

### SCHEDULE 3

Regulation 13A(4)

#### AMOUNTS OF QUOTA TO BE ALLOCATED FROM THE NATIONAL RESERVES

1.—(1) In the case of a successful application for an allocation of quota from the appropriate national reserve by a person falling within category 1 or category I the amount of quota allocated to him shall, subject to sub-paragraphs (2) and (3) of this paragraph, be equivalent to the difference between the number of animals in respect of which he received sheep annual premium or as the case may be suckler cow premium in the relevant year and the number of animals in respect of which he received that premium in the marketing or as the case may be calendar year before his participation in the relevant scheme specified in that category began or he became a party to the relevant agreement specified therein.

(2) Notwithstanding sub-paragraph (1) of this paragraph, where Article 5a(2) of Council Regulation 3013/89 applies in the case of a sheep producer falling within category 1 or category I, the reference in that sub-paragraph to “the relevant year” shall be construed as a reference to the most recent marketing year (as defined by Article 3(a) of Commission Regulation 3567/92) in which he participated in the relevant scheme specified in that category or in which he was a party to the relevant agreement specified therein.

(3) Notwithstanding sub-paragraph (1) of this paragraph, where Article 4d(3) of Council Regulation 805/68 applies in the case of a suckler cow producer falling within category 1 or category I, the reference in that sub-paragraph to “the relevant year” shall be construed as a reference to the nearest reference year (as defined by Article 28(a) of Commission Regulation 3886/92) in which he participated in the relevant scheme specified in that category or in which he was a party to the relevant agreement specified therein.

2. In the case of a successful application for an allocation of quota from the national reserve for 1993—

- (a) by a person (being a sheep producer) falling within category 2, group (a), the amount of quota allocated to him shall be the average of the numbers of sheep in respect of which he received sheep annual premium in the 1990 and 1992 marketing years; or
- (b) by a person (being a suckler cow producer) falling within category 2, group (a), the amount of quota allocated to him shall be the average of the numbers of suckler cows in respect of which he received suckler cow premium in the 1990 and 1991 calendar years.

3. In the case of a successful application for an allocation of quota from the national reserve for 1993 by a person (being a sheep producer) falling within category 2, group (b), the amount of quota allocated to him shall correspond with the number of sheep in respect of which he received sheep annual premium in the 1991 marketing year.

4. In the case of a successful application for an allocation of quota from the national reserve for 1993—

- (a) by a person (being a sheep producer) falling within category 2, group (c), the amount of quota allocated to him shall be the average of the numbers of sheep in respect of which he received sheep annual premium in the 1988, 1989 and 1990 marketing years; or
- (b) by a person (being a suckler cow producer) falling within category 2, group (c), the amount of quota allocated to him shall be the average of the numbers of suckler cows in respect of which he received suckler cow premium in the 1989, 1990 and 1991 calendar years.

5. In the case of a successful application for an allocation of quota from the national reserve for 1993 by a person (being a sheep producer) falling within category 2, group (d), the amount of quota allocated to him shall be the difference between the number of sheep in respect of which he received sheep annual premium in the 1992 marketing year and the quota allocated to him under the second

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

paragraph of Article 12(1) of Commission Regulation 3567/92 and (where appropriate) under the second paragraph of Article 2(2) of that Commission Regulation.

6.—(1) In the case of a successful application for an allocation of quota from the appropriate national reserve by a person falling within category 3, group (a), or category II (but subject to sub-paragraph (2) of this paragraph)—

- (a) where a single producer takes over the whole of the land from which the quota has been removed, the amount of quota allocated to that producer shall correspond with the amount of quota acquired by the departing tenant or sharefarmer in respect of that land under the Community legislation other than by way of lease or transfer;
- (b) where a single producer takes over part only of the land from which the quota has been removed, the amount of quota allocated to that producer shall equal

$$A \times \frac{B}{C}$$

where A is the quota acquired as aforesaid, B is the available forage hectarage of that part and C is the available forage hectarage of that land;

- (c) where a number of producers simultaneously take over the whole of the land from which the quota has been removed—
  - (i) the total amount of quota allocated to those producers shall correspond with the amount of quota acquired by the departing tenant or sharefarmer in respect of that land under the Community legislation other than by way of lease or transfer, and
  - (ii) the amount of quota allocated to each producer shall
    - (aa) where the producers concerned farm the land as a single holding, be that agreed between them or if there is no such agreement such amount as gives each producer an equal allocation of quota units with any surplus being carried forward for distribution from the following national reserve, or
    - (bb) where the producers concerned farm the land individually in separate holdings, be calculated by reference to the available forage hectarage of his holding; and
- (d) where a number of producers simultaneously take over part only of the land from which the quota has been removed—
  - (i) the total amount of quota allocated to those producers shall equal

$$A \times \frac{B}{C}$$

where A is the quota acquired as specified in paragraph (c)(i) of this sub-paragraph, B is the available forage hectarage of that part and C is the available forage hectarage of that land, and

- (i) the amount of quota allocated to each producer shall
  - (aa) where the producers concerned farm the land taken over as a single holding, be that agreed between them or if there is no such agreement such amount as gives each producer an equal allocation of quota units with any surplus being carried forward for distribution from the following national reserve, or
  - (bb) where the producers concerned farm the land taken over individually in separate holdings, be calculated by reference to the available forage hectarage of his holding.

(2) Notwithstanding sub-paragraph (1) of this paragraph, where the departing tenant or sharefarmer's holding comprised both the land from which quota had been removed and other

production units the total amount of quota available for allocation to the producer taking over the land from which quota had been removed shall be that specified in the relevant tenancy or sharefarming agreement or (where that information is not available) shall equal

$$A \times \frac{B}{C}$$

where A is the amount of quota acquired by that tenant or sharefarmer other than by way of lease or transfer, B is the available forage hectareage of that land and C is the available forage hectareage of that holding.

(3) Where there is insufficient quota to satisfy a successful application for an allocation of quota from the national reserve for 1993 by a person falling within category 3, group (a), that person shall be deemed to have applied to the following national reserve for that shortfall in quota to be met as if he were a person falling within category II.

7. In the case of a successful application for an allocation of quota from the appropriate national reserve—

- (a) by any person falling within category 3, group (b), the amount of quota allocated to him shall correspond with the number of sheep in respect of which he claimed sheep annual premium in the 1993 marketing year or as the case may be the number of suckler cows in respect of which he claimed suckler cow premium in the 1993 calendar year; or
- (b) by any person falling within category VI, group (a), the amount of quota allocated to him shall correspond with the number of sheep or as the case may be suckler cows in respect of which intends to make the relevant application specified in that category.

8. In the case of a successful application for an allocation of quota from the national reserve for 1993 by a person falling within category 3, group (c), the amount of quota allocated to him shall correspond with the number of sheep or as the case may be suckler cows a commitment to acquire which has been made in the relevant investment plan, provided that where that plan extends beyond 1995, the amount of quota allocated to the producer shall correspond with the number of sheep or as the case may be suckler cows specified in the plan concerned as committed for acquisition by 31st December 1995.

9. In the case of a successful application for an allocation of quota from the appropriate national reserve by a person falling within category 4 or category III, group (a), the amount of quota allocated to him shall be determined—

- (a) where the producer has made any Environmentally Sensitive Area Scheme agreement under section 18 of the Agriculture Act 1986 or article 3 of the Agriculture (Environmental Areas) (Northern Ireland) Order 1987 or entered into any Nitrate Sensitive Area Scheme agreement under section 112 of the Water Act 1989 or section 31B of the Control of Pollution Act 1974, by the Minister with responsibility for the part of the United Kingdom in which that person's holding is situated;
- (b) where the producer is participating in the Countryside Stewardship Scheme in England or Tir Cymen in Wales (established in each case under section 4 of the Countryside Act 1968) or a development project or scheme established under section 5 of the Natural Heritage (Scotland) Act 1991, by the Minister with responsibility for the part of the United Kingdom in which that person's holding is situated after that Minister has taken into account a recommendation made by the body responsible for accepting his application to join the scheme concerned; or
- (c) where the producer has entered into or as the case may be made—
  - (i) any Wildlife Enhancement Scheme management agreement under section 15 of the Countryside Act 1968,

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (ii) any management agreement concerning a Site of Special Scientific Interest under the said section 15,
- (iii) any management agreement concerning land adjacent to a Site of Special Scientific Interest under the said section 15,
- (iv) any management agreement concerning a National Nature Reserve under section 16 of the National Parks and Access to the Countryside Act 1949, or
- (v) any management agreement under section 39 of the Wildlife and Countryside Act 1981, section 49A of the Countryside (Scotland) Act 1967 or article 9 of the Nature (Conservation and Amenity Lands) (Northern Ireland) Order 1985,

by the Minister with responsibility for the part of the United Kingdom in which that person's holding is situated after that Minister has taken into account a recommendation made by the body responsible for accepting his application to enter into or make the agreement concerned,

so as to ensure that he receives such amount of quota as corresponds with the number of sheep or as the case may be suckler cows which is necessary to ensure that the requirements of the appropriate scheme or agreement are fulfilled.

**10.** In the case of a successful application for an allocation of quota from the appropriate national reserve by a person falling within category 5 or category V the amount of quota allocated to him shall correspond with the number of additional sheep or as the case may be suckler cows as are specified in the relevant approved plan.

**11.** In the case of a successful application for an allocation of quota from the appropriate national reserve by a person falling within category 6 or category VI, group (b), the amount of quota allocated to that producer shall correspond with the number of sheep or as the case may be suckler cows which in the opinion of the Minister to whom the application was made his holding can support.

**12.** In the case of a successful application for an allocation of quota from the national reserve for 1993 by a person falling within category 7, the amount of quota allocated to him shall be the average of the numbers of animals in respect of which he received sheep annual or suckler cow premium in the most recent group of 2 marketing or as the case may be calendar years.

**13.** In the case of a successful application for an allocation of quota from the national reserve for any given year later than 1993 by a person falling within category III, group (b), or category IV the amount of quota allocated to that person shall be calculated by reference to the amount of quota reasonably specified in his application.