STATUTORY INSTRUMENTS

1990 No. 1126

AGRICULTURE

HORTICULTURE

The Farm and Conservation Grant (Variation) Scheme 1990

Approved by both Houses of Parliament

Made	*21st May 1990*
Laid before Parliament	*8th June 1990*
Coming into force	
Paragraphs 1 to 5, 6(a), (b), (c) and (e)	*1st July 1990*
Remainder	*1st January 1991*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly in exercise of the powers conferred on them by sections 28 and 29 of the Agriculture Act 1970**(a)** and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Scheme:

Title, commencement and interpretation

1.—(1) This Scheme may be cited as the Farm and Conservation Grant (Variation) Scheme 1990 and shall come into force—

(a) as to this paragraph and paragraphs 2 to 5, 6(a), (b), (c) and (e), on 1st July 1990;

(b) as to paragraph 6(d), on 1st January 1991.

(2) In this Scheme—

"the principal Scheme" means the Farm and Conservation Grant Scheme 1989**(b)**;

"the appropriate Minister" has the meaning provided by paragraph 2(1) of the principal Scheme.

Savings

2.—(1) Paragraph 5 of this Scheme shall not apply in relation to any claim for grant under the principal Scheme towards expenditure incurred before 1st July 1990 and this Scheme shall not affect the operation of the principal Scheme in relation to any such claim for grant.

(2) Paragraph 6(d) of this Scheme shall not apply in relation to any claim for grant under the principal Scheme received by the appropriate Minister before 1st January 1991 and this Scheme shall not affect the operation of the principal Scheme in relation to any such claim for grant.

(a) 1970 c.40.

(b) S.I. 1989/128.

Variation of the principal Scheme

3. The principal Scheme shall be varied in accordance with the following paragraphs of this Scheme.

4. In paragraph 2(1) (interpretation), in sub-paragraph (b) of the definition of "designated maps", for the words from "at Plas Crug" to the end of the sub-paragraph there shall be substituted the following:

"at Trawsgoed, Aberystwyth, Dyfed SY23 4HT".

5.—(1) In paragraph 4(1) (restrictions on payment of grant), for sub-paragraph (e) there shall be substituted the following sub-paragraph—

"(e)in connection with any work, facility or transaction of a kind specified in paragraph 5 in column 1 of Schedule 1 unless that Minister is satisfied that the person through whom the agricultural business is carried on—

(i) derives not less than half of his annual income, calculated in accordance with the provisions of sub-paragraph (2) below, from agricultural activities relating to that business and any qualifying activity carried on by him on land to which the business or an ancillary farm business relates,

(ii) derives not less than one quarter of his annual income, so calculated, from agricultural activities relating to the agricultural business, and

(iii) spends time in such agricultural and qualifying activities amounting to at least 1,100 hours per year;".

(2) In paragraph 4(2), after the word "business" there shall be inserted "and (as the case may be) qualifying activities".

(3) In paragraph 4(5), there shall be inserted the following definitions—

""ancillary farm business" means a business consisting in the pursuit of a qualifying activity where that business is carried on by the person also carrying on the eligible agricultural business on the same or adjacent land;

"qualifying activity" means any activity carried on for the purpose of—

(a) forestry;

(b) tourism, including the provision of any of the following: accommodation; food and drink; facilities for camping and caravanning; facilities for sports and recreation; educational facilities relating to farming and the countryside; accommodation and care for horses and ponies; or horses and ponies for hire;

(c) craft activities, including the manufacture and sale of craft items or tourist souvenirs; or

(d) maintaining the countryside, including the conservation and enhancement of the natural beauty of an area, the conservation of the flora or fauna or geological or physiographical features of an area, or the protection of buildings or other objects of archaeological, architectural or historic interest in an area, where aid is paid in respect of that activity out of money provided by Parliament, by any local authority or other statutory body, or by the European Economic Community.".

6. In Schedule 1 (eligible works, facilities and transactions and rates of grant)—

(a) in paragraph 1, column 1, for sub-paragraph (a) there shall be substituted the following sub-paragraph—

"(a) (i) hedges (including associated protective fencing and hedgerow trees),

(ii) walls built of materials traditional in the locality,

(iii) banks built of materials traditional in the locality (including associated protective fencing),

and associated gates, stiles and footbridges;";

(b) in paragraph 7, column 1, the words "plastic-clad" shall be omitted and after the word "structures" there shall be inserted "clad with translucent plastic";

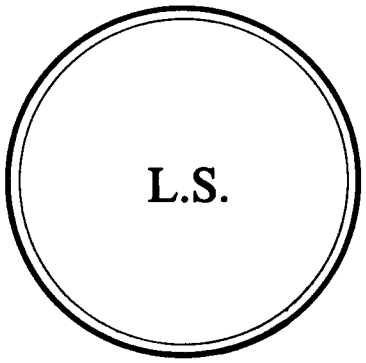
(c) in paragraph 8, column 1, the words " plastic-clad " shall be omitted and after the word " structures " there shall be inserted " clad with translucent plastic ";

(d) in column 2, for the figure specified in relation to paragraph 8 in column 1 there shall be substituted the figure " 25 ";

(e) in paragraph 9, column 1, after the word " works " there shall be inserted the following—

" (including protective fencing associated with raised floodbanks) ".

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th May 1990.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

21st May 1990

Sanderson of Bowden
Minister of State, Scottish Office

21st May 1990

David Hunt
Secretary of State for Wales

We approve,

David Lightbown
Thomas Sackville
Two of the Lords Commissioners
of Her Majesty's Treasury

16th May 1990

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme varies the Farm and Conservation Grant Scheme 1989 ("the principal Scheme") and complies with Article 8 of Council Regulation (EEC) No. 797/85 (OJ No. L93, 30.3.85, p.1) on improving the efficiency of agricultural structures, as amended by Council Regulation (EEC) No. 1760/87 (OJ No. L167, 26.6.87, p.1) and Council Regulation (EEC) No. 3808/89 (OJ No. L371, 20.12.89, p.1).

This Scheme extends the class of persons who may qualify for grant for works to vernacular farm buildings (paragraph 5). Provision is made for grant to be paid for protective fencing in association with work on field banks (paragraph 6(a)) or raised floodbanks in Scotland (paragraph 6(e)). Provision is also made to clarify which type of horticultural structures may qualify for grant purposes (paragraph 6(b) and (c)) and the rate of grant for replacement of glasshouses outside the less-favoured areas is reduced from 30 per cent to 25 per cent with effect from 1st January 1991 (paragraph 6(d)).

The address of deposit of the designated maps in relation to Wales is amended (paragraph 4).

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