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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 187**

**The Hill Livestock (Compensatory Allowances) (Scotland) Regulations 1999**

**Provisions with respect to breeding cows**

7.—(1) Subject to the following paragraphs of this regulation, the number of breeding cows for which a compensatory allowance may be paid to a claimant who has made a valid claim for a compensatory allowance for breeding cows in respect of the Scheme Year shall be the least of—

- (a) the number of breeding cows included in that claim;
- (b) the number of breeding cows which were owned by the claimant, or leased by him under a formal leasing arrangement, throughout the retention period applicable to breeding cows;
- (c) the number of breeding cows which in the opinion of the appropriate authority is reasonable, having regard to the number of calves produced by the regular breeding herd of which they formed part—
  - (i) in the twelve months preceding the date on which the claim is lodged or,
  - (ii) in the case of a claim accepted as valid pursuant to regulation 11(4), in the twelve months preceding the day on which the claim was received by the appropriate authority, or
  - (iii) in the case of a regular breeding herd newly established or re established in the twelve months referred to in sub paragraph (i) or (ii), in such other period as the appropriate authority may determine; or
- (d) the number of breeding cows which, when added to the number of ewes which are the subject of a claim for compensatory allowance made by the claimant in respect of the Scheme Year, is equivalent to 1.4 livestock units for each hectare of the eligible land which was included in the area aid application made by the claimant in 1999, and was determined by the appropriate authority to be eligible forage area, or which is relevant afforested land.

(2) A compensatory allowance shall not be paid for any breeding cow the use of which for breeding would not, in the opinion of the appropriate authority, be in accordance with sound husbandry practice.

(3) Where a claimant uses unsuitable supplementary feeding methods the appropriate authority may in accordance with paragraph (4) reduce or withhold the compensatory allowance for breeding cows otherwise payable to him.

(4) Where the claimant was not penalised under regulation 4 of the 1996 Regulations for using unsuitable supplementary feeding methods in 1999, the compensatory allowance for breeding cows otherwise payable to him may be reduced by 10%; where the claimant was so penalised in 1999, but not in 1998, the compensatory allowance for breeding cows otherwise payable to him may be reduced by 20%; and where the claimant was so penalised in 1999 and 1998, the compensatory allowance for breeding cows otherwise payable to him may be withheld.

(5) Where, in the opinion of the appropriate authority, an appreciable quantity of milk has been produced by a regular breeding herd in the period of 12 months immediately preceding the date a claimant lodges, pursuant to regulation 10(1), a claim for a compensatory allowance for any breeding

cows in that herd, and that milk has been sold or used for the manufacture of milk products for sale, a compensatory allowance shall be payable for the number of breeding cows comprised in the herd on that date, reduced by such number as appears to the appropriate authority to be the number of breeding cows in the herd required to produce that quantity of milk in that period of twelve months.