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STATUTORY INSTRUMENTS

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**1996 No. 2393**

**AGRICULTURE**

**The Moorland (Livestock Extensification)  
(Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>13th September 1996</i>
<i>Laid before Parliament</i>		<i>16th September 1996</i>
<i>Coming into force</i>	- -	<i>7th October 1996</i>

The Minister of Agriculture, Fisheries and Food, being a Minister 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 in exercise of the powers conferred upon him by that subsection and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, extent and commencement**

1. These Regulations may be cited as the Moorland (Livestock Extensification) (Amendment) Regulations 1996, shall extend to England and shall come into force on 7th October 1996.

**Amendments to the Moorland (Livestock Extensification) Regulations 1995**

2.—(1) The Moorland (Livestock Extensification) Regulations 1995<sup>(3)</sup> shall be amended in accordance with the following paragraphs of this regulation.

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

- (a) in the definition of “compensatory allowance”, for the phrase beginning with “or” and ending with “1994” there shall be substituted the phrase “, the Hill Livestock (Compensatory Allowances) Regulations 1994<sup>(4)</sup> or the Hill Livestock (Compensatory Allowances) Regulations 1996<sup>(5)</sup>”;
- (b) in the definition of “ewe” there shall be substituted for the phrase “the last preceding qualifying date” the phrase “1st January in the year in which the application was received”;
- (c) the following definition shall be inserted after the definition of “livestock unit”—

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(1) S.I. [1972/1811](#).

(2) [1972 c. 68](#).

(3) S.I. [1995/904](#).

(4) S.I. [1994/2740](#), amended by S.I. [1995/100](#), S.I. [1995/1481](#), S.I. [1995/2778](#) and S.I. [1996/27](#) and revoked by S.I. [1996/1500](#).

(5) S.I. [1996/1500](#).

““lowland flock” means a number of breeding ewes which an eligible person maintained on that part of his holding which was not a participating production unit in the year prior to the submission of his application and which ewes were not comprised in a qualified flock during that year;”;

- (d) the following definition shall be inserted after the definition of “production unit”—

““qualified flock” has the same meaning as in regulation 2(1) of the Hill Livestock (Compensatory Allowances) Regulations 1996;”;

- (e) the definition of “qualifying date” shall be revoked; and

- (f) at the end of the definition of “Sheep Pilot Extensification Scheme” there shall be added “and established by Council Regulation (EEC) No. 797/85 on improving the efficiency of agricultural structures<sup>(6)</sup> as amended by Council Regulation (EEC) No. 1094/88<sup>(7)</sup> and Council Regulation (EEC) No. 591/89<sup>(8)</sup> and as read with Commission Regulation (EEC) No. 4115/88<sup>(9)</sup>”.

- (3) There shall be inserted after paragraph (4) of regulation 2 the following paragraph—

“(5) Unless the context otherwise requires, any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date of making of the Moorland (Livestock Extensification) (Amendment) Regulations 1996.”.

- (4) In regulation 3 (aid for moorland extensification)—

- (a) in sub-paragraph (a), there shall be inserted before “the” where that word appears second the words “a figure to be specified by the Minister, which figure shall not be greater than”;
- (b) in each of paragraphs (i) and (ii) of sub-paragraph (b), there shall be inserted after “unit” where that word appears first the words “(including, for the purposes of this paragraph, and in the case where land forming part of that unit but not being eligible moorland is given up during that season, land which replaces such land and which in the opinion of the Minister is capable of maintaining the same number of animals as the land given up as aforesaid)”;
- (c) in each of sub-paragraphs (c) and (e) there shall be inserted after “unit” the words “(including, for the purposes of this sub-paragraph, and in the case where land forming part of that unit but not being eligible moorland is given up during the extensification period, land which replaces such land and which in the opinion of the Minister is capable of maintaining the same number of animals as the land given up as aforesaid)”;
- (d) in sub-paragraph (g), there shall be substituted for the phrase beginning with “the” where that word appears second and ending with “which” the phrase “the sum of the lowland flock and the reference flock, which reference flock shall be reduced by 10 or as the case may be by such greater figure specified in the undertaking as”.

- (5) In paragraph (2) of regulation 4 (application for aid) the word “right” where it appears second shall be revoked.

- (6) In paragraph (1)(c) of regulation 5 (restrictions on acceptance of applications) the word “for” shall be substituted for the word “from”.

- (7) In paragraph (1) of regulation 7 (change of occupation) the word “beneficiary's” shall be substituted for the word “beneficiary's”.

- (8) In paragraph (2) of regulation 8 (amount of aid and claims)—

- (a) there shall be substituted “£30” for “£25”; and

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<sup>(6)</sup> OJ No. L93, 30.3.85, p. 1 (repealed by Council Regulation (EEC) No. 2328/91 (OJ No. L218, 6.8.91, p. 1)).

<sup>(7)</sup> OJ No. L106, 27.4.88, p. 28.

<sup>(8)</sup> OJ No. L65, 9.3.89, p. 1.

<sup>(9)</sup> OJ No. L361, 29.12.88, p. 13.

- (b) there shall be substituted for the phrase beginning with “specified” and ending with “3(g)” the phrase “of ewes by which the size of the beneficiary’s flock has to be reduced in consequence of the undertaking given by him under regulation 3(h)”.
- (9) The following paragraphs shall be inserted after paragraph (2) of regulation 8—
- “(2A) In the case where bracken control is required to be undertaken in any given year of an extensification period under a management plan agreed in accordance with regulation 3(d) the beneficiary shall be further reimbursed in respect of each act of bracken control undertaken in any such year in accordance with that plan—
- (a) (where the bracken is controlled by chemical means) by a one-off payment of £50, plus a further one-off payment of—
- (i) £70 for each entire hectare of bracken controlled by those means, and
- (ii) (in respect of each part of a hectare of bracken so controlled) such portion of £70 as is proportionate to that part;
- (b) (where the bracken is controlled by mechanical means and the area of bracken so controlled is greater than 1 hectare) by a one-off payment of—
- (i) £30 for each entire hectare of bracken controlled by those means, and
- (ii) (in respect of each part of a hectare of bracken so controlled) such portion of £30 as is proportionate to that part; or
- (c) (where the bracken is controlled by mechanical means and the area of bracken so controlled is 1 hectare or less) by a one-off payment of £80, plus a further one-off payment of—
- (i) £30 where the area of bracken controlled by those means is precisely 1 hectare, and
- (ii) (where the area of bracken so controlled is less than 1 hectare) such portion of £30 as is proportionate to the area of bracken controlled by mechanical means, up to the maximum per hectare of the area of bracken so controlled specified in the second indent of Article 4(2) of Council Regulation 2078/92, converted into sterling at the agricultural conversion rate (as determined in accordance with Council Regulation 3813/92) applicable on the first day of the year of the extensification period in which the work concerned is undertaken<sup>(10)</sup>.
- (2B) In the case where the provision of temporary fencing with a view to the protection of an area suitable for the regeneration of heather from grazing by sheep is required to be undertaken in any given year of an extensification period under a management plan agreed in accordance with regulation 3(d) the beneficiary shall be further reimbursed in respect of each entire metre of fencing provided in any such year in accordance with that plan by a one-off payment of £1.20, up to the maximum per hectare of the area protected as aforesaid specified in the second indent of Article 4(2) of Council Regulation 2078/92, converted into sterling at the agricultural conversion rate (as determined in accordance with Council Regulation 3813/92) applicable on the first day of the year of the extensification period in which the fencing is provided.
- (2C) In this regulation—
- (a) “Council Regulation 2078/92” means Council Regulation [\(EEC\) No. 2078/92](#) on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside<sup>(11)</sup>;

<sup>(10)</sup> For the operative date for conversion into sterling, see Article 11 of Commission Regulation [\(EEC\) No. 1068/93](#) (OJ No. L108, 1.5.93, p. 106).

<sup>(11)</sup> OJ No. L215, 30.7.92, p. 85, as last amended by Commission Regulation [\(EC\) No. 2772/95](#) (OJ No. L288, 1.12.95, p. 35).

- (b) “Council Regulation 3813/92” means 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(12).”.
- (10) Paragraph (3) of regulation 8 shall be revoked.
- (11) The following paragraph shall be inserted after paragraph (4) of regulation 8—
- “(5) Where an undertaking given under regulation 3(a) relates to common land no payment shall be made to a person under paragraph (2) if any reduction in the number of ewes kept on his holding in order to enable him to comply with that undertaking arises out of the actions of any person who—
- (a) has a right to use that land for the purpose of grazing ewes or relevant livestock by virtue of any right of common; and
- (b) is not a party to an equivalent undertaking given in relation to that land.”.
- (12) In regulation 9 (obligation to permit entry and inspection)—
- (a) the word “verifying” shall be revoked and that word inserted at the beginning of each of sub-paragraphs (a) and (b) of paragraph (1);
- (b) the word “and” at the end of paragraph (1)(a) shall be revoked;
- (c) the phrase “obligations; and” shall be substituted for the phrase “obligations.” in paragraph (1)(b);
- (d) the following sub-paragraph shall be inserted after paragraph (1)(b)—
- “(c) monitoring the effectiveness of the arrangements for which these Regulations provide.”; and
- (e) the following paragraph shall be inserted after paragraph (2)—
- “(3) In this regulation, “land” and “building” respectively do not include any land or as the case may be building used only as a dwelling.”.

13th September 1996

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

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(12) OJ No. L387, 31.12.92, p. 1, as last amended by Council Regulation (EC) No. 150/95 (OJ No. L22, 31.1.95, p. 1); “agricultural conversion rate” is defined in Article 1(c).

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## EXPLANATORY NOTE

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

1. These Regulations make a number of amendments to the Moorland (Livestock Extensification) Regulations 1995 (S.I. [1995/904](#)). Like those 1995 Regulations, these Regulations extend to England only.

2. S.I. [1995/904](#) was the means whereby the zonal programme referred to in Article 3 of Council Regulation (EEC) No. [2078/92](#) and covering the aid Scheme referred to in Article 2(1)(c) of that Regulation was implemented as respects England. That zonal programme was agreed by Commission Decision No. C(94) 2951 of 9th December 1994.

3. These Regulations—

- (a) amend the definition of “compensatory allowance” in regulation 2(1) of S.I. [1995/904](#) (“the principal Regulations”) [ *regulation 2(2)(a)*];
- (b) amend the definition of “ewe” in regulation 2(1) of the principal Regulations ( *regulation 2(2)(b)*);
- (c) insert definitions of “lowland flock” and “qualified flock” into regulation 2(1) of the principal Regulations ( *regulation 2(2)(c) and (d)*);
- (d) revoke the definition of “qualifying date” in regulation 2(1) of the principal Regulations ( *regulation 2(2)(e)*);
- (e) amend the definition of “Sheep Pilot Extensification Scheme” in regulation 2(1) of the principal Regulations ( *regulation 2(2)(f)*);
- (f) insert a provision (new regulation 2(5)) into the principal Regulations relating to the recital of references to Community instruments ( *regulation 2(3)*);
- (g) make changes to the undertakings an applicant is required to give to the Minister before he may be granted payments of aid under the principal Regulations ( *regulation 2(4)*);
- (h) correct a number of typographical errors appearing in the principal Regulations ( *regulation 2(5), (6) and (7)*);
- (i) increase the amount of the yearly payment that may be made to a successful applicant for aid under the principal Regulations and change the mechanism for calculating it ( *regulation 2(8)*);
- (j) permit aid to be paid under the principal Regulations in respect of bracken control and temporary fencing ( *regulation 2(9)*);
- (k) delete regulation 8(3) of the principal Regulations ( *regulation 2(10)*);
- (l) impose conditions relating to the payment of aid under the principal Regulations on persons who graze ewes on common land ( *regulation 2(11)*);
- (m) amend the conditions now appearing in the principal Regulations which govern the policing of compliance with the Scheme rules ( *regulation 2(12)*).

4. No compliance cost assessment has been prepared in respect of these Regulations.