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STATUTORY INSTRUMENTS

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**1995 No. 3096 (S.227)**

**AGRICULTURE**

**The Environmentally Sensitive Areas (Breadalbane)  
Designation (Amendment) Order 1995**

*Made* - - - - *28th November 1995*  
*Laid before Parliament* *30th November 1995*  
*Coming into force* - - *21st December 1995*

The Secretary of State, in exercise of the powers conferred on him by section 18(1), (4) and (11) of the Agriculture Act 1986<sup>(1)</sup> and of all other powers enabling him in that behalf, with the consent of the Treasury, hereby makes the following Order:

1. This Order may be cited as the Environmentally Sensitive Areas (Breadalbane) Designation (Amendment) Order 1995 and shall come into force on 21st December 1995.

2.—(1) The Environmentally Sensitive Areas (Breadalbane) Designation Order 1992<sup>(2)</sup> shall be amended in accordance with the following provisions of this article.

(2) In article 2(1)—

- (a) the definition of “enclosed land” shall be omitted; and
- (b) the following definition shall be inserted in the appropriate place:—

““inbye land” means that part of a farm not comprising the hill and rough grazings, the bulk of which is used for arable and grassland production;”.

(3) In article 6, for the word “enclosed” there shall be substituted the word “inbye”.

(4) For article 7 there shall be substituted the following:—

“7. Where an agreement identifies expenditure required to undertake additional farming operations specified in paragraph 10(b) of the Schedule to this Order, the Secretary of State shall make additional payments for each 5 year farm conservation plan according to the farming operations to be carried out. Such payments shall be at a rate to be determined by the Secretary of State—

- (a) in the case of an agreement entered into on or after 21st December 1995, up to a maximum of £25,000 for each 5 year farm conservation plan; and

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(1) 1986 c. 49; section 18(4) was amended by S.I.1994/249.

(2) S.I. 1992/1920; amended by S.I. 1992/2063 and 1994/3067.

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*Status: This is the original version (as it was originally made).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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- (b) in the case of an agreement entered into before that date, up to a maximum of the amount calculated by multiplying the number of remaining whole 12 month periods of the 5 year farm conservation plan by the figure of £5,000.”.
- (5) In the Schedule—
- (a) in paragraph 5 the words “undertake to” shall be omitted; and
- (b) in paragraph 10 for the words “The farm conservation plan will relate to the first 5 year period of the Scheme” there shall be substituted the words “Each farm conservation plan will cover a 5 year period of the agreement”.

St Andrew’s House,  
Edinburgh  
27th November 1995

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

We consent,

28th November 1995

*Derek Conway*  
*Simon Burns*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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## EXPLANATORY NOTE

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

This Order amends the Environmentally Sensitive Areas (Breadalbane) Designation Order 1992 to increase the ceiling on payments made to persons who undertake additional farming operations as specified in paragraph 10(b) of the Schedule to that Order. The limit of £4,000 per annum is increased to an overall 5 year limit of £25,000 per farm conservation plan included in an agreement entered into on or after this Order comes into force and to a proportional part thereof for each remaining whole year of implementation of a farm conservation plan included in an agreement entered into before this Order came into force (article 2(4)).

The Order also substitutes for the definition of “enclosed” land a definition of “inbye land” (article 2(2)) and makes minor drafting changes (article 2(5)).