

## 1984 No. 620

## AGRICULTURE

## HORTICULTURE

**The Farm and Horticulture Development (Amendment)  
Regulations 1984**

<i>Made - - - -</i>	26th April 1984
<i>Laid before Parliament</i>	1st May 1984
<i>Coming into Operation</i>	2nd May 1984

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, being Ministers designated for the purposes of section 2(2) of the European Communities Act 1972 (a) in relation to the common agricultural policy of the European Economic Community (b), in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Farm and Horticulture Development (Amendment) Regulations 1984 and shall come into operation on 2nd May 1984.

*Application and saving*

2.—(1) Regulations 4(c), 5, 6, 8 and 9 below shall not apply in relation to—

- (a) any work, facility or transaction included in an application received by the appropriate Minister before the date of coming into operation of these regulations for a variation of a development plan approved for the purposes of the Farm and Horticulture Development Regulations 1981 (c) (hereinafter called “the principal regulations”); or
- (b) any claim for grant towards expenditure incurred for the purposes of those regulations before that date;

and regulations 4(c), 5, 6, 8 and 9 below 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(a), (b), and (d) 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 operation of these regulations towards expenditure incurred for the purposes of the principal regulations on or after 29th February 1984; and regulations 4(a), (b) and (d) and 7 below shall not affect the operation of the

(a) 1972 c.68; section 2(2) is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, with section 40 of the Criminal Justice Act 1982 (c.48), and as regards Scotland, with section 289F of the Criminal Procedure (Scotland) Act 1975 (c.21), which was inserted by section 54 of the said Act of 1982.

(b) S.I. 1972/1811.

(c) S.I. 1981/1707; the relevant amending instrument is S.I. 1983/1762.

principal regulations in relation to any claim for grant received before the date of coming into operation of these regulations or to any claim for grant received on or after that date towards expenditure incurred before 29th February 1984.

*Amendment of principal regulations*

3. The principal regulations shall be further amended in accordance with regulations 4 to 9 of these regulations.

4. In regulation 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 of Agriculture, Fisheries and Food 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 “livestock” the following definition:—

“ ‘main framework’, in relation to a building or structure, means the floor, outer walls and roof of that building or structure and any internal dividing walls which are integral to that building or structure;”;

(d) 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 regulation 11 (1) thereof (restrictions on approval of grant) there shall be substituted for subparagraph (a) the following subparagraph:—

“(a) any expenditure in connection with the breeding or keeping of pigs where such expenditure is in respect of any work, facility or transaction which is of a kind specified in any of paragraphs 1 to 5 of column 1 of Schedule 2 unless it appears to that Minister that, after completion of the work, facility or transaction, the number of pig places on the land occupied for the purposes of the agricultural business to which the plan relates will not exceed 550, and that the plan as varied provides that on its completion not less than 35 per cent of the feeding stuffs required for the pigs kept on the land occupied as aforesaid can be produced from that land;”.

6. After regulation 11 thereof there shall be inserted the following regulation:—

“11A. Where the agricultural business to which the development plan 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 the number of labour units under regulation 9(a).”.

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

7. In regulation 12 thereof (amounts of grant under regulation 3(1))—
- (a) in paragraph (2)(a) there shall be inserted after the words “less-favoured area” the words “on severely disadvantaged land”;
  - (b) there shall be inserted after paragraph (2)(a) the following subparagraph:—
    - “(aA) is of a kind specified in any of paragraphs 1 to 8, 10 to 26 and 28 in column 1 of Schedule 2 and is for the purposes of, or in connection with, the carrying on of an agricultural business, or that part thereof, situated in a less-favoured area on disadvantaged land, the amount of grant so payable shall be the proportion of that expenditure, if any, specified in relation to that work, facility or transaction in column 3 of that Schedule;”;
  - (c) in paragraph (2)(c) there shall be substituted for the words from “column 2 of that Schedule” to the end the words “the appropriate column of that Schedule.”;
  - (d) in paragraph (7) there shall be substituted for the words “in a less-favoured area” the words “on severely disadvantaged land or partly on disadvantaged land” and there shall be substituted for the words “in the less-favoured area” the words “on the severely disadvantaged land or on the disadvantaged land”.
8. In regulation 18 thereof (false statements) there shall be substituted for the words “to a fine not exceeding £400” the words—
- (a) in England, Wales or Scotland to a fine not exceeding £1,000;
  - (b) in Northern Ireland to a fine not exceeding £400”.
9. In Schedule 2 thereto (eligible works and facilities and rates of grant)—
- (a) in paragraph 1 (i) and (ii) in column 1 there shall be inserted after the words “reconditioning of” in each case the words “the main framework of”;
  - (b) in paragraph 20 in column 1 there shall be inserted after the words “enlargement of” the words “the main framework of”;
  - (c) in paragraph 21 (i) in column 1 there shall be inserted after the words “improvement of” the words “the main framework of”;
  - (d) in paragraph 21 (ii) in column 1 there shall be inserted after the words “enlargement of” the words “the main framework of”.

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.

*Nicholas Edwards,*  
One of Her Majesty's Principal  
Secretaries of State.

26th April 1984.

## EXPLANATORY NOTE

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

These regulations amend the Farm and Horticulture Development Regulations 1981, as amended, (“the principal regulations”) (implementing Council Directive No. 72/159/EEC (OJ No. L96, 23.4.72, p.1 (OJ/SE 1972 (II) p.324)) on the modernisation of farms and Council Directive No. 75/268/EEC (OJ No. L128, 19.5.75, p.1) on mountain and hill farming and farming in certain less-favoured areas) and comply with Council Regulation (EEC) No. 1945/81 (OJ No. L197, 20.7.81, p.31) and Commission Regulation (EEC) No. 2180/81 (OJ No. L211, 31.7.81, p.28), both restricting investment aids for pig production, and 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 regulations substitute a new definition of “less-favoured area” which refers to designated maps (regulation 4(b)). Land falling within the definition of “less-favoured area” in the principal regulations is now referred to as severely disadvantaged land but the regulations make 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, 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 regulations and is in respect of expenditure incurred on or after 29th February 1984 (regulations 2(2) and 7(b)). The maps are available for inspection during normal office hours at the addresses specified in the definition of “designated maps” (regulation 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 any work or facility included in an application for a variation of an approved development plan received on or after the date of coming into operation of the regulations and to claims for grant towards expenditure incurred on or after that date the regulations also—

- (a) restrict grant in connection with the buildings and structures described in paragraphs 1(i) and (ii), 20 and 21(i) and (ii) of Schedule 2 to the principal regulations to the main framework of those buildings and structures (regulations 2(1), 4(c) and 9);
- (b) modify the restriction that expenditure on the breeding or keeping of pigs is eligible for grant only to the extent that it does not make possible an increase to more than 550 pig places so that only expenditure on works of a kind specified in paragraphs 1 to 5 of column 1 of Schedule 2 to the principal regulations is rendered ineligible if following such expenditure the number of pig places exceeds 550 (regulations 2(1) and 5);

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- (c) exclude from the calculation of labour units under regulation 9(a) of the principal regulations any work done in connection with the breeding or keeping of poultry or the production of eggs (regulations 2(1) and 6);
- (d) increase the maximum fine on summary conviction in England, Wales or Scotland for making a false statement in contravention of regulation 18 of the principal regulations from £400 to £1,000 (regulations 2(1) and 8).

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