



# Agriculture Act 1993

## 1993 CHAPTER 37

### PART III

#### GRANTS FOR MARKETING

##### Modifications etc. (not altering text)

- C1** Pt. III (ss. 50-53): power to transfer certain functions conferred (27.12.1999) by S.I. 1999/3141, arts. 2(1)(5), 3, Sch.

#### 50 Grants.

- (1) The Ministers may, by a scheme made with the approval of the Treasury, make provision for the payment by the appropriate Minister of grants towards expenditure which has been, or is to be, incurred in carrying out proposals to which this section applies.
- (2) This section applies to proposals for the organisation, promotion, encouragement, development, co-ordination or facilitation of the marketing in Great Britain or elsewhere of—
  - (a) the produce of agriculture (including horticulture),
  - (b) the produce of fish farming,
  - (c) the produce of an activity specified for the purposes of this subsection by order made by the Ministers, or
  - (d) anything derived from produce falling within any of paragraphs (a) to (c) above.
- (3) Without prejudice to the generality of subsection (1) above, a scheme under this section may—
  - (a) provide for the payment of grant by reference to proposals which have been approved by the appropriate Minister after submission to and recommendation by such person as may be specified in the scheme;

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- (b) authorise the approval of proposals to be varied or withdrawn with the written consent of the person making the proposals;
  - (c) authorise the reduction or withholding of grant where assistance in respect of expenditure for which the grant is made is given under any enactment other than this section;
  - (d) confer a discretion on the appropriate Minister as to the payment of grant, as to the manner and timing of payment of grant and as to the amount of grant;
  - (e) make the payment of grant subject to such conditions as may be specified in or determined under the scheme;
  - (f) provide for functions in connection with the administration of the scheme to be carried out, subject to such conditions as may be specified in the scheme, by such person as may be so specified;
  - (g) provide for any discretion conferred by or under the scheme to be exercisable in such circumstances and by reference to such matters as may be specified in or determined under the scheme;
  - (h) contain such supplementary and consequential provision as the Ministers think fit; and
  - (i) make different provision for different cases (including different provision for different areas).
- (4) A scheme under this section may, in relation to any discretion under the scheme, include provision for such person as may be specified in the scheme to be, to such extent and subject to such conditions as may be so specified, the delegate of the appropriate Minister.
- (5) If at any time after the approval of proposals under a scheme under this section (and whether before or after the proposals have been fully carried out) it appears to the appropriate Minister—
- (a) that any condition imposed under the scheme in relation to the proposals has not been complied with, or
  - (b) that in connection with the submission of the proposals the person submitting them gave information on any matter which was false or misleading in a material respect,
- he may, subject to subsection (6) below, on demand recover any grant or any part of a grant paid with reference to the proposals, and may revoke the approval in whole or in part.
- (6) The appropriate Minister may not make a demand or revoke an approval under subsection (5) above unless he has given at least 30 days' written notice of the reasons for the proposed action to any person to whom any payment by way of a grant in relation to the proposals would be payable, or from whom any such payment would be recoverable.
- (7) Where a scheme under this section provides for functions under the scheme to be carried out by any body created by a statutory provision, the Ministers may, after consultation with the body, by regulations modify or add to its constitution or powers for the purpose of enabling it to carry them out.
- (8) The power to make a scheme under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—

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“agriculture”—

- (a) in relation to England and Wales, has the same meaning as in the <sup>M1</sup>Agriculture Act 1947, and
- (b) in relation to Scotland, has the same meaning as in the <sup>M2</sup>Agriculture (Scotland) Act 1948;

“the appropriate Minister” means—

- (a) in relation to England, the Minister of Agriculture, Fisheries and Food, and
- (b) in relation to Scotland or Wales, the Secretary of State;

“fish farming” means the breeding, rearing or cultivating of fish (including shellfish) whether or not for the purpose of producing food for human consumption;

“the Ministers” means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly;

“shellfish” includes crustaceans and molluscs of any kind.

#### Marginal Citations

- M1 1947 c. 48.
- M2 1948 c. 45.

## 51 False statements to obtain payments.

Any person who, for the purpose of obtaining a payment under a scheme under section 50 above for himself or another, knowingly or recklessly makes a statement which is false or misleading in a material respect shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

## 52 Time limit for prosecutions.

- (1) Notwithstanding anything in any other enactment, proceedings for an offence under this Part of this Act may, subject to subsection (2) below, be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.
- (2) No such proceedings shall be commenced by virtue of this section more than three years after the commission of the offence.
- (3) For the purposes of this section, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.
- (4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.
- (5) In relation to proceedings in Scotland, subsection (3) of [<sup>F1</sup>section 136 of the Criminal Procedure (Scotland) Act 1995] (date of commencement of proceedings) shall apply for the purposes of this section as it applies for the purposes of that.

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**Textual Amendments**

**F1** Words in s. 52(5) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 87**

**53 Expenses and receipts under Part III.**

- (1) Any expenditure incurred by a Minister under this Part of this Act shall be paid out of money provided by Parliament.
- (2) Any receipts of a Minister under this Part of this Act shall be paid into the Consolidated Fund.

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