

## SCHEDULE 5

Regulation 9

### Holdings Situated Partly Outside England

#### Agency arrangements

1. For holdings situated partly in Scotland, the Secretary of State and the Scottish Ministers may arrange for—

- (a) the Secretary of State's functions under these Regulations to be exercised on the Secretary of State's behalf by the Scottish Ministers, and
- (b) the Scottish Ministers' functions under any regulations made by them in implementation of Article 36(a)(i) or (ii) of Council Regulation 1698/2005 or Chapter V of Title II of Council Regulation 1257/1999 to be exercised on their behalf by the Secretary of State.

#### Commencement Information

**I1** Sch. 5 para. 1 in force at 24.2.2010, see [reg. 1\(b\)](#)

2. For holdings situated partly in Wales, the Secretary of State and the Welsh Ministers may arrange for—

- (a) the Secretary of State's functions under these Regulations to be exercised on the Secretary of State's behalf by the Welsh Ministers, and
- (b) the Welsh Ministers' functions under any regulations made by them in implementation of Article 36(a)(i) or (ii) of Council Regulation 1698/2005 or Chapter V of Title II of Council Regulation 1257/1999 to be exercised on their behalf by the Secretary of State.

#### Commencement Information

**I2** Sch. 5 para. 2 in force at 24.2.2010, see [reg. 1\(b\)](#)

3. For holdings situated partly in Northern Ireland, the Secretary of State and the Department of Agriculture and Rural Development may arrange for—

- (a) the Secretary of State's functions under these Regulations to be exercised on the Secretary of State's behalf by the Department of Agriculture and Rural Development, and
- (b) the functions of the Department of Agriculture and Rural Development under any regulations made by it in implementation of Article 36(a)(i) or (ii) of Council Regulation 1698/2005 or Chapter V of Title II of Council Regulation 1257/1999 to be exercised on its behalf by the Secretary of State.

#### Commencement Information

**I3** Sch. 5 para. 3 in force at 24.2.2010, see [reg. 1\(b\)](#)

4. An arrangement made under paragraph 1, 2 or 3—

- (a) must be in writing, signed by or on behalf of the Secretary of State and either the Scottish Ministers, the Welsh Ministers or the Department of Agriculture and Rural Development (as appropriate), and
- (b) may be subject to conditions (including conditions as to costs).

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Hill Farm Allowance Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Commencement Information

**I4** Sch. 5 para. 4 in force at 24.2.2010, see [reg. 1\(b\)](#)

#### Commencement Information

**I1** Sch. 5 para. 1 in force at 24.2.2010, see [reg. 1\(b\)](#)

**I2** Sch. 5 para. 2 in force at 24.2.2010, see [reg. 1\(b\)](#)

**I3** Sch. 5 para. 3 in force at 24.2.2010, see [reg. 1\(b\)](#)

**I4** Sch. 5 para. 4 in force at 24.2.2010, see [reg. 1\(b\)](#)

### Set-off

**5.** In relation to a holding situated partly outside England, the amount of any sum payable by the Secretary of State by way of hill farm allowance or related less favoured area allowance, whether as principal or on behalf of any other competent authority, may, without prejudice to the amount of any sum payable by the Secretary of State to any other competent authority, be set off against the amount of any sum recoverable from the claimant by the Secretary of State, whether as principal or on behalf of such other competent authority.

#### Commencement Information

**I5** Sch. 5 para. 5 in force at 24.2.2010, see [reg. 1\(b\)](#)

### Apportionment of livestock units

**6.** Where a holding in respect of which a claim has been made is situated partly outside England, the number of livestock units taken to be grazed on that part of the holding situated in England is calculated as follows—

$$N = (TLU \times X) \div Y$$

where—

“X” is the claimed forage area in hectares of that part of the holding situated in England;

“Y” is the total claimed forage area in hectares of that holding;

“TLU” is the total number of livestock units grazed on that holding; and

“N” is the number of livestock units taken to be grazed on that part of the holding situated in England.

#### Commencement Information

**I6** Sch. 5 para. 6 in force at 24.2.2010, see [reg. 1\(b\)](#)

### Apportionment of individual quota

**7.** Where a holding in respect of which a claim has been made is situated partly outside England, the individual quota which is treated as available to a claimant in relation to the claimant’s land in England is calculated as follows—

$$IQ = (TIQ \times X) \div Y$$

where—

- “X” is the claimed forage area in hectares of that part of the holding situated in England;
- “Y” is the total claimed forage area in hectares of that holding;
- “TIQ” is the total individual quota available to the claimant in respect of that holding; and
- “IQ” is the individual quota which is treated as available in respect of that part of the holding situated in England.

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**Commencement Information**

**17** Sch. 5 para. 7 in force at 24.2.2010, see [reg. 1\(b\)](#)

**Apportionment of area of land used for the purposes of agriculture**

**8.** Where a holding in respect of which a claim has been made is situated partly outside England, the area of land which must be used for the purposes of agriculture under regulation 6(4) is reduced by a percentage equal to the percentage of the land which is outside England.

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**Commencement Information**

**18** Sch. 5 para. 8 in force at 24.2.2010, see [reg. 1\(b\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations revoked by [2023 c. 28 Sch. 1 Pt. 1](#)