
 STATUTORY INSTRUMENTS

1971 No. 1967

ANIMALS

DISEASES OF ANIMALS

The Brucellosis Payments Scheme 1971

<i>Made</i> - - - -	3rd December 1971
<i>Laid before Parliament</i>	9th December 1971
<i>Coming into Operation</i>	10th December 1971

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and Wales respectively, acting jointly, in pursuance of subsections (1), (2), (9) and (10) of section 106 of the Agriculture Act 1970(a) and of all their other enabling powers, with the consent of the Treasury, hereby make the following scheme:

Citation, commencement and extent

1. This scheme, which may be cited as the Brucellosis Payments Scheme 1971, shall come into operation on 10th December 1971 and shall apply to Great Britain.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

“accredited herd” means a herd of cattle in Great Britain which, to the satisfaction of the appropriate Minister, either—

- (a) has been found to be free from brucellosis by means of a series of diagnostic tests carried out by him or on his behalf and has been, since the date of commencement of such tests, the subject of adequate precautions against the introduction or re-introduction and consequent spreading of brucellosis, or
- (b) has been wholly constituted by the transfer of animals from other accredited herds in Great Britain or from such similar herds outside Great Britain as the Minister of Agriculture, Fisheries and Food, in relation to herds in England and Wales, or the Secretary of State, in relation to herds in Scotland, may either generally or in any special case allow, and has been, since being so constituted, the subject of such precautions as aforesaid;

and “accredited” and “unaccredited” shall be construed accordingly;

“area eradication agreement” means a voluntary arrangement between the appropriate Minister and the owner of a herd kept in an eradication area, providing for the eradication of brucellosis from the herd upon terms which include the slaughter by the owner of any reactors found in the herd, the payment to him of a replacement grant, but no other compensation, for each reactor so slaughtered, and the taking by him of precautions against the introduction or re-introduction and consequent spreading of brucellosis;

“the appropriate Minister” means the Minister of Agriculture, Fisheries and Food or, in relation to herds kept in Scotland or sums required for making payments to producers in Scotland, the Secretary of State;

“beef cow scheme” means a scheme made under section 12 of the Agriculture Act 1967(a);

“beef incentive payments” means incentive payments made under paragraph 4 of this scheme;

“board” means a board constituted by a scheme relating to the marketing of milk made or having effect as if made under the Agricultural Marketing Act 1958(b);

“dairy incentive payments” means incentive payments made under paragraph 5 of this scheme;

“eradication area” means an area which is for the time being an eradication area for purposes connected with the control of brucellosis by virtue of an order made under section 5 of the Diseases of Animals Act 1950(c) and to which the Brucellosis (Area Eradication) (England and Wales) Order 1971(d) or the Brucellosis (Area Eradication) (Scotland) Order 1971(e), or any order revoking and substantially re-enacting either of those orders, for the time being applies;

“first compulsory test” means the first compulsory blood test made by or on behalf of the appropriate Minister for the presence of brucellosis in a herd kept in an eradication area;

“hill cattle scheme” means a scheme made under section 13(1)(b) of the Hill Farming Act 1946(f);

“incentive payments” has the meaning assigned to it by paragraph 3 of this scheme;

“prescribed date” means a prescribed date for the purposes of a beef cow scheme;

“qualifying day” means a qualifying day for the purposes of a hill cattle scheme;

“reactor” means an animal which, when tested for brucellosis by or on behalf of the appropriate Minister, gives rise to a reaction consistent with its being affected with that disease;

“replacement grant” means a grant made by the appropriate Minister to the owner of a slaughtered reactor at a flat rate unrelated to the value of the animal;

“test” means a test made by or on behalf of the appropriate Minister for the purpose of determining whether brucellosis is present in a herd.

(2) The Interpretation Act 1889(g) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

(a) 1967 c. 22.

(c) 1950 c. 36.

(e) S.I. 1971/1752 (1971 III, p. 4769).

(g) 1889 c. 63.

(b) 1958 c. 47.

(d) S.I. 1971/1717 (1971 III, p. 4763).

(f) 1946 c. 73.

Incentive payments for herds in eradication areas

3. Payments, to be known as incentive payments, may be made in accordance with the provisions of this scheme in respect of herds of cattle which are kept in eradication areas and from which brucellosis is being, or has been, eradicated under area eradication agreements.

Beef incentive payments

4.—(1) Incentive payments may be made by the appropriate Minister in respect of a herd which qualifies for subsidy payments under a hill cattle or beef cow scheme by way of supplement to such subsidy payments, and shall be subject to the terms and conditions governing the subsidy payments to which they are supplemental.

(2) Such incentive payments may be made in respect of a herd when a qualifying day for the purposes of a hill cattle scheme or a prescribed date for the purposes of a beef cow scheme, as the case may be, falls within the appropriate qualifying period specified in paragraph 6 below.

(3) The amount of any such incentive payment shall be £5 for each animal which qualifies for the subsidy payment to which the incentive payment is supplemental.

(4) Where in the case of any herd (except such a herd as is referred to in paragraph 6(5) below) the period referred to in sub-paragraph (2) above contains only one qualifying day for the purposes of a hill cattle scheme, or only one prescribed date for the purposes of a beef cow scheme, and incentive payments made in respect of the herd are supplemental to subsidy payments made under that scheme, an additional incentive payment of £5 per animal may be made in respect of the first qualifying day or the first prescribed date, as the case may be, after the termination of that period.

Dairy incentive payments

5.—(1) Incentive payments in respect of a herd from which milk is produced shall be made by a board to the producer of that milk, if he is registered as a milk producer under the scheme constituting the board, at a rate of 0.8p for each gallon of milk which is—

- (a) produced from cows in the herd, and
- (b) made the subject of a payment to or by him under that scheme, and
- (c) either sold under the provisions of that scheme, or deemed for the purposes of any payments under the scheme to have been produced from that herd, during the appropriate qualifying period specified in paragraph 6 below.

(2) Every board shall keep or cause to be kept records of payments made by them under this paragraph and of the administrative cost of making such payments in such form as may be approved by the appropriate Minister and shall make such records available for inspection at all reasonable times by any duly authorised officer, servant or agent of the appropriate Minister or the Comptroller and Auditor General.

(3) Every board shall submit to the appropriate Minister, in such form as he may specify, a statement, certified by the board's auditors, of payments made by the board under this scheme and of the administrative cost of making such payments.

(4) Any such statement as is referred to in the preceding sub-paragraph shall be rendered annually and at such lesser intervals, and covering such periods, as the appropriate Minister may specify in a written notice to that board.

Qualifying periods for incentive payments

6.—(1) Subject to paragraphs 7 and 8(2) below, the qualifying period for incentive payments in respect of a herd shall commence in the case of beef incentive payments with the appropriate date specified in relation to that herd in sub-paragraph (2) below and in the case of dairy incentive payments with the beginning of the first calendar month after that date.

(2) The date referred to in sub-paragraph (1) above shall be—

(a) where the owner of the herd has entered into an area eradication agreement within such period after the first compulsory test as appears to the appropriate Minister to be reasonable for the purpose, the date of that test;

(b) where the owner has entered into such an agreement after the expiry of that period, the date of the first test after the agreement has been entered into.

(3) Subject to sub-paragraph (5) below, the qualifying period shall end in the case of beef incentive payments one year after the appropriate date specified in relation to that herd in sub-paragraph (4) below, and in the case of dairy incentive payments with the expiry of the twelfth complete calendar month after that date.

(4) The date referred to in sub-paragraph (3) above shall be—

(a) in the case of such a herd as is referred to under head (a) of the definition of an accredited herd in paragraph 2 above, the date of the last test before it becomes an accredited herd;

(b) in the case of such a herd as is referred to under head (b) of that definition, the date on which the first animal to be comprised in the herd is moved on to the premises where the herd is to be kept.

(5) Where an area eradication agreement ceases to apply to a herd before the end of the qualifying period as determined in accordance with sub-paragraphs (3) and (4) above, the qualifying period shall end in the case of beef incentive payments with the date on which the agreement ceases to apply to the herd and in the case of dairy incentive payments with the expiry of the calendar month in which that date occurs, without prejudice to the resumption of such payments under a further area eradication agreement.

(6) For the purposes of this paragraph the date of a test is the date when samples are first taken from cattle for use in the test.

Interrupted agreements

7. Where an area eradication agreement has ceased to apply to a herd before the end of the qualifying period and a further such agreement is subsequently entered into in respect of the same herd—

- (a) any beef incentive payments falling due under the subsequent agreement shall be reduced by the amount of any such payments made under the previous agreement, and
- (b) the qualifying period for dairy incentive payments under the subsequent agreement shall be reduced by the length of the qualifying period under the previous agreement, the commencement of the subsequent qualifying period being deferred accordingly.

Reductions to take account of previous payments directed against brucellosis

8.—(1) Any beef incentive payments falling due under this scheme shall be reduced by the difference between—

- (a) the amount of any subsidy payments made in respect of the same herd under a hill cattle scheme or beef cow scheme at a rate determined by reference to the fact that the animals were comprised in a herd which was, or which was subsequently to become, an accredited herd as defined in that scheme, and
- (b) the amount of the corresponding subsidy payments which would have been made under that scheme if the herd were never such an accredited herd.

(2) A qualifying period for dairy incentive payments under this scheme shall be reduced by the sum of—

- (a) five-eighths (rounded off to the nearest month) of any period before 1st April 1971 in respect of which payments have been made in respect of the same herd under a scheme, other than this scheme, made under section 106(2) of the Agriculture Act 1970, and
- (b) the whole of any period commencing on or after 1st April 1971 in respect of which such payments have been made,

the commencement of the qualifying period being deferred accordingly.

Advance payments

9.—(1) Where an unaccredited herd is in the opinion of the appropriate Minister likely to be eligible for incentive payments under this scheme, and the total number of reactors in the herd disclosed by the first compulsory test and subsequent tests made before the herd becomes accredited amounts to 10 per cent or more of the number of animals tested at the first compulsory test, the appropriate Minister may, on application by the owner of the herd made at such time and in such manner as the appropriate Minister may from time to time require, make to him an advance payment of incentive payments—

- (a) in the case of a herd which is, in the opinion of the appropriate Minister, wholly or predominantly eligible for beef incentive payments, at the rate of £5 for each animal in the herd which has been tested, and found not to be a reactor, at the relevant test;

(b) in the case of a herd which is, in the opinion of the appropriate Minister, wholly or predominantly eligible for dairy incentive payments, at the rate of £6.50 for each such animal.

(2) Where an advance payment has been made under sub-paragraph (1) above—

(a) the amount of any beef incentive payments falling due during the year after the date of the entry of the herd in the Register of Brucellosis Accredited Herds kept jointly by the Minister of Agriculture, Fisheries and Food and the Secretary of State shall be reduced by such part of the advance payment as, in the opinion of the appropriate Minister, represents an advance payment of beef incentive payments;

(b) the amount of any dairy incentive payments falling due during the period of 12 calendar months commencing, at the discretion of the board making the payments, with either the first or second calendar month after they have been notified by the appropriate Minister of the entry of the herd in the said Register, shall be reduced, so far as possible by equal instalments, by such part of the advance payment as, in the opinion of the appropriate Minister, represents an advance payment of dairy incentive payments.

(3) Where, as a result of the insufficiency of dairy incentive payments in any month, a board is not able to reduce such payments in accordance with the preceding sub-paragraph, the part of any advance payment thereby unaccounted for, unless otherwise recovered by or on behalf of the appropriate Minister, shall be accounted for by the reduction of such payments in respect of subsequent months as the opportunity arises.

(4) For the purposes of this paragraph "the relevant test" means the test at which the total number of reactors disclosed by that and previous tests, if any, first exceeds 10 per cent of the number of animals tested at the first compulsory test.

In Witness whereof the Official Seal of the
Minister of Agriculture, Fisheries and Food
is hereunto affixed on 29th November 1971.

(L.S.)

J. M. L. Prior,

Minister of Agriculture, Fisheries and Food.

Gordon Campbell,

29th November 1971.

Secretary of State for Scotland.

Given under my hand on 30th November 1971.

Peter Thomas,

Secretary of State for Wales.

We approve,

3rd December 1971.

P. L. Hawkins,

Walter Clegg,

Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the scheme.)

This scheme, which is made under section 106 of the Agriculture Act 1970, enables payments to be made in connection with the elimination of brucellosis from herds of cattle in eradication areas.

First, it provides for payments, to be known as incentive payments, to be made by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland as supplements to hill cattle and beef cow subsidy payments at the rate of £5 per animal and, where milk is the subject of payments under a milk marketing scheme, by the appropriate board at the rate of .8p. per gallon. These will be paid in respect of herds whose owners agree with the appropriate Minister on or after 1st November 1971 to undertake voluntary eradication on terms which include a replacement grant, but no other compensation, for each slaughtered reactor. They will start with the commencement of eradication and finish approximately one year after the herd qualifies for accreditation.

Secondly, advance payments may be made where the number of reactors in the herd is not less than 10 per cent of the number of animals tested. These will be paid on animals not found to be reactors and will be at the rate of £5 per animal in predominantly beef herds and £6.50 in predominantly dairy herds. Provision is made for a corresponding reduction of subsequent incentive payments.