STATUTORY INSTRUMENTS

# 1970 No. 1758

# AGRICULTURE

## AGRICULTURAL GRANTS, GOODS AND SERVICES

## The Farm Capital Grant (Repeal of Enactments) (Savings) Order 1970

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|---|---|
| *Made* - - - - | *25th November* 1970 |
| *Laid before Parliament* | *1st December* 1970 |
| *Coming into Operation* | *17th December* 1970 |

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 section 29(7) 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 order:—

*Citation, commencement and interpretation*

**1.**—(1) This order may be cited as the Farm Capital Grant (Repeal of Enactments) (Savings) Order 1970, and shall come into operation on 17th December 1970.

(2) In this order, unless the context otherwise requires—

" the appropriate Minister " means—

(*a*) in relation to England or Northern Ireland, and in relation to Wales for the purpose of the making, receipt or recovery of any payment, the Minister of Agriculture, Fisheries and Food;

(*b*) in relation to Wales, save for the purpose of the making, receipt or recovery of any payment, the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;

(*c*) in relation to Scotland, the Secretary of State;

" conditional sale agreement ", " credit-sale agreement " and " hire-purchase agreement " have the meanings assigned to them respectively by the Hire-Purchase Act 1965(**b**), the Hire-Purchase (Scotland) Act 1965(**c**) or the Hire-Purchase Act (Northern Ireland) 1966(**d**), as the case may require;

" Wales " includes Monmouthshire and references to England shall be construed accordingly.

(3) The Interpretation Act 1889(**e**) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

*Saving of certain enactments*

**2.** The enactments mentioned in Part I of the Schedule to this order, and any instrument made thereunder, (being enactments and instruments referred to in subsection (6) of section 29 of the Agriculture Act 1970) shall to the extent specified in the third column of the said Part I or, as the case may be, to the extent that the instrument was made by virtue of any

(**a**) 1970 c. 40. (**b**) 1965 c. 66. (**c**) 1965 c. 67. (**d**) 1966 c. 42 (N.I.).
(**e**) 1889 c. 63.

provision of those enactments so specified, continue in force for a period of 4 years after the date appointed under the said subsection (6) for the purposes of any improvement, proposals, scheme or grant, as the case may be, in respect of which—

(*a*) an application for approval for the purposes of grant is received by the appropriate Minister in accordance with the relevant enactment or instrument on or before 31st December 1970 or such later date within the said period as the appropriate Minister may in special circumstances permit, and

(*b*) a claim for payment of grant has been so received on or before 31st December 1973 or such later date as aforesaid ;

and, in the case of the provisions of section 26 of the Agriculture Act 1967(**a**) mentioned in the Schedule hereto, as if the further amendments to that section made by section 32 of the said Act had not been made.

**3.**—(1) Sections 31 and 32 of the Agriculture Act 1967 shall continue in force for a period of 4 years after the date appointed under the said section 29(6) for the purposes of any grant under either of those sections towards expenditure to which this article applies.

(2) Expenditure to which this article applies is expenditure in respect of—

(*a*) fixed plant or fixed machinery towards which a grant may be made under subsection (1)(*a*) or (1)(*b*) of the said section 31 ;

(*b*) fixed equipment towards which a grant may be made under the said subsection (1)(*a*) or (1)(*b*) ;

(*c*) the doing of any other thing towards which a grant may be made under subsection (1)(*c*) of the said section 31 ;

(*d*) a new tractor or harvester towards which a grant may be made under section 32 of the said Act ;

being expenditure which—

(i) is expenditure (other than expenditure payable by instalments of the kind described in sub-paragraph (ii) below) incurred by the person concerned on or before 31st December 1970 in the case of any expenditure to which sub-paragraph (*a*) or (*d*) of this paragraph applies or 31st December 1973 in the case of any expenditure to which sub-paragraph (*b*) or (*c*) of this paragraph applies, or

(ii) if it is expenditure payable by instalments, is payable by the person concerned by instalments by virtue of a hire-purchase agreement, credit-sale agreement or conditional sale agreement entered into by him, the first of which instalments, or, where any previous payment by way of deposit or other initial payment is made, that payment, is paid on or before 31st December 1970 in the case of any expenditure to which sub-paragraph (*a*) or (*d*) of this paragraph applies or 31st December 1973 in the case of any expenditure to which sub-paragraph (*b*) or (*c*) of this paragraph applies, and

(iii) in any case is expenditure in respect of which a claim for payment of grant under the said section 31 is received by the appropriate Minister on or before 31st December 1973 or such later date within the said period of 4 years as the appropriate Minister may in special circumstances permit or, as the case may be, in respect of which an application for approval of expenditure for the purposes of grant under the said section 32 is received by the appropriate Minister on or before 31st December 1971 or such later date as aforesaid.

(**a**) 1967 c. 22.

For the purposes of sub-paragraph (i) of this paragraph, expenditure shall be treated as incurred by a person, if or so far as it consists of a payment or payments made by him, on the day on which that payment or those payments is or are made, notwithstanding that any obligation to make that payment or those payments was incurred or fell to be discharged at some other time.

(3) The enactment mentioned in Part II of the Schedule to this order shall to the extent specified in the third column of the said Part II continue in force for the period of 4 years specified in paragraph (1) of this article for the purposes there specified.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th November 1970.

(L.S.) *J. M. L. Prior,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 23rd November 1970.

(L.S.) *Gordon Campbell,*
Secretary of State for Scotland.

Given under my hand on 23rd November 1970.

*Peter Thomas,*
Secretary of State for Wales.

We approve

25th November 1970.

*Bernard Weatherill,*
*V. H. Goodhew,*
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE Articles 2 and 3

SAVINGS OF ENACTMENTS RELATING TO CAPITAL GRANTS

| Chapter | Short Title | Extent of Saving |
|---|---|---|
| | PART I | |
| 1 Edw. 8 & 1 Geo. 6. c. 70. | The Agriculture Act 1937. | Section 16. |
| 3 & 4 Geo. 6. c. 14. | The Agriculture (Miscellaneous War Provisions) Act 1940. | Except for the purposes of grants to statutory water undertakers, section 15(1). |
| 3 & 4 Geo. 6. c. 50. | The Agriculture (Miscellaneous War Provisions) (No. 2) Act 1940. | Except for the purposes of grants to statutory water undertakers section 1(1). |
| 4 & 5 Geo. 6. c. 50. | The Agriculture (Miscellaneous Provisions) Act 1941. | Except for the purposes of grants to statutory water undertakers, section 3.<br>Section 12(4). |

| Chapter | Short Title | Extent of Saving |
|---|---|---|
| | PART I | |
| 7 & 8 Geo. 6. c. 28. | The Agriculture (Miscellaneous Provisions) Act 1944. | Section 8(*d*). |
| 10 & 11 Geo. 6. c. 48. | The Agriculture Act 1947. | Except for the purposes of grants to statutory water undertakers, section 96. |
| 2 & 3 Eliz. 2. c. 39. | The Agriculture (Miscellaneous Provisions) Act 1954. | Except for the purposes of grants to statutory water undertakers, section 1. |
| 7 & 8 Eliz. 2. c. 31. | The Agricultural Improvement Grants Act 1959. | In section 1, subsection (3), paragraphs (*a*) and (*b*) of subsection (4), and, in subsection (8), the definition of " the appropriate Minister or Ministers " down to the word " Food ". |
| 1964 c. 28. | The Agriculture and Horticulture Act 1964. | Section 3. |
| 1967 c. 22. | The Agriculture Act 1967. | In section 26, in subsection (3) the words from " (*b*) in " to " boundaries ", and subsection (4) from " and in particular " onwards.<br>Section 30.<br>In section 33(4), paragraphs (*a*) and (*b*), in paragraph (*c*) the word " and ", and paragraph (*d*).<br>Section 36.<br>In section 37, in subsection (1) the words " or section 30 ".<br>Sections 41, 42 and 69(1)(*b*).<br>Schedule 4. |
| 1968 c. 34. | The Agriculture (Miscellaneous Provisions) Act 1968. | Except for the purposes of grants to statutory water undertakers, section 41(1).<br>Section 41(2). |
| | PART II | |
| 1967 c. 22. | The Agriculture Act 1967. | In section 34(1), in paragraph (*a*), the words " section 31, section 32 or ".<br>In section 34(3), the words "32(2) or, as the case may be ".<br>In section 37, subsections (3) and (5). |

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order, which is made under section 29(7) of the Agriculture Act 1970, continues in force, for a period of 4 years and for limited purposes only, a number of enactments, specified in the Schedule to the order, which would otherwise have been repealed by subsection (6) of section 29 as from the date appointed by order under that subsection. These enactments are the statutory authority for the payment of grants in respect of long term improvements for the benefit of agricultural land, improvements for the benefit of hill land, field drainage and farm water supply, works and improvements resulting from amalgamations of agricultural land and adjustments to the boundaries of agricultural units, the provision of fixed equipment, plant and machinery and other improvements for the purposes of agricultural businesses, the provision of new tractors and harvesters, and orchard grubbing.

These enactments are continued in force only for the purposes of applications for approval for the purposes of grant and claims for payment made before the dates specified in this order in relation to the various kinds of grant which will to this extent continue to be payable during the specified period of 4 years despite the repeal of the enabling enactments for all other purposes.

Statutory authority to pay grants towards capital expenditure incurred or to be incurred for the purposes of, or in connection with, an agricultural business is now provided by section 29 of the Agriculture Act 1970.

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