STATUTORY INSTRUMENTS

1963 No. 1022 (S. 39)

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Grassland Renovation (Scotland) Scheme 1963

Laid before Parliament in draft

Made - - - - 27*th May* 1963

Coming into Operation 1*st September* 1963

In exercise of the powers conferred on me by sections 11 and 12 of the Agriculture (Miscellaneous Provisions) Act 1963(a) and of all other powers enabling me in that behalf, and with the approval of the Treasury, I hereby make the following scheme, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

Citation and Commencement

1. This scheme may be cited as the Grassland Renovation (Scotland) Scheme 1963, and shall come into operation on 1st September 1963.

Interpretation

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

"the Act" means the Agriculture (Miscellaneous Provisions) Act 1963(a), and "any other Act" means any Act other than the Act;

"agricultural" has the same meaning as in section 86(3) of the Agriculture (Scotland) Act 1948(b);

"approved", in relation to operations, means approved by the Secretary of State for the purposes of this scheme;

"croft" means a croft within the meaning of the Crofters (Scotland) Acts 1955 and 1961(c);

"eligible occupier" means an eligible occupier within the meaning of the Crofting Counties Agricultural Grants (Scotland) Scheme 1961(d);

"grass" includes rye grass and other rotational grasses, clover and permanent grass;

"land under grass" includes any grazing land;

"occupier" in relation to any land, means the person who has the right to carry out operations on that land;

"operations" means any such operations as are specified in the Schedule to this scheme.

(2) The Interpretation Act 1889(e) applies for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

(a) 1963 c.11. (b) 11 & 12 Geo. 6. c. 45.
(c) 3 & 4 Eliz. 2. c. 21 and 9 & 10 Eliz. 2 c. 58. (d) S.I. 1961/2266 (1961 III, p. 3973).
(e) 52 & 53 Vict. c. 63.

Grassland renovation grants

3.—(1) Subject to the provisions of this scheme, the Secretary of State may pay grants, to be known as grassland renovation grants, in respect of agricultural land under grass, other than land being or forming part of a croft or occupied by an eligible occupier, which is renovated by means of operations approved by the Secretary of State in writing, before such operations are carried out, in pursuance of applications made to him within the period commencing with 1st September 1963 and ending with 31st August 1966.

(2) The person to whom such a grant may be made shall be the occupier of the land at the time of the completion of the operations giving rise to the grant.

(3) The rate of grant payable shall be £4 per acre, fractions of an acre being rounded down to the nearest quarter of an acre.

(4) A grant shall not be paid under this scheme in respect of less than one acre of land.

(5) A grant shall not be paid under this scheme in respect of any land unless, at the time when the operations giving rise to the grant are commenced, that land is under grass which has been sown before the date specified in relation to those operations in the following table, or has been continuously under grass since before that date:—

Operations, application for the approval of which is made in the year—	*Date*
1963	1st June 1956
1964	1st June 1957
1965	1st June 1958
1966	1st June 1959

Approval and modification of operations

4.—(1) Before approving any operations for the purposes of this scheme the Secretary of State shall be satisfied that—

(*a*) the land under grass to which the operations relate is suitable for and requires renovation, having regard in particular to any previous renovation or improvement thereof for which a payment has been made out of moneys provided by Parliament;

(*b*) any preliminary work necessary to ensure the success of the operations has been carried out;

(*c*) the carrying out of the operations will thoroughly renovate the sward of grass; and

(*d*) the estimated cost of carrying out the operations, including the cost of materials other than farmyard manure, but excluding the cost of any preliminary work and any work or materials in respect of which payments are available out of moneys provided by Parliament under any other Act, is not less than £6 per acre.

(2) Subject to the provisions of the following sub-paragraph the Secretary of State may, in pursuance of an application in that behalf made to him not later than 31st August 1966, give his approval in writing to the modification of approved operations, before the operations to which the modification relates are carried out, and after such approval has been given the approved operations as so modified shall be deemed to be approved operations for the purposes of this scheme.

(3) Before approving the modification of approved operations the Secretary of State shall be satisfied as to the matters specified in heads (*a*) to (*d*) of subparagraph (1) of this paragraph as though references therein to the operations were references to the approved operations as so modified.

(4) In subparagraph (1) hereof "available", in relation to a payment in respect of any work or materials, means available without the approval or any further approval of the Secretary of State being required before the work is carried out, or the materials are used, as the case may be.

Withholding or restriction of grant for bad work, etc.

5. Where in the opinion of the Secretary of State—

(*a*) any operations relevant to the payment of a grant have been inefficiently carried out, or

(*b*) adequate facilities for the inspection of the land in respect of which a grant may be made have not been given,

payment of the grant may be withheld or the amount of the grant may be restricted to such amount as the Secretary of State considers reasonable.

Other conditions of payment

6. Payment of a grant under this scheme shall be subject to the following conditions—

(*a*) any application required by this scheme for the purpose of the approval of the operations giving rise to the grant shall be submitted to the Secretary of State in writing in such manner as he may direct;

(*b*) the operations shall be carried out substantially as approved, and completed to the satisfaction of the Secretary of State without unreasonable delay;

(*c*) an application for the grant, in such form as the Secretary of State may require, shall be submitted to him in writing by the person to whom the grant may be made, within one month after completion of the operations, or within such longer period as the Secretary of State may in special circumstances allow.

Prohibition following previous grant

7. A grant under this scheme shall not be paid where, within the immediately preceding period commencing with 1st September 1963, any previous such grant has been made in respect of the same land.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
27th May 1963.

We approve.

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

27th May 1963.

SCHEDULE

Paragraph 2(1)

Operations for the purposes of this Scheme

(1) Destruction or removal of the mat of vegetation in the sward of grass.

(2) Pitchpole or other heavy harrowing, rotovating, discing or cultivation by equivalent methods, carried out in order to break up the sward of grass without destroying it.

(3) Application of lime, fertilisers, farmyard manure or chemicals.

(4) Destruction of rushes or weeds, excluding eradication of bracken.

(5) Oversowing with a grass seeds mixture, including sod-seeding.

(6) Light harrowing, rolling or any similar operation, necessary in connection with the carrying out of any of the preceding operations.

EXPLANATORY NOTE

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

This scheme, which is the first to be made under section 11 of the Agriculture (Miscellaneous Provisions) Act 1963, provides for the payment of grants at the rate of £4 per acre to occupiers of grassland which is renovated by means of operations specified in the scheme. The operations must be approved by the Secretary of State in advance, as the result of applications made between 1st September 1963 and 31st August 1966, and their total estimated cost, calculated in accordance with the scheme, must be not less than £6 per acre. To be eligible, the land must have been continuously down to grass since before 1st June seven years prior to the year in which application is made for the approval of the operations, and must not have been the subject of a previous grant under this scheme. The scheme provides for the withholding or restriction of grant where work is inefficiently carried out, or where the applicant fails to give the Secretary of State adequate facilities to inspect the land. The operations have to be carried out substantially as approved without unreasonable delay. This scheme does not apply to croft land nor to land occupied by a person eligible for grant under the Crofting Counties Agricultural Grants (Scotland) Scheme 1961.