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STATUTORY INSTRUMENTS

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**1996 No. 1963 (S.159)**

**AGRICULTURE**

**The Environmentally Sensitive Areas (Cairngorms Straths) Designation (Amendment) Order 1996**

<i>Made</i>	- - - -	<i>22nd July 1996</i>
<i>Laid before Parliament</i>		<i>25th July 1996</i>
<i>Coming into force</i>	- -	<i>15th August 1996</i>

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:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Environmentally Sensitive Areas (Cairngorms Straths) Designation (Amendment) Order 1996 and shall come into force on 15th August 1996.

(2) In this Order—

“the principal Order” means the Environmentally Sensitive Areas (Cairngorms Straths) Designation Order 1993<sup>(2)</sup>.

**Amendment of the principal Order**

2. In article 2(1) of the principal Order (interpretation)—

(a) the definition of “enclosed land” shall be omitted;

(b) after the definition of “herb rich unimproved grassland” there shall be inserted—

““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;”; and

(c) for the definition of “wetlands” there shall be substituted the following definition:—

““wetlands” means ground which does not constitute rough grazings and is saturated with water for a significant proportion of the year.”.

3. In article 6(1) of the principal Order (rates of payment under agreement) for the word “enclosed” there shall be substituted “inbye”.

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

(2) S.I. 1993/2345, amended by S.I. 1994/3067.

4. In article 7 of the principal Order (payments for additional farming operations) for the words “Such payments” to the end there shall be substituted—

“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 15th August 1996, up to a maximum rate of £35,000 for each 5 year conservation plan; and
- (b) in the case of an agreement entered into before that date—
  - (i) for the year of the 5 year conservation plan included in such agreement which commenced but which had not ended before that date, up to a maximum rate of £130 per annum for each hectare of land to which the agreement relates, or at the rate of £4,000 per annum per individual farm business, whichever is the lowest; and
  - (ii) for the whole years or remaining whole years of such 5 year conservation plan, up to a maximum rate calculated by multiplying £7,000 by the number of those whole years or remaining whole years.”.

5. In paragraph 10 of the Schedule to the principal Order (requirements to be included in an agreement) for the word “Scheme” there shall be substituted the word “agreement”.

St Andrew’s House,  
Edinburgh  
18th July 1996

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

We consent,

22nd July 1996

*Liam Fox*  
*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 (Cairngorms Straths) Designation Order 1993 (“the principal Order”).

The Order—

- (a) substitutes for the reference in the principal Order to “enclosed land” a reference to “inbye land”, provides a definition of “inbye land” and amends the definition of “wetlands” (articles 2 and 3);
- (b) amends the maximum rate of payments for expenditure identified in an agreement under section 18(3) of the Agriculture Act 1986 as required to undertake additional farming operations specified in the principal Order. For agreements entered into on or after 15th August 1996 there is substituted for the present maximum rate of £4,000 per annum per individual farm business a maximum rate of £35,000 for each 5 year conservation plan included in such agreement. Transitional provision is made for agreements in force on that date (article 4); and
- (c) makes a drafting amendment to the Schedule to the principal Order (article 5).