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 STATUTORY INSTRUMENTS
 

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**1984 No. 619**

**AGRICULTURE**

**HORTICULTURE**

**The Agriculture and Horticulture Grant (Variation) Scheme 1984**

*Approved by both Houses of Parliament*

<i>Made - - - -</i>	<i>30th April 1984</i>
<i>Laid before Parliament</i>	<i>1st May 1984</i>
<i>Coming into Operation</i>	<i>2nd May 1984</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by sections 28 and 29 of the Agriculture Act 1970 (a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme:—

*Citation and commencement*

1. This scheme may be cited as the Agriculture and Horticulture Grant (Variation) Scheme 1984 and shall come into operation on 2nd May 1984.

*Application and saving*

2.—(1) Paragraph 5 below shall apply in relation to any claim for grant received by the appropriate Minister on or after the date of coming into operation of this scheme towards expenditure incurred for the purposes of the Agriculture and Horticulture Grant Scheme 1980 (b) (hereinafter called “the principal scheme”) on or after 1st December 1983; and that paragraph shall not affect the operation of the principal scheme in relation to any claim for grant received before the date of coming into operation of this scheme or to any claim for grant received on or after that date towards expenditure incurred before 1st December 1983.

(2) Paragraph 6 below shall not apply in relation to any claim for grant towards expenditure incurred for the purposes of the principal scheme before the date of coming into operation of this scheme; and that paragraph shall not affect the operation of the principal scheme in relation to any such claim for grant.

(3) Paragraphs 4 and 7 below shall apply in relation to any claim for grant received by the appropriate Minister on or after the date of coming into

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(a) 1970 c.40.

(b) S.I. 1980/1072; relevant amending instruments are S.I. 1981/1533, 1983/1764.

operation of this scheme towards expenditure incurred for the purposes of the principal scheme on or after 29th February 1984; and those paragraphs shall not affect the operation of the principal scheme in relation to any claim for grant received before the date of coming into operation of this scheme or to any claim for grant received on or after that date towards expenditure incurred before 29th February 1984.

*Variation of principal scheme*

3. The principal scheme shall be further varied in accordance with paragraphs 4 to 7 of this scheme.

4. In paragraph 2(1) thereof (interpretation)—

(a) there shall be inserted after the definition of “dairy cows” the following definitions:—

“ ‘designated maps’ means—

- (a) in relation to England, the 3 volumes of maps numbered 1 to 3, each such volume being marked “volume of maps of less-favoured farming areas in England” and with the number of the volume, dated 3rd April 1984, signed and sealed by the Minister and deposited at the offices of the Ministry of Agriculture, Fisheries and Food at Great Westminster House, Horseferry Road, London SW1P 2AE;
- (b) in relation to Wales, the 2 volumes of maps numbered 1 and 2, both volumes being marked “volume of maps of less-favoured farming areas in Wales” and with the number of the volume, dated 29th March 1984, signed by the Secretary of State for Wales and deposited at the offices of the Welsh Office Agriculture Department at Plas Crug, Aberystwyth, Dyfed SY23 1NG;
- (c) in relation to Scotland, the 4 maps numbered 1 to 4, each such map being marked “map of less-favoured farming areas in Scotland” and with the number of the map, dated 2nd April 1984, signed by the Secretary of State for Scotland and deposited at the offices of the Department of Agriculture and Fisheries for Scotland at Chesser House, Gorgie Road, Edinburgh EH11 3AW;
- (d) in relation to Northern Ireland, the map marked “map of less-favoured farming areas in Northern Ireland”, dated 4th April 1984, signed by the Secretary of State for Northern Ireland and deposited at the offices of the Department of Agriculture for Northern Ireland at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB;

‘disadvantaged land’ means land—

- (a) which is, in the opinion of the appropriate Minister, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and
- (b) whose agricultural production is, in the opinion of the appropriate Minister, restricted in its range by, or by any combination of, soil, relief, aspect or climate,

which land is within the area shaded blue or pink on the designated maps;”;

(b) there shall be substituted for the definition of “less-favoured area” the following definition:—

“ ‘less-favoured area’ means land—

(a) which is situated in an area included in the list of less-favoured farming areas adopted by the Council or the Commission of the European Communities under Article 2 of Council Directive No. 75/268/EEC on mountain and hill farming in certain less-favoured areas (a), and

(b) which is shaded blue and pink on the designated maps;”;

(c) there shall be inserted after the definition of “preparation for market” the following definition:—

“ ‘severely disadvantaged land’ means—

(a) land—

(i) which is, in the opinion of the appropriate Minister, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and

(ii) whose agricultural production is, in the opinion of the appropriate Minister, severely restricted in its range by, or by any combination of, soil, relief, aspect or climate, or

(b) land situated in the Isles of Scilly,

which land is within the area shaded pink on the designated maps.”.

5. In paragraph 5(3A) thereof (restrictions on payment of grant) there shall be substituted for the words “paragraphs 1 to 5 of column 1” the words “paragraphs 1 to 3 and 5 of column 1”.

6. In paragraph 6 thereof (restrictions on payment of grant)—

(a) in subparagraph (1) there shall be inserted at the beginning the words “Subject to paragraph (1A) of this paragraph,”;

(b) there shall be inserted after subparagraph (1) the following subparagraph:—

“(1A) Where the agricultural business to which the present claim relates includes the breeding or keeping of poultry or the production of eggs, work done in carrying on that part of the agricultural business shall be disregarded for the purposes of calculating under subparagraph (1) above the number of labour units required in the carrying on of the agricultural business.”.

7. In paragraph 9 thereof (amounts of grant)—

(a) in subparagraph (1)(a) and (b) there shall be inserted after the words “less-favoured area” in each case the words “on severely disadvantaged land”;

(b) there shall be inserted after subparagraph (1)(b) the following subparagraph:—

“(bA) if the work, facility or transaction in question is specified in any of paragraphs 1 to 7 and 9 to 16 of the said column 1, and if in the opinion of the appropriate Minister—

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(a) OJ No. L128, 19.5.75, p.1.

- (i) the expenditure in respect thereof is for the purposes of, or in connection with, the carrying on or establishment of an agricultural business, or that part thereof, situated in a less-favoured area on disadvantaged land, and
- (ii) where the work, facility or transaction is specified in any of paragraphs 6, 7(i), 7(ii) and 9 to 12 of the said column 1, that business has an earned income per labour unit less than the comparable income determined in accordance with paragraph 12 in respect of the calendar year in which the grant is claimed,

the amount of grant so payable shall be the percentage of that expenditure, if any, specified in relation to that work, facility or transaction in column 3 of the Schedule; or”;

- (c) in subparagraph (2) there shall be substituted after the words “partly in a less-favoured area” the words “partly on severely disadvantaged land or partly on disadvantaged land” and there shall be substituted for the words “situated in a less-favoured area” the words “situated on severely disadvantaged land or on disadvantaged land”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th April 1984.



*Michael Jopling,*  
Minister of Agriculture, Fisheries  
and Food.

*George Younger,*  
Secretary of State for Scotland.

30th April 1984.

*Nicholas Edwards,*  
Secretary of State for Wales.

26th April 1984.

We approve,

*Donald Thompson,*  
*T. Garel-Jones,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

30th April 1984.

## EXPLANATORY NOTE

*(This Note is not part of the Scheme.)*

This scheme varies the Agriculture and Horticulture Grant Scheme 1980, as varied, (“the principal scheme”) and complies with Council Directive No. 84/169/EEC (OJ No. L82, 26.3.84, p.67) concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC.

The scheme substitutes a new definition of “less-favoured area” which refers to designated maps (paragraph 4(b)). Land falling within the definition of “less-favoured area” in the principal scheme is now referred to as severely disadvantaged land but the scheme makes no substantive changes to the higher rates of grant payable in respect of this land. Higher rates of grant are introduced in respect of disadvantaged land in relation to any work or facility (except roads, paths and other permanent ways, grids, hard standings, fords, bridges, culverts, railway crossings, creeps, piers, jetties or slips) where the claim for grant is received on or after the date of coming into operation of the scheme and is in respect of expenditure incurred on or after 29th February 1984 (paragraphs 2(3) and 7(b)). The maps are available for inspection during normal office hours at the addresses specified in the definition of “designated maps” (paragraph 4(a)). Copies of the maps may be inspected during normal office hours at any Regional or Divisional Office of the Ministry of Agriculture, Fisheries and Food, at any Divisional Office of the Welsh Office Agriculture Department, at any Area Office of the Department of Agriculture and Fisheries for Scotland or at any County Agricultural Executive Office or selected Area Offices of the Department of Agriculture for Northern Ireland.

In relation to claims for grant towards expenditure incurred on or after the date of coming into operation of the scheme there is excluded from the calculation of labour units required in carrying on the agricultural business under paragraph 6(1) of the principal scheme any work done in connection with the breeding or keeping of poultry or the production of eggs (paragraphs 2(2) and 6).

In relation to claims for grant received on or after the date of coming into operation of the scheme towards expenditure incurred on or after 1st December 1983 on the provision, replacement or improvement of systems for the disposal of agricultural waste, such expenditure is no longer rendered ineligible for grant where the expenditure results in an increase in the dairy herd to more than 40 dairy cows (paragraphs 2(1) and 5).

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