1952 No. 1916 (S. 103)

The Agriculture (Ploughing Grants) (Scotland) (No. 2) Scheme, 1952

Made - - - - 1*st November*, 1952
Coming into Operation 1*st November*, 1952

In exercise of the powers conferred upon me by section 1 of the Agriculture (Ploughing Grants) Act, 1952(**a**), and of all other powers enabling me in that behalf, and with the approval of the Treasury, I hereby make the following scheme:

1. This scheme may be cited as the Agriculture (Ploughing Grants) (Scotland) (No. 2) Scheme, 1952.

2.—(1) In this scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

"the Act" means the Agriculture (Ploughing Grants) Act, 1952;

"land under grass" includes any grazing land, land under rye grass and other rotational grasses and clover and permanent grass.

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

PART I

Payment of grant at lower rate

3. Under this part of this scheme a grant may be made by the Secretary of State in respect of the ploughing up of land under grass and the carrying out of such further operations on the land after ploughing as may be necessary—

(*a*) to produce on that land a crop for harvesting or for use as fodder in the year 1953; or

(*b*) for the growing of grass thereon:

Provided that where the further operations are in respect of the growing of grass a grant shall not be made unless the operations have been carried out with the approval of the Secretary of State.

4. The rate of grant to be made in accordance with this part of this scheme shall be Five pounds per acre:

Provided that in calculating the amount of a grant, fractions of an acre less than one quarter of an acre shall be disregarded.

5. A grant under this part of this scheme may be made only—

(*a*) where the land ploughed up is not less than one acre in area;

(*b*) where the land ploughed up was continuously under grass since the 1st day of June, 1949 and was ploughed up within the period beginning with the 1st day of June, 1952 and ending with the 31st day of May, 1953;

(*c*) in the case of land ploughed up after this scheme is made, where notice of the ploughing up has been given in writing by the occupier of the land to the Secretary of State not later than twenty-one days after the ploughing;

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 35. (b) 52 & 53 Vict. c. 63.

(*d*) in the case of land ploughed up before this scheme is made, where such notice has been given not later than twenty-one days after the making of the scheme:

Provided that it shall be in the discretion of the Secretary of State, in any case in which it appears to him that the circumstances are exceptional, to accept notice within such longer periods as he considers proper.

PART II

Payment of grant at higher rate

6.—(1) Under this Part of this scheme a grant may be made by the Secretary of State in respect of the following operations—

(*a*) the ploughing up of land under grass;
(*b*) after ploughing, the bringing of such land, in such manner as may be required by the Secretary of State, into a state of cleanliness, fertility, and fitness for cropping; and
(*c*) the sowing on such land of a crop unless in special circumstances the Secretary of State otherwise determines.

(2) Except as provided by paragraph (3) of this Article a grant shall not be made under this Part of this scheme in respect of any land unless before the commencement of any operations in respect of which such a grant may be payable the Secretary of State has given his approval to such operations in relation to that land and is satisfied that the carrying out thereof is likely to involve expenditure which is substantially heavier than normal for operations such as are specified in paragraph (1) of this Article.

(3) As respects land on which any such operations have been begun within the period beginning with the 1st day of August, 1952 and ending with the date on which this scheme is made, a grant may be made by the Secretary of State if it appears to him that had this scheme been made before the commencement of such operations he would have approved thereof and would have been satisfied as aforesaid, and he approves accordingly.

7. The rate of grant to be made in accordance with this part of this scheme shall be Ten pounds per acre:

Provided that in calculating the amount of a grant fractions of an acre less than one quarter of an acre shall be disregarded.

8. A grant under this part of this scheme may be made only where the land ploughed up—

(*a*) is not less than one acre in area, and
(*b*) was continuously under grass since the 4th day of May, 1939 and was ploughed up within the period beginning with the 1st day of August, 1952 and ending with the 31st day of May, 1953.

PART III

General

9. The person to whom a grant may be made under this scheme shall be the occupier of land under grass who has carried out thereon operations in accordance with the provisions of Part I or Part II, as the case may be, of the scheme:

Provided that—

(*a*) where there is a change of occupier and the operations have been carried out partly at the expense of one occupier and partly at the expense of another, the grant will be divided between them in such proportion as the Secretary of State may determine;

(*b*) where application for grant is made on behalf of landholders in accordance with the provisions of Article 10 of this scheme, payment of the grant may be made to the person making the application.

10. In the case of land occupied by landholders under the Small Landholders (Scotland) Acts, 1886 to 1931(**a**), the scheme shall apply notwithstanding that the area of the land ploughed up by an individual landholder is less than one acre if—

(*a*) the total area ploughed up by neighbouring landholders is one acre or more, and

(*b*) application in respect of the total area ploughed up is made on behalf of the individual landholders concerned by a Common Grazings Committee or Grazings Constable duly appointed under the said Acts or by a representative authorised by the landholders to act on their behalf and approved by the Secretary of State.

11. The Secretary of State may require an applicant for a grant under this scheme to give to any person authorised by the Secretary of State in that behalf adequate facilities for the inspection of any land to which the application relates.

12. Where in the opinion of the Secretary of State—

(*a*) the ploughing or any further operation in respect of which a grant under this scheme may be made has been inefficiently carried out, or

(*b*) adequate facilities for the inspection of the land in respect of which such a grant may be made have not been given,

payment of grant shall not be made or shall be restricted to such amount as the Secretary of State considers proper.

13. If in respect of any of the operations in respect of which a grant is payable under this scheme payments of moneys provided by Parliament under any enactment other than the Act are available, the Secretary of State in determining the amount of grant payable under this scheme may take into consideration such payments, and may withhold or reduce the amount payable under this scheme accordingly.

14. No grant shall be made under this scheme unless application therefor—

(*a*) is made to the Secretary of State in writing in such form as he may require, and

(*b*) is received by the Secretary of State not later than the 31st day of July, 1953 or such later date as he may in special circumstances allow.

15. Nothing in this scheme shall authorise the Secretary of State to make a grant under both Parts I and II thereof in respect of the same land.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
30th October, 1952.

We approve,

Edward Heath,
Herbert Butcher,
Two of the Lords Commissioners of Her Majesty's Treasury.

1st November, 1952.

(a) 49 & 50 Vict. c. 29; 50 & 51 Vict. c. 24; 54 & 55 Vict. c. 41; 8 Edw. 7. c. 50; 1 & 2 Geo. 5. c. 49; 9 & 10 Geo. 5. c. 97; 21 & 22 Geo. 5. c. 44.

EXPLANATORY NOTE

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

This Scheme which is the second scheme to be made by the Secretary of State under the Agriculture (Ploughing Grants) Act, 1952, provides for the making of grants at two different rates in respect of land ploughed up from grass where after ploughing the operations described in the Scheme are carried out.

Under the first part of the Scheme a grant may be made at the rate of £5 an acre where after ploughing a crop is grown in 1953; but if after ploughing the land is directly re-seeded to grass the grant is payable only if the Secretary of State approves direct re-seeding on that land as being more profitable in the national interest than cropping. In order to qualify, the land ploughed up must have been under grass continuously since the 1st June, 1949 and must be ploughed up between the 1st June, 1952 and the 31st May, 1953.

Under Part II of the Scheme a grant may be made at the rate of £10 an acre in respect of the ploughing up between 1st August, 1952 and 31st May, 1953 of land that has been down to grass since the 4th May, 1939, and thereafter preparing it for cropping. The grant under this Part of the Scheme is payable only if the Secretary of State is satisfied that the operations are likely to involve abnormally heavy expenditure and if he approves of the operations in relation to the land in question.

In both cases the grant is payable to the occupier of the land who carries out the operations to which the appropriate Part of the scheme relates. Persons wishing to apply for a grant must apply before the 31st July, 1953.

AGRICULTURAL HOLDINGS

1952 No. 1338 (S. 64)

The Agricultural Holdings (Service Men) (Scotland) Regulations, 1952

Made - - - -	15*th July*, 1952
Laid before Parliament	18*th July*, 1952
Coming into Operation	19*th July*, 1952

In exercise of the powers conferred on me by subsection (1) of section 27 of the Agricultural Holdings (Scotland) Act, 1949(**a**) (as read along with subsection (6) of section 21 and section 24 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**b**)), and by section 22 of the said last mentioned Act, and of all other powers enabling me in that behalf, I hereby make the following regulations:

Citation and Commencement

1. These Regulations may be cited as the Agricultural Holdings (Service Men) (Scotland) Regulations, 1952, and shall come into operation on the 19th day of July, 1952.

(**a**) 12, 13 & 14 Geo 6. c. 75. (**b**) 14 & 15 Geo. 6. c. 65.