJ No. L244, 12.10.95, p.50).
4. These Regulations set the rates of payment in respect of the 1997 Scheme year for the annual compensatory allowance for certain breeding cows and ewes payable under regulation 3 of S.I. 1996/1500.
5. These Regulations also make minor drafting amendments to S.I. 1996/1500 in the light of comments made by the Joint Committee on Statutory Instruments in its 27th Report of the 1995–96 session.
6. No compliance cost assessment has been prepared in respect of these Regulations.