STATUTORY INSTRUMENTS

1975 No. 1999

HORTICULTURE

The Horticulture (Apple and Pear Growers) (Special Payments) (Variation) Scheme 1975

Made - - -	*3rd December* 1975
Laid before Parliament	*11th December* 1975
Coming into Operation	*15th December* 1975

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by section 1 of the Horticulture (Special Payments) Act 1974(**a**), and of all their other enabling powers, with the approval of the Treasury, hereby make the following scheme:--

Citation, extent and commencement

1. This scheme, which may be cited as the Horticulture (Apple and Pear Growers) (Special Payments) (Variation) Scheme 1975, shall apply to England and Wales and Northern Ireland, and shall come into operation on 15th December 1975.

Interpretation

2.—(1) This scheme shall be construed as one with the Horticulture (Apple and Pear Growers) (Special Payments) Scheme 1974(**b**), hereinafter referred to as "the principal scheme".

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

Variation of the principal scheme

3.—(1) The principal scheme shall be varied in accordance with the following provisions of this paragraph.

(2) In paragraph 3(3) of the principal scheme the words ", in any case in which the application under paragraph 5 of this scheme was approved under that paragraph before 15th December 1975," shall be inserted between the word "shall" and the word "consist".

(a) 1974 c. 5. (b) S.I. 1974/1003 (1974 II, p. 3775).
(c) 1889 c. 63.

(3) At the end of the paragraph 3 of the principal scheme there shall be added as sub-paragraph (4)—

"(4) A payment under sub-paragraph 1(*b*) above shall, in any case in which the application under paragraph 5 of this scheme is approved under that paragraph on or after 15th December 1975, consist of an amount per eligible or (in a case falling within paragraph 7 below) other top fruit tree grubbed determined in accordance with Part III of the said Schedule, and shall be limited to a maximum of 500 trees per acre."

(4) At the end of Schedule 2 to the principal scheme there shall be added as Part III—

"

PART III

For the purposes of a payment under paragraph 3(1)(*b*) of this scheme, the amount per tree referred to in sub-paragraph (4) of that paragraph shall be the rate per tree specified in the table set out below by reference to girth size, up to a maximum of 500 trees per acre:—

RATES OF GRUBBING PAYMENT

Girth of tree cm.	Rate per tree £
Under 25	0·17
25–39	0·26
40–59	0·69
60–89	1·30
90–104	2·00
105–119	2·00
120–134	2·60
135–149	2·60
150 and over	3·65

"

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th November 1975.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

Given under my hand on 2nd December 1975.

John Morris,
The Secretary of State for Wales.

We approve,
3rd December 1975.

Donald R. Coleman,

T. Pendry,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

The Horticulture (Apple and Pear Growers) (Special Payments) Scheme 1974 provides for the making, in certain circumstances, of payments, including payments for the grubbing up of trees, to commercial producers wishing to give up the growing of certain categories of apples and pears.

This variation Scheme, which applies to England, Wales and Northern Ireland and is made under section 1 of the Horticulture (Special Payments) Act 1974, varies the 1974 scheme so as to increase the rates of grubbing payment in respect of applications under section 5 of that scheme approved on or after 15th December 1975.

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