STATUTORY INSTRUMENTS

1967 No. 1220 (S. 105)

AGRICULTURE

HILL FARMING

The Hill Land Improvement (Scotland) Scheme 1967

Laid before Parliament in draft

Made - - - -	10*th August* 1967
Coming into Operation	10*th August* 1967

In exercise of the powers conferred upon me by sections 35, 36 and 41 of the Agriculture Act 1967(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 extent

1. This scheme, which may be cited as the Hill Land Improvement (Scotland) Scheme 1967, shall apply to Scotland only.

Interpretation

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

"the Act" means the Agriculture Act 1967;

"agriculture" and "agricultural unit" shall be construed in accordance with section 75(2) of the Act;

"agricultural land" has the meaning given to it by section 32 of the Agriculture Act 1937(b);

"approved" means approved by the Secretary of State in writing, and "approve" and "approval" shall be construed accordingly;

"drainage grant" means a grant under section 16 of the Agriculture Act 1937 towards expenditure incurred in carrying out work for the drainage of agricultural land;

"prescribed improvements" means improvements of any of the descriptions prescribed in Schedule 1 to this scheme as being in the opinion of the Secretary of State improvements which will improve the productivity of hill land used for agriculture;

"qualifying cost" has the meaning given to it by paragraph 4(5) below.

(a) 1967 c. 22. (b) 1937 c. 70.

(2) Subject to sub-paragraph (3) below, "hill land" means for the purposes of this scheme land situated in an area consisting predominantly of mountains, hills or heath, being land which is, or by improvement could be made, suitable for use for the breeding, rearing and maintenance of sheep or cattle but not in the opinion of the Secretary of State for the carrying on, to any material extent, of dairy farming, the production, to any material extent, of fat sheep or fat cattle or the production of crops in quantity materially greater than that necessary to feed the number of sheep or cattle capable of being maintained on the land.

(3) Where at any time after this scheme has come into operation land is hill land as defined in sub-paragraph (2) above, the effect of any subsequent improvement to that land shall thereafter be disregarded in determining for the purpose of this scheme whether it is hill land as so defined.

(4) Any reference in this scheme to an enactment shall be construed as a reference to that enactment as amended or extended by any other enactment, including the Act.

(5) The Interpretation Act 1889(a) shall apply for the interpretation of this scheme as it applied for the interpretation of an Act of Parliament.

Grants for improvements for the benefit of hill land

3.—(1) Subject to the provisions of this scheme, the Secretary of State may make grants towards the cost of such prescribed improvements for the benefit of hill land as he may approve by reference to proposals submitted to him for the purpose.

(2) Application for the approval of a proposed improvement may be made by a person having an interest as proprietor or tenant in the land for the benefit of which the improvement is proposed, or a person intending to acquire such an interest if the improvement is approved, and the applicant may propose more than one improvement in his application.

(3) Application shall be made in such form and manner as the Secretary of State shall from time to time require.

Approval of proposals

4.—(1) Subject to the following provisions of this paragraph, the Secretary of State may, as he thinks fit, either refuse to approve a proposed improvement or approve it in whole or in part.

(2) Where in the opinion of the Secretary of State the agricultural unit which will benefit from the proposed improvement is not capable of yielding a sufficient livelihood to an occupier reasonably skilled in husbandry and could not become so as a result of the improvement he shall not approve that improvement unless he is satisfied that it would be likely to benefit any larger unit which might be formed from that agricultural unit and other land.

(3) Where any agricultural unit consists of or includes a croft or holding, for the purposes of determining for the purposes of the last preceding paragraph whether the unit is capable of yielding a sufficient livelihood to an occupier reasonably skilled in husbandry the unit shall be taken to include any right in pasture or grazing land held by the tenant or landholder whether alone or in common with others and deemed to form part of the croft or holding.

In this sub-paragraph "croft" and "holding" have the meanings ascribed to them by the Crofters (Scotland) Act 1955(b) and the Small Landholders (Scotland) Acts 1886 to 1931(c) respectively.

(a) 1889 c. 63. (b) 3 & 4 Eliz. 2. c. 21.
(c) 1886 c. 29; 1887 c. 24; 1891 c. 41; 1908 c. 50; 1911 c. 49; 1919 c. 97; 1931 c. 44.

(4) Subject to sub-paragraph (5) below, the Secretary of State shall not approve a proposed improvement unless he is satisfied that the cost of the improvement will not be unreasonably high in relation to the benefit to be derived from it by way of increasing the productivity of hill land.

(5) Where the cost of a proposed improvement does not qualify for grant under this scheme solely because such cost would in the opinion of the Secretary of State be unreasonably high in relation to the benefit to be derived from it by way of increasing the productivity of hill land, but the Secretary of State is satisfied—

(*a*) that the improvement would nevertheless provide facilities which would give rise to such benefit, and

(*b*) that if the improvement had been less costly it would have provided such facilities at a cost which would not be unreasonably high in relation to the amount of benefit to be derived from them,

then the Secretary of State may approve that improvement for the purposes of this scheme, and that part of the cost of the improvement which in the opinion of the Secretary of State represents the reasonable cost of providing those facilities shall be the qualifying cost.

(6) Any application for approval of proposals qualifying for grant under this scheme shall be made within the period of five years commencing with the date on which this scheme is made.

Rates of grant

5.—(1) Subject to the following provisions of this scheme, and to any regulations for the time being in force under section 36(1) of the Act (standard costs), the amount of any grant payable under this scheme towards the cost of an improvement shall be half of that cost, in so far as it has been reasonably incurred to the satisfaction of the Secretary of State, or, in the case of an improvement approved under paragraph 4(5) above, half of the qualifying cost.

(2) Where a grant towards the cost of an improvement is made by way of supplement to a drainage grant, the amount of the grant shall be one tenth of so much of the cost of the improvement as—

(*a*) is eligible for drainage grant, and

(*b*) is for the benefit of hill land.

(3) Where part of an approved improvement has been carried out, the Secretary of State may for the purposes of this paragraph treat that part as though it were a separate improvement.

Payment of grant

6. A grant under this scheme shall be payable to the person or persons by whom or on whose behalf the work required for making the improvement is done, and may be paid on the completion of that work or by instalments on the completion of parts of that work.

Restrictions on grant

7.—(1) Where in the opinion of the Secretary of State the carrying out of an improvement for the benefit of hill land in respect of which a grant may be made under this scheme appears to frustrate the purposes served by any expenditure in respect of which a prescribed grant or contribution has already been made for the benefit of that land the Secretary of State may reduce or withhold the grant under this scheme.

(2) Where in the opinion of the Secretary of State the payment of a grant under this scheme in respect of the carrying out of an improvement for the benefit of hill land would duplicate any prescribed grant or contribution which has already been made for the benefit of that land, the Secretary of State may reduce or withhold the grant under this scheme to such extent as he considers necessary to avoid such duplication.

(3) The Secretary of State may reduce or withhold grant payable under the foregoing provisions of this scheme in any case where assistance in respect of expenditure for which the grant is made is or may be given otherwise than under this scheme, but so that where expenditure, or part of expenditure, is eligible for grant at different rates, grant at the higher rate shall be allowed.

(4) In this paragraph "prescribed grant or contribution" means any grant or contribution made out of money provided by Parliament and prescribed in Schedule 2 to this scheme.

Supplementary grants for drainage

8.—(1) A grant in respect of an improvement of a kind referred to in Part II of Schedule 1 to this scheme may not be made except by way of supplement to a drainage grant, unless the improvement is also an improvement of a kind referred to in Part I of that Schedule.

(2) Where a drainage grant is paid in respect of a prescribed improvement, a grant under this scheme towards the cost of that improvement shall not be made otherwise than by way of supplement to that drainage grant.

(3) Where a grant is made under this scheme by way of supplement to a drainage grant—

(*a*) the grant under this scheme shall be subject to all the restrictions, conditions and other incidental and supplementary provisions (including penalties) applicable to the drainage grant;

(*b*) the drainage grant shall for purposes of paragraph 7(3) be deemed not to be assistance given otherwise than under this scheme; and

(*c*) paragraph 7(1) and (2) shall not apply to the grant under this scheme.

William Ross,

One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
28th July 1967.

We approve

B. K. O'Malley,
E. Alan Fitch,

Two of the Lords Commissioners
of Her Majesty's Treasury.

10th August 1967.

SCHEDULE 1

Paragraphs 2(1) and 8(1)

PART I

Prescribed improvements eligible for 50 per cent grants

1. Improvement of land by cultural operations and by the laying down of permanent pasture.

2. Clearance, levelling and reclamation of land and piping and filling-in of ditches.

3. Provision of shelter belts.

4. Making, improvement, renewal and removal of permanent fences (including hedges and walls) and the provision of gates and sheep and cattle grids.

5. Provision of sheep pens and dips, cattle pens, and stells or other shelters for sheep or cattle.

6. Burning heather or grass or making muirburn.

7. Making and improvement of roads, bridges, culverts, piers, jetties and slips.

8. Supply of water.

9. Protection and improvement of river banks.

PART II

Prescribed improvements eligible for supplementary grants

10. Drainage of agricultural land.

SCHEDULE 2

Paragraph 7(4)

Prescribed grants and contributions

Description of grant or contribution	Reference to Act
1. A grant or contribution under any of the following enactments:—	
(*a*) Agriculture Act 1937: (i) section 1 (agricultural lime subsidies); (ii) section 16 (water supply and drainage);	1937 c. 70
(*b*) Hill Farming Act 1946, section 1 (livestock rearing land improvement grants);	1946 c. 73
(*c*) Agriculture (Scotland) Act 1948, section 75 (agricultural services);	1948 c. 45
(*d*) Agriculture (Fertilisers) Act 1952, section 1 (fertiliser subsidies);	1952 c. 15
(*e*) Agriculture (Ploughing Grants) Act 1952, section 1 (ploughing grants);	1952 c. 35
(*f*) Crofters (Scotland) Act 1955, section 22 and 31 (grants to crofters etc.)	1955 c. 21
(*g*) Agriculture (Silo Subsidies) Act 1956, section 1 (silo subsidies);	1956 c. 5 (5 & 6 Eliz 2)
(*h*) Agriculture Act 1957, section 12 (farm improvement grants);	1957 c. 57
(*i*) Land Drainage (Scotland) Act 1958, section 9 (drainage works grants);	1958 c. 24
(*j*) Agriculture (Miscellaneous Provisions) Act 1963: (i) section 10 (winter keep grants); (ii) section 11 (grassland improvement grants);	1963 c. 11

Description of grant or contribution	Reference to Act
(*k*) Highlands and Islands Development (Scotland) Act 1965, section 8 (grants to persons in Highlands and Islands);	1965 c. 46
(*l*) Agriculture Act 1967: (i) section 26 (grants for amalgamations and boundary adjustments); (ii) section 30 (farm improvement grants); (iii) section 31 (grants towards expenditure on fixed equipment etc., and improvements for purposes of agricultural businesses); (iv) section 41 (hill land improvement grants); (v) section 47 (grants by Rural Development Boards); (vi) section 61 (grants for purposes connected with co-operative activities).	1967 c. 22
2. Grants towards the aiding and development of agriculture or the providing or improving of piers or boat slips in the congested districts under section 4 of the Congested Districts (Scotland) Act 1897.	1897 c. 53
3. A contribution made under section 3(1) of the Pests Act 1954 towards expenses incurred in destroying or reducing breeding places or cover for rabbits or in excluding rabbits therefrom, or in preventing the rabbits living in any place from spreading to or doing damage in any other place (rabbit scrub clearance etc., grants scheme).	1954 c. 68
4. A field husbandry grant payable in accordance with a scheme made under section 1 of the Agriculture (Small Farmers) Act 1959.	1959 c. 12
5. A grant in respect of improvements of a kind to which section 30 of the Agriculture Act 1967 applies (farm improvements) made out of money provided by Parliament by the Appropriation Act 1966.	1966 c. 3
6. A grant under section 33 of the Agriculture Act 1967 by way of supplement to any grant referred to in subsection 4(*a*) or (4)(*b*) of that section (farm improvement grants).	

EXPLANATORY NOTE

(*This Note is not part of the scheme.*)

This scheme enables the Secretary of State to pay grants for improvements which benefit hill land in Scotland which he has approved in writing. The scheme prescribes the improvements which are eligible and defines hill land for the purpose. The amount of grant is half the cost, calculated in accordance with the scheme, but a grant may be reduced or withheld where the improvement frustrates expenditure previously grant-aided, where the grant duplicates a previous grant and where other grants or subsidies are available. Provision is made for the making of applications for approval, and the persons who may be paid are specified. The cost of improvements which are partly eligible may be apportioned.

The Secretary of State is also given power to pay supplements to drainage grants, amounting to 10 per cent of the eligible cost of the work so far as it benefits hill land. These grants are subject to the same conditions and restrictions as the drainage grants which they supplement.

The scheme comes into operation on the date it is made, and enables grants to be paid on applications made within five years of that date.