

SCHEDULE 1

Regulation 2

Notional Livestock Density

Commencement Information

II Sch. 1 in force at 24.2.2010, see [reg. 1\(b\)](#)

Notional livestock density is calculated as follows—

$$NLD = (A - B) \div C$$

where—

“A” is the number, expressed in livestock units, of relevant animals on the claimant’s qualifying forage area;

“B” is the number of livestock units grazed on so much of the claimant’s qualifying forage area as does not fall within a less favoured area (“non-LFA land”). For this purpose, any non-LFA land other than common land is treated as being grazed by 1.8 livestock units per hectare and any non-LFA land which is common land is treated as being grazed by 1.0 livestock units per hectare;

“C” is the area of the claimant’s disadvantaged land and severely disadvantaged land expressed in hectares;

“NLD” is the notional livestock density.

SCHEDULE 2

Regulation 2

Relevant Animals

Breeding cows

- 1.—(1) Subject to paragraph 3, a breeding cow is a relevant animal if—
- (a) it is declared in, or subsequently accepted by the Secretary of State as being included in, the claimant’s claim;
 - (b) it is of a meat breed, or is a crossbreed, or the offspring of a crossbreed;
 - (c) it is registered in accordance with Schedule 2 to the Cattle Identification Regulations 2007⁽¹⁾;
 - (d) throughout a period of six consecutive months starting on any date from 1st July 2009 to 31st December 2009 inclusive—
 - (i) it was part of a herd used for rearing calves for meat production only;
 - (ii) it was owned by, or leased under a written leasing agreement to, the claimant;
 - (iii) the claimant had economic responsibility for it; and
 - (iv) it was kept on the claimant’s holding.
- (2) The condition in sub-paragraph (1)(d)(iv) continues to be met if—
- (a) the breeding cow was replaced with another one during that six-month period;

⁽¹⁾ [S.I. 2007/529](#), to which there are amendments not relevant to these Regulations.

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- (b) the conditions in sub-paragraph (1)(a) to (d)(iii) are met in respect of that replacement; and
 - (c) that replacement was kept on the claimant's holding for the remainder of that period.
- (3) In this paragraph—
- (a) “crossbreed” means a bovine animal with at least one parent of a meat breed;
 - (b) “meat breed” means any bovine breed not listed in Annex IV to [Commission Regulation \(EC\) No 1121/2009](#) laying down detailed rules for the application of Council Regulation 73/2009 as regards the support schemes for farmers provided for in Titles IV and V thereof⁽²⁾.

Commencement Information

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

2.—(1) For the purposes of paragraph 1(1)(d)(iii), a claimant had economic responsibility for a breeding cow if, in relation to that cow, the claimant—

- (a) was its keeper;
- (b) made the final decisions regarding, and paid for, its feeding, bedding, housing and veterinary requirements; and
- (c) was in possession of its cattle passport.

(2) In sub-paragraph (1), “cattle passport” and “keeper” have the same meaning as in regulation 2(1) of the Cattle Identification Regulations 2007.

Commencement Information

I3 Sch. 2 para. 2 in force at 24.2.2010, see [reg. 1\(b\)](#)

3. Where—

- (a) the claimant's breeding cows which meet the conditions in paragraph 1(1) include heifers, and
- (b) the number of such heifers, expressed in livestock units, exceeds 40% of the total number of breeding cows, expressed in livestock units, which meet those conditions,

the number of heifers which are taken to be relevant animals are reduced so that they are no more than 40% of the total number of livestock units.

Commencement Information

I4 Sch. 2 para. 3 in force at 24.2.2010, see [reg. 1\(b\)](#)

Commencement Information

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

I3 Sch. 2 para. 2 in force at 24.2.2010, see [reg. 1\(b\)](#)

I4 Sch. 2 para. 3 in force at 24.2.2010, see [reg. 1\(b\)](#)

(2) OJ No L 316, 2.12.2009, p27.

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Ewes

4. A ewe is a relevant animal if—
- (a) it is declared in, or subsequently accepted by the Secretary of State as being included in, the claimant's claim;
 - (b) the requirements of articles 23, 24 and 26 of the Sheep and Goats (Records, Identification and Movement) (England) Order 2007⁽³⁾ (which relate to holding registers, movement documents and inventories) were complied with in relation to that ewe;
 - (c) it formed part of a flock kept on the holding for a consecutive period of 100 days starting on any day from 1st January 2009 to 22nd September 2009 inclusive; and
 - (d) it was, throughout that consecutive period, owned by, or leased under a written leasing agreement to, the claimant.

Commencement Information

I5 Sch. 2 para. 4 in force at 24.2.2010, see [reg. 1\(b\)](#)

SCHEDULE 3

Regulation 7(2)

Payment Rates per Hectare

Commencement Information

I6 Sch. 3 in force at 24.2.2010, see [reg. 1\(b\)](#)

<i>Column 1</i>	<i>Column 2 (For the first 350 hectares)</i>	<i>Column 3 (For the next 350 hectares)</i>
Severely disadvantaged land (other than moorland or common land)	£37.34	£18.67
Severely disadvantaged land (moorland or common land)	£14.14	£7.07

SCHEDULE 4

Regulation 8

Availability of Individual Quotas: Deductions from Claimed Forage Area

1. If an individual quota was available to a claimant on 1st April 2009, the claimed forage area is subject to the deductions specified in paragraph 4.

(3) [S.I. 2007/3493](#).

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Commencement Information

I7 Sch. 4 para. 1 in force at 24.2.2010, see [reg. 1\(b\)](#)

2. The deductions are calculated by reference to the number of livestock units deemed to constitute the dairy herd kept by the claimant on land in England (“the notional dairy herd”), determined in accordance with paragraph 3.

Commencement Information

I8 Sch. 4 para. 2 in force at 24.2.2010, see [reg. 1\(b\)](#)

3. The notional dairy herd is calculated as follows—

$$TLU = IQ \div 5730$$

where—

“IQ” is the individual quota (expressed in litres) available to the claimant in relation to the claimant’s land in England;

“TLU” is the number of livestock units in the notional dairy herd; and

“5730” is the number of litres of milk deemed to be equivalent to the annual production of one dairy cow.

Commencement Information

I9 Sch. 4 para. 3 in force at 24.2.2010, see [reg. 1\(b\)](#)

4. The deductions are made as follows—

(a) U hectares are deducted from A, where U is equal to the lesser of—

(i) $TLU \div 1.8$, and

(ii) A;

(b) if TLU is greater than 1.8U, V hectares are deducted from B, where V is equal to the lesser of—

(i) $TLU - 1.8U$, and

(ii) B;

(c) If TLU is greater than 1.8U + V, W hectares are deducted from C, where W is equal to the lesser of—

(i) $(TLU - (1.8U + V)) \div 1.4$, and

(ii) C;

(d) if TLU is greater than 1.8U + V + 1.4W, X hectares are deducted from D, where X is equal to the lesser of—

(i) $TLU - (1.8U + V + 1.4W)$, and

(ii) D;

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(e) If TLU is greater than $1.8U + V + 1.4W + X$, Y hectares are deducted from E, where Y is equal to the lesser of—

(i) $TLU - (1.8U + V + 1.4W + X)$, and

(ii) E;

(f) If TLU is greater than $1.8U + V + 1.4W + X + Y$, Z hectares are deducted from F, where Z is equal to the lesser of—

(i) $(TLU - (1.8U + V + 1.4W + X + Y)) \div 1.4$, and

(ii) F;

where—

“A” is the number of hectares of claimed forage area not within a less favoured area which is not common land;

“B” is the number of hectares of claimed forage area not within a less favoured area which is common land;

“C” is the number of hectares of claimed forage area within the disadvantaged land;

“D” is the number of hectares of claimed forage area within the disadvantaged land that is either Moorland or Common Land;

“E” is the number of hectares of claimed forage area within the severely disadvantaged land that is either Moorland or Common Land;

“F” is the number of hectares of claimed forage area within the severely disadvantaged land; and

“TLU” is the total number of livestock units in the notional dairy herd.

Commencement Information

I10 Sch. 4 para. 4 in force at 24.2.2010, see [reg. 1\(b\)](#)

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.

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Commencement Information

I11 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

I12 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

I13 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).

Commencement Information

I14 Sch. 5 para. 4 in force at 24.2.2010, see [reg. 1\(b\)](#)

Commencement Information

I11 Sch. 5 para. 1 in force at 24.2.2010, see [reg. 1\(b\)](#)

I12 Sch. 5 para. 2 in force at 24.2.2010, see [reg. 1\(b\)](#)

I13 Sch. 5 para. 3 in force at 24.2.2010, see [reg. 1\(b\)](#)

I14 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

I15 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

I16 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

I17 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.

Commencement Information

I18 Sch. 5 para. 8 in force at 24.2.2010, see [reg. 1\(b\)](#)

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Changes and effects yet to be applied to :

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