

## SCHEDULE 1

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 2011 to 31st December 2011 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;
  - (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 (EU) No 1121/2009 laying down detailed rules for the application of Council Regulation (EC) No 73/2009 as regards the support schemes for farmers provided for in Titles IV and V thereof (2).

#### Commencement Information

II Sch. 1 para. 1 in force at 13.2.2012, see [reg. 1\(1\)](#)

- 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.

(1) [S.I. 2007/529](#), as last amended by [S.I. 2011/881](#).

(2) [OJ No L 316, 2.12.2009, p27](#), last amended by Commission Regulation (EU) No 1368/2011 ([OJ No L 341, 22.12.2011, p33](#)).

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**Commencement Information**

**I2** Sch. 1 para. 2 in force at 13.2.2012, see [reg. 1\(1\)](#)

**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 which meet those conditions,

the number of heifers which are relevant animals is reduced so that no more than 40%, expressed in livestock units, of the claimant’s breeding cows which are relevant animals are heifers.

**Commencement Information**

**I3** Sch. 1 para. 3 in force at 13.2.2012, see [reg. 1\(1\)](#)

**Commencement Information**

**I1** Sch. 1 para. 1 in force at 13.2.2012, see [reg. 1\(1\)](#)

**I2** Sch. 1 para. 2 in force at 13.2.2012, see [reg. 1\(1\)](#)

**I3** Sch. 1 para. 3 in force at 13.2.2012, see [reg. 1\(1\)](#)

**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 21, 22 and 24 of the Sheep and Goats (Records, Identification and Movement) (England) Order 2009<sup>(3)</sup> (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 2011 to 22nd September 2011 inclusive; and
- (d) it was, throughout that period, owned by, or leased under a written agreement to, the claimant.

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 13.2.2012, see [reg. 1\(1\)](#)

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(3) [S.I. 2009/3219](#).

## SCHEDULE 2

Regulation 8

### Availability of Individual Quotas: Deductions from Claimed Forage Area

1. If an individual quota was available to a claimant on 31st March 2011, the claimed forage area is subject to the deductions specified in paragraph 4.

#### Commencement Information

**I5** Sch. 2 para. 1 in force at 13.2.2012, see [reg. 1\(1\)](#)

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

**I6** Sch. 2 para. 2 in force at 13.2.2012, see [reg. 1\(1\)](#)

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

**I7** Sch. 2 para. 3 in force at 13.2.2012, see [reg. 1\(1\)](#)

4. The deductions are made as follows—

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

(i)  $TLU \div 1.8$ , and

(ii) A;

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

(i)  $TLU - 1.8S$ , and

(ii) B;

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

(i)  $(TLU - (1.8S + T)) \div 1.4$ , and

(ii) C;

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

(i)  $TLU - (1.8S + T + 1.4U)$ , and

(ii) D;

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

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

(ii) E;

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

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

(ii) F;

(g) if TLU is greater than  $1.8S + T + 1.4U + V + 1.4W + X$ , Y hectares are deducted from G, where Y is equal to the lesser of—

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

(ii) G;

(h) if TLU is greater than  $1.8S + T + 1.4U + V + 1.4W + X + Y$ , Z hectares are deducted from H, where Z is equal to the lesser of—

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

(ii) H;

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 not subject to an ESA Agreement or CSS Agreement in respect of any part that area;

“F” is the number of hectares of claimed forage area within the severely disadvantaged land that is either moorland or common land and that is not subject to an ESA Agreement or CSS Agreement in respect of any part of that area;

“G” is the number of hectares of claimed forage area within the severely disadvantaged land that is either moorland or common land and that is subject to an ESA Agreement or CSS Agreement in respect of any part of that area;

“H” is the number of hectares of claimed forage area within the severely disadvantaged land that is subject to an ESA Agreement or CSS Agreement in respect of any part of that area; and

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

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**Commencement Information**

**I8** Sch. 2 para. 4 in force at 13.2.2012, see [reg. 1\(1\)](#)

5. 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**

**I9** Sch. 2 para. 5 in force at 13.2.2012, see [reg. 1\(1\)](#)

6. In this Schedule—

(a) “disadvantaged land” (except in the expression “severely disadvantaged land”) means any area of land shown coloured blue on the England LFA maps;

(b) “livestock unit” means a unit of measurement of livestock numbers, and each of the following constitutes a single livestock unit—

(i) one suckler cow,

(ii) one heifer aged 24 months or over,

(iii) 1.67 heifers under the age of 24 months, and

(iv) 6.67 ewes.

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**Commencement Information**

**I10** Sch. 2 para. 6 in force at 13.2.2012, see [reg. 1\(1\)](#)

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

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