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STATUTORY INSTRUMENTS

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**1989 No. 219**

**The Farm and Conservation Grant Regulations 1989**

**Eligible persons**

3.—(1) Subject to the provisions of these Regulations, the following classes of person shall be eligible for a grant under these Regulations—

- (a) an individual carrying on an eligible agricultural business if the appropriate Minister is satisfied that that individual or, as the case may be, the farm manager or other person through whom the business is carried on—
  - (i) practises farming as his main occupation, in that not less than half of his annual income, calculated in accordance with the provisions of paragraph (2) below, is derived from agricultural activities relating to that business and the amount of time spent by him in those activities is more than 1,100 hours per year, and
  - (ii) possesses sufficient agricultural skill and competence, in that he holds an appropriate certificate issued by a teaching establishment recognised for this purpose by that Minister or has been engaged in agricultural activities for not less than five years,and if the individual carrying on that agricultural business submits an improvement plan in accordance with regulation 5, and undertakes, if that plan is approved, to carry it out and, for the duration of the plan, to keep accounts in accordance with regulation 11(1);
- (b) any person representing a body carrying on an eligible agricultural business if—
  - (i) the appropriate Minister is satisfied that the farm manager or other person through whom the business is carried on practises farming as his main occupation, as specified in sub-paragraph (a)(i) above, and possesses sufficient agricultural skill and competence, as specified in sub-paragraph (a)(ii) above, and
  - (ii) the said person representing the said body submits on behalf of the said body an improvement plan in accordance with regulation 5 and gives the undertakings required of an individual by sub-paragraph (a) above;
- (c) persons carrying on an eligible agricultural business in partnership if—
  - (i) the appropriate Minister is satisfied that the farm manager or other person through whom the business is carried on practises farming as his main occupation, as specified in sub-paragraph (a)(i) above, and possesses sufficient agricultural skill and competence, as specified in sub-paragraph (a)(ii) above, and
  - (ii) an improvement plan is submitted and the undertakings required of an individual by sub-paragraph (a) above are given on behalf of the partnership;
- (d) the owner of land occupied for the purposes of an eligible agricultural business who makes an application for approval of an improvement plan relating to such land jointly with one of the kinds of person eligible for grant under sub-paragraph (a), (b) or (c) above.

(2) For the purposes of this regulation a person's annual income shall be calculated in each case by reference to the financial year immediately preceding the day on which the improvement plan is submitted or such other period as the appropriate Minister shall determine, being a period which he is satisfied gives a fair indication of the normal amount of income of that person and the normal amount of income derived from agricultural activities in the business by that person.

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

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(3) Where a person eligible for grant under paragraph (1) above is a contractor, it shall be a further condition of eligibility that he has entered into a written agreement with the occupier of the land on which the eligible business is carried on which is expressed to continue in force for a period of not less than seven years from the day immediately preceding the day on which the improvement plan is submitted.