1960 No. 735

The Horticulture Improvement Scheme, 1960

Laid before Parliament in draft

Made - - - - 14*th April*, 1960

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred upon them by sections 1, 2 and 6 of the Horticulture Act, 1960(a), and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Scheme, a draft whereof has been laid before Parliament and has been approved by resolution of each House of Parliament:—

Citation and Extent

1. This Scheme may be cited as the Horticulture Improvement Scheme, 1960, and shall apply to the whole of the United Kingdom.

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" the Act " means the Horticulture Act, 1960 ;

" agricultural holding " has the meaning assigned to it, as respects land in England or Wales, by section 1 of the Agricultural Holdings Act, 1948(b), or as respects land in Scotland, by section 1 of the Agricultural Holdings (Scotland) Act, 1949(c), and also includes a holding to which any of the provisions of the Small Landholders (Scotland) Acts, 1886 to 1931(d), apply and a croft within the meaning of the Crofters (Scotland) Act, 1955(e) ;

" appropriate Minister " means the Minister of Agriculture, Fisheries and Food in relation to England or Wales or Northern Ireland and the Secretary of State in relation to Scotland ;

" approved proposals " means proposals for the provision of any of the facilities specified in the Schedule to this Scheme which have been approved in writing by the appropriate Minister in the case of an application for a grant under the Act ;

" eligible land " has the meaning assigned to it by subparagraph (3) of paragraph 3 of this Scheme ;

" glasshouse " means a fixed or mobile structure, used for the production of horticultural produce for sale, which is in sound repair, is

(a) 8 & 9 Eliz. 2. c. 22. (b) 11 & 12 Geo. 6. c. 63. (c) 12, 13 & 14 Geo. 6. c. 75.
(d) 49 & 50 Vict. c. 29; 1 & 2 Geo. 5. c. 49; 9 & 10 Geo. 5. c. 97; 21 & 22 Geo. 5. c. 44.
(e) 3 & 4 Eliz. 2. c. 21.

mounted on durable foundations, is not less than 5½ feet high at the ridge, and of which more than half the total area of the sides, ends and roof is of glass;

"horticultural produce", "horticultural production business" and "horticultural producers' marketing business" have the meanings respectively assigned to them by section 8 of the Horticulture Act, 1960;

"land" includes soil or other material used for growing mushrooms in trays or on shelves;

"movable lights" includes frame-lights and cloches, whether of glass or other translucent material;

"successional crops" means crops of horticultural produce of which not more than one crop is in the land at any one time.

(2) For the purposes of this Scheme, land shall be deemed to be used for the purpose of growing horticultural produce if it is cultivated or prepared for use for that purpose.

(3) The Interpretation Act, 1889(a), shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Conditions of Eligibility

3.—(1) Payment of a grant under subsection (1) of section 1 of the Act to the person carrying on a horticultural production business, or to the landlord of land occupied for the purposes of such a business and being or comprised in an agricultural holding, shall not be made unless the appropriate Minister is satisfied that—

(*a*) at the date of the application for a grant, there is occupied for the purposes of the business not less than four acres of land (calculated, in the case of the special classes of land referred to in subparagraph (2) of this paragraph, in accordance with the provisions of the said subparagraph) which is eligible land as defined in subparagraph (3) of this paragraph;

(*b*) the business would, after the approved proposals have been carried out, be capable of yielding an adequate return to any person carrying it on with reasonable efficiency and as a full-time occupation; and

(*c*) the person carrying on the business is the owner of the freehold of the land on which the approved proposals are to be carried out, or is a tenant of the said land for a term which has an unexpired residue not less than the useful life of the facility to be provided, or the said land constitutes or forms part of an agricultural holding.

(2) For the purposes of this Scheme, the area of any eligible land in glasshouses, or in buildings used for the production of rhubarb or mushrooms, shall be multiplied by 20; and the area of any eligible land used for growing horticultural produce under movable lights or under fixed structures clad with translucent material other than glass, or for growing watercress, together with any land necessary for access to the growing produce, shall be multiplied by 4.

(3) For the purposes of this Scheme, "eligible land" means land which, at the date of the application for a grant, is used for the purposes of a horticultural production business, and has been so used for a period of not less than 24 months immediately preceding the said date:

(a) 52 & 53 Vict. c. 63.

Provided that—

(*a*) in the case of land which, at the date of the application for a grant, is used as aforesaid in glasshouses or under movable lights, or for growing mushrooms in buildings, that land shall be deemed to have been so used for any period during which the said glasshouses, lights or buildings have been used for the purposes of a horticultural production business on any land which, at the said date, is in the occupation of the business to which the application relates, and the foregoing provisions of this subparagraph shall have effect accordingly;

(*b*) in the case of land which, at the date of the application for a grant, is used for the growing for sale of horticultural produce consisting of annual vegetables in the open,—

(i) if not less than one-half the area of that land has been used during the period of 24 months immediately preceding the said date for the purpose of growing for sale more than two successional crops, of which not less than two have been harvested or grown for harvesting, then the whole of the land shall be deemed to be eligible land;

(ii) if less than one-half the area of that land has been used as aforesaid, then twice the acreage of any part of the land which has been so used shall be deemed to be eligible land.

(4) Where any land which, at the date of the application for a grant, is occupied for the purposes of a horticultural production business, is not eligible land within the meaning of subparagraph (3) of this paragraph,—

(*a*) in so far as the benefit to be derived from any proposals is attributable to that land, it shall be disregarded for the purposes of subsection (4) of section 1 of the Act (which provides that the appropriate Minister shall not approve proposals if their cost is unreasonably high in relation to the benefit derived from them in the carrying on of the business);

(*b*) where the applicant satisfies the appropriate Minister, at any time before that Minister has determined whether to approve his proposals, that the cost of the proposals has been increased by their being designed for the provision of facilities both for the said land and for eligible land, and agrees with the Minister what proportion of the cost is to be treated as referable to the eligible land, paragraphs (*a*) and (*b*) of subsection (5) of section 1 of the Act (which provide for regard to be had only to a proportion of the cost, and for references to expenditure to be construed as references to a proportion of such expenditure, for purposes relating to grants under section 1 of the Act) shall apply in relation to that proportion.

4. Payment of a grant under subsection (2) of section 1 of the Act to the person carrying on a horticultural producers' marketing business shall not be made unless the appropriate Minister is satisfied that—

(1) at the date of the application for a grant, the total area of land used for the purposes of horticultural production businesses by all the members of the cooperative association carrying on the horticultural producers' marketing business (or, as the case may be, by all the occupiers of land in an estate under the management of the Land Settlement Association Limited) amounts to an area of eligible land not less than the area specified in paragraph 3 of this Scheme as the minimum for the case of a person carrying on a horticultural production business; and

(2) except in the case of land occupied for the purposes of a business carried on by the Land Settlement Association Limited, the person carrying on the business is the owner of the freehold of the land on which the approved proposals are to be carried out, or is a tenant of the said land for a term which has an unexpired residue not less than the useful life of the facility to be provided, or the said land constitutes or forms part of an agricultural holding.

Facilities in respect of which grants may be paid

5. Subject to the provisions of the Act and of this Scheme, grants may be paid—

(1) to the person carrying on a horticultural production business or to the landlord of land occupied for the purposes of such a business and being or comprised in an agricultural holding, in respect of the facilities specified in Part I and Part II of the Schedule to this Scheme, being facilities for the purposes of the business;

(2) to the person carrying on a horticultural producers' marketing business, in respect of the facilities specified in Part II and Part III of the Schedule to this Scheme, being facilities for the storage, preparation for market or transport of horticultural produce in the course of the business.

Payment of grants by instalments

6.—(1) In any case to which this paragraph applies by virtue of sub-paragraph (2) of this paragraph, the grant shall be paid, subject to the provisions of the Act and of this Scheme, by annual instalments in the manner following, that is to say:—

(*a*) the first annual instalment shall be £250 or an amount equal to one-half of the amount of the grant, whichever is the greater;

(*b*) the balance shall be paid by equal annual instalments over a period of 5 years from the date of payment of the first instalment of the grant:

Provided that, notwithstanding any of the foregoing provisions of this paragraph,—

(i) no instalment shall be less than £50;

(ii) where the payment of any instalment would leave a balance unpaid of less than £50, such balance shall be paid with that instalment.

(2) This paragraph shall apply where a grant of an amount not less than £250 is to be paid in respect of the provision of any of the facilities specified in paragraph 1, paragraphs 8 to 14 inclusive, or paragraph 17 of the Schedule to this Scheme, or in respect of any operation incidental to the provision of any of the said facilities and falling within paragraphs 7, 16 or 18 of the said Schedule, and either the facility is being provided for the purposes or to assist the carrying on of more than one horticultural production business, or the facility is being provided for the purposes of a horticultural production business on land which is separated by more than 200 yards from other land used for the purposes of the business, the distance being measured between the points nearest to one another.

Application for and conditions of payment of grants

7.—(1) It shall be a condition of the making of payment to any person in respect of a grant under section 1 of the Act, including the first but no later instalment of a grant payable by instalments pursuant to paragraph 6 of this Scheme, that—

(*a*) there is an application in writing for the approval of the appropriate Minister stating the facility which the applicant proposes to provide, in respect of which a grant is applied for, and furnishing such information as the appropriate Minister may reasonably require;

(*b*) the appropriate Minister has approved the proposals in writing, whether or not subject to conditions specified by him in writing;

(*c*) no modification of the approved proposals has been carried out except with the approval in writing of the appropriate Minister;

(*d*) the approved proposals have been carried out in a proper manner, and completed without avoidable delay, and any condition subject to which approval was given has been complied with.

(2) Where a grant is payable by instalments pursuant to paragraph 6 of this Scheme, it shall be a condition of the making of payment to any person by way of an instalment of the grant, other than the first such instalment, that there is an application in writing to the appropriate Minister for the payment, furnishing such information as the appropriate Minister may reasonably require and as will satisfy him that—

(*a*) the requirements of the conditions of eligibility set out in either paragraph 3 or paragraph 4 of this Scheme (as the case may be) continue to be met; and

(*b*) the facility in respect of which the grant is being paid continues to be used for a purpose for which a grant may, under the Act and this Scheme, be paid to the applicant in respect thereof.

Minimum cost in respect of which grants will be payable

8. No grant shall be payable on any one application if the expenditure in respect of which the grant would be payable, as estimated by the appropriate Minister at the time of approval, or the standard cost (as the case may be), is less than £100, excluding any fees for professional or other advice in respect of which grant would otherwise be payable.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this thirteenth day of April, nineteen hundred and sixty.

(L.S.)

John Hare,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this thirteenth day of April, nineteen hundred and sixty.

(L.S.)

John S. Maclay,
Secretary of State for Scotland.

Approved this fourteenth day of April, nineteen hundred and sixty.

Michael Hughes-Young,
J. D. Gibson-Watt,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

PART I

Facilities for which grants may be paid to the person carrying on a horticultural production business or to the landlord of land occupied for the purposes of such a business and being or comprised in an agricultural holding

1. Works for the erection, alteration, enlargement or reconditioning of permanent buildings (including parts of buildings) other than dwelling-houses and buildings in which produce is grown; and the making or improvement of permanent yards, loading platforms and ramps.

2. Provision of shelter belts.

3. Grubbing up of orchards.

4. Removal of hedges and banks, filling in of ditches, removal of boulders, tree roots and other like obstructions to cultivation.

5. Improvement of systems for the production and distribution of heat in glasshouses and in buildings used for the production of rhubarb or mushrooms, where such glasshouses or buildings are in existence on the date this Scheme comes into operation and have been used for production with the aid of such a system for a period of not less than 24 months immediately preceding the date of the application for a grant.

6. Where the business occupies not more than 7 acres of eligible land (calculated in accordance with subparagraphs (2) and (3) of paragraph 3 of this Scheme), the provision of fixed or mobile glasshouses or parts thereof up to a maximum area of 675 square feet (including the area of any such glasshouse with which the business is already equipped).

7. Any operation incidental to the provision of any of the facilities specified in paragraphs 1 to 6 (inclusive) of this Schedule, and necessary or proper in carrying out the work or for securing the full benefit of the said facilities.

PART II

Facilities for which grants may be paid to the person carrying on a horticultural production business or to the landlord of land occupied for the purposes of such a business and being or comprised in an agricultural holding, or to the person carrying on a horticultural producers' marketing business

8. Provision of means of sewage disposal, other than from dwelling-houses.

9. Making and improvement of roads, fords, bridges, railway crossings and under-passes.

10. Provision or laying on of electric light or power, other than for dwelling-houses.

11. Provision of water supply, other than for the purpose of the growing of horticultural produce or for dwelling-houses.

12. Making and improvement of permanent fences (including hedges), walls and gates.

13. Provision of cattle grids.

14. Provision of permanent thermal insulation, vapour sealing or gas sealing, for the control of temperature or atmosphere in buildings or parts of buildings used for the storage of horticultural produce.

15. Supply and installation in suitable buildings of the following items of new plant and equipment for the storage or preparation for market of horticultural produce:—

Group (i) Plant and equipment for Control of Temperature or Atmosphere

Scrubbers, coolers, circulation fans, extractor fans, humidifiers, compressors, condensers (for cooling gas in stores), coolant tanks and pumps, pipework installations, instruments for the measurement and control of temperature or atmosphere.

Group (ii) Plant and equipment for Movement of Produce

Loading and feed tables, automatic feed units, conveyors and elevators.

Group (iii) Plant and equipment for Size, Weight and Quality Grading

Sorting tables, return flow tables, size or weight grading machines, cull eliminators, automatic loaders, trays, mercury switches, other ancillary equipment or separate components for use with plant and equipment in this group.

Group (iv) Plant and equipment for Preparation

Cleaners, brushers and polishers (for fruit or vegetables), machinery for washing fruit or vegetables (including soak tanks), driers (contact and air), trough installations (for flowers), dipping tank installations and sprinkler installations (for watercress), hydro-cooling installations, machinery for cleaning and sorting of seeds, equipment for the heat treatment of bulbs.

Group (v) Plant and equipment for Packing

Packing tables, packing benches.

Group (vi) Miscellaneous plant and equipment

Heating equipment (other than portable heaters); settling tanks and silt traps; and, where essential to and installed as part of a system for preparation for market, circulating pumps and filters, racks and benches, electric motors and internal combustion engines, weighing machines.

16. Any operation incidental to the provision of any of the facilities specified in paragraphs 8 to 15 (inclusive) of this Schedule, and necessary or proper in carrying out the work or for securing the full benefit of the said facilities.

PART III

Facilities for which grants may be paid to the person carrying on a horticultural producers' marketing business

17. Works for the erection, alteration, enlargement or reconditioning of permanent buildings (including parts of buildings) other than dwelling-houses; and the making or improvement of permanent yards, loading platforms and ramps.

18. Any operation incidental to the provision of any of the facilities specified in paragraph 17 of this Schedule, and necessary or proper in carrying out the work or for securing the full benefit of the said facilities.

EXPLANATORY NOTE

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

This Scheme is made under Horticulture Act, 1960, s. 1, which provides for the making of grants to persons carrying on horticultural production businesses and horticultural producers' marketing businesses, and to landlords of certain land occupied for the purposes of horticultural production businesses. The Scheme lays down the conditions of eligibility for grant and the conditions of payment of grant, and specifies the facilities in respect of which grant may be paid to applicants who qualify. The Scheme makes provision for payment of grant by instalments in certain specified instances, and specifies a minimum cost in respect of which grant is to be payable.