1963 No. 1294 (S. 55)

CROFTERS, COTTARS AND SMALL LANDHOLDERS, SCOTLAND

The Crofting Counties Agricultural Grants (Scotland) Scheme 1963

Made - - - -	25*th July* 1963
Laid before Parliament	31*st July* 1963
Coming into Operation	1*st August* 1963

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, Interpretation and Commencement

1. This scheme may be cited as the Crofting Counties Agricultural Grants (Scotland) Scheme 1963, and shall come into operation on 1st August 1963.

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

"the Act of 1955" means the Crofters (Scotland) Act 1955;

"the Act of 1961" means the Crofters (Scotland) Act 1961;

"crofter" includes any grazings committee or grazings constable appointed under section 24 of the Act of 1955 and in the application of this scheme to a grazings committee or a grazings constable any reference to a croft shall be construed as a reference to the common grazings for the management of which the committee or as the case may be the grazings constable is responsible;

"eligible occupier" has the meaning assigned to it by Article 3 of this scheme;

"fencing for land improvement" means fencing for the purpose of enclosing land (including rough grazings) which has been or is to be improved by means of any of the operations specified at items (*b*), (*c*) or (*d*) in column 1 of the Schedule to this scheme;

"operation" means any of the operations specified in column 1 of the Schedule to this scheme.

(2) The Interpretation Act 1889(c), applies for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

Eligible occupier

3.—(1) For the purposes of this scheme, the expression "eligible occupier" means any one of the following occupiers, that is to say—

(*a*) the occupier of a croft who is also the owner thereof and who in the opinion of the Secretary of State is of substantially the same economic status as a crofter;

(a) 3 & 4 Eliz. 2. c. 21. (b) 9 & 10 Eliz. 2. c. 58. (c) 52 & 53 Vict. c. 63.

(*b*) the occupier of a holding, other than a croft, situated in the crofting counties which is either a holding of which the area does not exceed 75 acres (exclusive of any common pasture or grazing held therewith), or a holding the annual rent of which, if it were a croft let to a crofter under the Act of 1955 and the Act of 1961, would not, in the opinion of the Secretary of State, exceed £50, being an occupier who in the opinion of the Secretary of State is of substantially the same economic status as a crofter ; or

(*c*) the subtenant of a croft or part of a croft occupying under a sublease intimated to the Crofters Commission under section 11(1) of the Act of 1961 or granted by a crofter with the consent of the Crofters Commission and in accordance with any conditions imposed by them under section 11(3) of the Act of 1961.

(2) Any reference in any other scheme to " an eligible occupier within the meaning of the Crofting Counties Agricultural Grants (Scotland) Scheme 1961 "(a) shall be deemed to include a reference to an eligible occupier within the meaning of this scheme.

Grants to be made

4. Subject to the provisions of this scheme, the Secretary of State may make a grant to a crofter or eligible occupier in respect of the labour and materials required for any operation carried out by him or on his behalf for the purpose of aiding and developing agricultural production, in the case of a crofter, on his croft and, in the case of an eligible occupier, on the croft or holding or part of a croft, as the case may be, in respect of which he is the eligible occupier.

Application for Grant

5. A crofter or eligible occupier who desires to obtain a grant under this scheme shall make an application therefor in such form as the Secretary of State may direct and shall furnish such information in regard to the operation which it is proposed to carry out as the Secretary of State may require.

6. Upon receiving such an application and after making such inquiries as he thinks fit, the Secretary of State shall decide whether to make a grant or not, and, where he decides to make a grant, shall, in notifying his decision to the applicant, make an offer of grant subject to the condition that the operation shall be carried out to the satisfaction of the Secretary of State within such period as may be specified by him and subject also to such other conditions, including conditions as to the nature of the operation, the manner in, and the means by, which it is to be carried out, as he may deem necessary.

Claims

7. When the operation in respect of which the grant is offered has been carried out, the applicant shall make a claim for the grant in such form as the Secretary of State may direct and shall afford to the Secretary of State or his duly authorised officer all such facilities as are reasonably necessary to enable the Secretary of State to satisfy himself that the conditions subject to which the grant has been offered have been duly complied with.

(a) S.I. 1961/2266 (1961 III, p. 3973).

8.—(1) Subject to the provisions of the two next succeeding paragraphs the amount of any such grant as aforesaid shall—

(*a*) not exceed a sum equal to the percentage of the approved cost of the operation in respect of which it is to be made set out opposite that operation in column 2 of the Schedule to this scheme, and

(*b*) be abated by the amount of any other grant, subsidy or payment made or falling to be made in respect of that operation under any Act or any other scheme or instrument providing for payment of monies out of the Exchequer.

(2) For the purpose of this Article "approved cost" shall mean the aggregate of—

(*a*) the expenditure reasonably incurred by the applicant in providing the materials required for the purpose of the carrying out of the relevant operation, and

(*b*) such sum as the Secretary of State may deem it reasonable to allow in respect of the labour necessary for that purpose.

(3) If the Secretary of State is satisfied that any condition subject to which a grant has been offered has not been complied with in carrying out the relevant operation, he may, notwithstanding the two immediately preceding paragraphs, either withhold payment of the grant or make payment of a grant in respect of that operation of such amount as he may in all the circumstances of the case consider reasonable.

9. Where any condition subject to which a grant has been made falls to be complied with by the applicant after the date upon which the grant has been made and the Secretary of State is satisfied at any time thereafter that that condition is not being complied with, he may recover the amount of the grant or such part thereof as he may in all the circumstances consider reasonable from the applicant in like manner as if it were a debt due by the applicant to him.

10.—(1) The Secretary of State hereby appoints the Crofters Commission to be his agents for the purpose of the administration of any grant applied for or made under this scheme so far as it relates to crofts:

Provided that nothing in this paragraph shall be construed as enabling the Crofters Commission to make payment of any grant under this scheme.

(2) In carrying out their functions as agents as aforesaid of the Secretary of State under this scheme, the Crofters Commission shall have the like powers, rights and duties as are conferred by it upon the Secretary of State.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
24th July 1963.

We approve,

M. A. Hamilton,
G. T. C. Campbell,
Two of the Lords Commissioners of Her Majesty's Treasury.

25th July 1963.

SCHEDULE

Column 1	Column 2
Operation	Percentage of Approved Cost
(*a*) Cropping of marginal land	85 per cent.
(*b*) Regeneration of rough grazings	85 " "
(*c*) Direct reseeding of land	85 " "
(*d*) Reclamation of land	85 " "
(*e*) Provision of pit or clamp silos	85 " "
(*f*) Provision of temporary cattle pens and shelters	85 " "
(*g*) Provision or improvement of roads, bridges or boat slips for agricultural purposes.	75 " "
(*h*) Provision of water supplies	75 " "
(*i*) Drainage	66⅔ " "
(*j*) Provision of fanks and dippers	66⅔ " "
(*k*) Provision of fencing for land improvement ...	66⅔ " "
(*l*) Provision of fencing (other than for land improvement).	50 " "
(*m*) Provision of cattle-grids	50 " "
(*n*) Planting of shelter belts	50 " "
(*o*) Provision of electrical equipment for agricultural purposes.	50 " "
(*p*) Bracken cutting	50 " "
(*q*) Removal of whins, gorse, bushes, scrub, stumps, roots, boulders or other like obstructions to cultivation.	50 " "

EXPLANATORY NOTE

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

This scheme, made with the approval of the Treasury under section 22 of the Crofters (Scotland) Act 1955 and section 14 of the Crofters (Scotland) Act 1961, provides that the Secretary of State may make grants to crofters and certain other occupiers of land in the 7 crofting counties in Scotland, subject to certain defined conditions, in respect of specified operations carried out by them for the purpose of aiding and developing agricultural production on crofts or holdings.

This scheme differs from the 1961 scheme (S.I. 1961/2266) in that it deems references in other schemes to an eligible occupier under the 1961 scheme to include references to an eligible occupier under this scheme. It also extends the Secretary of State's power to impose conditions when offering grants. The percentage of approved cost for fencing is increased to 66⅔ where associated with land improvement. In all other respects the scheme is materially the same as the previous one.