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 STATUTORY INSTRUMENTS
 

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1976 No. 2057

## AGRICULTURE

## LIVESTOCK INDUSTRIES

## The Beef Cow Scheme 1976

<i>Made - - - -</i>	<i>1st December 1976</i>
<i>Laid before Parliament</i>	<i>10th December 1976</i>
<i>Coming into Operation</i>	<i>1st January 1977</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, in exercise of the powers conferred by section 12 of the Agriculture Act 1967<sup>(a)</sup>, and now vested in them<sup>(b)</sup>, and of all their other enabling powers, and the Secretary of State for Scotland in exercise of the powers conferred by the said section, and of all his other enabling powers, acting jointly, with the approval of the Treasury, hereby make the following scheme:—

*Citation, extent and commencement*

1. This scheme, which may be cited as the Beef Cow Scheme 1976, shall apply to the United Kingdom, and shall come into operation on 1st January 1977.

*Interpretation*

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

“the Act” means the Agriculture Act 1967;

“applicant” means a person who applies for subsidy payment in accordance with the provisions of the scheme, and “application” shall be construed accordingly;

“the appropriate Minister” means—

(a) in relation to England and Northern Ireland, and in relation to Wales for the purpose of the making, receipt or recovery of any payment, the Minister of Agriculture, Fisheries and Food,

(b) in relation to Wales save for the purpose of the making, receipt or recovery of any payment, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, acting jointly, and

(c) in relation to Scotland the Secretary of State for Scotland;

“beef herd” means a herd which appears to the appropriate Minister to be grazed and maintained in accordance with sound husbandry practice primarily for the purpose of breeding calves for beef;

“eligible cow” means a female bovine animal which is, in the opinion of the appropriate Minister, suitable for breeding calves for beef and which has borne a calf, or has, in the opinion of the appropriate Minister, been brought

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(a) 1967 c. 22.

(b) S.I. 1969/388 (1969 I, p. 1070).

into a herd to replace one which, having borne a calf, has died or been disposed of in 1976;

“occupier” in relation to any land, includes any person who has a right or permission to use that land for the grazing and maintenance of a herd;

“prescribed date” means 1st January 1977;

“subsidy payment” means a payment in respect of a cow for which provision is made by this scheme.

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

#### *Beef cow subsidies*

3.—(1) Subject to the provisions of this scheme, the appropriate Minister may make a subsidy payment in respect of any eligible cow which on the prescribed date is comprised in a beef herd.

(2) A subsidy payment shall be of such amount as may be specified in an order made under section 12(4) of the Act.

(3) A subsidy payment in respect of an eligible cow comprised in a beef herd on the prescribed date shall be made to the person who at the beginning of that day—

(a) is responsible for the grazing and maintenance of the herd, and

(b) is the occupier of the land on which the herd is grazed and maintained.

#### *Exclusion of subsidy payment where a hill livestock compensatory allowance is payable*

4. A subsidy payment in respect of an eligible cow which on the prescribed date is comprised in a beef herd shall not be made if the land on which the cow is maintained is eligible land for the purposes of the Hill Livestock (Compensatory Allowances) Regulations 1975(b), as amended(c), or the Hill Livestock and Young Cattle (Compensatory Allowances) (Scotland) Regulation 1976(d).

#### *Application for subsidy*

5. A subsidy payment shall not be made unless an application for that payment has been submitted to the appropriate Minister in such form and at such time as he may require during the period beginning with 1st January 1977 and ending with 31st December 1977.

#### *Count and inspection of herds and production of records*

6.—(1) If a person authorised by the appropriate Minister so requires the applicant shall—

(a) gather or cause to be gathered together the herd to which his application relates at a convenient place for the purposes of counting and inspection, and give all reasonable assistance and afford all reasonable facilities for that purpose, and

(b) produce such records and documents as may be required in support of his application.

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(a) 1889 c. 63.

(b) S.I. 1975/2210 (1975 III, p. 8312).

(c) S.I. 1976/1203 (1976 II, p. 3388).

(d) S.I. 1976/798 (1976 II, p. 2042).

(2) If an applicant fails to comply with any such requirement, the appropriate Minister may withhold all or any of the subsidy payments which would otherwise have been payable to the applicant.

*Recovery*

7. Where, in the opinion of the appropriate Minister, any subsidy payments made to any person in respect of eligible cows comprised in a herd on the prescribed date should not have been made because the provisions of the scheme have not been complied with, because payments were made in respect of more cows than in fact qualified for payment, or because some of the cows in respect of which payment was made are found to have been ineligible, the appropriate Minister shall be entitled to recover on demand as a civil debt the subsidy payments made to that person.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this day of 24th November 1976.

(L.S.)

*John Silkin,*  
Minister of Agriculture, Fisheries and Food.

26th November 1976.

*Bruce Millan,*  
Secretary of State for Scotland.

29th November 1976.

*John Morris,*  
Secretary of State for Wales.

We approve.  
1st December 1976.

*David Stoddart,*  
*J. Dormand,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This scheme, which is made under section 12 of the Agriculture Act 1967 with the approval of the Treasury and which applies to the United Kingdom, empowers the Minister of Agriculture, Fisheries and Food, in relation to England, Wales and Northern Ireland, and the Secretary of State for Scotland, in relation to Scotland, to make subsidy payments in respect of cows comprised on 1st January 1977 in herds kept primarily for the breeding of calves for beef.

Subsidy is not payable on a cow which qualifies for a payment for 1977 under the Hill Livestock (Compensatory Allowances) Regulations 1975 or the Hill Livestock and Young Cattle (Compensatory Allowances) (Scotland) Regulations 1976.

The scheme contains provisions relating to the making of applications for subsidy, the count and inspection of herds, the production of records by applicants, and the recovery of subsidy payments wrongly made.

The amount of the subsidy payment in respect of a cow is prescribed in a separate order, the Beef Cow Subsidy Payment Order 1976 (S.I. 1976/2058)

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