STATUTORY INSTRUMENTS

1974 No. 1870 (S.170)

CROFTERS, COTTARS AND SMALL LANDHOLDERS SCOTLAND

The Crofting Counties Agricultural Grants (Scotland) (No. 3) Scheme 1974

Made - - -	*5th November* 1974
Laid before Parliament	*19th November* 1974
Coming into Operation	*10th December* 1974

In exercise of the powers conferred on me by section 22(1) of the Crofters (Scotland) Act 1955(**a**) and section 14(1) of the Crofters (Scotland) Act 1961(**b**), and of all other powers enabling me in that behalf, and after consultation with the Crofters Commission and with the approval of the Treasury, I hereby make the following scheme:—

Citation and commencement

1. This scheme may be cited as the Crofting Counties Agricultural Grants (Scotland) (No. 3) Scheme 1974 and shall come into operation on 10th December 1974.

Interpretation

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

"eligible occupier" and "relevant day" have the same meanings respectively as in the Hill and Upland Sheep Scheme;

"the Hill and Upland Sheep Scheme" means the Hill and Upland Sheep (Scotland) Scheme 1972(**c**) as amended (**d**);

"subsidy payment" has the meaning assigned to it by paragraph 3 of this scheme.

(2) The Interpretation Act 1889(**e**) shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

Grants to be made

3.—(1) Subject to the provisions of this scheme, a grant may be made by the Secretary of State under this scheme in relation to every breeding ewe or gimmer, being a breeding ewe or gimmer to which this scheme applies, in respect of which a subsidy payment at a reduced rate has been or falls to be

(**a**) 1955 c. 21. (**b**) 1961 c. 58.
(**c**) S.I. 1972/1659 (1972 III, p. 4876).
(**d**) The relevant amending instrument is S.I. 1974/1863. (1974 III, p. 6419).
(**e**) 1889 c. 63.

made under the Hill and Upland Sheep Scheme as being comprised or treated as comprised in a flock of sheep to which that scheme applies on the relevant day in the year 1974 (which payment is hereinafter referred to as "the subsidy payment").

(2) In this paragraph, the expression "subsidy payment at a reduced rate" means a subsidy payment reduced in accordance with the provisions of paragraph 4(2) of the Hill and Upland Sheep Scheme.

Breeding ewes or gimmers to which this scheme applies

4. This scheme applies to any breeding ewe or gimmer—

(*a*) (i) which is maintained on land occupied by a person as a crofter or as an eligible occupier, and

(ii) in respect of which a subsidy payment has been or falls to be made to that crofter or eligible occupier as the person maintaining the breeding ewe or gimmer, or

(*b*) (i) which is maintained on a common grazings or common pasture to which the Crofters (Scotland) Acts 1955 and 1961 apply, and

(ii) in respect of which a subsidy payment has been or falls to be made to that crofter or eligible occupier as the person maintaining the breeding ewe or gimmer or to such a person as is mentioned in paragraph 6(2) or (3) of the Hill and Upland Sheep Scheme,

Person to whom grant is to be made

5.—(1) Subject to the following provisions of this paragraph a grant under this scheme in respect of any breeding ewe or gimmer shall be payable to the person to whom the subsidy payment has been or falls to be made in respect of that ewe or gimmer.

(2) Where in the case of such a breeding ewe or gimmer as is mentioned in paragraph 4(*b*) of this scheme payment of grant under this scheme is made to such a person as is mentioned in paragraph 6(2) of the Hill and Upland Sheep Scheme, paragraph 5(3) of that scheme shall apply to the payment of such grant as it applies to a subsidy payment.

Application for grant

6. Any person who desires to obtain a grant under this scheme shall make an application for a grant in such form and at such time as the Secretary of State may direct and shall furnish such information as the Secretary of State may require and such application may, if the Secretary of State thinks fit, be combined with an application for a subsidy payment under the Hill and Upland Sheep Scheme.

Amount of grant

7.—(1) The amount of any grant which may be made under this scheme in respect of the year 1974 shall—

(*a*) in respect of any breeding ewe or gimmer in respect of which a subsidy payment has been made under the Hill and Upland Sheep Scheme as being comprised in a hill sheep flock on the relevant day in that year—

(i) if maintained in land forming part of a qualified croft or holding, be 25p;

(ii) if maintained on land forming part of any other croft or holding, be 12½p;

(*b*) in respect of any breeding ewe or gimmer in respect of which a subsidy payment has been made under the Hill and Upland Sheep Scheme as being comprised in a flying flock or upland flock on the relevant day in that year and which is maintained on land forming part of a qualified croft or holding, be 25p.

(2) In this paragraph—

(*a*) "qualified croft or holding" in relation to the year 1974 means a croft or holding in respect of which no grant under the Crofting Counties Agricultural Grants (Scotland) Scheme 1972(**a**), for the cropping of marginal land in that year has been paid, and, in the opinion of the Secretary of State, no such grant is payable;

(*b*) the expressions "flying flock", "hill sheep flock" and "upland flock" have the meanings assigned to them respectively under the Hill and Upland Sheep Scheme and each such expression includes respectively a reference to a flock or sheep in a flock treated for the purpose of that scheme as a flying flock or, as the case may be, a hill sheep flock or an upland flock;

(*c*) any reference to land forming part of a croft or holding shall be taken to include a reference to any pasture or grazing land in which the occupier of the croft or holding has any right, whether alone or in common with others, being a right which is deemed to form part of, or is held along with, the croft or holding.

Recovery of grant

8. Where in the opinion of the Secretary of State any amount of grant made to any person in respect of a breeding ewe or gimmer would not have been made because the provisions of this Scheme were not applicable to that person either before or after such grant was made, the Secretary of State may recover the grant so made and without prejudice to any other mode of recovery available to him, may recover that grant by withholding all or any of the grants which would otherwise be payable to the applicant.

Prohibition against assignation of grant

9. Paragraph 15 of the Hill and Upland Sheep Scheme shall apply to any grant falling to be made under this scheme as it applies to a subsidy payment falling to be paid under that scheme.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
1st November 1974.

(**a**) S.I. 1972/407 (1972 I, p. 1499).

We approve.

M. Cocks,
J. Dormand,
Two of the Lords Commissioners of
Her Majesty's Treasury.

5th November 1974.

EXPLANATORY NOTE

(*This Note is not part of the Scheme.*)

This Scheme enables the Secretary of State to make grants to crofters and certain other occupiers of land in the seven crofting counties of Scotland for the year 1974 in supplement of the subsidy payments made in respect of that year under the Hill and Upland Sheep (Scotland) Scheme 1972 as amended. The Scheme provides for differing rates of supplement according to the type of flock in which the sheep are comprised and according to whether or not grant under the Crofting Counties Agricultural Grants (Scotland) Scheme 1972 for the cropping of marginal land in 1974 has been paid or in the opinion of the Secretary of State is payable in respect of the croft, holding or grazings on which the sheep are maintained.

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