1971 No. 913

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Fertilisers (United Kingdom) Scheme 1971

Laid before Parliament in draft

Made - - -	1*st June* 1971
Coming into Operation	1*st June* 1971

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Wales and the Secretary of State for Scotland, acting jointly (being the appropriate Ministers as defined in section 6(2) of the Agriculture (Fertilisers) Act 1952(**a**) as read with articles 3 and 5 of the Transfer of Functions (Wales) Order 1969(**b**) in relation to a joint scheme for England and Wales, Scotland and Northern Ireland) in exercise of the powers vested in them by sections 1 and 4 of the said Act and sections 4 and 5(1) of the Agriculture (Miscellaneous Provisions) Act 1963(**c**) (as read with the said order) 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 extent

1. This scheme, which may be cited as the Fertilisers (United Kingdom) Scheme 1971, 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(**d**) or the Allotments (Scotland) Act 1922(**e**);

"association" means an association of farmers, allotment holders, smallholders, or other occupiers of agricultural land, or an association of mushroom growers, being an association which is registered under the Industrial and Provident Societies Act 1965(**f**) or the Industrial and Provident Societies Act (Northern Ireland) 1969(**g**) or which has written rules governing its constitution and management;

(**a**) 1952 c. 15. For change of title of the Minister see S.I. 1955/554 (1955 I, p. 1200).
(**b**) S.I. 1969/388 (1969 I, p. 1070). (**c**) 1963 c. 11. (**d**) 1922 c. 51. (**e**) 1922 c. 52.
(**f**) 1965 c. 12. (**g**) 1969 c. 24 (N.I.).

"delivered" means, where the fertiliser has been purchased by an occupier of agricultural land or a grower of mushrooms, delivered to or at his farm, holding or premises and, where the fertiliser has been purchased by an association, delivered to or at the premises of the association, and "delivery" shall be construed accordingly;

"the Minister" means, in relation to a contribution in respect of a fertiliser delivered in England, Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food and, in relation to a contribution in respect of a fertiliser delivered in Scotland, the Secretary of State.

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

Contributions for fertilisers

3. Subject to the provisions of this scheme, where any fertiliser containing either nitrogen or phosphoric acid or both nitrogen and phosphoric acid (except where the nitrogen or phosphoric acid or both the nitrogen and phosphoric acid, as the case may be, is or are wholly derived from organic material), not being a fertiliser to which either aldrin or dieldrin has been added, is 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 the occupier of that agricultural land,

(*b*) by the grower of such mushrooms, or

(*c*) by an association which acquires fertilisers in bulk for redistribution to its members for use for adding to agricultural land in their occupation or for application to crops growing thereon or for use by them for the growing of mushrooms otherwise than on agricultural land

and is delivered to the purchaser during the period beginning with 1st June 1971 and ending with 31st May 1972, the Minister may make a contribution to the purchaser calculated in accordance with the Schedule to this scheme:

Provided that no contribution may be made to any person or association in respect of a fertiliser which has been the subject of a previous application by such person or association for a contribution under this scheme or any earlier scheme made under section 1 of the Agriculture (Fertilisers) Act 1952, where the contribution was refused on the ground that such application was not made within the time allowed by such scheme.

Purchase from registered suppliers

4.—(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 duly registered under section 5 of the Agriculture (Miscellaneous Provisions) Act 1963.

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

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

(*b*) where the fertiliser is purchased from a person carrying on in Great Britain the business of supplying fertilisers who is not registered as mentioned in the said sub-paragraph and the Minister is satisfied that

(a) 1889 c. 63.

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.

Manner and time of application for contribution

5.—(1) Any person or association who desires to obtain a contribution in accordance with this scheme shall apply, where the fertiliser is delivered in England or Wales, to the Minister of Agriculture, Fisheries and Food, where the fertiliser is delivered in Scotland, to the Secretary of State and, where the fertiliser is delivered in Northern Ireland, to the Minister of Agriculture for Northern Ireland.

(2) An application for a contribution shall be made in writing, in such form as the Minister may from time to time require, within three months of delivery of the fertiliser, or within such further time as the Minister may allow.

Limitation of contributions

6.—(1) In calculating the amount of any contribution any fraction of a quarter of a hundredweight of the fertiliser shall be disregarded.

(2) 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 hundredweight.

(3) 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 deducting any rebate or discount allowed or offered), the amount of such contribution shall be reduced to one-half of such cost.

(4) 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

7. 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.

Repayment of contributions

8. An applicant for a contribution shall be required to undertake to repay to the Minister any contribution which may be made in respect of any fertiliser which is not applied or used in accordance with the terms of his application relating thereto.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th May 1971.

(L.S.)

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

Given under my hand on 25th May 1971.

Peter Thomas,
Secretary of State for Wales.

Given under the seal of the Secretary of State for Scotland on 27th May 1971.

(L.S.)

Gordon Campbell,
Secretary of State for Scotland.

Approved on 1st June 1971.

Walter Clegg,
Bernard Weatherill,
Two of the Lords Commissioners of
Her Majesty's Treasury.

Paragraph 3

SCHEDULE

RATES OF CONTRIBUTION FOR FERTILISERS

1. Any contribution which may be made in accordance with this scheme shall be calculated in accordance with the following table:—

	Per ton £
For each 1% (and proportionately for each 0·1%) by weight of nitrogen (N)	0·263
For each 1% (and proportionately for each 0·1%) by weight of water-soluble phosphoric acid (P_2O_5)	0·230
For each 1% (and proportionately for each 0·1%) by weight of phosphoric acid (P_2O_5) insoluble in water other than phosphoric acid (P_2O_5) in basic slag or potassic basic slag	0·125
For basic slag or potassic basic slag delivered in Great Britain containing not less (by weight) than:—	
6% of phosphoric acid (P_2O_5)	1·270
7% of phosphoric acid (P_2O_5)	1·440
8% of phosphoric acid (P_2O_5)	1·570
9% of phosphoric acid (P_2O_5)	1·690
10% of phosphoric acid (P_2O_5)	1·800
11% of phosphoric acid (P_2O_5)	1·890
12% of phosphoric acid (P_2O_5)	1·950
13% of phosphoric acid (P_2O_5)	2·110
14% of phosphoric acid (P_2O_5)	2·270
15% of phosphoric acid (P_2O_5)	2·440
and thereafter at rates increased by £0·16 for every additional 1% of phosphoric acid (P_2O_5)	
For each 1% by weight of phosphoric acid (P_2O_5) in basic slag or potassic basic slag containing not less than 6% by weight of phosphoric acid (P_2O_5) delivered in Northern Ireland	0·220

2. Where the total rate of contribution per ton calculated in accordance with the last preceding paragraph includes a fraction of a new penny, then—

(*a*) if that fraction is less than one-half, it shall be disregarded, but

(*b*) if that fraction is not less than one-half, the total rate of contribution per ton shall be increased to the nearest multiple of a new penny.

3. In this Schedule—

"basic slag" means the article defined under that name in Schedule 4 to the Fertilisers and Feeding Stuffs Act 1926(a) as varied in Great Britain by the Fertilisers and Feeding Stuffs Regulations 1968(b), as amended(c) and in Northern Ireland by the Fertilisers and Feeding Stuffs Regulations (Northern Ireland) 1968(d);

"potassic basic slag" means a mixture of basic slag with a potassium salt.

(a) 1926 c. 45. (b) S.I. 1968/218 (1968 I, p. 563).
(c) The amending regulations are not relevant to the subject matter of this scheme.
(d) S.R. & O. (N.I.) 1968/157 (1968, p. 651).

EXPLANATORY NOTE

(This Note is not part of the Scheme)

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 1st June 1971. This scheme succeeds the Fertilisers (United Kingdom) Scheme 1969 (S.I. 1969/776: 1969 II, p. 2186) as extended and amended by the Fertilisers (United Kingdom) (Amendment) Scheme 1970 (S.I. 1970/532: 1970 I, p. 1730).