

1988 No. 265

## AGRICULTURE

## HORTICULTURE

**Agriculture Improvement (Amendment) Regulations  
(Northern Ireland) 1988***Made* . . . . . 21st July 1988*Coming into operation—**Regulations 1, 2(1), 3,  
4(a) and 5*

5th August 1988

*Remainder*

1st September 1988

The Department of Agriculture, being a department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Agriculture Improvement (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation—

(a) as to this regulation and regulations 2(1), 3, 4(a) and 5, on 5th August 1988,

(b) as to all other provisions, on 1st September 1988.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

*Saving*

2.—(1) Regulation 4(a) shall not apply to any work, facility or transaction included in an application received by the Department before 5th August 1988 for approval of an improvement plan or for a variation of an improvement plan approved for the purposes of the Agriculture Improvement Regulations (Northern Ireland) 1987(d) (“the principal Regulations”) or the Agriculture Improvement Regulations 1985(e) (“the 1985 Regulations”), or any claim

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(a) S.I. 1972/1811

(b) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253

(c) 1954 c. 33 (N.I.)

(d) S.R. 1987 No. 156 as amended by S.R. 1987 No. 452

(e) S.I. 1985/1266 which was revoked by S.R. 1987 No. 156 insofar as it formed part of the law of Northern Ireland

for grant towards expenditure incurred for the purposes of the principal Regulations or the 1985 Regulations before that date, and regulation 4(a) shall not affect the operation of the principal Regulations in relation to any such work, facility or transaction or claim for grant.

(2) Regulations 4(b) and 6 shall not apply in relation to any claim for grant received by the Department before 1st December 1988 which is in respect of expenditure incurred in relation to any work, facility or transaction of a kind specified in paragraph 9 or 10 in column 1 of the Schedule to the principal Regulations, provided that that work, facility or transaction was included in an application received by the Department before 1st September 1988 for approval of an improvement plan for the purposes of the principal Regulations or the 1985 Regulations or for variation of an improvement plan for the purposes of the principal Regulations or the 1985 Regulations.

#### *Amendment of principal regulations*

3. The principal Regulations shall be amended in accordance with regulations 4 to 6.

4. In regulation 6 thereof (restrictions on approval of improvement plans)—

(a) there shall be substituted for paragraph (3)(b)(i) the following sub-paragraph—

“(i) that expenditure is not in respect of any work, facility or transaction which is of a kind specified in paragraph 2(b) or 4(d) or (f) in column 1 of the Schedule or, if the expenditure is in respect of any such work, facility or transaction, the application for approval of the plan which includes that expenditure is received before 1st January 1991 and the Department is satisfied that the effect of the expenditure will not be to provide for an increase of more than 300 pig places on the land occupied for the purposes of the agricultural business to which the plan relates, and that after completion of the work, facility or transaction, the number of pig places on that land will not exceed 800, and”

(b) in paragraph (3)(g)(i) there shall be substituted for the words “the further sum of £86,000” the words “the further sum of £24,000”.

5. In regulation 12(2)(b) thereof (claims for grant) there shall be substituted for the words “on or before 30th November 1988” the words “on or before 30th November 1989”.

6. In the Schedule thereto (eligible works, facilities and transactions and rates of grant), in paragraph 10, columns 2 and 3, there shall be substituted for the existing figure the figure “45”.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 21st July 1988.

(L.S.)

*D. A. J. Hirrell*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Agriculture Improvement Regulations (Northern Ireland) 1987 ("the principal Regulations"), implementing in part the provisions of Council Regulation (EEC) No. 797/85 (O.J. No. L93, 30.3.85, p. 1), as amended by Council Regulation (EEC) No. 1137/88 (O.J. No. L108, 29.4.88, p. 1), on improving the efficiency of agricultural structures.

With effect from 1st September 1988, the Regulations reduce the grant rate for heated glasshouses from 50% to 45% and reduce the additional ceiling for expenditure in respect of heated glasshouses and glasshouse heating systems from £86,000 to £24,000 (regulations 4(b) and 6). With effect from 5th August 1988, the closing date for receipt of claims in respect of those items, at the reduced rates and ceiling, is extended from 30th November 1988 to 30th November 1989 (regulation 5).

An exception is, however, provided under which a claimant may still qualify for the previous higher rate in respect of heated glasshouses and previous ceiling in respect of heated glasshouses and glasshouse heating systems if—

- (a) he has submitted an application for approval or variation of an improvement plan including proposed expenditure in respect of those items before 1st September 1988; and
- (b) a claim for such expenditure is received by the Department of Agriculture for Northern Ireland before 1st December 1988 (regulation 2(2)).

In addition, the Regulations modify the restrictions on the approval of grant in connection with pig production enterprises in relation to any application for an improvement plan, or for a variation of such a plan, received on or after 5th August 1988, and to claims for grant towards expenditure incurred on or after that date (regulations 2(1) and 4(a)).