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STATUTORY INSTRUMENTS

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**1995 No. 100**

**AGRICULTURE**

**The Hill Livestock (Compensatory Allowances) (Amendment) Regulations 1995**

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| <i>Made</i>                   | - - - - | <i>18th January 1995</i> |
| <i>Laid before Parliament</i> |         | <i>19th January 1995</i> |
| <i>Coming into force</i>      | - -     | <i>9th February 1995</i> |

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(1)</sup> for the purposes of section 2(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 the said section 2(2) 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 1995, shall extend to Great Britain and shall come into force on 9th February 1995.

**Amendments to the Hill Livestock (Compensatory Allowances) Regulations 1994**

2.—(1) The Hill Livestock (Compensatory Allowances) Regulations 1994<sup>(3)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation)—

- (a) the definition of “Council Regulation 2328/91” shall be deleted;
- (b) in the definition of “ECU”, the following phrase shall be substituted for the phrase beginning with the words “in accordance with” and ending with the words “compensatory allowance is paid”—

“at the agricultural conversion rate (as determined in accordance with Council Regulation (EEC) No. 3813/92 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(4)</sup> as amended

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1994/2740.

(4) OJ No. L387, 31.12.92, p.1; “agricultural conversion rate” is defined in Article 1(e).

by Council Regulation (EEC) No. 3528/93<sup>(5)</sup> and Council Regulation (EC) No. 3311/94<sup>(6)</sup> applicable on 1st January in the Scheme year in respect of which the compensatory allowance is paid”;

(c) the following definition shall be inserted after the definition of “forage area”—

““hardy breed or hardy cross-breed” means a breed or as the case may be cross-breed of sheep which is in the opinion of the appropriate Minister suitable for breeding and rearing on land where the severity of the permanent natural handicaps affecting the breeding and rearing of sheep on it is greater than that affecting the breeding and rearing of sheep on severely disadvantaged land generally;”;

(d) in the definition of “livestock unit”, the following phrase shall be inserted at the end—

“as amended (so far as is relevant to these Regulations) by Council Regulation (EC) No. 3669/93<sup>(7)</sup> and Council Regulation (EC) No. 2843/ 94<sup>(8)</sup>

(e) the following definition shall be inserted after the definition of “sound husbandry practice”—

““specially qualified flock” means a qualified flock—

- (a) in which all or, in the opinion of the appropriate Minister, substantially all of the ewes comprised in the flock are of any hardy breed or hardy cross-breed;
- (b) in which the ewes are in the opinion of the appropriate Minister maintained in 3 distinct age groups; and
- (c) which in England and Wales is maintained on severely disadvantaged land or on severely disadvantaged land and other land used with it, and in Scotland is maintained or substantially maintained on severely disadvantaged land suitable for use for the maintenance of a hardy breed or hardy cross-breed but not sheep of other breeds;”.

(3) The following paragraph shall be substituted for paragraph (3) of regulation 3 (compensatory allowances)—

“(3) Subject to the following provisions of these Regulations, a compensatory allowance for cattle shall be payable in respect of the number of breeding cows comprised in a herd on the qualifying day at the following rates—

- (a) in the case of cows maintained by a person whose eligible land comprises solely severely disadvantaged land, £47.50 or 150 ECU per cow;
- (b) in the case of cows maintained by a person whose eligible land comprises severely disadvantaged land and disadvantaged land—
  - (i) £47.50 or 150 ECU per cow up to an amount of money calculated by multiplying the total number of hectares of that severely disadvantaged land which was included in an area aid application made under Commission Regulation 3887/92 in the year preceding the Scheme year to which that qualifying day relates or which is relevant afforested land by £88.70 and deducting from the resulting figure any compensatory allowance for sheep maintained by that person payable under paragraph (4)(a), and
  - (ii) thereafter for additional cows £23.75 or 150 ECU per cow; or
- (c) in the case of cows maintained by a person whose eligible land comprises solely disadvantaged land, £23.75 or 150 ECU per cow.”.

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<sup>(5)</sup> OJ No. L320, 22.12.93, p.32.

<sup>(6)</sup> OJ No. L350, 31.12.94, p.1.

<sup>(7)</sup> OJ No. L338, 31.12.93, p.26.

<sup>(8)</sup> OJ No. L302, 25.11.94, p.1.

- (4) The following paragraph shall be substituted for paragraph (4) of regulation 3—
- “(4) Subject to the following provisions of these Regulations, a compensatory allowance for sheep shall be payable in respect of the number of ewes comprised in a qualified flock on the qualifying day at the following rates—
- (a) in the case of ewes of a hardy breed or hardy cross-breed comprised in a qualified flock which is a specially qualified flock, £5.75 or 22.50 ECU per ewe; and
  - (b) in the case of any other ewes maintained by a person—
    - (i) whose eligible land comprises solely severely disadvantaged land, £3 or 22.50 ECU per ewe,
    - (ii) whose eligible land comprises severely disadvantaged land and disadvantaged land, £3 or 22.50 ECU per ewe, for a number of ewes calculated by multiplying the total number of hectares of that severely disadvantaged land which was included in an area aid application made under Commission Regulation 3887/92 in the year preceding the Scheme year to which that qualifying day relates and was determined by the appropriate Minister to be eligible forage area for the purposes of that Regulation or which is relevant afforested land by 6 and deducting from the resulting figure the number of ewes, if any, falling within sub-paragraph (a) of this paragraph, up to an amount of money calculated by multiplying the said total number of hectares by £88.70 and deducting from the resulting figure any compensatory allowance for cattle maintained by that person payable under paragraph (3)(b)(i) and any compensatory allowance for sheep maintained by that person payable under sub-paragraph (a) of this paragraph, and thereafter for additional ewes £2.44 or 22.50 ECU per ewe, or
    - (iii) whose eligible land comprises solely disadvantaged land, £2.44 or 22.50 ECU per ewe.”.
- (5) In paragraph (5)(a) of regulation 3—
- (a) substitute “£88.70” for “£81.13”; and
  - (b) delete “(whichever rate results in the lower payment in sterling)”.
- (6) In paragraph (5)(b) of regulation 3, delete “(whichever rate results in the lower payment in sterling)”.
- (7) Insert the following paragraph after paragraph (5) of regulation 3—
- “(6) Where in this regulation alternative rates in sterling and ECU are given, the rate which results in the lower payment in sterling shall apply.”.
- (8) In paragraph (2) of regulation 11 (withholding or recovery of compensatory allowance), delete “or a person accompanying such authorised person and acting under his instructions”.

18th January 1995

*Michael Jack*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

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**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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18th January 1995

*Hector Monro*  
Parliamentary Under Secretary of State Scottish  
Office

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## EXPLANATORY NOTE

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

1. These Regulations amend the Hill Livestock (Compensatory Allowances) Regulations 1994 (S.I.1994/2740). Like those Regulations, they extend to Great Britain.
2. The following amendments of substance are made by these Regulations to S.I. 1994/2740—
  - (a) the definition of “ECU” found in regulation 2(1) (containing a reference to Council Regulation (EEC) No. 3813/92) is amended to reflect amendments to that Council Regulation ( *regulation 2(2)(b)*);
  - (b) definitions of “hardy breed or hardy cross-breed” and “specially qualified flock” are inserted into regulation 2(1) in the light of the amendments referred to in sub-paragraph (d) of this paragraph ( *regulation 2(2)(c) and (e)*);
  - (c) the definition of “livestock unit” found in regulation 2(1) (containing a reference to Council Regulation (EEC) No. 2328/91) is amended to reflect amendments to that Council Regulation ( *regulation 2(2)(d)*) and the definition of that Council Regulation found in regulation 2(1) is deleted ( *regulation 2(2)(a)*); and
  - (d) regulation 3 is amended to reflect new rates of compensatory allowances payable for cattle and sheep ( *regulation 2(3), (4) and (5)(a)*).
3. Consequential amendments are made to regulation 3 in the light of the amendments referred to in paragraph 2(d) above ( *regulation 2(5)(b), (6) and (7)*).
4. Regulation 11(2) is amended by the deletion of the reference to the obstruction of a person accompanying an authorised person ( *regulation 2(8)*).