The Grassland Fertilisers (Scotland) Scheme, 1950

1950 No. 1394 (S. 101)

Made - - - -	17*th August*, 1950
Laid before Parliament	21*st August*, 1950
Coming into Operation	1*st October*, 1950

In exercise of the powers conferred on me by section 2 of the Agriculture (Miscellaneous Provisions) Act, 1950(**a**), and of all other powers enabling me in that behalf and with the approval of the Treasury, I hereby make the following Scheme:—

Short Title and Commencement

1.—(1) This Scheme may be cited as the Grassland Fertilisers (Scotland) Scheme, 1950, and shall come into operation on the 1st day of October, 1950.

(2) This Scheme shall apply to Scotland only.

Interpretation and Definitions

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

(2) In this Scheme, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

" the Act " means the Agriculture (Miscellaneous Provisions) Act, 1950, as amended by any other enactment;

" Agricultural Executive Committee " means an Agricultural Executive Committee established under sub-section (1) of section 68 of the Agriculture (Scotland) Act, 1948(**c**), and in relation to any agricultural unit or agricultural land means the Agricultural Executive Committee in whose area the unit or land or the greater part of the unit or land is comprised;

" agricultural land " means land used for agricultural purposes or on which fertilisers are used with a view to bringing it into agricultural use;

" agricultural unit " means land that is occupied as a unit for agricultural purposes;

" classified " means, in relation to an agricultural unit or area of land, that the agricultural unit or area of land is such that in the opinion of the Agricultural Executive Committee, assistance may properly be offered under the Marginal Agricultural Production (Scotland) Schemes, 1949 and 1950(**d**) in respect of agricultural operations carried out thereon;

" contribution " means a contribution which the Secretary of State is authorised to make by section 2 of the Act;

" fertiliser year " means a year within the period mentioned in Article 3 of this Scheme, beginning on the 1st day of July and ending on the 30th day of June next following;

" hill land " means land forming part of a hill farming unit or of an upland farming unit;

(**a**) 14 Geo. 6. c. 17. (**b**) 52 & 53 Vict. c. 63. (**c**) 11 & 12 Geo. 6. c. 45.
(**d**) S.I. 1949 (No. 610) I, p. 143; S.I. 1950 No. 1135, p. 41 below.

" hill farming unit " means an agricultural unit used for the purpose of maintaining sheep of a hardy kind in accordance with the recognised practices of hill sheep farming ;

" upland farming unit " means an agricultural unit that is in an upland district and is used for the purpose of maintaining cattle or sheep but is not used to a material extent for the production of milk, fat stock or crops for sale ;

" land under grass " includes any grazing land, and, in particular, land under clover or lucerne or mixtures of clover or lucerne with grass ;

" rough grazings " means mountain, heath, moor, or other rough land used for grazings, whether enclosed or not.

Payment of Contributions in respect of Fertilisers of Specified Kinds

3. Subject to the provisions of this Scheme, the Secretary of State may make contributions towards the costs necessarily incurred by the occupier of any agricultural land of a kind to which the Scheme applies, in acquiring and transporting fertilisers of the kinds specified in the Schedule to this Scheme, where the sale, and any agreement for the sale, of the fertilisers to the occupier is made, and where the fertilisers are used on the land, within the period beginning on the first day of July, 1950 and ending on the 30th day of June, 1953 or on such later date as may be specified in an order made in accordance with the proviso to sub-section (2) of section 3 of the Act.

Kinds of Agricultural Land to which this Scheme applies

4. This scheme shall apply to agricultural land of the following kinds:—

(*a*) land under grass other than land of the kinds mentioned in heads (*b*) and (*c*) of this Article ;

(*b*) land under grass, other than rough grazings, being land that is hill land or forms part of a classified agricultural unit ;

(*c*) rough grazings ;

(*d*) land ploughed up on or after 1st January, 1950, that until the date of ploughing was rough grazings or was land under grass that was not part of a regular cropping rotation ; and

(*e*) land, other than land of the kind mentioned in head (*d*) of this Article, that forms part of a classified agricultural unit or of a classified area of land and has been ploughed up from grass on or after 1st January, 1950.

Provided that references in this Article

(i) to land under grass shall not include references to a ley for grazing or for hay or seeds production for one year, forming part of the normal course of arable crop rotation and sown predominantly with short-lived species ;

(ii) to agricultural land shall not include references to land used as pleasure grounds, private gardens, market gardens, nursery grounds, orchards or woodlands, or for sport or recreation, or for allotment gardens as defined in sub-section (1) of section 19 of the Allotments (Scotland) Act, 1922(a).

Amounts of Contributions

5.—(1) Subject to the provisions of article 6 of this Scheme, the amount of contribution that may be paid under this Scheme towards the costs necessarily incurred by an occupier in respect of fertilisers used in any fertiliser year shall be in accordance with the provisions of the next five paragraphs of this Article.

(a) 12 & 13 Geo. 5. c. 52.

(2) Where fertilisers are used on land of the kind mentioned in head (*a*) of Article 4 of this Scheme, the amount of contribution shall be one-third of such costs or an amount not exceeding £1 5s. per acre of the land on which the fertilisers are used, whichever is the less:

Provided that no contribution shall be paid in respect of fertilisers used in any fertiliser year on any acreage in excess of one-half of the acreage of such land on any agricultural unit.

(3) Where fertilisers are used on land of the kind mentioned in head (*b*) of Article 4 of this Scheme, the amount of contribution shall be one-third of such costs or an amount not exceeding £2 per acre of the land on which the fertilisers are used, whichever is the less:

Provided that unless the grass grown on the land is to be used, in the cropping season in which the fertilisers are applied, for the making of hay, silage or dried grass to be consumed by livestock belonging to the occupier of the land, the amount of the contribution shall not exceed £1 5s. per acre of the land on which the fertilisers are used.

(4) Where fertilisers are used on land of the kind mentioned in head (*c*) of Article 4 of this Scheme, the amount of contribution shall be one-third of such costs or an amount not exceeding £1 5s. per acre of the land on which the fertilisers are used, whichever is the less:

Provided that no contribution shall be made in respect of such fertilisers unless the approval of the Agricultural Executive Committee is obtained to the use of fertilisers on that land before the fertilisers are so used.

(5) Where fertilisers are used on land of the kind mentioned in head (*d*) of Article 4 of this Scheme, the amount of contribution shall—

(*a*) where the land has been directly reseeded to grass after ploughing, be one half of such costs or an amount not exceeding £2 per acre of the land on which the fertilisers are used, whichever is the less;

(*b*) where the land, before being reseeded, has been

(i) sown with a green crop to be eaten off by stock, or

(ii) ploughed in the autumn of one year, fallowed until the late summer of the following year and properly cultivated to keep down weeds,

be two-thirds of such costs or an amount not exceeding £3 per acre of the land on which the fertilisers are used, whichever is the less.

(6) Where fertilisers are used on land of the kind mentioned in head (*e*) of Article 4 of this Scheme, the amount of contribution shall be two-thirds of such costs or an amount not exceeding £3 per acre of the land on which the fertilisers are used, whichever is the less.

Calculation of Contributions

6.—(1) In determining for the purposes of this Scheme the costs necessarily incurred by the occupier in acquiring and transporting fertilisers, there shall be included—

(*a*) where the fertilisers are delivered by the supplier to the occupier's farm or steading, or to an intermediate delivery point, the charge made to the occupier in respect of such delivery, and

(*b*) where the fertilisers are not delivered to the occupier's farm or steading, the actual expenditure incurred by the occupier in transporting them to the farm or steading, but so as to leave out of account any expenditure in excess of such rates, ascertained by reference to the distance over which the fertilisers are transported, as the Secretary of State considers to be reasonable.

(2) In determining the amount of contribution payable under this Scheme in respect of fertilisers, the Secretary of State shall have regard to the amount of any grant, subsidy or other contribution that may be payable under any other Scheme or any other Act of Parliament in respect of such fertilisers.

(3) There shall be disregarded for the purposes of payment of a contribution under this Scheme any pence included in the amount of the contribution as calculated in accordance with the foregoing provisions.

Withholding of Contributions

7. The Secretary of State may withhold any contribution that might otherwise be paid in respect of fertilisers under this Scheme in any case where—

(*a*) in his opinion, the fertilisers have not been used economically or to the best advantage ;

(*b*) the fertilisers are used on land under grass where in his opinion the occupier of the land has an excessive proportion of land under grass, having regard to local conditions and, in particular, to the type of farming carried on in the locality ;

(*c*) where the costs necessarily incurred by the occupier, as determined in accordance with the provisions of paragraph (1) of Article 6 of this Scheme, do not exceed £3.

Application for payment of Contributions

8. No contribution shall be made under this Scheme towards the cost necessarily incurred by any occupier in respect of fertilisers unless there is received by the Secretary of State not later than the 30th day of September next following the end of the fertiliser year in which the fertilisers have been used by the occupier, an application for the payment of such contribution made by or on behalf of the occupier in such form and accompanied by receipts in respect of such costs and such other evidence as the Secretary of State may require.

Provided that the Secretary of State may, if in special circumstances he thinks fit to do so, make payment of a contribution in respect of an application received after the said 30th day of September.

Inspection of Land and Records

9. It shall be a condition of the making of a contribution under this Scheme that the occupier by or on whose behalf the application for such contribution is made shall, when required by the Secretary of State, afford reasonable facilities for the inspection—

(*a*) of the land to which the application relates and

(*b*) of such records, accounts or other documents as the Secretary of State may require for the purposes of this Scheme.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
17*th August*, 1950.

We approve,

H. W. Bowden,
W. A. Wilkins,
Two of the Lords Commissioners of His Majesty's Treasury.

17*th August*, 1950.

Article 3 SCHEDULE

Basic Slag.
Compound fertilisers, as defined in the second column of Part I of the Fourth Schedule to the Fertilisers and Feeding Stuffs Act, 1926, as varied(a).
Muriate of potash.
Nitro Chalk.
Raw Phosphate or phosphate rock, ground.
Sulphate of ammonia.
Sulphate of potash.
Superphosphate of lime, ordinary.
Superphosphate of lime, triple.

EXPLANATORY NOTE

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

This Scheme, made with the approval of the Treasury under Section 2 of the Agriculture (Miscellaneous Provisions) Act, 1950, provides for the making of contributions towards the costs incurred by occupiers of agricultural land in Scotland in acquiring and transporting fertilisers used on specified kinds of agricultural land. The Scheme applies to fertilisers of the kinds specified in the Schedule that are bought and used during the period beginning on 1st July, 1950, and ending on 30th June, 1953, or on such date, not later than 30th June, 1955, as may be specified in an Order made under section 3 (2) of the Act. The Scheme sets forth the qualifications for obtaining, and the method of calculating the amount of, contributions.

The Hops Marketing Scheme (Amendment) Order, 1950

1950 No. 655

Made - - - -	*20th April*, 1950
Laid before Parliament	*24th April*, 1950
Coming into Operation	*1st May*, 1950

In pursuance of sub-section (1) of Section 15 of the Agricultural Marketing Act, 1949(b), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries hereby makes the following Order:—

1. This Order may be cited as the Hops Marketing Scheme (Amendment) Order, 1950, and shall come into operation on the first day of May, 1950.

2. The Hops Marketing Scheme, 1932(c) (as amended(d)) shall be amended in the manner set forth in the Schedule hereto.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this twentieth day of April, 1950.

(L.S.) *T. Williams,*
Minister of Agriculture and Fisheries.

(a) 16 & 17 Geo. 5. c. 45. S.R. & O. 1932 (No. 658) p. 478 ; S.R. & O. 1942 (No. 2495) II, p. 226.
(b) 12, 13 & 14 Geo. 6. c. 38. (c) S.R. & O. 1932 (No. 505) p. 24.
(d) S.R. & O. 1934 (No. 841) I, p. 14; S.R. & O. 1939 (No. 444) I, p. 24; S.R. & O. 1945 (No. 1486) I, p. 1; S.I. 1948 (No. 642) I, p. 23; S.I. 1949 (No. 2456) I, p. 54.