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STATUTORY INSTRUMENTS

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**1988 No. 559 (S.65)**

**CROFTERS, COTTARS AND  
SMALL LANDHOLDERS**

**The Crofting Counties Agricultural  
Grants (Scotland) Scheme 1988**

<i>Made</i>	- - - -	<i>16th March 1988</i>
<i>Laid before Parliament</i>		<i>30th March 1988</i>
<i>Coming into force</i>	- -	<i>1st April 1988</i>

The Secretary of State, in exercise of the powers conferred on him by section 22(1) of the Crofters (Scotland) Act 1955<sup>(1)</sup>, section 14(1) of the Crofters (Scotland) Act 1961<sup>(2)</sup>, and section 12(6) of the Crofting Reform (Scotland) Act 1976<sup>(3)</sup> and of all other powers enabling him in that behalf, and after consultation with the Crofters Commission and with the approval of the Treasury, hereby makes the following Scheme:

**PART I**  
**INTRODUCTORY**

**Citation and commencement**

**1.** This Scheme may be cited as the Crofting Counties Agricultural Grants (Scotland) Scheme 1988 and shall come into force on 1st April 1988.

**Interpretation**

- 2.** In this Scheme, unless the context otherwise requires—
- “the Act of 1955” means the Crofters (Scotland) Act 1955;
  - “the Act of 1961” means the Crofters (Scotland) Act 1961;
  - “approved” means approved by the Secretary of State in writing and “approve” and “approval” shall be construed accordingly;

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<sup>(1)</sup> 1955 c. 21

<sup>(2)</sup> 1961 c. 58; section 14 was amended by the Crofting Reform (Scotland) Act 1976 (c. 21), Schedule 2, paragraph 22(a) and (b).

<sup>(3)</sup> 1976 c. 21

“business” means any one agricultural business being undertaken by a crofter or eligible occupier whether as an individual or in association or partnership with others;

“crofter” includes any grazings committee or grazings constable appointed under section 24 of the Act of 1955 and in the application of this Scheme to a grazings committee or a grazings constable any reference to a croft shall be construed as a reference to the common grazings for the management of which the committee or, as the case may be, the grazings constable is responsible;

“eligible occupier” has the meaning assigned to it by paragraph 3 of this Scheme;

“livestock” includes any creature kept for the production of food, wool, skins, or fur or for the purpose of its use in the farming of land;

“operation” means any of the operations specified in the Schedule to this Scheme.

### **Eligible occupier**

3. For the purposes of this Scheme, the expression “eligible occupier” means any one of the following:—

- (a) the occupier of a croft who is also the owner thereof and who in the opinion of the Secretary of State is of substantially the same economic status as a crofter;
- (b) the occupier of a holding, other than a croft, situated in the crofting counties which is either a holding of which the area does not exceed 30 hectares (exclusive of any common pasture or grazing held therewith) or a holding the annual rent of which, if it were a croft let to a crofter under the Act of 1955 and the Act of 1961, would not, in the opinion of the Secretary of State, exceed £100, being an occupier who in the opinion of the Secretary of State is of substantially the same economic status as a crofter; or
- (c) the occupier of a holding, other than a croft, situated in the crofting counties which exceeds 30 hectares (exclusive of any common pasture or grazing held therewith) and of which the annual rent, if it were a croft so let, would in the opinion of the Secretary of State exceed £100, but which in the opinion of the Secretary of State is not substantially larger than 30 hectares (exclusive of any common pasture or grazing held therewith) or is capable of being so let at an annual rent not substantially in excess of £100, being an occupier who in the opinion of the Secretary of State is of substantially the same economic status as a crofter; or
- (d) the subtenant of a croft or part of a croft occupying under a sublease intimated to the Crofters Commission under section 11(1) of the Act of 1961<sup>(4)</sup> or granted by a crofter with the written consent of the Crofters Commission and in accordance with any conditions imposed by them under section 11(3) of the Act of 1961.

## **PART II**

### **GRANTS IN RESPECT OF OPERATIONS**

#### **Grants to be made**

4.—(1) Subject to the provisions of this Scheme, the Secretary of State may make a grant under this Part of this Scheme to a crofter or eligible occupier towards the approved cost of any operation of a kind specified in the Schedule to this Scheme carried out by him or on his behalf for the purpose of aiding and developing agricultural production, in the case of a crofter, on his croft and, in the case

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(4) Section 11(1) of the Act of 1961 was repealed on 27th June 1974 by Part V of the Schedule to the Statute Law (Repeals) Act 1974 (c. 22)

of an eligible occupier, on the croft or holding or part of a croft, as the case may be, in respect of which he is the eligible occupier.

(2) For the purpose of this paragraph, “approved cost” shall mean the cost approved for the purposes of a grant under this Part of this Scheme and comprising the aggregate of—

- (a) the expenditure reasonably incurred by the application in respect of materials required for the purpose of carrying out the relevant operation, and
- (b) such sum as the Secretary of State may deem it reasonable to allow in respect of the labour necessary for that purpose.

### **Application for and conditions of grant**

5.—(1) Any application by a crofter or eligible occupier for approval of the cost of any such operation shall be made in such form and manner and at such time as the Secretary of State may from time to time require and the applicant shall furnish all such particulars and information relating to the operation as the Secretary of State may require.

(2) The Secretary of State may, as he thinks fit, either refuse to approve the cost of any such operation or approve it in whole or in part for the purposes of a grant under this Part of this Scheme and any such approval may be given, and any such grant may be made, subject to such conditions as the Secretary of State thinks fit.

(3) Any approval of cost for the purposes of a grant under this Part of this Scheme may be varied or withdrawn by the Secretary of State with the written consent of the applicant.

### **Claims**

6. When the operation in respect of which the cost has been approved has been carried out, the applicant shall make a claim for the grant in such form as the Secretary of State may direct and shall afford to the Secretary of State or his duly authorised officer all such facilities as are reasonably necessary to enable the Secretary of State to satisfy himself that any conditions subject to which approval was given have been complied with.

### **Restrictions on payment of grant**

7. Where at the date on which a claim for grant under paragraph 4(1) of this Scheme is received by the Secretary of State—

- (a) the amount of expenditure which is included in the claim (hereinafter in this paragraph referred to as the “present claim”) and towards which grant is payable, or
- (b) the aggregate of the amount of that expenditure and any other relevant expenditure towards which grant is payable or has been paid in respect of any one business, as the result of a claim received during the period of 2 years ending with the date of receipt of the present claim,

exceeds £20,000 for any business, the Secretary of State shall not pay grant towards so much of that expenditure or, as the case may be, so much of that aggregate as exceeds £20,000.

### **Amount of grant**

8.—(1) The amount of any grant payable under this Scheme shall be determined in accordance with the provisions of the Schedule to this Scheme.

(2) If the Secretary of State is satisfied that any condition subject to which a grant under this Part of this Scheme may be made has not been complied with in carrying out the relevant operation, he may, notwithstanding the immediately preceding sub-paragraph, either withhold payment of the

grant or make payment of a grant of such amount as he may in all the circumstances of the case consider reasonable.

## PART III

### GRANTS IN RESPECT OF CONTRIBUTIONS

#### **Grants to be made**

9. Subject to the provisions of this Scheme, the Secretary of State may make a grant under this Part of this Scheme to a crofter or eligible occupier in respect of any contribution made by him under any such agreement as is referred to in section 47 of the Roads (Scotland) Act 1984(5) towards the expenses of the provision of a cattle-grid for the purpose of aiding and developing agricultural production, in the case of a crofter, on his croft and, in the case of an eligible occupier, on the croft or holding or part of a croft, as the case may be, in respect of which he is the eligible occupier.

#### **Application for and conditions of grant**

10.—(1) Any application by a crofter or eligible occupier for a grant under this Part of this Scheme shall be made in such form and manner and at such time as the Secretary of State may from time to time require and the applicant shall furnish all such particulars and information relating to the cattle-grid provided or proposed to be provided as the Secretary of State may require.

(2) Any grant which may be made under this Part of this Scheme shall be subject to such conditions as may be intimated in writing to the applicant by the Secretary of State at the time of the making of the grant.

#### **Amount of grant**

11. Subject to the provisions of this Scheme, the amount of any grant payable under this Part of this Scheme shall not exceed a sum equal to 55% of the contribution in respect of which it is to be made.

## PART IV

### GENERAL

#### **Crofters Commission to be agents**

12.—(1) The Secretary of State hereby appoints the Crofters Commission to be his agents for the purpose of the administration of any grant applied for or made under this Scheme:

Provided that nothing in this sub-paragraph shall be construed as enabling the Crofters Commission to make payment of any grant under this Scheme.

(2) In carrying out their functions as agents of the Secretary of State under this Scheme, the Crofters Commission shall have the like powers, rights and duties as are conferred by it upon the Secretary of State.

### Revocation

13. The Crofting Counties Agricultural Grants (Scotland) Scheme 1972(6) is hereby revoked.

### Transitional provisions

14. Notwithstanding the revocation of the Crofting Counties Agricultural Grants (Scotland) Scheme 1972, any application made before 1st April 1988 for payment of grant under that Scheme shall be administered under that Scheme and grant shall be paid under that Scheme.

New St Andrew's House,  
Edinburgh  
14th March 1988

*Sanderson of Bowden*  
Minister of State, Scottish Office

We approve,

16th March 1988

*Peter Lloyd*  
*Michael Neubert*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Paragraphs 4(1) and 8(1)

## ELIGIBLE OPERATIONS AND AMOUNTS OF GRANT PAYABLE

1. Subject to the provisions of this Schedule and of paragraph 7 of this Scheme, the amount of any grant payable under this Scheme towards the approved cost of any operation specified in column 1 of this Schedule shall not exceed a sum equal to the percentage of that cost specified in relation to that operation in column 2 of this Schedule.

<i>Column 1</i> OPERATION	<i>Column 2</i> PERCENTAGE OF APPROVED COST
1. Erection or improvement of agricultural buildings and associated works.	50%
2. Improvement of land by reclamation, regeneration, re-seeding, laying down to permanent pasture or reconditioning.	70%
3. Formation or improvement of access tracks to land improvement areas.	70%
4. Field drainage including under drainage, hill drainage and ditching.	65%
5. Arterial drainage.	65%
6. Bracken control.	60%
7. Provision or improvement of silos (excluding grain silos).	60%
8. Provision or improvement of facilities for the sheltering and/or feeding of out-wintered livestock.	60%
9. Provision or improvement of equipment for the handling and treatment of livestock.	60%
10. Provision of fences hedges, walls, gates, or cattle-grids.	55%
11. Planting of shelter belts.	85%
12. Provision or improvement of water supplies.	60%
13. Provision or improvement of a mains electricity connection or supply.	50%
14. Supply and installation of an electricity generator.	50%
15. Provision of a gas supply.	50%
16. Provision of electrical equipment.	60%
17. Provision or improvement of roads, bridges, culverts or boat slips.	60%

2. The amount of any grant payable under this Scheme towards the approved cost of carrying out any operation which is incidental to the carrying out of an operation of any kind specified in this

Schedule or necessary or proper in the carrying out of that operation or for securing the full benefit thereof shall be calculated at the rate of grant appropriate to that operation in accordance with the provisions of this Schedule.

3. In such cases and subject to such conditions as the Secretary of State may from time to time determine, the amount of any cost towards which grant is payable under this Scheme shall, if the applicant so elects, be taken for the purpose of determining the amount of the grant as such standard amount as the Secretary of State may from time to time fix with the approval of Treasury.

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## EXPLANATORY NOTE

*(This note is not part of the Scheme)*

This Scheme revokes and replaces the Crofting Counties Agricultural Grants (Scotland) Scheme 1972. The Scheme provides that the Secretary of State may make grants to crofters and certain other occupiers of land in the crofting counties—

- (a) in respect of specified operations carried out by them for the purpose of aiding and developing agricultural production on crofts or holdings (paragraphs 4 and 8(1) and the Schedule); and
- (b) in respect of contributions made by them under such agreements as are referred to in section 47 of the Roads (Scotland) Act 1984 towards the expenses of providing cattle-grids for the said purpose (paragraphs 9 and 11).

This Scheme differs from the 1972 Scheme in that it allows assistance in respect of the erection or improvement of farm buildings and in respect of other livestock in addition to cattle and sheep (paragraphs 1, 8 and 9 of the Schedule). The Scheme also makes provision for changes in the rates of grant. An overall limit of £20,000 eligible expenditure on which grant may be paid is introduced, which restricts the amount of grant available to any one business over a two year period.

The Scheme provides that the Crofters Commission shall act as agents for the Secretary of State in the administration of grants applied for or made under the Scheme (paragraph 12).

In terms of section 12(5) of the Crofting Reform (Scotland) Act 1976, if any person, for the purposes of obtaining a grant for himself or any other person, knowingly or recklessly makes a false statement, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale (at present £2,000).