# 1987 No. 154

## AGRICULTURE

## HORTICULTURE

## Agriculture and Horticulture Development Regulations (Northern Ireland) 1987

| | |
|---|---|
| *Made* . . . . . | *30th March 1987* |
| *Coming into operation* . . | *1st April 1987* |

The Department of Agriculture, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation and commencement*

**1.** These regulations may be cited as the Agriculture and Horticulture Development Regulations (Northern Ireland) 1987 and shall come into operation on 1st April 1987.

*Interpretation*

**2.**— (1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these regulations, unless the context otherwise requires—

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" and references to farming shall be construed accordingly;

"agricultural business" means a business consisting in, or such part of any business as consists in, the pursuit of agriculture, including the storage, the transport and the preparation for market of the produce of the business;

"agricultural produce" includes anything (whether live or dead) produced in the course of agriculture;

"the Department" means the Department of Agriculture for Northern Ireland;

---

(**a**) S.I. 1972/1811

(**b**) 1972 c. 68; section 2 is subject to Schedule 2 of that Act and is to be read with Articles 4(6) and (8) of the Fines and Penalties (Northern Ireland) Order 1984; (S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253)

(**c**) 1954 c. 33 (N.I.)

"approved" means approved by the Department in writing, and "approve" and "approval" shall be construed accordingly;

"dairy cows" means cows which have calved and which by reason of their breed or suitability are exclusively or principally kept for the production of milk either for human consumption or for processing into milk products;

"designated map" means the map marked "map of less-favoured farming areas in Northern Ireland" dated 4th April 1984, signed by the Secretary of State for Northern Ireland and deposited at the offices of the Department at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB;

"disadvantaged land" means land—

(*a*) which is, in the opinion of the Department, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and

(*b*) whose agricultural production is, in the opinion of the Department, restricted in its range by, or by any combination of, soil, relief, aspect or climate,

which land is within the area shaded blue or pink on the designated map;

"earned income", in relation to an agricultural business, means the revenue of the business as assessed by the Department, provided that in any such assessment the said revenue shall be taken to include net inventory changes and farmhouse consumption less remuneration of capital invested in the agricultural business and such charges and expenses as the Department may consider reasonable;

"ECU" means the unit of account used for the purposes of the common agricultural structures policy of the European Economic Community and any reference in these regulations to a specified number of ECU in relation to any expenditure or any grant shall be taken to be a reference to the sterling equivalent of that number of ECU converted into sterling at the agricultural exchange rate applicable on 1st January in the calendar year during which the decision to pay grant is taken;

"eligible agricultural business" has the meaning assigned to that expression by regulation 4;

"eligible person" has the meaning assigned to that expression by regulation 3;

"forestry income" means income from the planting, tending and management of woodlands and includes income from the sale of timber and other products therefrom;

"glasshouse" means a fixed or mobile structure, used for the production of horticultural produce for sale, which is mounted on durable foundations, is not less than 1.67 metres high at the ridge, and of which more than half the total area of the sides, ends and roof is of glass or such other translucent material as will give a durability and transparency similar to that of glass;

"heifers" means female bovine animals of two years of age or over which have not calved and which are intended to replace dairy cows;

"horticultural produce" means—

(*a*) fruit;

(*b*) vegetables of a kind grown for human consumption, including fungi, but not including maincrop potatoes or peas grown for seed or for harvesting dry;

(*c*) flowers, pot plants and decorative foliage;

(*d*) herbs;

(*e*) seeds (other than pea seeds), bulbs and other material, being seeds, bulbs or material for—

(i) sowing or planting for the production of fruit, of the vegetables, flowers, plants or foliage mentioned in (*b*) and (*c*) or of herbs, or

(ii) reproduction of the seeds, bulbs or other material planted; or

(*f*) trees and shrubs, other than trees grown for the purpose of afforestation;

but does not include hops;

"horticultural production business" means an agricultural business consisting in, or such part of any agricultural business as consists in, the growing of horticultural produce for sale or the growing of such produce for sale and its storage, transport or preparation for market;

"labour unit" means the amount of work, other than work done by a contractor, which would in the opinion of the Department occupy the full time, not exceeding 2,300 hours per year, of a full-time worker;

"less favoured area" means land—

(*a*) which is situated in an area included in the list of less-favoured farming areas adopted by the Council or the Commission of the European Communities under Article 2 of Council Directive No. 75/268/EEC on mountain and hill farming in certain less-favoured areas(**a**), and

(*b*) which is shaded blue and pink on the designated map;

"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;

"main framework", in relation to a building or structure, means the floor, outer walls and roof of that building or structure and any internal dividing walls which are integral to that building or structure;

"preparation for market", in relation to produce, does not include canning, bottling, pulping or cooking, or preserving by sterilising, by freezing, by de-hydrating, by heat or by chemical process;

"severely disadvantaged land" means land

(*a*) which is, in the opinion of the Department, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and

(**a**) OJ No. L128, 19.5.75, p.1.

(*b*) whose agricultural production is, in the opinion of the Department, severely restricted in its range by, or by any combination of, soil, relief, aspect or climate,

which land is within the area shaded pink on the designated map.

*Eligible persons*

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

(*a*) an individual carrying on an eligible agricultural business if the Department is satisfied that that individual or, as the case may be, the farm manager or other person through whom the business is being 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) is derived from agricultural activities and the amount of time spent by him in such activities is more than half of the time spent by him in working, 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 the Department or has been engaged in agricultural activities for not less than five years,

and if the individual carrying on that agricultural business submits a development plan in accordance with regulation 5, and undertakes, if that plan is approved, to carry it out and, during its carrying out, to keep accounts in accordance with regulation 9;

(*b*) any person representing a body of persons carrying on an eligible agricultural business if—

(i) the Department is satisfied that the main purpose of that business is farming and 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) and possesses sufficient agricultural skill and competence, as specified in sub-paragraph (*a*)(ii), and

(ii) the said person representing the said body submits on behalf of the said body a development plan in accordance with regulation 5 and gives the undertakings required of an individual by sub-paragraph (*a*);

(*c*) persons carrying on an eligible agricultural business in partnership if—

(i) the Department 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), and possesses sufficient agricultural skill and competence, as specified in sub-paragraph (*a*)(ii), and

(ii) a development plan is submitted and the undertakings required of an individual by sub-paragraph (*a*) 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 a development plan relating to such land jointly with one of the kinds of person eligible for grant under sub-paragraphs (*a*), (*b*) or (*c*).

(2) For the purposes of this regulation a person's annual income shall be calculated in each case by reference to such year or years within the 3 years immediately preceding the day on which application for assistance is made as the Department shall determine, being a year or years which the Department is satisfied gives or give a fair indication of the normal amount of income derived from agricultural activities by that person.

*Eligible agricultural business*

**4.** For the purposes of these regulations an eligible agricultural business is an agricultural business which appears to the Department to be suitable for development and as to which the Department is satisfied—

(*a*) that the earned income per labour unit reasonably required under the existing system of production is less than the comparable income determined in accordance with regulation 13(*a*), or

(*b*) that the nature or structure of the business is such as to place at risk the maintenance of an earned income at the level of the said comparable income, and that the earned income per labour unit reasonably required under the existing system of production is not greater than 120 per cent of the said comparable income.

*Development plans*

**5.**—(1) A development plan submitted for approval shall be set out in such form as the Department may from time to time require and the person submitting it shall furnish—

(*a*) sufficient information to show that the person undertaking to carry out the plan is an eligible person and that the plan relates to an eligible agricultural business;

(*b*) a description of that agricultural business at the time of submission of the plan for approval and of the land to which the plan relates;

(*c*) a description of that agricultural business on completion of the plan in the form of an estimated budget and of a statement of the number of labour units required in the carrying on of the business;

(*d*) an indication of the measures to be taken and, in particular, of the investments to be made, in order to achieve the aim of the plan and a list of any agreements to purchase land or take land on lease made in order to achieve an increase in the area of land occupied for the purposes of the agricultural business to which the plan relates;

(*e*) an indication of any loan guarantee which may be required;

(*f*) such other particulars and information relating thereto as the Department may require.

(2) A development plan shall not be approved under these regulations unless an application for assistance was received under the Agriculture and Horticulture Development Regulations 1980(**a**) on or before 30th September

(a) S.I. 1980/1298, amended by S.I. 1981/1708, 1983/508, 1983/924, 1983/1763, 1984/618, 1984/1922, 1985/1025.

1985 and unless the Department is satisfied that the plan is reasonably practicable and that if it is completed within a period, specified therein, not exceeding 6 years—

(*a*) the agricultural business to which it relates or, if the agricultural business is part of a larger business, that larger business may reasonably be expected to achieve or maintain an earned income per labour unit which amounts to not less than the aggregate of the comparable income determined in accordance with regulation 13(*a*) in respect of the calendar year in which the plan is submitted for approval, or such other year as the Department may for this purpose allow, and of annual increases at least equal to the annual percentage increases determined in accordance with regulation 13(*b*) in respect of each of the remaining calendar years in the period during which the plan is to be carried out, and

(*b*) the agricultural business to which it relates may reasonably be expected to achieve or maintain an earned income, not less than the said comparable income increased as aforesaid, for at least one labour unit, and

(*c*) if the agricultural business to which it relates is part of a larger business, the earned income including, for these purposes, forestry income which the agricultural business may reasonably be expected to achieve or maintain on completion of the plan comprises—

(i) as respects an agricultural business situated in a less-favoured area, not less than 50 per cent of the said comparable income increased as aforesaid, or

(ii) as respects an agricultural business not situated in a less-favoured area, not less than 80 per cent of the said comparable income increased as aforesaid, or

(iii) as respects an agricultural business situated partly in a less-favoured area and partly outside a less-favoured area, such proportion of the said comparable income increased as aforesaid as the Department may determine.

(3) The Department shall not approve for the purposes of grant a development plan in so far as it includes—

(*a*) by reason of an application for approval of, or of a variation to, that plan which is received—

(i) before 1st January 1982, proposed expenditure amounting in aggregate to less than £1,000 or more than 58,223 ECU per labour unit;

(ii) on or after 1st January 1982, proposed expenditure amounting in aggregate to less than £1,000 or more than 79,379 ECU per labour unit or more than 220,000 ECU per agricultural business; or

(*b*) proposed expenditure in connection with the breeding or keeping of pigs (not being expenditure on the purchase of pigs) unless—

(i) in the case of an application for approval of, or of a variation to, a development plan received before 30th November 1981, that expenditure amounts in aggregate to not less than 13,309 ECU and not more than 67,466 ECU, or

(ii) in the case of an application for approval of, or of a variation to, a development plan received on or after 2nd May 1984, such expenditure is not in respect of any work, facility or transaction which is of a kind specified in any of paragraphs 1 to 5 of column 1 of each of Schedules 1 to 5 or, if the expenditure is in respect of any such work, facility or transaction, it appears to the Department that, after completion of the work, facility or transaction, the number of pig places on the land occupied for the purposes of the agricultural business to which the plan relates will not exceed 550, or 500 where the application is received on or after 9th July 1985 and before 31st December 1986, or 400 where the application is received on or after that date and before 31st December 1987, and in the case of subparagraph (i) or this subparagraph;

(iii) the Department is satisfied that the plan provides that on its completion not less than 35 per cent of the feedingstuffs required for the pigs kept on the land occupied for the purposes of the agricultural business to which the plan relates can be produced from that land; or

(*c*) proposed expenditure on the purchase of land, calves intended for slaughter at less than 7 months of age, or pigs; or

(*d*) proposed expenditure in connection with the keeping or breeding of poultry or the production of eggs; or

(*e*) proposed expenditure on the erection, alteration or improvement of living accommodation; or

(*f*) proposed expenditure on the purchase of livestock other than livestock of any of the kinds mentioned in the preceding provisions of this paragraph unless the Department is satisfied that—

(i) the purchase is of additional animals as specified in the plan, and

(ii) in the case of expenditure on the purchase of cattle or sheep, the plan provides that on its completion the sale by the agricultural business of cattle or sheep and their produce, assessed in such a manner as the Department shall consider appropriate, shall comprise more than 60 per cent of all sales, assessed as aforesaid, of agricultural produce made by the business; or

(*g*) proposed expenditure amounting in aggregate to more than 220,000 ECU, or

(*h*) proposed expenditure which, in the opinion of the Department would in any six-year period amount to more than 220,000 ECU when added to other expenditure—

(i) which is included in any previous development plan, relating to the same agricultural business, approved under these regulations or the Farm and Horticulture Development Regulations 1981(**a**), and

(ii) which has been incurred in the six-year period in question, and

(a) S.I 1981/1707, amended by S.I. 1983/507, 1983/925, 1983/1762, 1984/620, 1984/1924 and 1986/1295

(iii) in respect of which the application for assistance was received on or after 1st February 1980; or

(*j*) by reason of an application for approval of, or of a variation to, that plan which is received on or after 30th November 1981, proposed expenditure in connection with the breeding or keeping of dairy cows or heifers (not being expenditure on the purchase of dairy cows or heifers) unless the Department is satisfied that the effect of such expenditure will not be to exceed the reference quantity, or, where appropriate, the additional reference quantity determined in accordance with Council Regulation (EEC No. 857/84(**a**)) adopting general rules for the application of the levy referred to in Article 5c of Council Regulation (EEC) No. 804/68(**b**) in the milk and milk products sector and—

(i) that such expenditure is no more than is necessary to enable the agricultural business to which the plan relates to achieve or maintain an earned income which is not less than the comparable income calculated in accordance with regulation 13 in relation to not more than 1.5 labour units and that such expenditure will not make possible an increase in the number of dairy cows kept on the land occupied for the purposes of the agricultural business to which the plan relates on completion of the plan to more than 40 dairy cows per labour unit reasonably required for that business under the system of production then existing up to a maximum of 1.5 labour units, or

(ii) in the case of an agricultural business which in the opinion of the Department reasonably requires more than 1.5 labour units under the existing system of production and in the carrying on of which dairy cows were kept at the date of submission of the plan, or of the variation thereto, for approval, that such expenditure will not make possible an increase of more than 15 per cent in the number of dairy cows so kept at that date; or

(*k*) expenditure in connection with the replacing of apple orchards or pear orchards to the extent that such expenditure was incurred before 8th November 1982, or proposed expenditure in connection with replacing apple orchards or pear orchards to take place after 31 March 1988.

(4) For the purposes of this regulation 'pig place' means the facilities necessary to house one fattening pig; save that where the herd includes breeding sows, the facilities necessary to house one such sow shall be taken to be the equivalent of 6.5 pig places.

(5) Where the agricultural business to which the development plan relates includes the breeding or keeping of poultry or the production of eggs, work done in carrying on that part of the agricultural business shall be disregarded for the purposes of calculating the number of labour units under paragraph (3)(*a*).

---

(**a**) OJ No. L90, 1.4.84, p.13; amended by Council Regulation (EEC) No. 590/85 (OJ No. L68, 8.3.85, p. 1) and Council Regulation (EEC) No. 1305/85 (OJ No. L137, 27.5.85, p.12)

(**b**) OJ No. L148, 28.6.68., p. 13; Article 5c was inserted by Council Regulation (EEC) No. 856/84 (OJ No. L90, 1.4.84, p.10) and subsequently amended by Council Regulation (EEC) No. 1557/84 (OJ No. L150, 6.6.84, p.6) and Council Regulation (EEC) No. 1298/85 (OJ No. L137, 27.5.85, p.5)

(6) The Department may make the approval under this regulation of a development plan subject to such conditions as it thinks fit.

*Variation and withdrawal of development plans*

**6.** The Department may, on the written request of the person currently responsible for the carrying on of an agricultural business to which a development plan relates, vary or withdraw the approval of that plan.

*Farm development and related grants*

**7.**—(1) Subject to the provisions of these regulations, the Department may make to any eligible person a grant towards expenditure incurred by him for the purposes of, or in connection with, the carrying on of an eligible agricultural business, being expenditure which—

(*a*) has been incurred in respect of any work, facility or transaction of a kind specified in column 1 of Schedules 1 to 5; and

(*b*) appears to the Department to be of a capital nature or to have been incurred in connection with expenditure of a capital nature; and

(*c*) is included in, and appears to the Department to be necessary or appropriate for the purposes of, an approved development plan for that business and to be the responsibility of that person.

(2) The Department may make to an eligible person in respect of an approved development plan grants of the amounts specified in regulation 9(2) for the keeping of accounts of a kind described in regulation 9(1).

(3) Subject to the provisions of these regulations, the Department may make grants by way of guidance premium of amounts calculated in accordance with regulation 10 to an eligible person in respect of an approved development plan which makes or made such provision for the breeding or keeping of cattle or sheep suitable for the production of beef or, as the case may be, sheep meat that on completion of the plan the sales of such cattle or sheep, assessed in such manner as the Department shall consider appropriate, made in the carrying on of the business to which the development plan relates or related shall comprise more than half of all sales so made, assessed as aforesaid.

(4) The Department may make the payment of grant under paragraphs (1), (2) or (3) subject to such conditions as the Department thinks fit, and any payment of grant under these regulations may be made at such time as the Department may determine.

(5) Where it appears to the Department that expenditure in respect of which a grant is claimed under paragraph (1) has been incurred partly for the purposes of, or in connection with, the carrying on of an agricultural business and partly for non-agricultural purposes, the Department may for the purposes of a grant under the said paragraph treat as having been incurred for the purposes of, or in connection with, the carrying on of an agricultural business so much of that expenditure as appears to the Department to be referable to the carrying on of that agricultural business.

*Amounts of grant under regulation 7(1)*

**8.**—(1) Subject to the provisions of this regulation and regulations 12 and 14 the amount of any grant payable under regulation 7(1) towards expenditure in respect of any work, facility of transaction of a kind specified—

(*a*) in any of paragraphs 1 to 20 and 22 in column 1 of Schedule 1 and included in an application for approval of a development plan or for a variation to such a plan, received on or after 1st October 1980 and to claims for grant towards expenditure incurred on or after that date;

(*b*) in any of paragraphs 1 to 20 and 22 in column 1 of Schedule 2 and included in an application for approval of a development plan, or for a variation to such a plan, received on or after 1st July 1983 and to claims for grant towards expenditure incurred or or after that date;

(*c*) in any of paragraphs 1 to 19 and 21 in column 1 of Schedule 3 and included in an application for approval of a development plan, or for a variation to such a plan, received on or after 1st December 1983 and to claims for grant towards expenditure incurred on or after that date;

(*d*) in any of paragraphs 1 to 19 and 21 of column 1 of Schedule 4 and included in an application for approval of a development plan, or for a variation to such a plan, received on or after 12th December 1984 and to claims for grant towards expenditure incurred on or after that date;

(*e*) in any of paragraphs 1 to 19 and 21 in column 1 of Schedule 5 and included in an application for approval of a development plan, or for a variation to such a plan, received on or after 9th July 1985 and to claims for grant towards expenditure incurred on or after that date,

shall be the percentage of that expenditure specified in relation to that work, facility or transaction in column 2 of the appropriate Schedule except that in the case of any work, facility or transaction which, in the opinion of the Department—

(i) is for the purposes of, or in connection with, the carrying on of an agricultural business or that part thereof situated in a less-favoured area on severely disadvantaged land the amount of grant so payable shall be the percentage of that expenditure specified in relation to that work, facility or transaction in column 3 of the appropriate Schedule;

(ii) is of a kind specified in any of paragraphs 1 to 7, 9 to 19 and 21 in column 1 of Schedules 3, 4 and 5 respectively and is for the purposes of, or in connection with, the carrying on of an agricultural business, or that part thereof, situated in a less-favoured area on disadvantaged land, the amount of grant so payable shall be the percentage of that expenditure, if any, specified in relation to that work, facility or transaction in column 3 of the appropriate Schedule;

(iii) is for the purposes of, or in connection with, the carrying on of a horticultural production business which is capable of providing the greater part of the employment of at least one person reasonably skilled in agriculture, the amount of grant so payable shall be the percentage of that expenditure specified in relation to that work, facility or transaction in column 4 of the appropriate Schedule;

(iv) is for the purposes of, or in connection with, the carrying on of an agricultural business, or a horticultural production business, of a kind described in regulation 4(*b*), the amount of grant so payable shall be two-thirds of the percentage of that expenditure specified

in relation to that work, facility or transaction in the appropriate column of each of the Schedules 1 to 5.

(2) Where it appears to the Department that expenditure towards which grant is payable under regulation 7(1) has been incurred for the purposes of, or in connection with, the carrying on of an agricultural business situated partly on severely disadvantaged land or partly on disadvantaged land the Department may for the purpose of determining the amount of grant so payable towards that expenditure treat as having been incurred for, or in connection with, that part of the business situated on the severely disadvantaged land or on the disadvantaged land so much of that expenditure as appears to the Department to be referable to the carrying on of that part of the business.

(3) Where it appears to the Department that expenditure towards which grant is payable under regulation 7(1) has been incurred partly for the purposes of, or in connection with, the carrying on of a horticultural production business and partly for other agricultural purposes, the Department may for the purpose of determining the amount of grant so payable towards that expenditure treat as having been incurred for the purposes of, or in connection with, the carrying on of a horticultural production business so much of that expenditure as appears to the Department to be referable to the carrying on of that horticultural production business.

(4) The amount of any grant payable under regulation 7(1) towards expenditure in respect of the carrying out or provision of any work, facility or transaction which is incidental to the carrying out or provision of another work, facility or transaction of any kind specified in any of paragraphs 1 to 20 of Schedule 1, paragraphs 1 to 21 of Schedule 2 or paragraphs 1 to 19 of Schedules 3, 4 and 5 or necessary or proper in the carrying out or provision of that other work, facility or transaction or for securing the full benefit thereof shall be calculated at the rate of grant appropriate to that other work, facility or transaction in accordance with the provisions of this regulation.

(5) Where it appears to the Department that the expenditure in connection with the breeding and keeping of pigs reasonably incurred in the carrying out of any approved development plan exceeds the proposed expenditure in that connection included in that plan in respect of any work, facility or transaction of a kind specified in any of paragraphs 1, 4 to 13 and 21 in column 1 of Schedule 1, paragraphs 1, 2, 5 to 14 and 21 in column 1 of Schedule 2 and paragraphs 1, 4 to 13 and 20 in column 1 of Schedules 3, 4 and 5, the Department may pay grant in relation to the difference between the amount of expenditure so included and the amount of expenditure actually incurred, unless the expenditure limit set out at regulation 5(3)(*b*)(i) is thereby exceeded.

(6) Subject to the provisions of paragraph (5), where it appears to the Department that the expenditure reasonably incurred in the carrying out of any approved development plan exceeds the proposed expenditure included in that plan in respect of any work, facility or transaction of a kind specified in any of paragraphs 1 to 13, 14(i), 15, 19 and 21 in column 1 of Schedule 1, paragraphs 1 to 14, 15(i), 20 and 22 in column 1 of Schedule 2 and paragraphs 1 to 13, 14(i), 15, 18 and 20 in column 1 of Schedules 3, 4 and 5, the Department may pay grant in relation to the difference between the amount of expenditure so included and the amount of expenditure actually incurred.

*Accounts and amounts of grant payable in connection therewith*

**9.**—(1) The accounts referred to in regulations 3(1)(*a*) and 7(2) are accounts relating to an agricultural business to which an approved development plan relates and the keeping of those accounts—

(*a*) shall comprise—

(i) the drawing up of an annual trading account, a profit and loss account and a balance sheet, and

(ii) the systematic and regular recording during the accounting year of the transactions in kind and in cash carried out in the course of carrying on the agricultural business;

(*b*) shall result in the submission to the Department at the end of each accounting year—

(i) of a description of the general characteristics of the agricultural business and in particular of the factors of production used, and

(ii) of a detailed trading account, profit and loss account and balance sheet, and

(iii) of such information as is necessary, in particular the earned income per labour unit and the income of the person carrying on the agricultural business, to assess the efficiency of the management of the agricultural business and the profitability of the main kinds of production of the agricultural business.

(2) Subject to the provisions of regulation 14 the amounts of grant payable under regulation 7(2) shall be, in respect of the first of the years in which the development plan is carried out, 259 ECU and, in respect of each of the next 3 years 167 ECU.

*Amounts of guidance premium*

**10.** Subject to the provisions of regulation 14 the amounts of grant payable by way of guidance premium under regulation 7(3) shall be calculated in relation to so many of the hectares of land occupied for the purposes of the agricultural business to which the development plan relates or in the case of a development plan which has been completed, related, as in the opinion of the Department is or was necessary for the breeding or keeping of cattle or sheep suitable for the production of beef or, as the case may be, sheep meat in the carrying out of that development plan, at the rate of—

(*a*) £30.56 per hectare in the first year;

(*b*) £20.67 per hectare in the second year;

(*c*) £10.52 per hectare in the third year:

provided that no payment by way of such grant shall exceed £3,056 in respect of the first year, £2,067 in respect of the second year or £1,052 in respect of the third year.

*Claims for grant*

**11.**—(1) Subject to paragraph (2), any claim for a grant under these regulations shall be made in such form and manner and at such time as the Department may from time to time require and the claimant for grant shall furnish all such particulars and information relating to the claim as the Department may require.

(2) The Department shall not pay grant under these regulations in respect of replacing any apple orchards or pear orchards unless the claim for grant is received on or before 31st March 1988.

(3) Regulation 8(1)(ii) shall only apply in relation to any claim for grant received on or after 2nd May 1984 towards expenditure incurred on or after 29th February 1984.

*Standard costs*

**12.** In such cases, and subject to such conditions, as the Department may from time to time determine, the cost of any work, facility or transaction or the amount of any other cost or expenditure, shall, if the claimant so elects, be taken for the purpose of determining the amount of any grant payable under these regulations as such standard cost or amount as the Department may from time to time fix with the approval of the Department of Finance and Personnel.

*Comparable Income*

**13.** For the purposes of these regulations the Department shall determine in respect of each calendar year—

(*a*) a comparable income per labour unit having regard to the average earnings of full time workers in occupations other than agriculture;

(*b*) a percentage increase in the comparable income, having regard to the average annual increase during the preceding 5 years in the earnings of full-time workers in occupations other than agriculture after adjustment for changes in retail prices.

*Reduction or withholding of grant*

**14.** The Department may reduce or withhold any grant payable under these regulations in any case where—

(*a*) assistance in respect of expenditure towards which such grant is claimed has been or may be given otherwise than under these regulations, or

(*b*) the carrying out or provision of the work, facility or transaction towards the expenditure on which such grant is claimed appears to the Department to frustrate the purposes served by assistance previously given out of money provided by the Parliament of the United Kingdom or the European Economic Community, or

(*c*) the greater part of the land affected by a development plan, in connection with the carrying out of which the grant is claimed, has been affected within the preceding 5 years by another development plan approved under these regulations or the Farm and Horticulture Development Regulations 1981.

*Revocation of approval and recovery of grant*

**15.** If at any time after the Department has approved a development plan or paid a grant under these regulations it appears to the Department—

(*a*) that any condition subject to which the approval was given or the grant has been paid has not been complied with, or

(*b*) that any work, facility or transaction, in respect of expenditure on which a grant has been paid has been badly done or provided, or

(*c*) that the person by whom the application for approval of the development plan or for the payment of grant was made gave information on any matter relevant to the giving of the approval or the making of the payment which was false or misleading in a material respect,

the Department may revoke the approval, in whole or in part, and, where any payment has been made, may recover on demand an amount equal to the payment which has been so made or such part thereof as the Department may specify; but before revoking an approval or making a demand under the preceding provisions of this regulation the Department—

(i) shall give to any person to whom any payment by way of such grant would be payable or from whom any such amount would be recoverable a written notification of the reasons for the action proposed to be taken by the Department, and

(ii) shall afford that person an opportunity of appearing before and being heard by a person appointed for the purpose by the Department, and

(iii) shall consider the report by a person so appointed and supply a copy of the report to the person mentioned in sub-paragraph (i).

*False statements*

**16.** If any person, for the purposes of obtaining for himself or any other person any grant under these regulations, knowingly or recklessly makes a false statement, he shall be liable on summary conviction to a fine not exceeding £2,000.

*Rights of Entry*

**17.** For the purposes of these regulations and, in particular, for the purpose of securing that grants under these regulations are made in proper cases only, any person duly authorised in that behalf by the Department may, upon production if so required of his appointment or authority, at all reasonable times enter upon and inspect any land, and inspect any premises, plant, equipment or livestock in respect of which grant under these regulations has been made or claimed.

*Transitional Provisions*

**18.** Without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954(**a**)—

(*a*) these regulations shall apply to applications for assistance made or to development plans received or any other act or thing done under any regulation revoked by these regulations as if such application had been made or such development plan had been received or other act or thing had been done under these regulations and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations;

(**a**) 1954 c. 33 (N.I.)

(*b*) references in these regulations to applications for assistance made or development plans received or acts or things done before the coming into operation of these regulations are to such applications for assistance made or development plans received or acts or things done under the corresponding provisions of regulations revoked by these regulations.

*Revocations*

**19.** The regulations specified in Schedule 6, insofar as they form part of the law of Northern Ireland, are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 30th March 1987.

(L.S.) *L. Sinclair*
Assistant Secretary

SCHEDULE 1 Regulations 5(3), 7(i) and 8(1)(*a*)

ELIGIBLE WORKS, FACILITIES AND TRANSACTIONS AND RATES OF GRANT

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| 1. Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings or permanently sited durable structures for cladding with plastic (except living accommodation and buildings or structures designed and intended for the production of horticultural produce (see paragraph 2)), bulk dry stores, silos, yards, loading platforms, ramps or banks. | 32.5 | 37.5 | 32.5 |
| 2. (i) Replacement, reconstruction, alteration, reconditioning or other improvement of existing permanent buildings, of permanently sited frames or of durable structures for cladding with plastic, designed and intended for the production of horticultural produce (excluding any work or facility specified in sub-paragraph (ii)). | Nil | Nil | 32.5 |
| (ii) Provision or enlargement of permanent buildings, of permanently sited frames or of durable structures for cladding with plastic, designed and intended for the production of horticultural produce. | Nil | Nil | 5 |
| 3. Supply and installation of permanent thermal insulation, vapour sealing or gas sealing for the control of temperature or atmosphere in buildings designed and intended for horticultural use. | Nil | Nil | 32.5 |
| 4. Provision, replacement or improvement of systems for the disposal of agricultural waste. | 32.5 | 37.5 | 32.5 |
| 5. Provision, replacement or improvement of facilities for the supply of electricity or gas for agricultural purposes. | 32.5 | 37.5 | 32.5 |

| | | | |
|---|---|---|---|
| 6. Provision, replacement or improvement of facilities for the supply or storage of water for agricultural purposes. | 32.5 | 50 | 32.5 |
| 7. (i) Provision, replacement or improvement of field drainage, including under-drainage and ditching. | 50 | 70 | 50 |
| (ii) Works and facilities to prevent flooding of agricultural land by watercourses. | 32.5 | 50 | 32.5 |
| 8. Provision, replacement or improvement of roads, paths and other permanent ways, grids, hard standings, fords, bridges, culverts, railway crossings, creeps, piers, jetties or slips. | 32.5 | 50 | 32.5 |
| 9. Provision, replacement or improvement of pens, dips, stells or other facilities designed and intended for use in connection with the gathering, treatment or feeding of livestock or for sheltering them in periods of adverse weather but not for in-wintering. | 32.5 | 50 | Nil |
| 10. Provision, replacement or improvement of permanent fences, hedges, walls or gates. | 32.5 | 50 | 32.5 |
| 11. Provision, replacement or improvement of shelter belts. | 5 | 50 | 32.5 |
| 12. (i) Reseeding and regeneration of grassland and laying down of permanent pasture, including as part of a complete programme of work the application of lime or fertiliser. | 32.5 | Nil | Nil |
| (ii) Reseeding and regeneration of grassland; laying down of permanent pasture; application of lime or fertiliser (other than normal husbandry applications) for the benefit of grassland. | Nil | 50 | Nil |
| (iii) Clearance and reclamation of land; sub-soiling; burning heather or grass or making muirburn or regenerating heather by cutting; land levelling or grading (including filling in of ditches or ponds); removal of tree roots, boulders or other obstructions to cultivation; bracken control. | 32.5 | 50 | 32.5 |
| (iv) Claying or marling or soil mixing. | 5 | 10 | 5 |
| 13. (i) Orchard grubbing | 32.5 | 32.5 | 32.5 |
| (ii) Replacement of apple orchards (other than apple orchards consisting of trees producing cider apples) which have been grubbed up after 7th November 1982 by an equal or smaller area of apple orchards consisting of— | 32.5 | 32.5 | 32.5 |

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| (*a*) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seedling apple or Spartan apple; | | | |
| (*b*) any other named varieties of apple trees required for pollination (other than varieties producing cider apples) not exceeding in total one third of the number of trees of the varieties specified in head (*a*); | | | |
| (*c*) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination. | | | |
| (iii) Replacement of pear orchards (other than pear orchards consisting of trees producing perry pears) which have been grubbed up after 7th November 1982 by an equal or smaller area of pear orchards consisting of— | 32.5 | 32.5 | 32.5 |
| (*a*) the varieties of pear trees known as Conference pear or Doyenne du Comice pear; | | | |
| (*b*) any other named varieties of pear trees required for pollination (other than varieties producing perry pears) not exceeding in total one third of the number of trees of the varieties specified in head (*a*); | | | |
| 14. Provision, replacement or improvement of stakes and wirework for— | | | |
| (i) hop gardens; | 32.5 | 32.5 | Nil |
| (ii) cane fruit; | 20 | 20 | 20 |
| (iii) vineyards. | 32.5 | 32.5 | 32.5 |
| 15. Provision, replacement, improvement, alteration, enlargement or reconditioning of watercress beds. | Nil | Nil | 32.5 |

| | | | |
|---|---|---|---|
| 16. Plant or equipment designed and intended for the production, harvesting, storage or preparation for market of horticultural produce (excluding plant or equipment of a kind specified in paragraph 18 and potato harvesting equipment). | Nil | Nil | 20 |
| 17. Provision or installation or replacement of plant or machinery (including fixtures and fittings) for agricultural purposes (excluding plant or machinery which has been used before installation or which is installed in or is wholly for the benefit of living accommodation or which is of a kind specified in paragraphs 16 or 18). | 5 | 10 | 5 |
| 18. Plant or equipment, including tractors and ancillary equipment, designed and intended for the cultivation of horticultural crops and produce. | Nil | Nil | 5 |
| 19. Provision, replacement, improvement, alteration or enlargement of facilities for the farming of fresh water fish for food production. | 5 | 10 | Nil |
| 20. Purchase of livestock. | 5 | 10 | Nil |
| 21. Any work, facility or transaction incidental to the carrying out or provision of any work, facility or transaction specified in any of paragraphs 1 to 20 or necessary or proper in carrying it out or providing it or securing the full benefit thereof. | The rate appropriate to that work, facility or transaction in accordance with the provisions of these regulations. | | |
| 22. Preparation of development plans. | 32.5 | 32.5 | 32.5 |

SCHEDULE 2 Regulations 5(3), 7(i) and 8(1)(*b*)

ELIGIBLE WORKS, FACILITIES AND TRANSACTIONS AND RATES OF GRANT

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| 1. Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings or permanently sited durable structures for cladding with plastic (except living accommodation, buildings designed and intended for the drying or storage of grain and buildings or structures designed and intended for the production of horticultural produce (see paragraph 3)), yards, loading platforms, ramps or banks. | 32.5 | 37.5 | 32.5 |
| 2. (i) Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings, bulk dry stores or silos designed and intended for the drying or storage of grain other than buildings, bulk dry stores or silos falling within sub-paragraph (ii). | 22.5 | 27.5 | Nil |
| (ii) Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings, bulk dry stores or silos designed and intended solely for the drying or storage of grain for consumption by livestock kept on the land used in connection with the carrying on of the agricultural business to which the claim for grant relates. | 32.5 | 37.5 | Nil |
| (iii) Provision, replacement, improvement, alteration, enlargement or reconditioning of bulk dry stores or silos other than bulk dry stores or silos intended for grain storage. | 32.5 | 37.5 | Nil |
| 3. (i) Replacement, reconstruction, alteration, reconditioning or other improvement of existing permanent buildings, of permanently sited frames or of durable structures for cladding with plastic, designed and intended for the production of horticultural produce (excluding any work or facility specified in sub-paragraph (ii)). | Nil | Nil | 32.5 |

| | | | |
|---|---|---|---|
| (ii) Provision or enlargement of permanent buildings, of permanently sited frames or of durable structures for cladding with plastic, designed and intended for the production of horticultural produce. | Nil | Nil | 5 |
| 4. Supply and installation of permanent thermal insulation, vapour sealing or gas sealing for the control of temperature or atmosphere in buildings designed and intended for horticultural use. | Nil | Nil | 32.5 |
| 5. Provision, replacement or improvement of systems for the disposal of agricultural waste. | 32.5 | 37.5 | 32.5 |
| 6. Provision, replacement or improvement of facilities for the supply of electricity or gas for agricultural purposes. | 32.5 | 37.5 | 32.5 |
| 7. Provision, replacement or improvement of facilities for the supply or storage of water for agricultural purposes. | 32.5 | 50 | 32.5 |
| 8. (i) Provision, replacement or improvement of field drainage, including under-drainage and ditching. | 50 | 70 | 50 |
| (ii) Works and facilities to prevent the flooding of agricultural land by watercourses. | 32.5 | 50 | 32.5 |
| 9. Provision, replacement or improvement of roads, paths and other permanent ways, grids, hard standings, fords, bridges, culverts, railway crossings, creeps, piers, jetties or slips. | 32.5 | 50 | 32.5 |
| 10. Provision, replacement or improvement of pens, dips, stells or other facilities designed and intended for use in connection with the gathering, treatment or feeding of livestock or for sheltering them in periods of adverse weather but not for in-wintering. | 32.5 | 50 | Nil |
| 11. Provision, replacement or improvement of permanent fences, hedges, walls or gates. | 32.5 | 50 | 32.5 |
| 12. Provision, replacement or improvement of shelter belts. | 5 | 50 | 32.5 |
| 13. (i) Reseeding and regeneration of grassland and laying down of permanent pasture, including as part of a complete programme of work the application of lime or fertiliser. | 32.5 | Nil | Nil |

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| (ii) Reseeding and regeneration of grassland; laying down of permanent pasture; application of lime or fertiliser (other than normal husbandry applications) for the benefit of grassland. | Nil | 50 | Nil |
| (iii) Clearance and reclamation of land; sub-soiling; burning heather or grass or making muirburn or regenerating heather by cutting; land levelling or grading (including filling in of ditches or ponds); removal of tree roots, boulders or other obstructions to cultivation; bracken control. | 32.5 | 50 | 32.5 |
| (iv) Claying or marling or soil mixing. | 5 | 10 | 5 |
| 14. (i) Orchard grubbing | 32.5 | 32.5 | 32.5 |
| (ii) Replacement of apple orchards (other than apple orchards consisting of trees producing cider apples) which have been grubbed up after 7th November 1982 by an equal or smaller area of apple orchards consisting of— | 32.5 | 32.5 | 32.5 |
| (*a*) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seedling apple or Spartan apple; | | | |
| (*b*) any other named varieties of apple trees required for pollination (other than varieties producing cider apples) not exceeding in total one third of the number of trees of the varieties specified in head (*a*); | | | |
| (*c*) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination. | | | |
| (iii) Replacement of pear orchards (other than pear orchards consisting of trees producing perry pears) which have been grubbed up after 7th November 1982 by an equal or smaller area of pear orchards consisting of— | 32.5 | 32.5 | 32.5 |

| | | | |
|---|---|---|---|
| (*a*) the varieties of pear trees known as Conference pear or Doyenne du Comice pear; | | | |
| (*b*) any other named varieties of pear trees required for pollination (other than varieties producing perry pears) not exceeding in total one third of the number of trees of the varieties specified in head (*a*); | | | |
| 15. Provision, replacement or improvement of stakes and wirework for— | | | |
| (i) hop gardens; | 32.5 | 32.5 | Nil |
| (ii) cane fruit; | 20 | 20 | 20 |
| (iii) vineyards. | 32.5 | 32.5 | 32.5 |
| 16. Provision, replacement, improvement, alteration, enlargement or reconditioning of watercress beds. | Nil | Nil | 32.5 |
| 17. Plant or equipment designed and intended for the production, harvesting, storage or preparation for market of horticultural produce (excluding plant or equipment of a kind specified in paragraph 19 and potato harvesting equipment). | Nil | Nil | 20 |
| 18. Provision or installation or replacement of plant or machinery (including fixtures and fittings) for agricultural purposes (excluding plant or machinery which has been used before installation or which is installed in or is wholly for the benefit of living accommodation or which is of a kind specified in paragraphs 17 or 19). | 5 | 10 | 5 |
| 19. Plant or equipment, including tractors and ancillary equipment, designed and intended for the cultivation of horticultural crops and produce. | Nil | Nil | 5 |
| 20. Provision, replacement, improvement, alteration or enlargement of facilities for the farming of fresh water fish for food production. | 5 | 10 | Nil |
| 21. Purchase of livestock. | 5 | 10 | Nil |
| 22. Any work, facility or transaction incidental to the carrying out or provision of any work, facility or transaction specified in any of paragraphs 1 to 21 or necessary or proper in carrying it out or providing it or securing the full benefit thereof. | The rate appropriate to that work, facility or transaction in accordance with the provisions of these regulations. | | |
| 23. Preparation of development plans. | 32.5 | 32.5 | 32.5 |

SCHEDULE 3 Regulations 5(3), 7(i) and 8(1)(*c*)

ELIGIBLE WORKS, FACILITIES AND TRANSACTIONS AND RATES OF GRANT

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| 1. (i) Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings or permanently sited durable structures for cladding with plastic (except living accommodation and buildings or structures designed and intended for the drying or storage of grain and buildings or structures designed and intended for the production of horticultural produce (see paragraph 2)), yards, loading platforms, ramps or banks. | 32.5 | 37.5 | 32.5 |
| (ii) Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings, bulk dry stores or silos designed and intended solely for the drying or storage of grain for consumption by livestock kept on the land used in connection with the carrying on of the agricultural business to which the claim for grant relates. | 32.5 | 37.5 | Nil |
| (iii) Provision, replacement, improvement, alteration, enlargement or reconditioning of bulk dry stores or silos other than bulk dry stores or silos intended for grain storage. | 32.5 | 37.5 | Nil |
| 2. (i) Replacement, reconstruction, alteration, reconditioning or other improvement of existing permanent buildings, of glasshouses (except glasshouses of a kind specified in sub-paragraph (iii)) or of durable structures for cladding with plastic (except the outer cladding of such structures unless this outer cladding is of adequate durability) where such buildings, glasshouses or structures are designed and intended for the production of horticultural produce (excluding any work or facility specified in sub-paragraph (ii)). | Nil | Nil | 32.5 |

| | | | |
|---|---|---|---|
| (ii) Provision or enlargement of permanent buildings, of glasshouses or of durable structures for cladding with plastic (except the outer cladding of such structures unless this outer cladding is of adequate durability) where such buildings, glasshouses or structures are designed and intended for the production of horticultural produce. | Nil | Nil | 5 |
| (iii) Replacement, reconstruction, alteration or other improvement (including the supply and installation of permanent thermal insulation) of heated glasshouses in existence on 1st December 1983 being heated internally by means of permanent installations for the consumption of fuel (excluding any work or facility specified in sub-paragraph (ii)). | Nil | Nil | 50 |
| 3. Supply and installation of permanent thermal insulation, vapour sealing or gas sealing for the control of temperature or atmosphere in buildings designed and intended for horticultural use. | Nil | Nil | 32.5 |
| 4. Provision, replacement or improvement of systems for the disposal of agricultural waste. | 32.5 | 37.5 | 32.5 |
| 5. Provision, replacement or improvement of facilities for the supply of electricity or gas for agricultural purposes. | 32.5 | 37.5 | 32.5 |
| 6. Provision, replacement or improvement of facilities for the supply or storage of water for agricultural purposes. | 32.5 | 50 | 32.5 |
| 7. (i) Provision, replacement or improvement of field drainage, including under-drainage and ditching but excluding any hedge removal. | 50 | 70 | 50 |
| (ii) Works and facilities to prevent the flooding of agricultural land by watercourses. | 32.5 | 50 | 32.5 |
| 8. Provision, replacement or improvement of roads, paths and other permanent ways, grids, hard standings, fords, bridges, culverts, railway crossings, creeps, piers, jetties or slips. | 32.5 | 50 | 32.5 |
| 9. Provision, replacement or improvement of pens, dips, stells or other facilities designed and intended for use in connection with the gathering, treatment or feeding of livestock or for sheltering them in periods of adverse weather but not for in-wintering. | 32.5 | 50 | Nil |
| 10. (i) Provision, replacement or improvement of hedges, walls and associated gates. | 32.5 | 60 | 32.5 |

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| (ii) Provision, replacement or improvement of permanent fences and associated gates. | 32.5 | 50 | 32.5 |
| 11. Provision, replacement or improvement of shelter belts. | 5 | 60 | 32.5 |
| 12. (i) Reseeding and regeneration of grassland and laying down of permanent pasture, including as part of a complete programme of work the application of lime or fertiliser. | 32.5 | Nil | Nil |
| (ii) Reseeding and regeneration of grassland; laying down of permanent pasture; application of lime or fertiliser (other than normal husbandry applications) for the benefit of grassland. | Nil | 50 | Nil |
| (iii) Clearance and reclamation of land; sub-soiling; burning heather or grass or making muirburn or regenerating heather by cutting; land levelling or grading (including filling in of ditches or ponds); removal of tree roots, boulders or other obstructions to cultivation; bracken control. | 32.5 | 50 | 32.5 |
| (iv) Claying or marling or soil mixing. | 5 | 10 | 5 |
| 13. (i) Orchard grubbing | 32.5 | 32.5 | 32.5 |
| (ii) Replacement of apple orchards (other than apple orchards consisting of trees producing cider apples) which have been grubbed up after 7th November 1982 by an equal or smaller area of apple orchards consisting of— | 32.5 | 32.5 | 32.5 |
| (*a*) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seedling apple or Spartan apple; | | | |

| | | | |
|---|---|---|---|
| (*b*) any other named varieties of apple trees required for pollination (other than varieties producing cider apples) not exceeding in total one third of the number of trees of the varieties specified in head (*a*); | | | |
| (*c*) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination. | | | |
| (iii) Replacement of pear orchards (other than pear orchards consisting of trees producing perry pears) which have been grubbed up after 7th November 1982 by an equal or smaller area of pear orchards consisting of— | 32.5 | 32.5 | 32.5 |
| (*a*) the varieties of pear trees known as Conference pear or Doyenne du Comice pear; | | | |
| (*b*) any other named varieties of pear trees required for pollination (other than varieties producing perry pears) not exceeding in total one third of the number of trees of the varieties specified in head (*a*); | | | |
| 14. Provision, replacement or improvement of stakes and wirework for— | | | |
| (i) hop gardens; | 32.5 | 32.5 | Nil |
| (ii) cane fruit; | 20 | 20 | 20 |
| (iii) vineyards. | 32.5 | 32.5 | 32.5 |
| 15. Provision, replacement, improvement, alteration, enlargement or reconditioning of watercress beds. | Nil | Nil | 32.5 |
| 16. Plant or equipment designed and intended for the preparation for market of horticultural produce. | Nil | Nil | 20 |
| 17. Provision or installation or replacement of glasshouse heating systems including boilers. | Nil | Nil | 20 |
| 18. Provision, replacement, improvement, alteration or enlargement of facilities for the farming of freshwater fish for food production. | 5 | 10 | Nil |
| 19. Purchase of livestock. | 5 | 10 | Nil |
| 20. Any work, facility or transaction incidental to the carrying out or provision of any work, facility or transaction specified in any of paragraphs 1 to 19 or necessary or proper in carrying it out or providing it or securing the full benefit thereof. | The rate appropriate to that work, facility or transaction in accordance with the provisions of these regulations. | | |
| 21. Preparation of development plans. | 32.5 | 32.5 | 32.5 |

SCHEDULE 4 Regulations 5(3), 7(i) and 8(1)(*d*)

ELIGIBLE WORKS, FACILITIES AND TRANSACTIONS AND RATES OF GRANT

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| 1. (i) Provision, replacement, improvement, alteration, enlargement or reconditioning of †the main framework of permanent buildings or permanently sited durable structures for cladding with plastic (except living accommodation and buildings or structures designed and intended for the drying or storage of grain and buildings or structures designed and intended for the production of horticultural produce (see paragraph 2)), yards, loading platforms, ramps or banks. | 32.5 | 37.5 | 32.5 |
| (ii) Provision, replacement, improvement, alteration, enlargement or reconditioning of †the main framework of permanent buildings, bulk dry stores or silos designed and intended for the drying or storage of grain for consumption solely by livestock kept on the land used in connection with the carrying on of the agricultural business to which the claim for grant relates. | 32.5 | 37.5 | Nil |
| (iii) Provision, replacement, improvement, alteration, enlargement or reconditioning of bulk dry stores or silos other than bulk dry stores or silos intended for grain storage. | 32.5 | 37.5 | Nil |
| 2. (i) Replacement, reconstruction, alteration, reconditioning or other improvement of †the main framework of permanent buildings, of glasshouses (except glasshouses of a kind specified in sub-paragraph (iii)) or of durable structures for cladding with plastic (except the outer cladding of such structures unless this outer cladding is of adequate durability) where such buildings, glasshouses or structures are designed and intended for the production of horticultural produce (excluding any work or facility specified in sub-paragraph (ii)). | Nil | Nil | 32.5 |

| | | | |
|---|---|---|---|
| (ii) Provision or enlargement of †the main framework of permanent buildings, of glasshouses or of durable structures for cladding with plastic (except the outer cladding of such structures unless this outer cladding is of adequate durability) where such buildings, glasshouses or structures are designed and intended for the production of horticultural produce. | Nil | Nil | 5 |
| (iii) Replacement, reconstruction, alteration or other improvement (including the supply and installation of permanent thermal insulation) of heated glasshouses in existence on 1st December 1983 being heated internally by means of permanent installations for the consumption of fuel (excluding any work or facility specified in sub-paragraph (ii)). | Nil | Nil | 50 |
| 3. Supply and installation of permanent thermal insulation, vapour sealing or gas sealing for the control of temperature or atmosphere in buildings designed and intended for horticultural use. | Nil | Nil | 32.5 |
| 4. Provision, replacement or improvement of systems for the disposal of agricultural waste. | 32.5 | 37.5 | 32.5 |
| 5. Provision, replacement or improvement of facilities for the supply of electricity or gas for agricultural purposes. | 32.5 | 37.5 | 32.5 |
| 6. Provision, replacement or improvement of facilities for the supply or storage of water for agricultural purposes. | 32.5 | 50 | 32.5 |
| 7. (i) Provision, replacement or improvement of field drainage, including under-drainage and ditching but excluding any hedge removal. | 32.5 | 50 | 32.5 |
| (ii) Works and facilities to prevent the flooding of agricultural land by watercourses. | 32.5 | 50 | 32.5 |
| 8. Provision, replacement or improvement of roads, paths and other permanent ways, grids, hard standings, fords, bridges, culverts, railway crossings, creeps, piers, jetties or slips. | 32.5 | 50* | 32.5 |
| 9. Provision, replacement or improvement of pens, dips, stells or other facilities designed and intended for use in connection with the gathering, treatment or feeding of livestock or for sheltering them in periods of adverse weather but not for in-wintering. | 32.5 | 50 | Nil |

* In accordance with Regulation 8(1) the 50% rate of grant in column 3 of paragraph 8 is available only to agricultural businesses situated on severely disadvantaged land.

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| 10. (i) Provision, replacement or improvement of hedges, walls and dykes (where the walls and dykes are built of materials traditional in the locality) and associated gates. | 32.5 | 60 | 32.5 |
| (ii) Provision, replacement or improvement of permanent fences, walls and dykes (where the walls and dykes are not built of materials traditional in the locality) and associated gates. | 32.5 | 50 | 32.5 |
| 11. Provision, replacement or improvement of shelter belts. | 5 | 60 | 32.5 |
| 12. (i) Reseeding and regeneration of grassland, laying down of permanent pasture and bracken control, including as part of a complete programme of work the application of lime or fertiliser. | 32.5 | Nil | Nil |
| (ii) Reseeding and regeneration of grassland and laying down of permanent pasture; bracken control; application of lime or fertiliser (other than normal husbandry applications) for the benefit of grassland. | Nil | 50 | Nil |
| (iii) Burning heather or grass or making muirburn or regenerating heather by cutting. | 32.5 | 50 | 32.5 |
| (iv) Reclamation of land, including the removal of obstructions to cultivation. | 32.5 | 50 | 32.5 |
| 13. (i) Orchard grubbing | 32.5 | 32.5 | 32.5 |
| (ii) Replacement of apple orchards (other than apple orchards consisting of trees producing cider apples) which have been grubbed up after 7th November 1982 by an equal or smaller area of apple orchards consisting of— | 32.5 | 32.5 | 32.5 |
| (*a*) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seedling apple or Spartan apple; | | | |

| | | | |
|---|---|---|---|
| (*b*) any other named varieties of apple trees required for pollination (other than varieties producing cider apples) not exceeding in total one third of the number of trees of the varieties specified in head (*a*); | | | |
| (*c*) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination. | | | |
| (iii) Replacement of pear orchards (other than pear orchards consisting of trees producing perry pears) which have been grubbed up after 7th November 1982 by an equal or smaller area of pear orchards consisting of— | 32.5 | 32.5 | 32.5 |
| (*a*) the varieties of pear trees known as Conference pear or Doyenne du Comice pear; | | | |
| (*b*) any other named varieties of pear trees required for pollination (other than varieties producing perry pears) not exceeding in total one third of the number of trees of the varieties specified in head (*a*); | | | |
| 14. Provision, replacement or improvement of stakes and wirework for— | | | |
| (i) hop gardens; | 32.5 | 32.5 | Nil |
| (ii) cane fruit; | 20 | 20 | 20 |
| (iii) vineyards. | 32.5 | 32.5 | 32.5 |
| 15. Provision, replacement, improvement, alteration, enlargement or reconditioning of watercress beds. | Nil | Nil | 32.5 |
| 16. Plant or equipment designed and intended for the preparation for market of harvested horticultural produce. | Nil | Nil | 20 |
| 17. Provision or installation or replacement of glasshouse heating systems including boilers. | Nil | Nil | 20 |
| 18. Provision, replacement, improvement, alteration or enlargement of facilities for the farming of freshwater fish for food production. | 5 | 10 | Nil |
| 19. Purchase of livestock. | 5 | 10 | Nil |
| 20. Any work, facility or transaction incidental to the carrying out or provision of any work, facility or transaction specified in any of paragraphs 1 to 19 or necessary or proper in carrying it out or providing it or securing the full benefit thereof. | The rate appropriate to that work, facility or transaction in accordance with the provisions of these regulations. | | |
| 21. Preparation of development plans. | 32.5 | 32.5 | 32.5 |

† The provision relating to "the main framework" of the buildings and structures shall only apply in relation to any application received on or after 2nd May 1984 for approval of a development plan or for a variation of a development plan approved for the purposes of the Agriculture and Horticulture Development Regulations 1980.

SCHEDULE 5 Regulations 5(3), 7(i) and 8(1)(*e*)

ELIGIBLE WORKS, FACILITIES AND TRANSACTIONS AND RATES OF GRANT

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| 1. (i) Provision, replacement, improvement, alteration, enlargement or reconditioning of the main framework of permanent buildings or permanently sited durable structures for cladding with plastic (except living accommodation, buildings or structures designed and intended for the drying or storage of grain and buildings or structures designed and intended for the production of horticultural produce (see paragraph 2)), yards, loading platforms, ramps or banks. | 15 | 30 | 15 |
| (ii) Provision, replacement, improvement, alteration, enlargement or reconditioning of the main framework of permanent buildings, bulk dry stores or silos designed and intended for the drying or storage of grain for consumption solely by livestock kept on the land used in connection with the carrying on of the agricultural business to which the claim for grant relates. | 15 | 30 | Nil |
| (iii) Provision, replacement, improvement, alteration, enlargement or reconditioning of bulk dry stores or silos other than bulk dry stores or silos intended for grain storage. | 15 | 30 | Nil |

| | | | |
|---|---|---|---|
| 2. (i) Replacement, reconstruction, alteration, reconditioning or other improvement of the main framework of permanent buildings, of glasshouses (except glasshouses of a kind specified in sub-paragraph (iii)) or of durable structures for cladding with plastic (except the outer cladding of such structures unless this outer cladding is of adequate durability) where such buildings, glasshouses or structures are designed and intended for the production of horticultural produce (excluding any work or facility specified in sub-paragraph (ii)). | Nil | Nil | 25 |
| (ii) Provision or enlargement of the main framework of permanent buildings, of glasshouses or of durable structures for cladding with plastic (except the outer cladding of such structures unless this outer cladding is of adequate durability) where such buildings, glasshouses or structures are designed and intended for the production of horticultural produce. | Nil | Nil | 5 |
| (iii) Replacement, reconstruction, alteration or other improvement (including the supply and installation of permanent thermal insulation) of heated glasshouses in existence on 1st December 1983 being heated internally by means of permanent installations for the consumption of fuel (excluding any work or facility specified in sub-paragraph (ii)). | Nil | Nil | 50 |
| 3. Supply and installation of permanent thermal insulation, vapour sealing or gas sealing for the control of temperature or atmosphere in buildings designed and intended for horticultural use. | Nil | Nil | 15 |
| 4. Provision, replacement or improvement of systems for the disposal of agricultural waste. | 30 | 37.5 | 30 |
| 5. Provision, replacement or improvement of facilities for the supply of electricity or gas for agricultural purposes. | 15 | 30 | 15 |
| 6. Provision, replacement or improvement of facilities for the supply or storage of water for agricultural purposes. | 15 | 30 | 15 |
| 7. (i) Provision, replacement or improvement of field drainage, including under-drainage and ditching but excluding any hedge removal. | 15 | 30 | 15 |
| (ii) Works and facilities to prevent the flooding of agricultural land by watercourses. | 15 | 30 | 15 |

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| 8. Provision, replacement or improvement of roads, paths and other permanent ways, grids, hard standings, fords, bridges, culverts, railway crossings, creeps, piers, jetties or slips. | 15 | 20* | 15 |
| 9. Provision, replacement or improvement of pens, dips, stells or other facilities designed and intended for use in connection with the gathering, treatment or feeding of livestock or for sheltering them in periods of adverse weather but not for in-wintering. | 15 | 30 | Nil |
| 10. (i) Provision, replacement or improvement of hedges, walls and dykes (where the walls and dykes are built of materials traditional in the locality) and associated gates. | 30 | 60 | 30 |
| (ii) Provision, replacement or improvement of permanent fences, walls and dykes (where the walls and dykes are not built of materials traditional in the locality) and associated gates. | 15 | 30 | 15 |
| 11. Provision, replacement or improvement of shelter belts. | 5 | 60 | 15 |
| 12. (i) Reseeding and regeneration of grassland, laying down of permanent pasture and bracken control, including as part of a complete programme of work the application of lime or fertiliser. | 15 | Nil | Nil |
| (ii) Reseeding and regeneration of grassland and laying down of permanent pasture; bracken control; application of lime or fertiliser (other than normal husbandry applications) for the benefit of grassland. | Nil | 30 | Nil |

* In accordance with Regulation 8(1) the 20% rate of grant in column 3 of paragraph 8 is available only to agricultural businesses situated on severely disadvantaged land.

| | | | |
|---|---|---|---|
| (iii) Burning heather or grass or making muirburn or regenerating heather by cutting. | 15 | 30 | 15 |
| (iv) Reclamation of land, including the removal of obstructions to cultivation. | 15 | 30 | 15 |
| 13. (i) Orchard grubbing | 15 | 15 | 15 |
| (ii) Replacement of apple orchards (other than apple orchards consisting of trees producing cider apples) which have been grubbed up after 7th November 1982 by an equal or smaller area of apple orchards consisting of— | 35 | 35 | 35 |
| (*a*) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seedling apple or Spartan apple; | | | |
| (*b*) any other named varieties of apple trees required for pollination (other than varieties producing cider apples) not exceeding in total one third of the number of trees of the varieties specified in head (*a*); | | | |
| (*c*) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination. | | | |
| (iii) Replacement of pear orchards (other than pear orchards consisting of trees producing perry pears) which have been grubbed up after 7th November 1982 by an equal or smaller area of pear orchards consisting of— | 35 | 35 | 35 |
| (*a*) the varieties of pear trees known as Conference pear or Doyenne du Comice pear; | | | |
| (*b*) any other named varieties of pear trees required for pollination (other than varieties producing perry pears) not exceeding in total one third of the number of trees of the varieties specified in head (*a*); | | | |
| 14. Provision, replacement or improvement of stakes and wirework for— | | | |
| (i) hop gardens; | 15 | 15 | Nil |
| (ii) cane fruit; | 15 | 15 | 15 |
| (iii) vineyards. | 15 | 15 | 15 |
| 15. Provision, replacement, improvement, alteration, enlargement or reconditioning of watercress beds. | Nil | Nil | 15 |

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
|---|---|---|---|
| *Kind of work or facility or transaction* | *Agricultural business. Rate of grant. Per cent* | *Agricultural business in Less-Favoured Area. Rate of grant. Per cent* | *Horticultural production business. Rate of grant Per cent* |
| 16. Plant or equipment designed and intended for the preparation for market of harvested horticultural produce. | Nil | Nil | 20 |
| 17. Provision, installation or replacement of glasshouse heating systems including boilers. | Nil | Nil | 20 |
| 18. Provision, replacement, improvement, alteration or enlargement of facilities for the farming of freshwater fish for food production. | 5 | 10 | Nil |
| 19. Purchase of livestock. | 5 | 5 | Nil |
| 20. Any work, facility or transaction incidental to the carrying out or provision of any work, facility or transaction specified in any of paragraphs 1 to 19 or necessary or proper in carrying it out or providing it or securing the full benefit thereof. | The rate appropriate to that work, facility or transaction in accordance with the provisions of these regulations. | | |
| 21. Preparation of development plans. | 15 | 30 | 15 |

SCHEDULE 6 Regulation 19

REVOCATIONS

| *Column 1*<br>*Regulations revoked* | *Column 2*<br>*References* |
|---|---|
| The Agriculture and Horticulture Development Regulations 1980 | S.I. 1980/1298 |
| The Agriculture and Horticulture Development (Amendment) Regulations 1981 | S.I. 1981/1708 |
| The Agriculture and Horticulture Development (Amendment) Regulations 1983 | S.I. 1983/508 |
| The Agriculture and Horticulture Development (Amendment) (No. 2) Regulations 1983 | S.I. 1983/924 |
| The Agriculture and Horticulture Development (Amendment) (No. 3) Regulations 1983 | S.I. 1983/1763 |
| The Agriculture and Horticulture Development (Amendment) Regulations 1984 | S.I. 1984/618 |
| The Agriculture and Horticulture Development (Amendment) (No. 2) Regulations 1984 | S.I. 1984/1922 |
| The Agriculture and Horticulture Development (Amendment) Regulations 1985 | S.I. 1985/1025 |

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations revoke, as they apply in Northern Ireland, and remake with amendments the Agriculture and Horticulture Development Regulations 1980, as amended. The regulations are made under Section 2(2) of the European Communities Act 1972, in implementation of Directive 72/159/EEC of the Council (O.J. No. L196, 23.4.72 p.1) (O.J./S.E. 1972 (II), p. 324)), on the modernisation of farms, and of Directive 75/268/EEC of the Council (O.J. No. L128, 19.5.75 p.1) on mountain and hill farming in certain less-favoured areas and comply with Council Regulation (EEC) No. 797/85 (O.J. No. L93, 30.3.85 p.1) on improving the efficiency of agricultural structures. The principal amendments are those necessary to transfer to the Department of Agriculture the function previously exercised by the Minister of Agriculture, Fisheries and Food under the superseded regulations.

The regulations make provision for aid for agricultural and horticultural businesses in relation to development plans. This aid is mainly in the form of grants in respect of expenditure of a capital nature. The works, facilties and transactions and the rates of grant applicable to them, set out in Schedules 1 to 5, remain the same as those provided for in the superseded regulations. Higher rates of grant may be payable in certain circumstances for agricultural businesses in less-favoured-areas.

The classes of persons and type of agricultural business or horticultural production business which may benefit from grant aid are defined (regulations 3 and 4 respectively).

To benefit from assistance an applicant must have submitted, under the superseded regulations, a development plan for approval (regulation 5(2)).

To be approved a development plan must show either that the income per labour unit of the business can be raised up to or above the average level of non-agricultural incomes (the "comparable income" — regulation 13) or, if the income per labour unit is above the comparable level but may fall below that level because of the nature or structure of the business, that the income per labour unit can be maintained at or above the comparable level (regulation 5).

The regulations also provide for the payment of grants to farmers and growers who keep and submit accounts related to approved development plans (regulation 9), and for the payment of grants by way of guidance premium to farmers whose development plans provide for their business to concentrate on the breeding or keeping of cattle or sheep suitable for the production of beef or sheepmeat (regulation 10).

The regulations also—

(*a*) provide for certain restrictions on grants (regulation 5(3));

(*b*) provide for standard costs (regulation 12);

(*c*) provide for the reduction or withholding of grant in certain circumstances where it would otherwise be payable (regulation 14) and for the recovery of grant paid (regulation 15); and

(*d*) create an offence, punishable on summary conviction with a maximum fine of £2,000, of knowingly or recklessly making a false statement to obtain grant (regulation 16);