



Horticulture Act 1960

1960 CHAPTER 22

PART I

GRANTS FOR HORTICULTURAL IMPROVEMENTS

1 Grants for horticultural improvements

- (1) Subject to the provisions of this Part of this Act, the appropriate Minister may, in accordance with a scheme made by him with the approval of the Treasury, make—
 - (a) to the person carrying on a horticultural production business,
 - (b) to the landlord of land in England or Wales occupied for the purposes of such a business and being or comprised in an agricultural holding within the meaning of the Agricultural Holdings Act, 1948, or land in Scotland so occupied and being or comprised in an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act, 1949, a holding to which any of the provisions of the Small Landholders (Scotland) Acts, 1886 to 1931, apply or a croft within the meaning of the Crofters (Scotland) Act, 1955,a grant of an amount equal to one-third of the amount of expenditure reasonably incurred by him in the carrying out of approved proposals for the provision of specified facilities for the purposes of the business.
- (2) Subject to the provisions of this Part of this Act, the appropriate Minister may, in accordance with such a scheme as aforesaid, make to the person carrying on a horticultural producers' marketing business a grant of an amount equal to one-third of the amount of expenditure reasonably incurred by him in the carrying out of approved proposals for the provision of specified facilities for the storage, preparation for market or transport of horticultural produce in the course of the business.
- (3) References in this Part of this Act to the provision of specified facilities are references to the provision or improvement of buildings, plant or equipment of a kind specified in the scheme, or the carrying out of work of a kind so specified, and include, in so far as the scheme so provides, the provision of shelter belts and the provision as well as the removal of hedges.

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- (4) In this section " approved proposals " means proposals approved by the appropriate Minister, and without prejudice to any other grounds for withholding approval the Minister shall not under this section approve any proposals unless he is satisfied that the cost of carrying them out will not be unreasonably high in relation to the benefit derived from them in the carrying on of the business mentioned in subsection (1) or subsection (2) of this section, as the case may be.
- (5) Where the applicant satisfies the appropriate Minister, at any time before that Minister has determined whether to approve his proposals, that the cost of the proposals has been increased by their being designed both for the provision of specified facilities as mentioned in subsection (1) or (2) of this section and for other purposes, and agrees with the Minister what proportion of the cost is to be treated as referable to the provision of specified facilities as aforesaid, then—
- (a) regard shall be had only to that proportion of the cost for the purposes of the foregoing subsection, and
 - (b) in relation to those proposals references in this Part of this Act to expenditure reasonably incurred in carrying them out, or expenditure in respect of which grant would be payable, shall be construed as references to that proportion of such expenditure.
- (6) The appropriate Minister may reduce or withhold any grant under this section in any case where assistance in respect of the provision of the facilities is given under any other Act of Parliament.
- (7) A scheme under this section (in this Part of this Act referred to as " a scheme ") 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.

2 Supplemental provisions as to schemes

- (1) Grants under the foregoing section (in this section referred to as " grants ") shall not be payable unless application is made therefor in accordance with the scheme, and a scheme may provide that no grant shall be payable on any one application if the expenditure in respect of which the grant would be payable, as estimated by the appropriate Minister at the time of approval, is less than such amount as may be specified in the scheme.
- (2) A scheme may provide that in such cases as may be specified therein grants shall be payable by such instalments and over such period as may be specified in the scheme.
- (3) A scheme may provide that the payment of grants, or of instalments of grants, shall be subject to compliance with such conditions, whether as to the capacity of the business, determined in accordance with the scheme, the security of tenure of the land on which any facilities are to be provided, the carrying out of the proposals in question in a proper manner and within a reasonable time, or any other matter, as may be specified by or under the scheme.
- (4) Where any such condition as to capacity is framed by reference to land occupied for the purposes of a horticultural production business, the scheme may provide that if there is any land so occupied which is not eligible to be taken into account in ascertaining whether the condition is satisfied.—

- (a) in so far as the benefit to be derived from any proposals is attributable to that land, it shall be disregarded for the purposes of subsection (4) of the foregoing section;
 - (b) where the applicant satisfies the appropriate Minister, at any time before that Minister has determined whether to approve his proposals, that the cost of the proposals has been increased by their being designed for the provision of specified facilities both for the said land and for land which is eligible to be taken into account as aforesaid, and agrees with the Minister 'what proportion of the cost is to be treated as referable to the eligible land, paragraphs (a) and (b) of subsection (5) of the foregoing section shall apply in relation to that proportion.
- (5) A scheme may contain such incidental and supplemental provisions as appear to the appropriate Minister expedient for the purposes of the scheme.
- (6) A scheme may make different provisions for different cases or classes of case.
- (7) A scheme may be varied or revoked by a subsequent scheme.

3 Standard costs

The appropriate Minister may, with the approval of the Treasury, by regulations fix a standard cost for any operation falling within subsection (1) or (2) of section one of this Act; and if an applicant for a grant under that section in respect of an operation specified in the regulations so elects at any time before the appropriate Minister has determined whether to approve his proposals, and his proposals are approved while the regulations are in force, then so far as that operation is concerned the standard cost shall be substituted for actual or estimated cost for the purposes of subsections (1) or (2) and (4) of section one and subsection (1) of section two of this Act.

4 Other grants for promoting co-operative horticultural marketing

The appropriate Minister may, in such manner and subject to such conditions as he may with the approval of the Treasury determine, make grants to bodies of persons engaged or proposing to become engaged in organising, promoting or developing the carrying on of horticultural producers' marketing businesses towards their expenditure incurred in the carrying out of programmes, approved by the appropriate Minister, for encouraging or facilitating the setting up of such businesses or promoting efficiency in the carrying on thereof.

5 Aggregate amount of grants, and time for application therefor

- (1) The aggregate amount of the grants under this Part of this Act shall not exceed eight million pounds or, if the Minister of Agriculture, Fisheries and Food and the Secretary of State by order made with the approval of the Treasury so direct, eight million two hundred and fifty thousand pounds.
- (2) The aggregate amount of the grants under the foregoing section shall not exceed one hundred thousand pounds.
- (3) No grant shall be payable under section one of this Act unless the application therefor has been duly made before the expiration of five years from the earliest date on which a scheme was in operation:

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Provided that the Minister of Agriculture, Fisheries and Food and the Secretary of State may by order made with the approval of the Treasury extend the said period by one year.

- (4) No grant shall be payable under the foregoing section unless the date on which the programme was submitted to the appropriate Minister for his approval fell before the expiration of six years from the coming into operation of that section.

6 Ministers on who powers conferred

- (1) In relation to the making of a scheme or regulations for the whole of the United Kingdom, or for Scotland and any other part of the United Kingdom jointly, references in this Part of this Act to the appropriate Minister are references to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly.
- (2) In relation to the making of a scheme or regulations for Scotland only, references in this Part of this Act to the appropriate Minister are references to the Secretary of State.
- (3) In relation to the making of any other scheme or regulations, references in this Part of this Act to the appropriate Minister are references to the Minister of Agriculture, Fisheries and Food.
- (4) Subject to the foregoing provisions of this section, in this Part of this Act " the appropriate Minister " means the Minister of Agriculture, Fisheries and Food in relation to England or Wales or Northern Ireland and the Secretary of State in relation to Scotland.

7 Schemes, regulations and orders under Part I

- (1) Any power conferred by this Part of this Act to make schemes, regulations or orders shall be exercisable by statutory instrument.
- (2) No scheme shall be made unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.
- (3) No order under this Part of this Act shall be made unless a draft thereof has been laid before Parliament and approved by a resolution of the Commons House of Parliament.
- (4) Any statutory instrument containing regulations under this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8 Interpretation of Part I

- (1) In this Part of this Act " horticultural produce" means—
- (a) fruit,
 - (b) vegetables of a kind grown for human consumption, including fungi, but not including maincrop potatoes or peas grown for seed, for harvesting dry or for vining,
 - (c) flowers, pot plants and decorative foliage,
 - (d) herbs,
 - (e) seeds other than pea seeds, and bulbs and other material, being seeds, bulbs or material for sowing or planting for the production of fruit, of such vegetables,

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flowers, plants or foliage as aforesaid, or of herbs, or for reproduction of the seeds, bulbs or other material planted, or

(f) trees and shrubs, other than trees grown for the purpose of afforestation;

but does not include hops.

(2) In this Part of this Act " horticultural production business " means a business which consists, or so much of a larger business as consists, of the growing in the United Kingdom of horticultural produce for sale or the growing of produce as aforesaid and its storage, preparation for market or transport.

(3) In this Part of this Act " horticultural producers' marketing business " means a business—

(a) carried on by a co-operative association and consisting of, or so much of a larger business so carried on as consists of, the storage, preparation for market or marketing of horticultural produce produced in the course of horticultural production businesses by members of the association, or

(b) carried on by the Land Settlement Association Limited and consisting of, or so much of a larger business so carried on as consists of, the storage, preparation for market or marketing of horticultural produce produced in the course of horticultural production businesses by occupiers of land under the management of the Association.

(4) In the foregoing subsection " co-operative association" means any body—

(a) which is registered under the Industrial and Provident Societies Acts, 1893 to 1954, or the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1955, or

(b) which (whether incorporated or not) has a written constitution from which the appropriate Minister is satisfied, having regard to the provision made as to the manner in which the profits of the body are to be applied for the benefit of its members and all other relevant provisions, that the body is in substance a co-operative association,

being (in either case) a body whose primary object, so far as concerns the storage, preparation for market, or marketing of horticultural produce, is to assist members in the carrying on of horticultural production businesses.

(5) In this Part of this Act " preparation for market " does not include canning, bottling, pulping or cooking, or preserving by sterilising, by freezing, by de-hydrating, by heat or by chemical process.