COASTAL FLOODING (EMERGENCY PROVISIONS)

1955 No. 343

The Coastal Flooding (Acreage Payments) Scheme, 1955

Made - - - -	3*rd March*, 1955
Coming into Operation	10*th March*, 1955

The Minister of Agriculture and Fisheries, in exercise of the powers conferred upon him by sections 13 and 14 of the Coastal Flooding (Emergency Provisions) Act, 1953(**a**), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following scheme, a draft whereof has been laid before Parliament and approved by resolution of each House of Parliament:—

Citation and Commencement

1. This scheme may be cited as the Coastal Flooding (Acreage Payments) Scheme, 1955, and shall come into operation seven days after the making thereof.

Definitions and Interpretation

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

"Acreage payments" means payments falling to be made in accordance with the provisions of this scheme in respect of the dealing with land in an approved mode;

"Act" means the Coastal Flooding (Emergency Provisions) Act, 1953(**a**);

"Approved" means approved by a County Agricultural Executive Committee as being best calculated to secure the rehabilitation of land;

"Commercial crop" means a crop grown for sale or for consumption or use for the purpose of a trade or business, and includes a crop grown for consumption or use for the purpose of any other undertaking, whether or not carried on for profit;

"Land" means arable or pasture land in England that has been damaged by salt water in the period beginning on the 31st day of January, 1953;

"Minister" means Minister of Agriculture and Fisheries;

"Mode" means one of the modes of dealing with land referred to in subsection (2) of section 13 of the Act;

"Specified crops" means any of the crops named or described in the Second Schedule to this scheme.

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

(**a**) 1 & 2 Eliz. 2. c. 18. (**b**) 52 & 53 Vict. c. 63.

Acreage Payments

3. Subject to the provisions of this scheme, the Minister may make acreage payments thereunder to the persons to whom such payments fall to be made in accordance with the provisions of subsection (4) of section 13 of the Act in respect of the dealing with land in an approved mode during the year 1955.

Specified Crops

4. For the purposes of paragraph (*a*) of subsection (2) of section 13 of the Act (which names, as one of the modes of dealing with land to secure its rehabilitation, the use thereof for the growing of crops of such descriptions as may be specified in this scheme), the specified crops shall be any of the crops named or described in the Second Schedule to this scheme.

Rate of Acreage Payments

5. The amount to be paid by way of an acreage payment under the provisions of this scheme shall be calculated in accordance with the rates set out in the First Schedule to this scheme, by reference to the area of land dealt with as aforesaid.

Calculation of Area

6. In calculating the area of any parcel of land for the purpose of ascertaining the amount to be paid by way of an acreage payment under this scheme—

(*a*) any fraction of an acre less than one-tenth shall be disregarded ;

(*b*) woodland, shelter belts, coppices and land occupied by roads, ponds, buildings, pits and quarries shall be excluded ;

(*c*) headlands shall be included.

Minimum Areas and Minimum Payments

7.—(1) Where the area of land worked as a unit by any person is less than half an acre, that land shall be disregarded for the purposes of this scheme, and no acreage payment shall be payable in respect thereof.

(2) Where the aggregate amount of the acreage payments under the provisions of this scheme in respect of the land worked as a unit by any person would be less than one pound, payment shall be withheld.

Reduction, Withholding and Recovery of Acreage Payments

8.—(1) Where it appears to the Minister that there has been negligence or default in respect of the dealing with land in an approved mode on the part of any person by whom an application for acreage payments under this scheme has been made, and that as a result of such negligence or default the rehabilitation of the land is likely to be delayed or prevented, or where it appears to the Minister that any such person has failed to take all reasonable and necessary steps to clear or keep clear the ditches and field drains within the boundaries of the land farmed by him, the Minister may reduce the acreage payment by an amount which in his opinion is appropriate, having regard to the circumstances of the case, or may, if he sees fit, withhold payment.

(2) Any reduction of an acreage payment under the last foregoing sub-paragraph may be made either by reducing the appropriate rate of payment set out in the First Schedule to this scheme, or in such other manner as may seem to the Minister to be expedient.

(3) If the Minister decides to reduce or withhold any such payment, he may recover as a simple contract debt from the person to whom payment was made, if he decides to withhold payment, any sum already paid in respect thereof, or if he decides to reduce the amount of such payment, the amount by which any sum already paid in respect thereof exceeds such reduced amount.

Application for Acreage Payments

9. Any person desiring to apply for acreage payments under the provisions of this scheme shall make, not later than the 31st day of August, 1955, or such later date as the Minister may, in special circumstances, allow, an application in writing to a County Agricultural Executive Committee in such form as the Minister may require.

Rate of Contribution for Rehabilitation of Allotment Gardens, and Application Therefor

10.—(1) The amount to be paid by way of contribution under the provisions of section 14 of the Act towards the cost of taking the necessary steps in the year 1955 for the purpose of rehabilitating such allotment gardens as are referred to in subsection (1) of the said section shall be at the rate of £16 for each acre of land consisting of such allotment gardens as are referred to in subsection (2) of the said section.

(2) Any association, local authority, or society, desiring to apply for a payment by way of contribution as aforesaid shall make application to the Minister not later than the 31st day of August, 1955, or such later date as the Minister may, in special circumstances, allow.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this third day of March, nineteen hundred and fifty-five.

(L.S.)

D. Heathcoat Amory,
Minister of Agriculture and Fisheries.

Approved,
3rd March, 1955.

R. H. M. Thompson,
Martin Redmayne,
Two of the Lords Commissioners of Her Majesty's Treasury.

FIRST SCHEDULE

Rate of Acreage Payments

1. Where the land is pasture land on the 1st day of January, 1955, and is retained as such and is managed in an approved manner, acreage payments shall be at the rate of £6 per acre of land.

2. Where the use of the land for the growing of specified crops or for the laying down of pasture has been approved, acreage payments shall be at the rate of £10 per acre of land.

3. Where the land is bare on the 1st day of January, 1955, and the retention thereof uncropped has been approved and it is managed in an approved manner, acreage payments shall be at the rate of £10 per acre of land.

SECOND SCHEDULE

Specified Crops

1. A commercial crop of any of the following kinds, namely: Wheat, barley, oats, mixed corn, rye, beans, peas, potatoes, turnips, swedes, mangolds, sugar beet, flax, linseed, Brussels sprouts, cabbage, kale, savoys, cauliflower or broccoli, carrots, parsnips, beetroot, onions, celery, lettuce, tomatoes.

2. Any commercial crop not hereinbefore named which in any particular case the Minister may decide shall be treated as a specified crop.

EXPLANATORY NOTE

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

Section 13 (1) of the Coastal Flooding (Emergency Provisions) Act, 1953, confers power on the Minister of Agriculture and Fisheries to make a scheme providing for acreage payments for the purpose of promoting the rehabilitation of arable or pasture land in England that was flooded or otherwise damaged by salt water in the period beginning on 31st January, 1953. Such acreage payments are to be made in respect of the dealing with such land in one of the modes (set out in subsection (2) of the section) best calculated to secure rehabilitation. These modes include resting the land, laying it down to pasture or sowing an approved crop according to the circumstances of the particular case.

The present scheme is the third scheme made under those provisions by the Minister of Agriculture and Fisheries with the approval of the Treasury, and makes further provision for such payments, relating to rehabilitation carried out during the year 1955. Like the first two schemes, the present scheme prescribes the different classes of land for which payment may be made, and fixes the rates of payment for such land, and contains provisions for the computation of the acreage by reference to which payment is to be calculated.

This scheme also provides for the rate of payment to be made by way of contribution to allotment associations, local authorities or societies under Section 14 of the Act towards the rehabilitation during 1955 of allotment gardens that were damaged by salt water.

The previous schemes governing acreage payments for rehabilitation carried out in the years 1953 and 1954 respectively were S.I. 1953/1093 and 1920.