1956 No. 1150

The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales) Order, 1956

Made - - - -	25*th July*, 1956
Laid before Parliament	31*st July*, 1956
Coming into Operation	1*st August*, 1956

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 103 of the Agriculture Act, 1947(**a**), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby orders as follows :—

Citation, commencement and revocation

1.—(1) This Order may be cited as the Agricultural Goods and Services (Marginal Production) Scheme (England and Wales) Order, 1956, and shall come into operation on the first day of August, 1956.

(2) The Statutory Instruments specified in the First Schedule to this Order are hereby revoked save that they shall continue to be applicable to the execution and enforcement of any contract made thereunder before the coming into operation of this Order ; and Section 38 of the Interpretation Act, 1889(**b**) (which relates to the effect of repeals), shall apply as respects such revocation as though this Order were an Act of Parliament and the Statutory Instruments specified in the First Schedule to this Order were Acts of Parliament repealed by an Act of Parliament.

Scheme

2. As from the coming into operation of this Order, the Scheme embodied in the Second Schedule hereto shall have effect for the purpose of authorising the Minister of Agriculture, Fisheries and Food, to undertake to provide goods and services to persons farming agricultural land at charges lower than those which would otherwise be made for the same.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twenty-fifth day of July, nineteen hundred and fifty-six.

(L.S.)

D. Heathcoat Amory,
Minister of Agriculture, Fisheries and Food.

Approved this twenty-fifth day of July, nineteen hundred and fifty-six.

Peter Legh,
Edward Wakefield,
Two of the Lords Commissioners of Her Majesty's Treasury.

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

FIRST SCHEDULE

STATUTORY INSTRUMENTS REVOKED

Title

The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales), 1953(a).

The Agricultural Goods and Services Schemes (Amendment and Extension) Order, 1954(b).

SECOND SCHEDULE

SCHEME

Interpretation

1.—(1) In this Scheme, unless the context otherwise requires:—

" the Act " means the Agriculture Act, 1947 ;

" agricultural land " has the meaning assigned to it by section 109 of the Act ;

" Committee " means a County Agricultural Executive Committee established under section 71 of the Act ;

" the Minister " means the Minister of Agriculture, Fisheries and Food ;

" normal charges " means the charges which, in the opinion of the Minister, it would, but for the provisions of this Scheme, have been necessary for him to charge for the supply of the goods and services to which this Scheme applies.

(2) The Interpretation Act, 1889, applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Persons to whom goods or services may be supplied

2. Subject to the provisions of this Scheme, the Minister or a Committee may supply, at the appropriate charges authorised by this Scheme, any goods and services to which this Scheme applies to any person occupying agricultural land for the purpose of farming it, or in the case of agricultural land subject to rights of common to any person carrying out on that land a programme of work approved as hereinafter mentioned.

Kinds of goods and services to which the Scheme applies

3. This Scheme shall apply to the following goods and services, namely:

Goods : calcareous sand, chalk, clay and marl, dairy equipment, fertilisers and manure, fungicides, herbicides, implements, lime, livestock, machinery, seeds, sera and vaccines, materials, components and accessories required in connection with the construction, improvement or repair of (*a*) grids for the prevention of the passage of animals, including any fences or other works necessary for their efficient operation (*b*) temporary sheds and shelters (*c*) fences and (*d*) silos, and materials required in connection with the repair of roads, and for controlling pests and diseases.

Services : carting and spreading calcareous sand, control of pests and diseases, cultivating, cutting of rushes and weeds in grassland, digging, carting and spreading clay or marl, distributing fertilisers or manure, drilling, farm ditching, field drainage, harrowing, harvesting, lime or chalk spreading, ploughing, reclamation of derelict land, removal of bushes, hedges and banks, roots or boulders, or other like obstructions to cultivation, spraying, threshing, the construction improvement or repair of (*a*) grids for the prevention of the passage of animals including any fences or other works necessary for their efficient operation (*b*) temporary sheds and shelters (*c*) fences and (*d*) silos, and repair of roads.

(a) S.I. 1953/1184 (1953 I, p. 11). (b) S.I. 1954/1098 (1954 I, p. 62).

Conditions precedent to the supplying of goods and services

4.—(1) No goods or services shall be supplied, or be deemed to have been supplied under this Scheme, unless—

(*a*) the person requiring the goods or services has, after consultation with the Minister, or the Committee, submitted a programme for the purposes of which the goods and services will be required, consisting of work calculated to increase or maintain the output of food or fodder on the agricultural land farmed or to be farmed by him, and

(*b*) the programme has been approved by the Minister, or the Committee, as being in accordance with the requirements of national production and the rules of good husbandry, and

(*c*) the Minister, or the Committee, is satisfied that notwithstanding any grants, subsidies or other benefits receivable in respect of things done or to be done under the programme, (whether payable under any enactment or otherwise), it would for the time being be uneconomic to carry out the work included in the programme, and

(*d*) the person submitting the programme has agreed in writing that as a condition of being supplied with the goods or services under this Scheme he will carry out the programme to the best of his ability and as quickly as possible.

(2) The Minister or the Committee may attach to the supply of any goods and services under this Scheme any condition relating to quantity, quality, kind or method of production which he or they may think fit, and if the person undertaking the approved programme shall break any such condition, or if he shall be guilty of negligence, default or unreasonable delay in carrying out the programme, or any part thereof, the Minister or the Committee may cancel any arrangement to supply goods or services and may (without prejudice to the recovery of any debt due from such person 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 control of the person undertaking the programme which may have contributed to any such breach.

(3) Notwithstanding the preceding provisions of this paragraph, where the Minister on account of urgency has approved of the commencement of work proposed to be included in a programme of work before the approval of that programme, the goods and services necessary for that work may be supplied before such approval is given, but the Minister may impose any conditions as to the subsequent approval of the programme, the charges to be made for the goods and services, or any other conditions which may be expedient in the circumstances.

Charges

5.—(1) The appropriate charges to be made for any goods and services supplied under this Scheme shall be in accordance with the following provisions of this paragraph.

(2) If the Minister, or the Committee, is satisfied that the execution of the approved programme at normal charges will prejudice the carrying out of other necessary operations by the person undertaking it, the normal charges at which the goods and services would be supplied may be reduced by such amount as will when added to any grant made out of moneys provided by Parliament otherwise than under this Scheme in respect of such goods and services, result in a reduction of such normal charges by an amount not exceeding 85 per cent. thereof.

(3) Where the Minister, or the Committee, is not satisfied that the execution of the approved programme at normal charges will prejudice the carrying out of necessary operations as aforesaid, the normal charges at which the goods and services would be supplied may be reduced by an amount not exceeding 50 per cent. thereof:

Provided that, if any grant may be made out of moneys provided by Parliament otherwise than under this Scheme in respect of such goods and services, the reduction which may be made shall not exceed one-half of the balance of the normal charges remaining after deduction therefrom of any grant which may be paid in respect thereof.

(4) The normal charges for goods shall, for the purpose of calculating any reductions to be made under this paragraph, be deemed to include any costs of carriage

Goods and Services supplied by the occupier

6. If any person undertaking a programme shall be in a position to supply, by the use of his own resources, any goods or services which the Minister or the Committee may undertake to supply, any goods or services so supplied may, if the Minister, or the Committee, so determine, be deemed to be goods or services supplied under this Scheme, and the Minister, or the Committee, may pay to such person in respect thereof the difference between the normal charges and the appropriate charges under this Scheme—

Provided that the provisions of paragraph 4 (2), relating to the recovery of certain differences in circumstances therein specified, shall apply to any payment made for goods or services supplied under this paragraph.

Miscellaneous

7.—(1) Paragraphs 6, 7 and 8 of the second schedule to the Agricultural Goods and Services Scheme (England and Wales) Order, 1956(a), relating to contracts, terms of payment and contractors, may be applied by the Minister or the Committee, with any necessary adaptations and so far as circumstances allow, to the supply of goods and services under this Scheme as the said paragraphs apply to goods and services supplied under the first-mentioned Scheme.

(2) Where, in accordance with the provisions of this Scheme, a person supplies goods or services by the use of his own resources, he shall furnish proof, to the satisfaction of the Minister or the Committee, that such goods or services have been supplied, and of their cost or value; provided, nevertheless, that the calculation of such cost or value in respect of services so supplied shall make no allowance for the cost or value of such person's own labour or supervision.

(3) Notwithstanding anything to the contrary in the said Agricultural Goods and Services Scheme (England and Wales) Order, 1956, goods may be supplied to persons participating in this Scheme whether or not they are unable to purchase the said goods through normal trade channels, for cash or on credit.

(4) Nothing in this Scheme shall be construed as dispensing with the consent or approval of any person to the doing of any thing where such consent or approval is required:

Provided, nevertheless, that neither the Minister nor the Committee shall be concerned to obtain on behalf of any person participating in this Scheme any such consent or approval as aforesaid, nor shall the Minister or the Committee require to be satisfied, as a condition for the supply of goods or services at less than normal charges, that any such consent or approval has been obtained.

Directions to the Committee by the Minister

8.—(1) The Committee, in addition to performing any functions which under this Scheme they 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.

(a) S.I. 1956/142 (p. 134 above).

Period of Operation of Scheme

9. No programme for the supply of goods or services shall be approved under this Scheme after the 31st day of August, 1957, but goods may be supplied under this Scheme for the period ending with the 30th day of September, 1957, or such longer period as may be prescribed by regulations made by the Minister under section 103 of the Act.

EXPLANATORY NOTE

(This note is not part of the order, but is intended to indicate its general purport.)

This order consolidates, with amendments, previous Instruments (which are hereby revoked) authorising the Minister of Agriculture, Fisheries and Food to supply, subject to the conditions set out in the scheme embodied in the Second Schedule, farmers with goods and services at less than normal charge, for the purpose of carrying out approved programmes of improvement or reclamation which are likely to increase or maintain output of food or fodder but which would be uneconomic for the time being without assistance.

Under previous schemes the Minister has had power to reduce the normal charges for goods and services supplied by him, by an amount not exceeding 50 per cent. of those charges; this scheme provides additionally that, where the execution of the programme at normal charges would prejudice the carrying out of other necessary operations on the farm, he may reduce the normal charges by an amount which when added to any subsidies, would effect a reduction not exceeding 85 per cent. thereof.

1956 No. 1133 (S. 53)

The Marginal Agricultural Production (Scotland) Amendment Scheme, 1956

Made - - - -	*24th July*, 1956
Laid before Parliament	*30th July*, 1956
Coming into Operation	*31st July*, 1956

In exercise of the powers conferred on me by section 75 of the Agriculture (Scotland) Act, 1948(a) as read along with the Agriculture (Provision of Goods) (Scotland) Regulations, 1954(b) and of all other powers enabling me in that behalf, and with the approval of the Treasury, I hereby make the following scheme:—

1. This scheme may be cited as the Marginal Agricultural Production (Scotland) Amendment Scheme, 1956 and shall come into operation on the 31st day of July, 1956.

2. This scheme, the Marginal Agricultural Production (Scotland) Scheme 1949(c) (hereinafter referred to as the "principal scheme"), the Marginal Agricultural Production (Scotland) (Extension) Scheme, 1950(d), the Marginal Agricultural Production (Scotland) (Amendment) Scheme, 1951(e) the Marginal Agricultural Production (Scotland) Scheme, 1952(f) and the Marginal Agricultural Production (Scotland) Scheme, 1954(g) shall be construed as one and may be cited together as the Marginal Agricultural Production (Scotland) Schemes, 1949 to 1956.

(a) 11 & 12 Geo. 6. c. 45. (b) S.I. 1954/605 (1954 I, p. 66).
(c) S.I. 1949/610 (1949 I, p. 143). (d) S.I. 1950/1135 (1950 I, p. 41).
(e) S.I. 1951/732 (1951 I, p. 15). (f) S.I. 1952/1446 (1952 I, p. 7).
(g) S.I. 1954/1010 (1954 I, p. 75).