STATUTORY INSTRUMENTS

1980 No. 104

HORTICULTURE

HORTICULTURAL GRANTS

The Horticulture Capital Grant (Variation) Scheme 1980

Made - - - -	30*th January* 1980
Laid before Parliament	31*st January* 1980
Coming into Operation	1*st February* 1980

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by section 29 of the Agriculture Act 1970(**a**), and of all other powers enabling them in that behalf 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 Capital Grant (Variation) Scheme 1980, shall apply throughout the United Kingdom, and shall come into operation on 1st February 1980.

Interpretation

2. In this scheme "the principal scheme" means the Horticulture Capital Grant Scheme 1973(**b**) and, unless the context otherwise requires, any reference in this scheme to a numbered paragraph shall be construed as a reference to the paragraph bearing that number in the principal scheme.

Variation of paragraph 2(1) *of the principal scheme*

3.—(1) Paragraph 2(1) shall be varied in accordance with the following provisions of this paragraph.

(2) For the definition of "the appropriate Minister" there shall be substituted the following definition:—

" 'the appropriate Minister' means—

(*a*) in relation to England or Northern Ireland, the Minister of Agriculture, Fisheries and Food;

(*b*) in relation to any other part of the United Kingdom, the Secretary of State;".

(3) The following definition shall be inserted immediately after the definition of "approved"—

" 'ECU' means the unit of account of the European Economic Community defined in Article 1 of Council Regulation (EEC) No. 3180/78(**c**), and any reference in this scheme to a specified number of ECU in relation to any expenditure shall be taken to be a reference to the sterling equivalent of that number of ECU applicable on the 1st January of the calendar year in which the conditions for granting aid are fulfilled;".

(**a**) 1970 c. 40. (**b**) S.I. 1973/1945, varied by S.I. 1976/761.

(**c**) O.J. No. L397, 30.12.78. p.1.

(4) The following definition shall be inserted immediately after the definition of "horticultural production business"—

" 'labour unit' means the amount of work, other than work done by contractors, which would, in the opinion of the appropriate Minister, occupy the full time (not exceeding 2,300 hours per year) of a full-time worker;".

Variation of paragraph 5 *of the principal scheme*

4. There shall be inserted immediately after sub-paragraph (2) of paragraph 5 the following new sub-paragraph:—

"(3) Where a development plan for an agricultural business has been approved under any regulations made under section 2(2) of the European Communities Act 1972(**a**) which provide for the payment of grant to a person carrying on an agricultural business as therein defined in accordance with an approved development plan, the appropriate Minister shall not approve for the purposes of grant under this scheme any expenditure, in respect of which the application for approval is received on or after 1st February 1980, for or in connection with that agricultural business unless at the time of receipt of the said application the carrying out of the said development plan has come to its end, whether by completion, variation or withdrawal of approval, or otherwise.".

Variation of paragraph 8 *of the principal scheme*

5.—(1) Paragraph 8 shall be varied in accordance with the following provisions of this paragraph.

(2) In sub-paragraph (1) for the reference to "42,060 units of account" there shall be substituted a reference to "52,599 ECU".

(3) Sub-paragraph (2) shall be omitted.

Insertion of new paragraph 10 *in the principal scheme*

6. There shall be inserted immediately after paragraph 9 the following new paragraph:—

"10. Where at the date on which a claim for a grant under this scheme is received by the appropriate Minister, being a claim relating to an application for approval of expenditure for the purposes of grant, for or in connection with a horticultural production business, which application was received on or after 1st February 1980—

(*a*) the amount of the expenditure included in the said claim and towards which grant is payable, or

(*b*) the aggregate of the amount of that expenditure and the amount of any other expenditure towards which a grant has been paid or is payable in respect of that horticultural production business, or in respect of an agricultural business of which that horticultural production business forms part, under this scheme or any other scheme made under section 29 of the Act, or under any regulations made under section 2(2) of the European Communities Act 1972 which provide for the payment of grant to a person carrying on an agricultural business as therein defined in accordance with an approved development plan, the latter expenditure being expenditure approved for the purposes of grant as a result of an application received by the appropriate Minister on or after 1st February 1980, and also being expenditure in respect of which a claim for payment of grant has been received by the appropriate Minister either—

(**a**) 1972 c. 68.

(i) in the period beginning with 1st February 1980 and ending with the date of receipt of the said claim, or

(ii) during the period of 6 years ending with the date of receipt of the said claim,

whichever period is the shorter,

exceeds 160,000 ECU, the appropriate Minister shall not pay grant towards so much of that expenditure or, as the case may be, so much of the aggregate of that expenditure as exceeds that figure.".

New Schedule 2

7. For Schedule 2 to the principal scheme there shall be substituted the provisions of the Schedule to this scheme.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th January 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

29th January 1980.

Nicholas Edwards,
Secretary of State for Wales.

29th January 1980.

We approve,

Peter Morrison,
John MacGregor,
Two of the Lords Commissioners of
Her Majesty's Treasury.

30th January 1980.

SCHEDULE *Paragraph 7*

PROVISIONS TO BE SUBSTITUTED FOR SCHEDULE 2 TO THE PRINCIPAL SCHEME

"SCHEDULE 2 Paragraph 7

AMOUNTS OF GRANT

1. Subject to the provisions of this scheme, the amount of any grant payable under this scheme, in respect of which grant the application for approval of expenditure has been received by the appropriate Minister before 1st February 1980, towards approved expenditure in respect of any work or facility of a kind specified in—

(*a*) any of paragraphs 1 to 15 of Schedule 1 shall be 25 per cent of that expenditure;

(*b*) any of paragraphs 16 to 20 of Schedule 1 shall be 15 per cent of that expenditure;

(*c*) paragraph 21 of Schedule 1 shall be at the rate of grant appropriate to the facility to which the operation applies.

2. Subject to the provisions of this scheme, the amount of any grant payable under this scheme, in respect of which grant the application for approval of expenditure has been received by the appropriate Minister on or after 1st February 1980, towards approved expenditure in respect of any work or facility of a kind specified in—

(*a*) any of paragraphs 1 to 15 of Schedule 1 shall be 22·5 per cent of that expenditure;

(*b*) any of paragraphs 16 to 20 of Schedule 1 shall be 15 per cent of that expenditure;

(*c*) paragraph 21 of Schedule 1 shall be at the rate of grant appropriate to the facility to which the operation applies.

3. In such cases and subject to such conditions as the appropriate Minister may from time to time determine, the amount of any expenditure towards which grant is payable under this scheme shall, if the applicant for grant so elects, be taken for the purpose of determining the amount of the grant as such standard amount as the appropriate Minister may from time to time fix with the approval of the Treasury.".

EXPLANATORY NOTE

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

This scheme, which applies throughout the United Kingdom, varies the Horticulture Capital Grant Scheme 1973 (as varied). The principal changes are that in respect of applications received on or after 1st February 1980:—

(*a*) the amount of grant payable under the scheme towards approved expenditure on land improvements, buildings and the provision of services is reduced;

(*b*) the total of expenditure which may qualify for grant under this scheme within any 6 year period is restricted, taking into account grant aided expenditure under the Farm Capital Grant Scheme and the Farm and Horticulture Development Regulations for which applications for approval are received on or after 1st February 1980; and

(*c*) no expenditure can be approved under this scheme if the applicant has a development plan approved under the Farm and Horticulture Development Regulations 1978 which has not been completed.

In addition, this scheme introduces the ECU to replace the unit of account and increases the limit on eligible expenditure per labour unit.