STATUTORY INSTRUMENTS

1971 No. 1077

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Farm Capital Grant (Variation) Scheme 1971

Made - - -	1*st July* 1971
Laid before Parliament	8*th July* 1971
Coming into Operation	1*st September* 1971

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 28, 29 and 51(1) 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:—

Citation, commencement, extent and interpretation

1.—(1) This scheme, which may be cited as the Farm Capital Grant (Variation) Scheme 1971, shall come into operation on 1st September 1971 and shall apply to England and Wales and Northern Ireland.

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

Variation of the principal scheme

2. The Farm Capital Grant Scheme 1970(**c**) shall be varied as follows:—

(*a*) by inserting in paragraph 5(1) thereof immediately after the words "qualify for" the words "consideration for a";

(*b*) by inserting at the end of Schedule 3 thereto the following paragraph:—

"6.—(1) Notwithstanding the provisions of paragraph 1 of this Schedule insofar as they relate to orchard grubbing, the amount of any grant payable under this scheme towards expenditure in respect of the grubbing of an orchard, or any part of an orchard—

(*a*) in which all the trees are apple trees or pear trees to which this paragraph applies, or

(*b*) in which apple trees or pear trees to which this paragraph applies are interspersed throughout with other trees and are in number not less than half of all the trees in that orchard or part of an orchard,

(a) 1970 c. 40. (b) 1889 c. 63. (c) S.I. 1970/1759 (1970 III, p. 5741).

may, if application for approval of that expenditure for the purposes of a grant under this scheme is made before 1st April 1973, be equal to the amount fixed for the time being by the appropriate Minister for the purposes of paragraph 5 of this Schedule as representing the standard cost of that work.

(2) Without prejudice to any other conditions which may be imposed by or under this scheme, the making of any such grant, being a grant the amount of which is calculated in accordance with this paragraph, shall be subject to the condition that during the period beginning with the day of making the application for approval of the expenditure towards which the grant is made and ending with the expiration of 5 years after the completion of the work in respect of which the grant is made the aggregate area of land (being land which is occupied at the beginning of that period for the purposes of the agricultural business for the purposes of which, or in connection with which, the expenditure has been or is to be incurred) on which apple trees or pear trees to which this paragraph applies, not being trees in respect of the grubbing of which the said expenditure has been or is to be incurred, are grown at any time during that period shall not increase.

(3) The apple trees and pear trees to which this paragraph applies are any plants capable of bearing in season, respectively, apples other than cider apples and pears other than perry pears and in this paragraph the expressions "cider apples" and "perry pears" have the meanings assigned to them by article 2(1) of, and Schedule 3 to, the Apple and Pear Development Council Order 1966(a).".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th June 1971.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

Given under my hand on 1st July 1971.

Peter Thomas,
Secretary of State for Wales.

We approve.
1st July 1971.

H. S. P. Monro,
P. L. Hawkins,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) S.I. 1966/1579 (1966 III, p. 4883).

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This varying scheme, which applies to England and Wales and Northern Ireland, provides for an additional and higher rate of grant under the Farm Capital Grant Scheme 1970 towards approved expenditure on the grubbing of an orchard, or part of an orchard, containing apple trees or pear trees (excluding cider apple trees and perry pear trees) if application for approval of the expenditure is made before 1st April 1973. The grant is equal in amount to the standard cost fixed for the work and grant made at this higher rate is subject to a specified condition restricting replanting.