

1988 No. 1982

AGRICULTURE

HORTICULTURE

**The Agriculture Improvement
(Amendment) (No. 2) Regulations 1988**

<i>Made - - - -</i>	<i>11th November 1988</i>
<i>Laid before Parliament</i>	<i>16th November 1988</i>
<i>Coming into force</i>	<i>17th November 1988</i>

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 on 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 Agriculture Improvement (Amendment) (No. 2) Regulations 1988 and shall come into force on 17th November 1988.

Saving

2. These Regulations shall not apply in relation to any claim for grant towards expenditure incurred for the purposes of the Agriculture Improvement Regulations 1985(c) (hereinafter called "the principal Regulations") before 17th November 1988, and these Regulations shall not affect the operation of the principal Regulations in relation to any such claim for grant.

Amendment of principal Regulations

3. The principal Regulations shall be amended in accordance with regulations 4 to 12 below.

4. In regulation 2 thereof (interpretation) there shall be substituted for paragraph (2) the following paragraph—

"(2) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations."

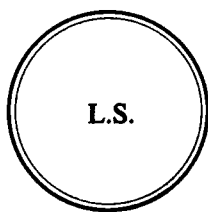
5. For the words "the Schedule" in each place where they occur in the principal Regulations (as amended by regulation 4 above) there shall be substituted the words "Schedule 1".

(a) 1972 c.68. (b) S.I. 1972/1811.

(c) S.I. 1985/1266, amended by S.I. 1987/1950, 1988/1201. By S.R. (N.I.) 1987 No. 156 the Agriculture Improvement Regulations were revoked in so far as they formed part of the law of Northern Ireland.

6. In regulation 6(3) thereof (restrictions on approval of improvement plans)—
 - (a) in sub-paragraph (g) there shall be inserted after the words “proposed expenditure” the words “, other than in relation to any work, facility or transaction of a kind specified in paragraph 5 in column 1 of Schedule 2,”;
 - (b) in sub-paragraphs (m) and (n) there shall be inserted at the end the words “ unless the excess expenditure is in respect of any work, facility or transaction of a kind specified in paragraph 5 in column 1 of Schedule 2”.
7. In regulation 9(1)(a) thereof (improvement grants) at the end the word “ and ” shall be omitted and there shall be inserted the following paragraph—
 - “(iii) in relation to the Isles of Scilly only, any of paragraphs 1 to 5 in column 1 of Schedule 2; and”.
8. In regulation 10 thereof (amounts of grant under regulation 9(1))—
 - (a) in paragraph (2) there shall be inserted after the words “ In the case of any ” the word “ such ”;
 - (b) after paragraph (2) there shall be inserted the following paragraph—
 - “(2A) Subject to the provisions of this regulation and regulations 13 and 15, the amount of any grant payable under regulation 9(1) towards expenditure in respect of any work, facility or transaction of a kind specified in any of paragraphs 1 to 5 in column 1 of Schedule 2 shall be the percentage of that expenditure specified in relation to that work, facility or transaction in column 2 of that Schedule.”;
 - (c) in paragraph (3) (as amended by regulation 5 above) there shall be inserted after the words “ Schedule 1 ” the words “ or in column 2 of Schedule 2 ”.
9. In regulation 12(2) (claims for grant) there shall be inserted after sub-paragraph (b) the following sub-paragraph—
 - “(c) any work, facility or transaction which is of a kind specified in any of paragraphs 1 to 5 in column 1 of Schedule 2 unless the claim for grant is received by him on or before 16th November 1994”.
10. After regulation 12 thereof there shall be inserted the following regulation—
 - “12A. The appropriate Minister shall not pay grant under these Regulations in relation to any expenditure incurred on or after 17th November 1993 in respect of any work, facility or transaction which is of a kind specified in any of paragraphs 1 to 5 in column 1 of Schedule 2.”.
11. For the heading “SCHEDULE” in the Schedule to the principal Regulations there shall be substituted the heading “SCHEDULE 1”.
12. The Schedule to these Regulations shall be inserted after the existing Schedule to the principal Regulations as Schedule 2 thereto.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th November 1988.



John MacGregor
Minister of Agriculture, Fisheries and Food

Peter Walker
Secretary of State for Wales

11th November 1988

SCHEDULE

Regulation 12

CONTAINING NEW SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

" SCHEDULE 2

Regulations 6(3), 9(1)(a)
10, 12(2) and 12A

**ELIGIBLE WORKS, FACILITIES AND TRANSACTIONS AND RATES OF GRANT IN
THE ISLES OF SCILLY**

Column 1	Column 2
[Kind of work or facility or transaction]	Rate of grant. Per cent.
1. Provision, replacement, improvement or alteration of temperature-controlled stores for the treatment and holding of bulbs and flowers, including plant for the cooling and heating of such stores.	45
2. Application of lime (other than normal husbandry applications) raising the soil pH to 5.5.	30
3. Equipment for the production or preparation for market of horticultural produce, comprising bulb sterilising tanks; specialist soil sterilant incorporation machines; bulb lifters; bulb graders; bulb cleaners; bulb chipping machines; flower sleeving machines; polythene laying equipment; bulb planters and flame cultivators.	30
4. Provision, replacement, improvement or alteration of:	45
(a) facilities for the storage, supply and distribution of water for agricultural purposes;	
(b) facilities for the supply and distribution of electricity for agricultural purposes.	45
5. Provision, replacement or improvement of shelter hedges (including hedgerow trees and associated protective fencing).	60"

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Agriculture Improvement Regulations 1985 ("the principal Regulations"), implementing in part the provisions of Council Regulation (EEC) No. 797/85 (OJ No. L93, 30.3.85, p.1) on improving the efficiency of agricultural structures, as amended by Council Regulation (EEC) No. 1760/87 (OJ No. L167, 26.6.87, p.1), 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.

The Regulations introduce new grants for agricultural businesses in the Isles of Scilly in respect of expenditure of a capital nature incurred on or after 17th November 1988 in pursuance of approved improvement plans where the expenditure relates to any work, facility or transaction of a kind specified in column 1 of new Schedule 2 to the principal Regulations (regulations 2, 7 and 12 and Schedule). The rates of grant are set out (regulation 8(b) and Schedule). A higher rate of grant may be payable for businesses carried on by young farmers or by partnerships in which young farmers are partners (regulation 8(c)).

Any claims for grant in respect of any of the new Schedule 2 items must be received on or before 16th November 1994 (regulation 9) and grant is not payable in relation to expenditure incurred on or after 17th November 1993 (regulation 10).

The Regulations also—

- (a) disapply certain financial restrictions in the principal Regulations on the approval of improvement plans where proposed expenditure relates to any work, facility or transaction of a kind referred to in paragraph 5 of new Schedule 2 (shelter hedges) (regulation 6);
- (b) make consequential amendments (regulations 4, 5, 8(a) and 11).

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