
WELSH STATUTORY INSTRUMENTS

2001 No. 643 (W. 32)

AGRICULTURE, WALES

The Pig Industry Restructuring Grant (Wales) Scheme 2001

Made - - - - 28th February 2001

Coming into force - - 1st March 2001

The National Assembly for Wales, in exercise of the powers conferred on it by section 1 of the Farm Land and Rural Development Act 1988(1) and sections 28 and 29 of the Agriculture Act 1970(2) makes the following Scheme:

Title, application and commencement

1. This Scheme may be cited as the Pig Industry Restructuring Grant (Wales) Scheme 2001, shall apply to Wales and shall come into force on 1st March 2001.

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires—

“bank” (“*banc*”) means

- (i) any institution for the time being authorised under the Banking Act 1987(3);
- (ii) any person for the time being specified in any of the paragraphs 2 to 10 of Schedule 2 to that Act (exempt persons),
- (iii) any person for the time being entitled by virtue of the Banking Coordination (Second Council Directive) Regulations 1992(4) to accept deposits (within the meaning of the Act) in the United Kingdom;

“business plan” (“*cynllun busnes*”) means a detailed plan setting out the objectives of the business, the strategy and tactics to achieve those objectives, estimates as to the financial and other circumstances of the business in the event the objectives are achieved and the investment required to achieve those objectives;

(1) 1988 c. 16. All functions of a Minister of the Crown under this Act, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(2) 1970 c. 40; section 28(1) defines “the appropriate authority” and “the appropriate Minister”. All functions of a Minister of the Crown under section 28 and 29, in so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) 1987 c. 22.

(4) S.I. 1992/3218.

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales; and

“pig production” (“*cynhyrchu moch*”) means any form of pig production including breeding, rearing and finishing.

(2) In this Scheme, any reference to—

- (a) a numbered paragraph is a reference to the paragraph in this Scheme so numbered;
- (b) a numbered sub-paragraph (with no corresponding reference to a specific paragraph) is a reference to the sub-paragraph so numbered in the paragraph in which the reference appears.

Payment and amounts of grants

3.—(1) Subject to the following provisions of this Scheme, the National Assembly may make to any eligible person a grant towards expenditure incurred in servicing the relevant part of a qualifying loan.

(2) For the purposes of this Scheme a qualifying loan is a loan which has been, or is to be, obtained from a bank for the purpose of implementing a business plan for the restructuring of a pig production business.

(3) For the purposes of this scheme the relevant part of a qualifying loan, in the case of expenditure which appears to the National Assembly to be of a capital nature or incurred in connection with expenditure of a capital nature, is that part of the loan which—

- (a) has been or is to be incurred for the purposes of, or in connection with the carrying on of a pig production business; and
- (b) is approved by the National Assembly for the purposes of a grant under this Scheme .

(4) For the purposes of this Scheme the relevant part of a qualifying loan, in the case of expenditure which appears to the National Assembly to be neither expenditure of a capital nature nor expenditure incurred in connection with expenditure of a capital nature, is that part of the qualifying loan which has been or is to be incurred for the purposes of, in connection with or in connection with any proposals for, restructuring by—

- (a) the establishment or expansion of a farm business ancillary to a pig production business and relating to the products of pig production;
- (b) the promotion of a farm business ancillary to a pig production business and relating to the products of pig production; or
- (c) the marketing of anything produced or supplied in the course of a farm business ancillary to a pig production business and relating to the products of pig production.

(5) Where a loan has been incurred partly for the purposes of or in connection with the restructuring of a pig production business and partly for other purposes the National Assembly may for the purposes of a grant under this paragraph treat as a qualifying loan so much of that loan as appears to it to be referable to that restructuring.

(6) The National Assembly may make the payment of grant under sub-paragraph (1) above subject to such conditions as it may reasonably determine.

(7) No grant under this scheme shall exceed 5% of the qualifying loan (excluding accrued interest).

Eligible persons

4.—(1) The following persons shall be eligible for a grant under this Scheme—

- (a) an individual carrying on a business of pig production, to whom a qualifying loan has been or is to be made and who undertakes, if his or her application is successful, to pursue the objectives of his or her business plan;
- (b) a body carrying on a business of pig production, to which a qualifying loan has been or is to be made and on behalf of which a person duly authorised for the purpose undertakes, if the body's application is successful, to pursue the objectives of the business plan;
- (c) persons carrying on a business of pig production in partnership, to whom a qualifying loan has been or is to be made and on whose behalf the undertaking required of an individual by paragraph (a) above is given by a person duly authorised for that purpose.

Claims for grant

5. Any claims for grant under this Scheme shall be made in the form and manner and at the time the National Assembly may from time to time reasonably require, and the claimant for grant shall furnish all such particulars and information relating to the claim and copies of the documents and records relating thereto that the National Assembly may require.

Withholding or recovery of grant

6.—(1) The National Assembly may withhold the whole or any part of a grant payable under this Scheme or recover on demand an amount equal to the payment which has been made under this Scheme, or such part as it may specify, where it appears to it—

- (a) that any condition subject to which the grant is to be or has been paid is not being or has not been complied with;
- (b) that the eligible person gave information on any matter relevant to his or her eligibility for a grant under this Scheme, or the claim for payment, which is false or misleading in a material respect; or
- (c) that the eligible person has failed to comply with his or her undertaking to pursue the objectives of his or her business plan.

(2) Before withholding the whole or any part of a grant or recovering any amount equal to the payment which has been made or part of the payment which has been made under the provisions of paragraph (1) above, the National Assembly—

- (a) shall give to the person to whom a payment of grant would be payable, or from whom any such amount would be recoverable, a written notification of the reasons for the action proposed to be taken;
- (b) shall afford to that person the opportunity of appearing before and being heard by a person appointed for the purpose by the National Assembly; and
- (c) shall consider the report of a person so appointed and give a copy of it to the person mentioned in paragraph (a) of this paragraph.

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

28th February 2001

D Elis Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme applies to Wales only.

It makes provision for the payment of grants towards the cost of loans incurred in connection with:

- capital expenditure incurred for the purposes of, or in connection with the carrying on of a pig production business; and
- expenditure not of a capital nature incurred for the purposes of, or in connection with, the establishment or promotion of farm businesses which are ancillary to pig production businesses and relate to the products of pig production as part of the restructuring of a pig production business (paragraph 4).

Those persons eligible for grants under the Scheme are described in paragraph 4.

The Scheme provides that claims for grant shall be made in the form that the National Assembly for Wales may reasonably require (paragraph 5) and enables grant monies to be withheld or recovered in certain circumstances (paragraph 6).

No Regulatory Appraisal has been prepared in respect of this Scheme.