(8) CROP ACREAGE PAYMENTS

The Crop Acreage Payments (England and Wales) Order, 1949

Spent.

1949 No. 1409

Made - - - -	*5th July*, 1949
Laid before Parliament	*7th July*, 1949
Coming into Operation	*29th July*, 1949

In pursuance of subsection (1) of section four of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries, after consultation with such bodies of persons as appear to him to represent the interests of producers of the produce hereinafter mentioned, and with the approval of the Treasury, hereby makes the following Order:—*

Citation

1. This Order may be cited as the Crop Acreage Payments (England and Wales) Order, 1949, and shall come into operation on the twenty-ninth day of July, 1949.

Definitions

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

"The Minister" means the Minister of Agriculture and Fisheries.

"The Committee" means any County Agricultural Executive Committee in England or Wales.

"The specified crops" has the meaning assigned by Articles 4 and 5 of this Order.

"Occupier" means any person who is an occupier for the purposes of the Agriculture Act, 1947, of at least one acre of agricultural land on which is growing one or more of the specified crops.

Interpretation

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

Crop Acreage Payments

4. Subject to the provisions of this Order, the Minister may make acreage payments to any occupier in respect of crops of a description to which this Order applies (hereinafter called "the specified crops") grown for harvesting in the year 1949.

Description of Crops

5. This Order shall apply to the following crops:—

Wheat
Rye (harvested as grain)
Potatoes

(a) 10 & 11 Geo. 6. c. 48.

* The necessary Resolutions were passed by the House of Commons on 21st July, 1949, and by the House of Lords on 26th July, 1949.

(b) 52 & 53 Vict. c. 63.

Rates of Acreage Payments

6.—(1) The amount which may be paid by way of acreage payment in respect of each of the specified crops shall be:—

(*a*) for wheat £3 per acre, provided that no payment shall be made to any person in respect of any acreage in excess of ten acres, whether that person is the occupier of one or more than one agricultural unit on which the said crop is growing;

(*b*) for rye (harvested as grain) £3 per acre, provided that no payment shall be made to any person in respect of any acreage in excess of ten acres, whether that person is the occupier of one or more than one agricultural unit on which the said crop is growing;

(*c*) for potatoes £8 per acre, with an additional payment of £4 per acre, provided that no additional payment as aforesaid shall be made to any person in respect of any acreage in excess of ten acres, whether that person is the occupier of one or more than one agricultural unit on which the said crop is growing.

(2) Payment as aforesaid shall be in respect of each complete half-acre in the case of wheat and rye (harvested as grain), and in respect of each complete one-twentieth of an acre in the case of potatoes; and lesser fractions of an acre respectively shall be disregarded.

Computation of Acreage

7. For the purpose of calculating the acreage on which any of the specified crops are growing:—

(1) the acreage occupied by headlands and ditches attributable to the crop shall be included; and

(2) the acreage occupied by interplanted crops, woodlands, roads, ponds, buildings, pits and quarries shall be excluded.

Minimum Areas

8. Where the total acreage on which a crop is grown by any one occupier, calculated in accordance with the provisions of the last foregoing Article of this Order, amounts where the crop is potatoes to less than one-tenth of an acre, and where the crop is wheat or rye (harvested as grain) to less than one acre, no acreage payment shall be made in respect thereof.

Application for Acreage Payments

9.—(1) No claim for acreage payments under the provisions of this Order shall be entertained unless an application is submitted to the Minister or the Committee in such form and accompanied by such evidence as the Minister may require, and is received by the Minister or the Committee not later than the first day of October, 1949; provided that the Minister may, if in special circumstances he thinks fit to do so, accept any application so received after the aforesaid date.

(2) The Minister may require any applicant for acreage payments to afford reasonable facilities for the checking and measurement of the acreage of any crop in respect of which the claim is made, as a condition of the entertainment of such claim.

Good Husbandry Provisions

10.—(1) If in the opinion of the Minister the crop has been in any respect adversely affected because of failure to exercise reasonable care and diligence according to the principles of good husbandry in the sowing, planting, cultiva-

tion, or harvesting of the crop, the Minister may, having regard to all the circumstances of the case, reduce any acreage payment which he would otherwise have made in respect of such crop by an amount which in his opinion is appropriate (any such reduction to be effected either by reducing the rate of payment or in such manner as may seem to the Minister to be expedient), or he may, if he thinks fit, withhold payment.

(2) If the Minister, after having made an acreage payment, or paid a sum on account thereof, to any person, finds that such payment ought to have been reduced or withheld under the provisions of the last foregoing paragraph hereof, he may recover as a simple contract debt from the person to whom such payment has been made—

(*a*) if he decides that such payment ought to have been reduced, the amount by which any sum already paid exceeds the amount reduced as aforesaid; or

(*b*) if he decides that such payment ought to have been withheld, the whole of the sum already paid.

Change of Occupancy

11.—(1) Where a change of occupier has occurred after the crop has been sown or planted but before being harvested, any payment to be made under the provisions of this Order shall be made—

(*a*) to the outgoing occupier if he was entitled to harvest the crop, or if the waygoing valuation was made on the basis of a mature crop, that is to say on an estimated yield;

(*b*) to the incoming occupier if the valuation of the crop was made on the basis of costs of seeds and cultivations, or if no specific price was attached to the crop, or if no valuation was or is to be made, or in any other circumstances.

Provided that the Minister may take into account any agreement in writing between the outgoing and the incoming occupiers dealing specifically with the acreage payment, and notwithstanding the foregoing provisions of this paragraph, may make the payment in accordance with any such agreement.

(2) It shall be the duty of the outgoing occupier to notify the Minister forthwith in writing of any change of occupancy and of the terms of any written agreement dealing specifically with the acreage payment.

(3) If the Minister, after having made an acreage payment, or paid a sum on account thereof, to any person, finds that such payment ought to have been made in whole or in part to some other person under the provisions of paragraph (1) of this Article, he may recover as a simple contract debt from the person to whom such payment has been made the whole or part of the sum already paid.

(4) The ascertainment under the provisions of this Article of the person entitled to receive any acreage payment which the Minister may decide to pay in respect of any crop shall be for the Minister, whose decision in that behalf shall be final.

Crop Failures

12. Where any of the specified crops or any part thereof has failed after sowing, the Minister may make an acreage payment in respect thereof provided the application for such payment is supported by a recommendation from the Committee, and provided the Minister is satisfied that the failure

of the crop was contrary to reasonable expectation of success, and that reasonable care and diligence were exercised by the grower according to the principles of good husbandry in the preparation of the land and the planting or sowing and cultivation of the crop, and that the crop failure was reported to the Committee in sufficient time to enable an inspection to be made.

Self-sown Crops

13. No acreage payment shall be made in respect of self-sown crops.

Special conditions regarding wheat

14. No acreage payment shall be made where the acreage of wheat grown by any one occupier does not exceed two acres, unless the occupier supports his application for such payment with evidence to the satisfaction of the Minister that the wheat grown by him has been disposed of in accordance with the provisions which apply to growers whose total acreage of wheat exceeds two acres and which are contained in any Order or Orders of the Minister of Food for the time being in force.*

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 5th day of July, 1949.

(L.S.)

T. Williams,
Minister of Agriculture and Fisheries.

Approved.

R. J. Taylor,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

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

This Order, approved by resolution of each House of Parliament, is made with the approval of the Treasury under Section 4 (1) of the Agriculture Act, 1947. It provides for the continuation in respect of the year 1949 of the crop acreage payments scheme in substantially the form in which it has operated in recent years under the authority of the annual Appropriation Act. It prescribes the crops for which payment may be made, fixes the rates of payment for different crops and contains provisions for reducing or withholding payment in certain circumstances.

This Order refers to England and Wales.

---

* The following relevant Order of the Ministry of Food is in force at the date of this Order :—
The Wheat (Control and Prices) (Great Britain) Order, 1949 (S.I. 1949 No. 1164.)