1987 No. 158

AGRICULTURE

HORTICULTURE

Agriculture and Horticulture Grant Scheme (Northern Ireland) 1987

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

The Department of Agriculture in exercise of the powers conferred on it by Articles 16(1) and (3) and 19(2) of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987(**a**) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel hereby makes the following Scheme:

Citation and commencement

1. This Scheme may be cited as the Agriculture and Horticulture Grant Scheme (Northern Ireland) 1987 and shall come into operation on 1st April 1987.

Interpretation

2. In this Scheme—

"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 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;

(**a**) S.I. 1987/166 (N.I. 1)

"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 this scheme 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;

"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 in Northern Ireland 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 contractors, 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;

"the Order" means the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987;

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

(a) OJ No. L128, 19.5.75, p. 1; Article 2 was amended by Council Directive No. 80/666/EEC (OJ No. L180, 14.7.80, p. 34)

"the 1980 Scheme" means the Agriculture and Horticulture Grant Scheme 1980(a)

"severely disadvantaged land" means—

(*a*) land—

(i) 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

(ii) 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.

Payment of grants

3. Where the Department is satisfied that any grant would, apart from the Order, fall to be made to any person after the 1st April 1987 under the 1980 Scheme in respect of a claim received under that scheme on or before 31st January 1986 in relation to an agricultural business in Northern Ireland it may pay that grant to that person.

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

(*a*) has been incurred after 31st December 1983 and before 9th July 1985;

(*b*) has been incurred in respect of any work, facility or transaction of a kind specified in any of paragraphs 1 to 3 of column 1 of the Schedule;

(*c*) appears to the Department to be of a capital nature, or incurred in connection with expenditure of a capital nature;

(*d*) is approved by the Department for the purposes of a grant under this Scheme; and

(*e*) is not payable under Article 3.

(2) 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 or establishment 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 or establishment of an agricultural business so much of that expenditure as appears to the Department to relate to the carrying on or establishment of that agricultural business.

Restriction on payment of grant

5. The Department shall not pay grant under Article 4(1) in relation to expenditure in respect of any work, facility or transaction which is of a kind

(a) S.I. 1980/1072 as amended by S.I. 1981/1533, 1983/273, 923, 1764, 1984/619, 1923, 1985/1029, 1986/57

specified in any of paragraphs 1 to 3 of column 1 of the Schedule unless the Department is satisfied that the agricultural business is capable of providing the greater part of the employment of at least one person reasonably skilled in agriculture.

6.—(1) Where at the date on which a claim for grant under Article 4(1) is received—

(*a*) the amount of the expenditure which is included in the claim (hereinafter in this paragraph referred to as "the present claim") and towards which grant is payable, or

(*b*) the aggregate of the amount of that expenditure and any other expenditure towards which grant is payable or has been paid in respect of the same agricultural business as the result of a claim received during the period of two years ending with the date of receipt of the present claim, being grant payable or paid either under this scheme, the Farm Capital Grant Scheme 1973(**a**) the Horticulture Capital Grant Scheme 1973(**b**) or any regulations made under section 2(2) of the European Communities Act 1972(**c**) providing for the payment of grant to a person carrying on an agricultural business as therein defined in accordance with an approved development plan,

exceeds, in relation to expenditure incurred before 12th December 1984, 52599 ECU; or, in relation to expenditure incurred on or after that date, 40,000 ECU for each labour unit appearing to the Department to be required in the carrying on of the agriculture business to which the present claim relates, the Department shall not pay grant towards so much of that expenditure or, as the case may be, so much of that aggregate as exceeds that figure except to the extent that such excess expenditure or excess aggregate expenditure has been incurred in relation to any work, facility or transaction of a kind specified in paragraph 2(i) or 2(ii) of column 1 of the Schedule and does not exceed the further sum of 39,379 ECU.

7.—(1) Where at the date on which a claim for grant under Article 4(1) is received—

(*a*) the amount of the expenditure which is included in the claim (hereinafter in this Article referred to as "the present claim") and towards which grant is payable, or

(*b*) the aggregate of the amount of that expenditure and any other relevant expenditure towards which grant is payable or has been paid in respect of the same agricultural business, whether under this scheme or otherwise, as the result of a claim received during the period of six years ending with date of receipt of the present claim,

exceeds, in relation to expenditure incurred before 12th December 1984, 160,000 ECU; or, in relation to expenditure incurred on or after that date, 80,000 ECU, the Department shall not pay grant towards so much of that expenditure or, as the case may be, that aggregate as exceeds that figure except to the extent that such excess expenditure or excess aggregate

(a) S.I. 1973/1965, varied by S.I. 1976/547, 1870, 1978/380, 768, 1980/103, 930
(b) S.I. 1973/1945, varied by S.I. 1976/761, S.I. 1980/104
(c) 1972 c. 68

expenditure has been incurred in relation to any work, facility or transaction of a kind specified in paragraph 2(i) or 2(ii) of column 1 of the Schedule and, in relation to expenditure incurred on or after 12th December 1984 does not exceed the further sum of 80,000 ECU.

(2) In this Article—

"other relevant expenditure" means expenditure—

(*a*) towards which grant is payable or has been paid under this scheme, or

(*b*) towards which grant is payable or has been paid under the Farm Capital Grant Scheme 1973, the Horticulture Capital Grant Scheme 1973 or any regulations made under section 2(2) of the European Communities Act 1972 providing for the payment of grant to a person carrying on an agricultural business as therein defined in accordance with an approved development plan, and which was approved for the purposes of grant as the result of an application received on or after 1st February 1980, and which was incurred on or after that date.

8. Where a development plan for an agricultural business has been approved under any regulations made under section 2(2) of the European Communities Act 1972 which provide for the payment of grant to a person carrying on an agricultural business as therein defined in accordance with an approved development plan, the Department shall not pay grant under Article 4(1) in relation to any expenditure, for or in connection with that agricultural business unless at the time of receipt of the claim for grant the carrying out of the said development plan has come to its end, whether by completion, variation or withdrawal of approval, or otherwise.

Amounts of grant

9.—(1) Subject to the provisions of Articles 11 and 13, the amount of grant payable under Article 4(1) towards expenditure in respect of any work, facility or transaction of a kind specified in column 1 of the Schedule shall be the percentage of that expenditure specified in relation to that work, facility or transaction in column 2 of the Schedule, except that—

(*a*) if the work, facility or transaction in question is specified in paragraph 2 of the said column 1, and if in the opinion of the Department the expenditure in respect thereof is for the purposes of, or in connection with, the carrying on or establishment 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 Schedule; or

(*b*) if the work, facility or transaction in question is specified in paragraph 1 of the said column 1, and if in the opinion of the Department—

(i) the expenditure in respect of that work, facility or transaction is for the purposes of, or in connection with, the carrying on or establishment of an agricultural business, or that part thereof, situated in a less-favoured area on severely disadvantaged land and

(ii) that business has an earned income per labour unit less than the comparable income determined in accordance with article 12 in respect of the calendar year in which the grant is claimed,

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 Schedule; or

(*c*) if the work, facility or transaction in question is specified in paragraph 1 of the said column 1, and if in the opinion of the Department—

(i) the expenditure in respect thereof is for the purposes of, or in connection with, the carrying on or establishment of an agricultural business, or that part thereof, situated in a less-favoured area on disadvantaged land, and

(ii) where the work, facility or transaction is specified in paragraph 1 of the said column 1, that business has an earned income per labour unit less than the comparable income determined in accordance with Article 12 in respect of the calendar year in which the grant is claimed,

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 Schedule; or

(*d*) if the work, facility or transaction in question is specified in any of the paragraphs of the said column 1 and if in the opinion of the Department the expenditure in respect thereof is for the purposes of, in connection with, the carrying on or establishment of a horticultural production business 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 Schedule.

(2) Where it appears to the Department that expenditure towards which grant is payable under Article 4(1) has been incurred for the purposes of, or in connection with, the carrying on or establishment of an agricultural business situated partly in a less-favoured area partly on severely disadvantaged land or partly on disadvantaged land the Department may, for the purposes 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 severely disadvantaged or on disadvantaged land, so much of that expenditure as appears to the Department to relate to carrying on or establishment of that part of the business.

(3) Where it appears to the Department that expenditure towards which grant is payable under Article 4(1) has been incurred partly for the purposes of, or in connection with, the carrying on or establishment of a horticultural production business and partly for other agricultural purposes, the Department may for the purposes of determining the amount of grant so payable towards that expenditure treat as having been incurred for, or in connection with, the carrying on or establishment of a horticultural production business, so much of that expenditure as appears to the Department to relate to the carrying on or establishment of that horticultural production business.

(4) The amount of any grant payable under Article 4(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 any work, facility or transaction of kind specified in paragraphs 1 and 2 of column 1 of the Schedule, 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 the Schedule.

Claims for grant

10. Any claim for a grant under this Scheme 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.

Standard costs

11. 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 Article 4(1) as such standard cost or amount as the Department from time to time fix with the approval of the Department of Finance and Personnel.

Comparable income

12. For the purposes of this Scheme the Department shall determine in respect of each calendar year a comparable income per labour unit having regard to the average earnings of full-time workers in occupations other than agriculture in Northern Ireland.

Reduction or withholding of grant

13. The Department may reduce or withhold any grant payable under Article 4(1) 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 this Scheme 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.

Closing date for claims

14. The Department shall pay grant under Article 4(1) in respect of claims—

(*a*) related to the matters specified in paragraph 1 of column 1 of the Schedule only if the claim is received by the Department on or before 31st December 1988; or

(*b*) related to the matters specified in paragraph 2 of column 1 of the Schedule only if the claim is received by the Department on or before 31st March 1988.

Transitional provisions

15. For the purposes of this Scheme and without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954(**a**);

(*a*) any claim made or received or other act or thing done under or for the purposes of the 1980 Scheme before the coming into operation of this Scheme shall have effect as if such claim had been made or received or other act or thing had been done under or for the purposes of this Scheme and anything whatsoever begun under the 1980 Scheme may be continued under this Scheme as if begun under this Scheme; and

(*b*) references in this Scheme to claims made or received or other acts or things done before the coming into operation of this Scheme are to such claims made or received or other acts or things done under or for the purposes of the 1980 Scheme.

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

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

The Department of Finance and Personnel hereby approves the foregoing Scheme.

Sealed with the Official Seal of the Department of Finance and Personnel on 30th March 1987.

(L.S.) *D. W. Alexander*
Assistant Secretary

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

SCHEDULE Articles 4(1) and 9

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*	
	Expenditure incurred before 12th Dec. 1984	*Expenditure incurred after 11th Dec. 1984*	*Expenditure incurred before 12th Dec. 1984*	*Expenditure incurred after 11th Dec. 1984*	*Expenditure incurred before 12th Dec. 1984*	*Expenditure incurred after 11th Dec. 1984*
1. (i) 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	Nil	50*	30*	Nil	Nil
(ii) Burning heather or grass or making muirburn or regenerating heather by cutting.	Nil	Nil	50*	30*	Nil	Nil
(iii) Reclamation of land, including the removal of obstructions to cultivation.	Nil	Nil	50*	30*	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*	
	Expenditure incurred before 12th Dec. 1984	*Expenditure incurred after 11th Dec. 1984*	*Expenditure incurred before 12th Dec. 1984*	*Expenditure incurred after 11th Dec. 1984*	*Expenditure incurred before 12th Dec. 1984*	*Expenditure incurred after 11th Dec. 1984*
2. (i) 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— (*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*);	22·5	22·5	22·5	22·5	22·5	22·5

(*c*) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination.						
(ii) 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—	22·5	22·5	22·5	22·5	22·5	22·5
(*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*).						
3. Any work, facility or transaction incidental to the carrying out or provision of any work, facility or transaction specified in any of paragraphs 1 and 2 of this Schedule or necessary or proper in carrying 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 this scheme.					

* In accordance with Article 9(1) these rates of grant are available only to agricultural businesses with an income per labour unit less than the comparable income as determined in accordance with Article 12.

EXPLANATORY NOTE

(This note is not part of the Scheme.)

This Scheme is made under the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987 (''the Order''). It remakes with minor amendments parts of the Agriculture and Horticulture Grant Scheme 1980 (''the 1980 Scheme'') which applied throughout the United Kingdom and which was revoked, as it applied in Northern Ireland, by the coming into force of the Order.

The parts of the 1980 Scheme which are remade are those dealing with grants towards expenditure of a capital nature incurred on the reseeding and regeneration of grassland, burning of heather or grass, reclamation of land and the replacement of apple and pear orchards.

The Scheme also provides (Article 3) for the payment by the Department of Agriculture of grants which would have been payable by the Minister of Agriculture Fisheries & Food in respect of claims for grant received before 31st January 1986.

The Scheme complies with Council Directive No. 75/268/EEC/OJ No. L128, 12.5.75, p. 1 on mountain and hill farming and farming in certain less-favoured areas. The rates of grant are set out (Article 9 and Columns 2, 3 and 4 of Schedule 1). Higher rates of grant may be payable for businesses in less-favoured areas (Article 9 and Column 3 of Schedule 1). Less-favoured areas are defined by reference to a designated map which is available for inspection during normal office hours at the address specified in the definition of the designated map (Article 2). Copies of the map may be inspected during normal office hours at any County Agricultural Executive Office or selected area offices of the Department of Agriculture for Northern Ireland.

The Scheme also—

(*a*) imposes certain restrictions on the payment of grant (Articles 5 to 8);

(*b*) provides for standard costs (Article 11);

(*c*) provides for the reduction or withholding of grant in certain circumstances where it would otherwise be payable (Article 13);

(*d*) sets closing dates for claims (Article 14); and

(*e*) contains transitional provisions (Article 15).

Article 16(6) of the Order empowers the Department to revoke approval and, in certain circumstances, to recover grant paid. Article 16(8) creates an offence relating to the making of reckless or false statements for the purpose of obtaining grant (which is punishable on summary conviction by a fine not exceeding £2,000).