(4) CROP ACREAGE PAYMENTS

The Crop Acreage Payments (Scotland) Order, 1949 *

Spent.

1949 No. 1457 (S. 101)

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

In exercise of the powers conferred upon me by sub-section (1) of Section 4 of the Agriculture Act, 1947(a), and of all other powers enabling me in that behalf, after consultation with such bodies of persons as appear to me to represent the interests of producers of the produce hereinafter mentioned, and with the approval of the Treasury, I hereby make the following Order:—

Short title and commencement

1. This Order may be cited as the Crop Acreage Payments (Scotland) Order, 1949, shall apply to Scotland only, and shall come into operation on the 29th day of July, 1949.

Interpretation and Definitions

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

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

"the Act" means the Agriculture Act, 1947(a);

"acreage payment" means a payment made by the Secretary of State under this Order;

"agricultural unit" has the like meaning as in the Agriculture (Scotland) Act, 1948(c);

"occupier" means any person who is an occupier for the purposes of the Agriculture (Scotland) Act, 1948(c), of at least one acre of agricultural land on which is growing one or more of the specified crops;

"specified crops" means crops to which this Order applies.

Crop Acreage Payments

3. Subject to the provisions of this Order, the Secretary of State may make acreage payments to any occupier in respect of specified crops grown for harvesting in the year 1949.

Specified Crops

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

Potatoes.
Wheat.
Rye (harvested as grain).

(a) 10 & 11 Geo. 6. c. 48. (b) 52 & 53 Vict. c. 63. (c) 11 & 12 Geo. 6. c. 45.

* This Order was approved by Resolution of the House of Commons, 21st July, 1949, and the House of Lords, 26th July, 1949, in accordance with section 7 (2) of the Agriculture Act, 1947.

Rates of Acreage Payments

5.—(1) The rates of acreage payment which may be paid in respect of the specified crops shall be—

(*a*) for potatoes £8 per acre, with an additional payment of £4 per acre,
(*b*) for wheat £3 per acre, and
(*c*) for rye (harvested as grain) £3 per acre:

Provided that the additional payment under sub-paragraph (*a*) and the payments under sub-paragraphs (*b*) and (*c*) hereof shall not 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 respective crop is grown.

(2) In determining for the purposes of this Article whether any acreage is in excess of ten acres there shall be taken into account any acreage in respect of which a payment has been made or is to be made by the Minister of Agriculture and Fisheries under Section 4 of the Act.

Computation of Acreage

6. In calculating for the purposes of this Order the acreage on which any of the specified crops is grown—

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

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

(3) there shall be disregarded any lesser fraction of an acre than

(*a*) one-twentieth where the crop is potatoes, and
(*b*) one half where the crop is wheat or rye ;

(4) there shall be disregarded—

(*a*) any acreage under the crop on an agricultural unit in excess of that shown in the relative return of information made under the Agricultural Statistics (Scotland) Regulations, 1948(a) as being under the crop on that unit at 4th June, 1949, and

(*b*) any acreage under the crop on an agricultural unit in respect of which no return as aforesaid was made at 4th June, 1949,

unless there is submitted with the application for acreage payment a certificate of measurement by a qualified measurer (being a person approved by the Secretary of State, other than the applicant, his employee or agent) showing the total area under the crop on the agricultural unit.

Minimum areas

7. 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 to less than one-tenth of an acre where the crop is potatoes and to less than one acre where the crop is wheat or rye (harvested as grain), no acreage payment shall be made in respect thereof.

Application for Acreage Payments

8. No acreage payment shall be made to any person unless there is received by the Secretary of State not later than the first day of October, 1949, an application for such acreage payment made by or on behalf of that person in such form and accompanied by such evidence as the Secretary of State may require:

(a) S.I. 1948 (No. 2239) I, p. 93.

Provided that the Secretary of State may, if in special circumstances he thinks fit to do so, make an acreage payment in respect of an application received after the said first day of October, 1949.

Inspection of Crops

9. It shall be a condition of the making of an acreage payment in respect of any crop that the applicant for such acreage payment shall, when required by the Secretary of State, afford reasonable facilities for the inspection of, and measurement of the acreage occupied by, the crop.

Good Husbandry Provisions

10. If in the opinion of the Secretary of State a crop in respect of which application for an acreage payment has been made 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, cultivation or harvesting of the crop, the Secretary of State, having regard to all the circumstances of the case, may—

(*a*) reduce any acreage payment that he would otherwise have made in respect of the crop by such amount as in his opinion is appropriate or, if he thinks fit, withhold payment ; or

(*b*) if he has made an acreage payment or paid a sum on account thereof, recover from the person to whom the payment has been made the amount by which the sum already paid exceeds such amount as the Secretary of State considers to be appropriate in respect of the crop or, where the Secretary of State considers that no acreage payment should be made, the whole of the sum already paid.

Crop failures

11. Where any of the specified crops or any part thereof has failed after sowing or planting, the Secretary of State may make an acreage payment in respect thereof provided that he is satisfied—

(1) that the failure of the crop was contrary to reasonable expectation of success,

(2) that reasonable care and diligence were exercised according to the principles of good husbandry in preparing the land and in planting (or sowing) and cultivating the crop, and

(3) that the crop failure was reported to him without delay.

Change of Occupancy

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

(*a*) to the outgoing occupier—

(i) if he was entitled to harvest the crop, or

(ii) 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—

(i) if the waygoing valuation of the crop was made on the basis of the cost of seed and labour, or

(ii) if no specific price was attached to the crop, or

(iii) if no valuation was or is to be made, or

(iv) in any circumstances other than those specified in this paragraph:

Provided that the Secretary of State 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 an outgoing occupier who has made application for an acreage payment—

(*a*) to notify the Secretary of State forthwith in writing of any change of occupancy and of the terms of any written agreement dealing specifically with the acreage payment, and

(*b*) to furnish such information as to the terms of the waygoing as the Secretary of State may require.

(3) If the Secretary of State, after making an acreage payment or paying a sum on account thereof to any person, finds that there has been a failure to carry out the duty imposed by the last foregoing paragraph and 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 from the person to whom such payment has been made the whole or part of the sum already paid as the case may be.

(4) Any question arising under this Article as to the person who is entitled to the acreage payment shall be decided by the Secretary of State, whose decision in the matter shall be final.

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 Secretary of State that the wheat grown by him has been disposed of in accordance with provisions contained in any Order or Orders of the Minister of Food for the time being in force,* which apply to growers whose total acreage of wheat exceeds two acres.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

We approve,

Richard Adams,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

5th July, 1949.

EXPLANATORY NOTE

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

This Order provides for the continuation of the crop acreage payments scheme in substantially the form in which it has operated in recent years under the authority conferred by the annual Appropriation Acts. The Order 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.

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