STATUTORY INSTRUMENTS

1965 No. 1519 (S. 81)

CROFTERS, COTTARS AND SMALL LANDHOLDERS, SCOTLAND

The Crofting Counties Agricultural Grants (Scotland) Scheme 1965

Made - - - -	*28th July* 1965
Laid before Parliament	*6th August* 1965
Coming into Operation	*7th August* 1965

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) Scheme 1965 and shall come into operation on 7th August 1965.

Interpretation

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 paragraph 3 of this scheme;

" fencing or cattle-grids for land improvement " means fencing for the purpose of enclosing, or cattle-grids for the purpose of preventing the passage of animals to or from, land (including rough grazings) which has been or is to be improved by means of any of the operations specified at item (*b*) 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.

(a) 3 & 4 Eliz. 2. c. 21. (b) 9 & 10 Eliz. 2. c. 58.

(2) The Interpretation Act 1889(a) 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;

(*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 "(b) shall be deemed to include a reference to an eligible occupier within the meaning of this scheme.

PART I—GRANTS IN RESPECT OF OPERATIONS

Grants to be made

4. Subject to the provisions of this scheme, a grant may be made by the Secretary of State under this part of this scheme 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 part of 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.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1961/2266 (1961 III, p. 3973).

Offer of grant

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 under this part of this scheme or not, and, where he decides to make such a grant, shall, in notifying his decision to the applicant, make an offer of grant under this part of this scheme 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 as aforesaid 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.

Amount of grant

8.—(1) Subject to the provisions of this scheme, the amount of any grant made under this part of this scheme shall 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.

(2) For the purpose of this paragraph, "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 under this part of this scheme has been offered has not been complied with in carrying out the relevant operation, he may, notwithstanding the two immediately preceding sub-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.

PART II—GRANTS IN RESPECT OF CONTRIBUTIONS

Grants to be made

9. Subject to the provisions of this scheme, a grant may be made by the Secretary of State under this part of this scheme to a crofter or eligible occupier in respect of any contribution made by him under any such agreement as is referred to in section 10(1) of the Highways (Provision of Cattle-Grids) Act 1950(a) towards the expenses of the provision of a cattle-grid

(a) 14 Geo. 6. c. 24.

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 and conditions of grant

10.—(1) A crofter or eligible occupier who desires to obtain a grant under this part of 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 cattle-grid provided or proposed to be provided as the Secretary of State may require.

(2) Any grant which may be made under this part of this scheme shall be subject to such conditions as may be intimated in writing to the applicant by the Secretary of State at the time of the making of the grant.

Amount of Grant

11. Subject to the provisions of this scheme, the amount of any grant made under this part of this scheme shall not exceed a sum equal to 50 per centum of the contribution in respect of which it is to be made:

Provided that in the case of provision of a cattle-grid for—

(*a*) land improvement;

(*b*) land apportioned from common grazings or from land held runrig; or

(*c*) land affected by any scheme for re-allocation of land,

the amount of a grant made under this part of this scheme may be increased to an amount not exceeding a sum equal to 66⅔ per centum of the contribution in respect of which it is to be made.

PART III—GENERAL

Abatement of grant

12. The amount of any grant which may be made under Part I of this scheme in respect of an operation or, as the case may be, Part II of this scheme in respect of any such contribution as is referred to in paragraph 9 of this scheme shall be abated by the amount of any other grant, subsidy or payment made or falling to be made in respect of the operation or contribution under any Act or any other scheme or instrument providing for payment of monies out of the Exchequer.

Recovery of grant

13. Where any condition subject to which a grant has been made under Part I or, as the case may be, Part II of this scheme 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.

Crofters Commission to be agents

14.—(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 Part I or, as the case may be, Part II of this scheme so far as it relates to crofts:

Provided that nothing in this sub-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.

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

St. Andrew's House,
Edinburgh, 1.

27th July 1965.

We approve.

Harriet Slater,
G. H. R. Rogers,
Two of the Lords Commissioners of Her Majesty's Treasury.

28th July 1965.

SCHEDULE

Column 1	*Column 2*
Operation	*Percentage of Approved Cost*
(*a*) Cropping of marginal land	85 per cent
(*b*) Improvement of land by reclamation, direct reseeding, or regeneration	85 „ „
(*c*) Provision or improvement of roads, bridges or boat slips	75 „ „
(*d*) Provision of water supplies	75 „ „
(*e*) Provision or improvement of pit or clamp silos ...	66⅔ „ „
(*f*) Provision of field shelter for cattle or sheep	66⅔ „ „
(*g*) Drainage	66⅔ „ „
(*h*) Provision or improvement of fixed equipment for the handling or treatment of sheep or cattle	66⅔ „ „
(*i*) Provision of fencing or cattle-grids for land improvement; land apportioned from common grazings or from land held runrig; or land affected by any scheme for re-allocation of land	66⅔ „ „
(*j*) Provision of fencing or cattle-grids (other than as in item (i))	50 „ „
(*k*) Planting of shelter belts	50 „ „
(*l*) Provision of electrical equipment	50 „ „
(*m*) Bracken cutting	50 „ „
(*n*) 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.)

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, (*a*) in respect of specified operations carried out by them for the purpose of aiding and developing agricultural production on crofts or holdings, and (*b*) in respect of contributions made by them under certain agreements towards the expenses of provision of cattle-grids for the purpose foresaid.

This scheme differs from the 1963 scheme (S.I. 1963/1294) in that it provides for assistance being given not only for the provision but also for the improvement of silos and equipment for handling or treating sheep or cattle, and for the provision of field shelter for both sheep and cattle instead of for cattle only. The 66⅔ per cent fencing grant previously associated only with land improvement is extended to land which is the subject of apportionment or reallocation and it may now be given in respect of both cattle-grids and fencing instead of in respect of fencing only. Grants may also now be made in respect of contributions towards the expenses of provision of cattle-grids. The maximum rate of grant for silos and field shelter is reduced to 66⅔ per cent. In all other respects the scheme is materially the same as the previous scheme.