STATUTORY INSTRUMENTS

2000 No. 2911

AGRICULTURE, ENGLAND

The Farm Waste Grant (Nitrate Vulnerable Zones) (England) (No. 2) Scheme 2000

Approved by both Houses of Parliament

Made - - - - -	*30th October 2000*
Laid before Parliament	*30th October 2000*
Coming into force	
paragraphs 1 and 7:	*31st October 2000*
remainder:	*30th November 2000*

The Minister of Agriculture, Fisheries and Food, in relation to England, in exercise of the powers conferred upon him by section 29 of the Agriculture Act 1970(**a**) and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Scheme:

Title, extent and commencement

1. This Scheme may be cited as the Farm Waste Grant (Nitrate Vulnerable Zones) (England) (No. 2) Scheme 2000 and shall extend only to England. This paragraph and paragraph 7 shall come into force on 31st October 2000 and the remaining paragraphs shall come into force on 30th November 2000.

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires—

"agricultural business" means, for the purposes of this Scheme, an agricultural business which is at least partly carried out on land situated in a nitrate vulnerable zone;

"slurry" has the same meaning as in regulation 2 of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991(**b**);

"nitrate vulnerable zone" has the same meaning as in regulation 2(1) of the Protection of Water against Agricultural Nitrate Pollution (England and Wales) Regulations 1996(**c**).

(2) In this Scheme, any reference to—

(a) a numbered paragraph is a reference to the paragraph in this Scheme so numbered;

(b) a numbered sub-paragraph (with no corresponding reference to a specific paragraph) is a reference to the sub-paragraph so numbered in the paragraph in which the reference appears.

(**a**) 1970 c. 40; see section 28 for a definition of "the appropriate authority". Under the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672), article 2(a) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under section 29 of the Agriculture Act 1970, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales.

(**b**) SI 1991/324.

(**c**) SI 1996/888.

Payment and amount of grants

3.—(1) Subject to the following provisions of this Scheme, the Minister may make to any person one or more grants representing 40 per cent. of the expenditure incurred by him for the purposes of or in connection with the carrying on of an agricultural business, being expenditure which has been incurred after 29th November 2000 but before 17th April 2003 and—

(a) is in respect of—

(i) the provision, replacement or improvement of—

(aa) facilities (including safety fencing) for the handling and storage of manure, slurry and silage effluent,

(bb) fixed disposal facilities for slurry and silage effluent, or

(cc) facilities (other than roofing) for the separation of clean and dirty water, where those facilities reduce the need to store slurry; or

(ii) any work, facility or transaction (including conservation or amenity works) incidental to any matter in respect of which a grant may be made under the foregoing provisions of this paragraph;

(b) appears to the Minister to be of a capital nature or incurred in connection with expenditure of a capital nature;

(c) is approved by the Minister for the purposes of a grant under this Scheme; and

(d) does not in aggregate exceed £85,000.

(2) Where it appears to the Minister that expenditure in respect of which a grant is claimed under sub-paragraph (1) has been incurred partly for the purposes of or in connection with the carrying on of an agricultural business and partly for other purposes he may treat as having been incurred for the purposes of or in connection with the carrying on of an agricultural business so much of that expenditure as appears to him to be referable to the carrying on of that agricultural business.

Restrictions on the making of grants

4.—(1) The Minister shall not make a grant under sub-pararaph (1) of paragraph 3—

(a) in respect of any agricultural business which is not at least partly carried out on land situated in a nitrate vulnerable zone; or

(b) towards any expenditure incurred in respect of an agricultural business which entails an increase in its production capacity.

(2) The Minister shall not make a grant under sub-paragraph (1) of paragraph 3 unless he is satisfied that the expenditure towards which the grant is to be made will result in at least some environmental benefit accruing to the nitrate vulnerable zone concerned.

Claims for Grant

5.—(1) Any claim for a grant under this Scheme shall be made in such form and manner and by such date as the Minister may determine, and the claimant in question shall provide all such particulars and information relating to the claim as the Minister may reasonably require, including, where specified by him, relevant documents and records.

(2) In sub-paragraph (1), the reference to relevant documents and records includes a reference to certified copies thereof.

(3) The Minister shall inform a claimant in writing whether the claim is eligible or not and if it is not eligible shall give the reasons.

Withholding of grants

6.—(1) The Minister may withhold or recover the whole or any part of a grant otherwise payable under this Scheme where he considers that—

(a) assistance in respect of expenditure towards which the grant is claimed has been obtained or is obtainable from another source;

(b) the work in respect of which the grant is claimed would frustrate the purposes served by assistance previously given out of money provided by Parliament or the European Community;

(c) the expenditure towards which the grant is being claimed is excessive, having regard to all the circumstances of the case; or

(d) the carrying out of the work in respect of which the grant is to be made has already destroyed or damaged or as the case may be is likely to destroy or damage the natural beauty and amenity of the countryside to an extent which cannot be justified by any resulting agricultural benefit.

(2) Before acting under sub-paragraph (1) the Minister shall—

(a) give to the person to be affected by its written notification of the reasons for withholding, reducing or recovering the grant and the date on which such action will be taken;

(b) give to him the opportunity of appearing before and being heard by a person appointed for the purpose by the Minister; and

(c) consider the report of a person so appointed and give a copy of it to the person mentioned in paragraph (a) of this sub-paragraph.

Revocation and transitional provisions

7. The Farm Waste Grant (Nitrate Vulnerable Zones) (England) Scheme 2000(**a**) ("the Previous Scheme") is hereby revoked and until 30th November 2000 the provisions of the Farm Waste Grant (Nitrate Vulnerable Zones) (England and Wales) Scheme 1996(**b**) (which was revoked in so far as it applied to England) shall apply and be treated as being of full force and effect as if it had not been revoked.

E. A. Morley
Parliamentary Secretary
30th October 2000 Ministry of Agriculture, Fisheries and Food

We approve,

Jim Dowd
Bob Ainsworth
Two of the Lords Commissioners of
Her Majesty's Treasury

30th October 2000

(**a**) SI 2000/2890.
(**b**) SI 1996/908.

EXPLANATORY NOTE

(This note is not part of the Scheme)

1. This Scheme complies with Council Regulation (EC) No. 1257/99 of 17th May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund and in particular Articles 4 to 7 which deal with investment in agricultural holdings.

2. This Scheme extends to England only.

3. It makes provision for the making of grants in respect of agricultural businesses which are at least partly situated in nitrate vulnerable zones, as defined by regulation 2(1) of the Protection of Water against Agricultural Nitrate Pollution (England and Wales) Regulations 1996.

4. The grant aid is available (at the rate of 40%) towards expenditure (up to a maximum of £85,000) incurred by the agricultural business between the date of coming into force of the substantive part of the Scheme (30th November 2000) and 17th April 2003 in relation to facilities for the handling, storage and disposal of certain farm wastes and the separation of clean and dirty water (paragraph 3).

5. A number of restrictions are imposed on the making of grants under the Scheme (paragraph 4).

6. The Scheme indicates how grants are to be claimed (paragraph 5) and enables grant monies to be withheld in certain circumstances (paragraph 6).

7. The Farm Waste Grant (Nitrate Vulnerable Zones) (England) Scheme 2000 (which is superseded by this instrument) is revoked and until 30th November 2000 the Farm Waste Grant (Nitrate Vulnerable Zones) (England and Wales) Scheme 1996 is treated as continuing in force (paragraph 7).

8. No regulatory impact assessment has been prepared in respect of this Scheme.

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