



Agriculture (Miscellaneous Provisions) Act 1968

1968 CHAPTER 34

PART V

MISCELLANEOUS AND GENERAL

Payments in respect of bacon, break crops and water supply

38 Stabilising and levy payments in respect of bacon.

- (1) If it appears to the Minister appropriate to make a scheme under this section for the purpose of avoiding undue fluctuations in income arising from carrying on the business of curing bacon in the United Kingdom or in any part of the United Kingdom mentioned in subsection (2) of this section, he may, with the approval of the Treasury, make a scheme providing for—
 - (a) the making by the Minister, in such circumstances as may be determined under the scheme, of payments to bacon curers in respect of bacon produced by them (hereafter in this section referred to as " stabilising payments "); and
 - (b) the making by bacon curers, in such circumstances as may be so determined, of payments to the Minister in respect of bacon produced by them (hereafter in this section referred to as " levy payments ").
- (2) A scheme under this section may be made for England and Wales, for Scotland, for Northern Ireland or for any two or all of those parts of the United Kingdom jointly; and in relation to a scheme made jointly for Scotland and any other part or parts of the United Kingdom, references to the Minister in subsection (1) of this section, except paragraphs (a) and (b), and in subsection (3)(i) of this section shall be construed as references to the Ministers and any other references to the Minister in subsections (1) and (3) of this section shall, if the scheme so provides, be construed as references to the Minister of Agriculture, Fisheries and Food.
- (3) Any such scheme may—

- (a) specify the considerations to which regard is to be had in determining the circumstances in which any stabilising payments or levy payments are to be made;
 - (b) enable the Minister to determine the rates, or the method of calculating the rates, of any such payments ;
 - (c) enable the Minister to determine which bodies and persons are to be treated as bacon curers for the purposes of the scheme and what categories of pigmeat are to be treated as bacon for those purposes;
 - (d) provide for the registration of bacon curers for the purposes of the scheme ;
 - (e) provide for the keeping and inspection of records and the furnishing of information for the purposes of the scheme;
 - (f) specify conditions subject to which stabilising payments may be made;
 - (g) enable the Minister to determine the times at which levy payments are to be made, and provide for the recovery of arrears of levy payments;
 - (h) enable the Minister to estimate the amount of any levy payments payable by a bacon curer who, in the opinion of the Minister, has failed to furnish any information necessary to enable that amount to be properly determined, and to treat the estimated amount as the amount of those payments ;
 - (i) contain provisions generally for securing that payments in pursuance of the scheme are properly made, and such incidental and supplemental provisions as the Minister considers expedient for the purposes of the scheme.
- (4) Different provision may be made by or under such a scheme with respect to bacon curers and bacon of such different categories as may be specified in or under the scheme.
- (5) A scheme under this section shall, unless previously revoked, cease to have effect on such date as may be specified in the scheme, not being later than the expiration of the period of three years beginning with the date on which the scheme is made ; but any levy payments payable by virtue of such a scheme immediately before it ceases to have effect may be recovered as if the scheme were still in force.

39 Provisions supplementary to s.38.

- (1) For the purpose of obtaining any information required for the purposes of a scheme under section 38 of this Act, an authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may, on producing if so required a duly authenticated document showing his authority, enter at any reasonable time any premises (other than premises used wholly or mainly as a dwelling) which he has reasonable cause to believe are used for the curing of bacon; and any person who wilfully obstructs any other person in the exercise of the powers conferred on that other person by this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (2) Any person who wilfully fails to comply with any requirement imposed on him by virtue of section 38(3)(e) of this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds.
- (3) Any person who knowingly or recklessly makes any false entry in any document or any other false statement—
- (a) in keeping any record or furnishing any information which he is required to keep or furnish in pursuance of the said section 38(3)(e); or

- (b) for the purpose of obtaining for himself or any other person a stabilising payment in pursuance of the said section 38 ; or
- (c) for the purpose of avoiding or assisting another person to avoid any levy payment in pursuance of that section,

shall be liable, on summary conviction, to a fine not exceeding four hundred pounds or, on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

40 Grants for break crops.

- (1) The Minister may, in accordance with a scheme made with the approval of the Treasury, make payments in respect of break crops of such descriptions as may be specified in the scheme which are grown for harvesting in any period of twelve months so specified or for feeding to stock in any such period.
- (2) A scheme under this section may be made by the Minister for England and Wales, for Scotland, for Northern Ireland or for any two or all of those parts of the United Kingdom jointly; and in relation to a scheme made jointly for Scotland and any other part or parts of the United Kingdom, references to the Minister in this section, except subsection (1) and subsection (3)(d), shall be construed as references to the Ministers.
- (3) Any scheme under this section may—
 - (a) specify the rate of payments under the scheme for crops of any description and provide for different rates for crops of different descriptions and for crops of the same description in different circumstances ;
 - (b) provide for the making of payments under the scheme in respect of a single period of twelve months, or of consecutive periods of twelve months not exceeding five such periods;
 - (c) specify the minimum acreage or weight of crop in respect of which payments may be made to any person and provide for the manner in which acreages and weights are to be determined for the purposes of the scheme;
 - (d) make provision as to the persons to whom the payments may be made and for securing that no payment is made unless it is applied for at such time and in such manner as the Minister may direct;
 - (e) provide for the payments to be withheld, or for their amounts to be reduced to any extent determined by or under the scheme, in such circumstances as may be so determined; and
 - (f) contain provisions generally for securing that the payments are properly made, and such incidental and supplemental provisions as the Minister considers expedient for the purposes of the scheme.
- (4) Any person who knowingly or recklessly makes a false statement for the purpose of obtaining for himself or any other person a payment in pursuance of a scheme under this section, shall be liable as mentioned in section 39(3) of this Act.
- (5) In this section " break crops " means field beans and any other crops of a kind which, in the opinion of the Minister, it is appropriate to grow with a view to changing temporarily, for the benefit of future crops, the crops on land usually used for growing wheat or barley, but does not include wheat, barley, oats, rye, potatoes and sugar beet.

41 Grants towards cost of water supply to agricultural buildings.

- (1) Section 15(1) of the Agriculture (Miscellaneous War Provisions) Act 1940 (which provides for grants towards, among other things, expenditure incurred in carrying out certain schemes for the supply of water to agricultural land in England and Wales) shall have effect as if after the words " the supply of water to any such land " there were inserted the words " or to any building used in connection with any such land ".
- (2) Section 16 of the Agriculture Act 1937 (which provides for grants in respect of, among other things, expenditure on the supply of water to agricultural land in Scotland) shall have effect as if after the word " thereto " there were inserted the words " or to any building used by them for the purposes of agriculture as defined in section 86(3) of the Agriculture (Scotland) Act 1948 ".