STATUTORY INSTRUMENTS

1972 No. 407 (S.31)

CROFTERS, COTTARS AND SMALL LANDHOLDERS, SCOTLAND

The Crofting Counties Agricultural Grants (Scotland) Scheme 1972

Made - - -	15*th March* 1972
Laid before Parliament	17*th March* 1972
Coming into Operation	19*th March* 1972

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 1972 and shall come into operation on 19th March 1972.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

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

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

"approved" means approved by the Secretary of State in writing, and "approve" and "approval" shall be construed accordingly;

"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;

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

(a) 1955 c. 21. (b) 1961 c. 58.

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

(3) Except insofar as the context otherwise requires, any reference in this scheme to an enactment shall be construed as a reference to that enactment as amended or extended by any other enactment.

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 1965" (**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.—(1) Subject to the provisions of this scheme, the Secretary of State may make a grant under this part of this scheme to a crofter or eligible occupier towards the approved cost of any operation of a kind specified in the Schedule to this scheme 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

(**a**) 1889 c. 63.

(**b**) S.I. 1965/1519 (1965 II, p. 4399).

(2) For the purpose of this paragraph, "approved cost" shall mean the cost approved for the purposes of a grant under this part of this scheme and comprising the aggregate of—

(*a*) the expenditure reasonably incurred by the applicant in respect of materials required for the purpose of carrying out 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) Any application by a crofter or eligible occupier for approval of the cost of any such operation shall be made in such form and manner and at such time as the Secretary of State may from time to time require and the applicant shall furnish all such particulars and information relating to the operation as the Secretary of State may require.

(4) The Secretary of State may, as he thinks fit, either refuse to approve the cost of any such operation or approve it in whole or in part for the purposes of a grant under this part of this scheme and any such approval may be given, and any such grant may be made, subject to such conditions as the Secretary of State thinks fit.

(5) Any approval of cost for the purposes of a grant under this part of this scheme may be varied or withdrawn by the Secretary of State with the applicant's written consent.

Amounts of grant

5.—(1) The amounts of grant payable under this part of this scheme shall be determined in accordance with the provisions of the Schedule to this scheme.

(2) If the Secretary of State is satisfied that any condition subject to which a grant under this part of this scheme may be made has not been complied with in carrying out the relevant operation, he may, notwithstanding the immediately preceding sub-paragraph, either withhold payment of the grant or make payment of a grant 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

6.—(1) Subject to the provisions of this scheme, the Secretary of State may make a grant 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 for

(**a**) 1950 c. 24.

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.

(2) Any application by a crofter or eligible occupier for a grant under this part of this scheme shall be made in such form and manner and at such time as the Secretary of State may from time to time require and the applicant shall furnish all such particulars and information in regard to the cattle-grid provided or proposed to be provided as the Secretary of State may require.

(3) 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.

Amounts of grant

7. The amounts of grant payable under this part of this scheme shall be determined in accordance with the provisions of the Schedule to this scheme.

PART III

GENERAL

Abatement of grant

8. The Secretary of State may reduce or withhold grant payable under this scheme in any case where assistance in respect of cost towards which grant is payable has been or may be given otherwise than under this scheme.

Recovery of grant

9. Where any condition subject to which a grant has been made under this scheme fails 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 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 in like manner as if it were a debt due by the applicant to him.

Crofters Commission to be agents

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 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.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
13th March 1972.

We approve.

Walter Clegg,
Tim Fortescue,
Two of the Lords Commissioners of Her Majesty's Treasury.

15th March 1972.

Paragraphs 4(1), 5(1) and 7

SCHEDULE

1. Subject to the provisions of this Schedule and of paragraph 8 of this scheme, the amount of any grant payable under this scheme towards the approved cost of any operation specified in column 1 of this Schedule shall not exceed a sum equal to the percentage of that cost specified in relation to that operation in column 2 of this Schedule.

Column 1	*Column* 2
Operation	*Percentage of Approved Cost*
	per cent
1. Cropping of marginal land.	85
2. Improvement of land by reclamation, regeneration or reconditioning.	85
3. Drainage.	75
4. Bracken cutting.	60
5. Removal of whins, gorse, bushes, scrub, stumps, roots, boulders or other like obstructions to cultivation.	60
6. Provision or improvement of pit or clamp silos.	60
7. Provision of field shelter for cattle or sheep.	60
8. Provision or improvement of fixed equipment for the handling or treatment of sheep or cattle.	60
9. Provision of fencing or cattle-grids.	60
10. Planting of shelter belts.	85
11. Provision of electrical equipment.	60
12. Provision or improvement of roads, bridges or boat slips.	60
13. Provision of water supplies.	60

2. The amount of any grant payable under this scheme towards the approved cost o carrying out any operation which is incidental to the carrying out of an operation o any kind specified in this Schedule or necessary or proper in the carrying out of tha operation or for securing the full benefit thereof shall be calculated at the rate o grant appropriate to that operation in accordance with the provisions of this Schedule

3. In such cases and subject to such conditions as the Secretary of State may fron time to time determine, the amount of any cost towards which grant is payable unde this scheme shall, if the applicant so elects, be taken for the purpose of determinin the amount of the grant as such standard amount as the Secretary of State may fron time to time fix with the approval of the Treasury.

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 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 and holdings, and (*b*) in respect of contributions made by them under certain arrangements towards the expenses of provision of cattle-grids for the purpose foresaid.

This Scheme differs from the 1965 Scheme (S.I. 1965/1519), as amended by the 1970 Amendment Scheme (S.I. 1970/572), in that it is no longer necessary for a formal offer of grant to have been made by the Secretary of State before grant may be paid under the Scheme. The Scheme also makes provision for payment of grant on the basis of standard costs and for changes in the rates of grant which will apply to applications made on or after 19th March 1972.

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