## (ii) GOODS AND SERVICES

# The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales), 1949

rev., 1953/1184

**1949 No. 536**

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| *Made* - - - - | *23rd March*, 1949 |
| *Laid before Parliament* | *25th March*, 1949 |
| *Coming into Operation* | *1st April*, 1949 |

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In pursuance of his powers under section one hundred and three of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries, with the approval of the Treasury, hereby makes the following Scheme:

*Citation*

**1.** This Scheme may be cited as the Agricultural Goods and Services (Marginal Production) Scheme (England and Wales), 1949, and shall come into operation on the 1st day of April, 1949.

*Definitions*

**2.** In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:

"The Act" means the Agriculture Act, 1947.

"The Minister" means the Minister of Agriculture and Fisheries.

"The Committee" means any County Agricultural Executive Committee in England or Wales.

"Normal charges" has the meaning assigned by paragraph 4 of this Scheme.

"Occupier" means any person occupying agricultural land.

*Interpretation*

**3.** The Interpretation Act, 1889(b), shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(a) 10 & 11 Geo. 6. c. 48. (b) 52 & 53 Vict. c. 63.

*Purpose of the Scheme*

**4.** This Scheme shall have effect for providing to persons farming agricultural land in England and Wales, in circumstances approved by the Minister or the Committee, goods and services of a kind which may be supplied under the Agricultural Goods and Services Scheme (England and Wales), 1948(**a**), at charges lower than the charges prevailing under that Scheme, hereinafter referred to as "normal charges".

*Conditions of Eligibility*

**5.** The Minister or the Committee may approve the supply of goods and services at less than normal charges in any case where :—

(1) a programme shall have been devised, in consultation with the occupier, to consist of certain operations calculated to increase or maintain the output of food or fodder on the agricultural unit which he occupies ; and

(2) such programme shall have been approved by the Minister or the Committee as satisfactory in relation to national production requirements and to the rules of good husbandry ; and

(3) the Minister or the Committee shall have been satisfied (having regard to any grants, subsidies or other benefits receivable by the occupier in respect of things done or to be done on the agricultural unit, whether payable under the Hill Farming Act, 1946(**b**), or otherwise) that the operations covered by the programme would be uneconomic on the unit in question for the time being, and that other necessary operations on it might be prejudiced by the execution of the programme at normal charges ; and

(4) the occupier shall have signified in writing to the Minister or the Committee that he will carry out the approved programme to the best of his ability, as a condition of his participation in the Scheme.

*Other Conditions of Participation*

**6.**—(1) The Minister or the Committee may attach to an occupier's participation in the Scheme any condition relating to quantity, quality, kind or method of production which he or they may think fit, and if the occupier shall be in breach of any such condition, the Minister or the Committee may cancel any arrangement to supply goods or services at less than normal charges, and may (without prejudice to the recovery of any debt due by the occupier to the Minister or the Committee) take steps to recover the difference between the normal charges and the charges actually made in respect of any goods or services already supplied ; provided, nevertheless, that due consideration shall be given to any circumstances not within the occupier's control which may have contributed to any such breach.

(2) Notwithstanding anything to the contrary in the Agricultural Goods and Services Scheme (England and Wales), 1948:

(*a*) goods may be supplied to occupiers participating in this Scheme, whether or not they are unable to purchase the said goods through normal trade channels, for cash or on credit ; and

(*b*) an owner-occupier shall be entitled to participate in this Scheme only in his capacity as an occupier, and only in respect of such goods and services as may be appropriate to him in that capacity.

(a) S.I. 1948 (No. 103) I, p. 25. (b) 9 & 10 Geo. 6. c. 73.

*Kinds of Goods and Services to which the Scheme relates*

**7.** Subject to the provisions of sub-paragraph (2) of paragraph 6 hereof, this Scheme shall relate to the following goods and services of those which may be supplied under the Agricultural Goods and Services Scheme (England and Wales), 1948:

*Goods:* fertilisers, lime, seeds, machinery and implements, dairy equipment, livestock, fungicides, sera and vaccines;

*Services:* ploughing, cultivating, harrowing, manure distributing, drilling, harvesting, threshing, spraying, bush clearing, fencing, mending of field walls, farm drainage, farm ditching, reclamation of derelict land and the control of disease.

Provided that except in special circumstances according to the discretion of the Minister, the provisions of this Scheme shall not relate to the supply of the following at less than normal charges:

*Goods:* livestock, machinery, implements, dairy equipment, sera and vaccines;

*Services:* threshing, bush clearing, reclamation of derelict land and the control of disease.

*Services Supplied by the Occupier*

**8.** If the occupier shall be in a position to supply, by the use of his own equipment or facilities, any services in relation to his agricultural unit of which the Minister or the Committee may undertake the supply under this Scheme, the said services may be so supplied by the occupier, and treated by the Minister or the Committee as services qualifying to be supplied at less than normal charges; and the Minister or the Committee may in such a case pay to the occupier the difference between the normal charges and such reduced charges:

Provided that the provisions of sub-paragraph (1) of paragraph 6 hereof, relating to the recovery of such difference as aforesaid in case of any breach of condition by the occupier, shall have effect with respect to any payment made for services supplied under this paragraph.

*Reduced Charges*

**9.** In accordance with the provisions of paragraphs 5 to 7 of this Scheme, the Minister or the Committee may supply goods or services, or in accordance with paragraph 8 hereof, may permit services to be supplied by the occupier, at charges reduced by any amount up to one-half of the normal charges for each respective kind of goods or service.

Provided that:

(1) if the occupier shall be entitled to receive a grant or subsidy under any other Scheme or under any Act of Parliament or otherwise in respect of any such goods or services, the normal charges may be reduced by such amount as the Minister or the Committee may determine to be appropriate, having regard to the circumstances of the case, but so that the reduced charges diminished by the amount of the grant or subsidy receivable by the occupier as aforesaid shall not be less than one-half of the normal charges diminished by the amount of the grant or subsidy which would have been receivable by the occupier as aforesaid if no reduction in the normal charges had been made; and

(2) in the case of goods, the normal charges shall, for the purpose of calculating the reduced charges, include any costs of carriage.

*Miscellaneous*

**10.**—(1) Paragraphs 6 to 8 of the Agricultural Goods and Services Scheme (England and Wales), 1948, relating to the procedure for obtaining goods and services, conditions of repayment and methods of securing repayment shall, so far as the circumstances of the case will allow, apply to goods and services supplied under this Scheme as they apply to goods and services supplied under the said Scheme.

(2) In any case where, in accordance with the provisions of paragraph 8 of this Scheme, an occupier shall supply services by the use of his own equipment or facilities, he shall furnish proof, to the satisfaction of the Minister or the Committee, of the fact that such services have actually been supplied, and of their cost or value; provided, nevertheless, that the calculation of such cost or value shall make no allowance for the cost or value of the occupier's own personal labour or supervision.

*Directions to the Committee by the Minister*

**11.**—(1) The Committee, in addition to performing any functions which under this Scheme it may be required or authorised to perform, shall do such things as the Minister may from time to time direct for the purpose of giving effect to this Scheme.

(2) The Committee shall in the administration of this Scheme keep such records and make such reports to the Minister as he may direct.

*Duration of the Scheme*

**12.** No programme shall be approved under this Scheme after the thirty-first day of August, nineteen hundred and fifty-two.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 23rd day of March, nineteen hundred and forty-nine.

(L.S.)

*T. Williams,*
Minister of Agriculture and Fisheries.

Approved.

*Richard Adams,*
*J. W. Snow,*
Two of the Lords Commissioners of His Majesty's Treasury.

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## EXPLANATORY NOTE

*(This Note is not part of the Scheme, but is intended to indicate its general purport.)*

1. The Agricultural Goods and Services (Marginal Production) Scheme in England and Wales has hitherto been operated under the authority of the annual Appropriation Acts. This Statutory Instrument brings it under Section 103 of the Agriculture Act, 1947, which gives the Minister of Agriculture and Fisheries authority to provide to persons farming agricultural land, goods and services at such reasonable charges, if any, as he thinks fit, subject to the making of an Order, with the approval of the

Treasury, to be laid before Parliament forthwith after being made. Under this Scheme the Minister will continue to be authorised to supply farmers, subject to certain defined conditions, with goods and services at less than the charges which would normally be made.

2. This Scheme is not, in its general outline, materially different from that which has operated hitherto, and it is intended to serve the same object, namely, to encourage increased food production on farms which for physical or deep-seated economic reasons are financially relatively depressed, and for the needs of which the general farm price schedules do not fully provide. This new Scheme, however, widens the conditions of eligibility, and allows greater discretion in its administration.

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## The Agricultural Goods and Services Scheme (England and Wales) Amending Order, 1949

### 1949 No. 763

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|---|---|
| *Made* - - - - | 14*th April*, 1949 |
| *Laid before Parliament* | 21*st April*, 1949 |
| *Coming into Operation* | 27*th April*, 1949 |

In pursuance of his powers under section one hundred and three of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries, with the approval of the Treasury, hereby makes the following Order:—

**1.** The Agricultural Goods and Services Scheme (England and Wales), 1948(b), (hereinafter called "the Scheme") shall, as from the date on which this Order comes into operation, have effect subject to the following provisions of this Order;

(1) The goods which may be supplied under the Scheme to managers of agricultural land shall include tubes, pipes and fittings required in connection with a scheme approved by or on behalf of the Minister for the supply of water to agricultural land; and sub-paragraph (*a*) of proviso (2) in paragraph 4 of the Scheme shall be amended accordingly by the addition, after the word "Minister", of the words: "and tubes, pipes and fittings required in connection with a scheme approved by or on behalf of the Minister for the supply of water to agricultural land".

(2) The provisions of the Scheme relating to goods shall extend to tubes, pipes and fittings required in connection with approved water supply schemes; and sub-paragraph (2) of paragraph 5 of the Scheme (which relates to goods not within the provisions of the Scheme) shall be amended accordingly by the addition, after the words "drainage tiles or pipes" in head (*b*), of the words: "and other than tubes, pipes and fittings required in connection with approved water supply schemes".

(3) Tubes, pipes and fittings required in connection with approved water supply schemes, supplied under the Scheme, shall be ordered by or supplied from stocks in the possession of the Minister or the Committee; and sub-paragraph (3) of paragraph 5 of the Scheme shall be amended accordingly by the addition, after the words "drainage pipes or tiles", of the words: "and tubes, pipes and fittings required in connection with approved water supply schemes".

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(a) 10 & 11 Geo. 6. c. 48 (b) S.I. 1948 (No. 103) I, p. 25.