STATUTORY INSTRUMENTS

1963 No. 1018

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Fertilisers (United Kingdom) Scheme 1963

Laid before Parliament in draft

Made - - - - *27th May* 1963

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly (being the appropriate Ministers as defined in section 6(2) of the Agriculture (Fertilisers) Act 1952(a) in relation to a joint scheme for England and Wales, Scotland and Northern Ireland) in exercise of the powers vested in them by section 1 of the said Act and by sections 4 and 5(1) of the Agriculture (Miscellaneous Provisions) Act 1963(b) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme, of which a draft has been laid before Parliament and has been approved by resolution of each House of Parliament :—

Citation and Application

1. This scheme, which may be cited as the Fertilisers (United Kingdom) Scheme 1963, shall apply to England and Wales, Scotland and Northern Ireland.

Interpretation

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

" agricultural land " means any land used as arable, meadow or pasture ground, or for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act 1922(c) or the Allotments (Scotland) Act 1922(d).

" association " means—

(*a*) an association of farmers, allotment holders, smallholders, or mushroom growers, or of occupiers of land wholly or mainly cultivated for the production of vegetables or fruit, being an association which is registered under the Industrial and Provident Societies Acts 1893 to 1961 or the Industrial and Provident Societies Acts (Northern Ireland) 1893 to 1963 or which has written rules governing its constitution and management ;

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 15.
(b) 1963 c. 11.
(c) 12 & 13 Geo. 5. c. 51.
(d) 12 & 13 Geo. 5. c. 52.

(*b*) an approved association for the purposes of the Agricultural Lime Schemes 1947 to 1960(a);

"delivered" means, in the case of a purchase by an occupier of agricultural land, or a grower of mushrooms, delivered to or at his farm, holding or premises and, in the case of a purchase by an association, delivered to or at the premises of the association, and "delivery" shall be construed accordingly;

"the Minister" means the Minister of Agriculture, Fisheries and Food.

(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.

Amendment of Fertilisers (United Kingdom) Scheme 1962

3. Paragraph 3 of the Fertilisers (United Kingdom) Scheme 1962(c) shall be amended by substituting for the words "30th June 1963" the words "31st May 1963".

Contributions for Fertilisers

4. Subject to the provisions of this scheme, where any fertiliser containing nitrogen or phosphoric acid (other than nitrogen or phosphoric acid wholly derived from organic material) was purchased for use for adding to agricultural land to improve the fertility of the soil or for the growing of mushrooms otherwise than on agricultural land or for application to a crop growing on agricultural land

(*a*) by an occupier of agricultural land,

(*b*) by a grower of mushrooms, or

(*c*) by an association which acquires fertilisers in bulk for redistribution to its members.

and was delivered to the purchaser during the period beginning with 1st June 1963 and ending with 31st May 1964 the Minister may make a contribution to the purchaser calculated in accordance with the Schedule to this scheme.

Purchase from Registered Suppliers

5.—(1) Subject as hereinafter provided no contribution shall be made under this scheme in the case of a fertiliser delivered in Great Britain unless the fertiliser shall have been purchased from a person registered by the Minister or the Secretary of State, as the case may be, under section 5 of the Agriculture (Miscellaneous Provisions) Act 1963.

(2) The last foregoing sub-paragraph shall not apply

(*a*) where the fertiliser was purchased from a person not carrying on within Great Britain the business of supplying fertilisers, or

(*b*) where the fertiliser was purchased from a person carrying on in Great Britain the business of supplying fertilisers who was not registered as mentioned in the said sub-paragraph and the Minister is satisfied that the purchaser at the time when the contract of sale was made did not know, and could not reasonably have ascertained, that such person was not so registered, and that if the contribution were withheld the purchaser would be without any means of recovering his loss.

(a) S.R. & O. 1947/1829 (Rev. I, p. 127: 1947 I, p. 10); S.I. 1951/513, 1953/597, 1955/473, 1960/546 (1951 I, p. 9; 1953 I, p. 16; 1955 I, p. 63; 1960 I, p. 107).
(b) 52 & 53 Vict. c. 63. (c) S.I. 1962/1148 (1962 II, p. 1306).

Manner and Time of Application for Contribution

6.—(1) Any person or association who desires to obtain a contribution in accordance with the provisions of this scheme shall apply, where the fertiliser was delivered in Great Britain, to the Minister and, where the fertiliser was delivered in Northern Ireland, to the Minister of Agriculture for Northern Ireland.

(2) An application for contribution shall be made

(*a*) in writing in such form as the Minister may from time to time require, and

(*b*) within six months of delivery of the fertiliser, or within such further time as the Minister may in special circumstances allow.

Limitation of Contributions

7.—(1) No contribution shall be made in connection with any application unless the total quantity of all the fertilisers to which the application relates is not less than 4 cwt.

(2) Where the amount of a contribution calculated at the appropriate rate specified in the Schedule to this scheme in respect of any fertiliser would exceed one half of the cost of the fertiliser when delivered to the purchaser (excluding any charge for credit or spreading and after allowing for any rebate or discount), the amount of such contribution shall be reduced to one half of such cost.

(3) If any contribution is payable under any enactment other than the Agriculture (Fertilisers) Act 1952 as extended by section 4 of the Agriculture (Miscellaneous Provisions) Act 1963, or under any other scheme, in respect of fertilisers as regards which a contribution under this scheme may be made, the Minister in determining the amount of contribution payable under this scheme may take into consideration the amount of contribution payable under the other enactment or scheme and may reduce the amount payable under this scheme accordingly.

Verification of Applications

8. The Minister may require an applicant for a contribution to give any person authorised by the Minister in that behalf reasonable facilities for the inspection of any fertiliser to which the application relates, and to produce any accounts, invoices, receipts or other documents and to give all information required by the Minister for the purpose of verifying the application.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th May 1963.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 27th May 1963.

(L.S.) *Michael Noble,*
Secretary of State for Scotland.

Approved on 27th May 1963.

John Hill,
G. T. C. Campbell,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

RATES OF CONTRIBUTION FOR FERTILISERS

	£ s. d.
For each one per cent. by weight of nitrogen (N) and proportionately for any fraction thereof	7 2
For each one per cent. by weight of water-soluble phosphoric acid (P_2O_5) and proportionately for any fraction thereof	5 8
For each one per cent. by weight of phosphoric acid (P_2O_5) insoluble in water and proportionately for any fraction thereof	2 10
For each ton of basic slag or potassic basic slag delivered in Great Britain containing not less (by weight) than:—	
6 per cent. of phosphoric acid (P_2O_5)	1 14 0
7 per cent. of phosphoric acid (P_2O_5)	1 19 0
8 per cent. of phosphoric acid (P_2O_5)	2 2 0
9 per cent. of phosphoric acid (P_2O_5)	2 4 0
10 per cent. of phosphoric acid (P_2O_5)	2 6 0
11 per cent. of phosphoric acid (P_2O_5)	2 8 0
12 per cent. of phosphoric acid (P_2O_5)	2 10 0
13 per cent. of phosphoric acid (P_2O_5)	2 12 0
14 per cent. of phosphoric acid (P_2O_5)	2 14 10
and thereafter at rates increased by 3s. 11d. per ton for every additional one per cent. of phosphoric acid (P_2O_5).	
For each one per cent. by weight of phosphoric acid (P_2O_5) in basic slag or potassic basic slag delivered in Northern Ireland ...	5 1

For the purposes of this Schedule

(*a*) "basic slag" means the article defined under that name in the Fourth Schedule to the Fertilisers and Feeding Stuffs Act 1926(a) as varied in Great Britain by the Fertilisers and Feeding Stuffs Regulations 1960(b) and in Northern Ireland by the Fertilisers and Feeding Stuffs Regulations (Northern Ireland) 1960(c).

(*b*) "potassic basic slag" means a mixture of basic slag with a potassium salt.

EXPLANATORY NOTE

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

This scheme, made under the Agriculture (Fertilisers) Act 1952 as extended by the Agriculture (Miscellaneous Provisions) Act 1963, applies to the United Kingdom and provides for the payment of contributions towards the cost of fertilisers applied to agricultural land or crops thereon or used for the growing of mushrooms. It relates to nitrogenous and phosphatic fertilisers delivered during the year beginning on the 1st June 1963.

This scheme succeeds the Fertilisers (United Kingdom) Scheme 1962 (S.I. 1962/1148) which originally related to fertilisers delivered during the year ending on the 30th June 1963 but has been amended by the present scheme to exclude fertilisers delivered during June 1963.

(a) 16 & 17 Geo. 5. c. 45. (b) S.I. 1960/1165 (1960 I, p. 185).
(c) S.R. & O. (N.I.) 1960/145.