STATUTORY INSTRUMENTS

1964 No. 962

HORTICULTURE

The Horticulture Improvement Scheme 1964

Laid before Parliament in draft

Made - - - - *25th June* 1964

Coming into Operation *1st July* 1964

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) as amended by section 5 of the Agriculture and Horticulture Act 1964(b) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme :—

Extent, citation and commencement

1. This scheme, which applies to the whole of the United Kingdom, may be cited as the Horticulture Improvement Scheme 1964 and shall come into operation on 1st July 1964.

Interpretation

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

" the Act of 1960 " means the Horticulture Act 1960 ;

" the Act of 1964 " means the Agriculture and Horticulture Act 1964 ;

" agricultural holding " has the meaning assigned to it, as respects land in England or Wales, by section 1 of the Agricultural Holdings Act 1948(c), and as respects land in Scotland, by section 1 of the Agricultural Holdings (Scotland) Act 1949(d) and includes a holding to which any of the provisions of the Small Landholders (Scotland) Acts 1886 to 1931(e) apply and a croft within the meaning of the Crofters (Scotland) Acts 1955 and 1961(f) ;

" 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 of 1960 ;

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

(a) 8 & 9 Eliz. 2. c. 22. (b) 1964 c. 28. (c) 11 & 12 Geo. 6. c. 63.
(d) 12, 13 & 14 Geo. 6. c. 75. (e) 49 & 50 Vict. c. 29; 1 & 2 Geo. 5. c. 49; 9 & 10 Geo. 5. c. 97 and 21 & 22 Geo. 5. c. 44. (f) 3 & 4 Eliz. 2. c. 21 and 9 & 10 Eliz. 2. c. 58.

" glasshouse " means a fixed or mobile structure, used for the production of horticultural produce for sale, which is 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 " and " horticultural production business " have the meanings respectively assigned to them by section 8 of the Act of 1960 ;

"horticultural producers' marketing business" has the meaning assigned to it by section 8 of the Act of 1960, save that as respects grants in relation to the provision of facilities for conducting markets, that expression shall have that meaning as extended by section 5(2) of the Act of 1964 ;

" 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 ", in relation to any land, 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.

(4) This scheme shall have effect only as respects facilities which are the subject of applications submitted for approval by the appropriate Minister under this scheme while this scheme is in operation, and the Horticulture Improvement Scheme 1960(b) shall not have effect as respects any such facilities.

Conditions of eligibility

3.—(1) Payment of a grant under section 1(1) of the Act of 1960 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, or in Scotland the owner, 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 of which, in the case of an application for a grant by the person carrying on a horticultural production business, that person is a tenant.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1960/735 (1960 I, p. 284).

(2) For the purposes of this scheme, the area of any eligible land which for a period of not less than 24 months immediately preceding the date of the application for a grant has been used 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 which has been used thus long for growing horticultural produce under movable lights or under fixed structures, not being glasshouses, clad with glass or other translucent material, or for growing watercress, together with any land necessary for access to the growing produce, shall be multiplied by 6:

Provided that any eligible land which at the said date is used in glasshouses or in such buildings or under such lights or structures shall be deemed to have been so used for any period during which, but to no greater extent than, any other land, which has been used for the purposes of the horticultural production business to which the application relates, has been used in the said glasshouses or buildings, or under the said lights or structures, or in or under any other glasshouses, buildings, lights or structures, as the case may be, which the said glasshouses, buildings, lights or structures have replaced, and the foregoing provisions of this subparagraph shall have effect accordingly.

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

Provided that 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,—

(*a*) if not less than one-third of 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 successional crops, of which either more than two have been sown or planted or more than two have been harvested or intended to be harvested during the said period, then the whole of the land shall be deemed to be eligible land;

(*b*) if less than one-third of the area of that land has been used as aforesaid, then three times 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, then—

(*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 section 1(4) of the Act of 1960 (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 section 1(5) of the Act of 1960 (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 said Act) shall apply in relation to that proportion.

4. Payment of a grant under section 1(2) of the Act of 1960, as amended by section 5 of the Act of 1964, to the person carrying on a horticultural producers' marketing business shall not be made unless the appropriate Minister is satisfied that, 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, or in Scotland the owner, 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 of which that person is a tenant.

Facilities in respect of which grants may be paid

5.—(1) Subject to the provisions of this scheme and to the relevant provisions of the Act of 1960 and the Act of 1964, grants may be paid—

(*a*) 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 ;

(*b*) 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 or for conducting a market for the sale of horticultural produce in the course of the business, being a market wholly or mainly for transactions by wholesale, save that grants to the person carrying on a business of a kind described in section 5(2) of the Act of 1964 may be paid only in respect of such of the said facilities as are facilities for conducting a market for the sale of horticultural produce in the course of the business, being a market wholly or mainly for transactions by wholesale.

(2) For the purposes of this paragraph and the next following paragraph, the " relevant provisions of the Act of 1960 and the Act of 1964 " shall be construed as sections 1 to 3 and 6 to 8 of the Act of 1960 inclusive and sections 5 to 7 of the Act of 1964 inclusive, the last mentioned three sections being construed as one with Part I of the Act of 1960.

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 this scheme and to the relevant provisions of the Act of 1960 and the Act of 1964, 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 five 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 2, paragraphs 12 to 18 inclusive and 21 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 11, 20 or 23 of the said Schedule, and either the facility is being provided—

(*a*) for the purposes or to assist the carrying on of more than one horticultural production business, or

(*b*) for the purpose of conducting a market for the sale of horticultural produce in the course of a horticultural producers' marketing business, being a market wholly or mainly for transactions by wholesale, or

(*c*) for the purposes of a horticultural production business on land which is separated by more than 200 yards from all 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 of 1960 as amended by section 5 of the Act of 1964, 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 of, and subject to such conditions, if any, as may have been specified by, the appropriate Minister in writing;

(*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 of 1960, the Act of 1964 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 on 24th June 1964.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

24th June 1964.

Edward Heath,
One of Her Majesty's Principal Secretaries of State.

Approved.

25th June 1964.

Ian MacArthur,
Martin McLaren,
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 replacement, reconstruction or other improvement of permanent buildings (including parts of buildings) and permanently sited frames in which horticultural produce is grown and which have been used for that purpose for a period of not less than 24 months immediately preceding the date of the application for a grant.

2. Works for the erection, alteration, enlargement or other improvement 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.

3. Grubbing up of orchards.

4. Works for the supply and installation, or reconstruction, alteration or other improvement, of systems for the production and distribution of heat in buildings (including parts of buildings), or in permanently sited frames, used for, or in connection with, the growing of horticultural produce, which have either been so used for a period of not less than 24 months immediately preceding the date of the application for a grant or which have been erected to replace other buildings or frames, as the case may be, so used.

5. Provision of shelter belts.

6. Removal of hedges and banks, filling in of ditches, removal of boulders, tree roots and other obstructions to efficient production.

7. Where the business occupies not more than 7 acres of eligible land (calculated in accordance with paragraph 3(2) and (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).

8. Works for the replacement, reconstruction or improvement of watercress beds (including parts of watercress beds) which have been used as such for a period of not less than 24 months immediately preceding the date of the application for a grant.

9. Supply and installation of the following kinds of new plant or equipment (other than buildings) to be used for, or in connection with, the production of horticultural produce:—

(i) Plant and equipment for the control of environment in buildings which have been used for, or in connection with, the growing of horticultural produce for a period of not less than 24 months immediately preceding the date of the application for a grant or which have been erected to replace such buildings so used, including ventilation equipment, irradiation equipment, day length control equipment, mist spray equipment, irrigation equipment, equipment for changing and controlling the composition or humidity of the atmosphere, automatic glasshouse shading equipment, soil and bench warming equipment, equipment for the conditioning of bulbs and other planting material, instruments for the measurement, recording and control of environment, dilutors and instruments for the measurement and control of plant nutrients used in conjunction with irrigation systems.

(ii) Irrigation equipment for use in the open, including equipment for the automatic or semi-automatic control of irrigation, dilutors and instruments for the measurement and control of plant nutrients used in conjunction with irrigation systems.

(iii) Plant and equipment for the handling, preparation or treatment (other than the cultivation) of soil, compost or other media for growing horticultural produce.

(iv) Plant and equipment for the control of pests and diseases of horticultural produce, that is to say:—

Plant pot and box cleansing and sterilising machines, thermostatically-controlled warm-water baths, thermostatically-controlled cabinets, dilutors and instruments for the measurement and control of substances for the control of pests and disease used in conjunction with irrigation systems, power-operated equipment for horticultural spraying and dusting.

(v) Plant and equipment for the movement of materials used in connection with the growing of horticultural produce, that is to say:—

Conveyors and elevators.

(vi) Bulb planting machines, machines for planting horticultural plants, potting machines, power-operated orchard pruners, equipment for the protection of horticultural crops against frost.

10. Supply of new equipment designed specifically for the harvesting of horticultural produce (other than peas and potatoes) including mobile orchard lifts, mobile fruit harvesters and mobile harvesting and packing platforms for use in orchards.

11. Any operation incidental to the provision of any of the facilities specified in paragraphs 1 to 10 (inclusive) of this Schedule, and necessary or proper in carrying out the work or for securing the full benefit of the said facilities.

For the purposes of paragraphs 1, 4, 8 and 9 of this Schedule, when calculating the period during which buildings, frames or watercress beds, as the case may be, have been used for growing horticultural produce, any period during which, by reason of the need for maintenance or for some other unavoidable reason, no such produce has been grown therein may be taken into account.

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.

12. Works for the disposal of sewage and effluent, other than from dwelling houses.

13. Making and improvement of roads, paths and other permanent ways, railway crossings, bridges, under-passes, fords and hard-standings.

14. Provision or laying on of gas or electricity, other than for dwelling houses.

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

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

17. Provision of cattle grids.

18. Provision of permanent thermal insulation, vapour sealing or gas sealing, for the control of temperature or atmosphere in buildings (including parts of buildings) used for the conditioning or storage of horticultural produce.

19. Supply and installation in suitable buildings of the following items of new plant and equipment for the storage of horticultural produce or of containers for such produce or for the 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, recording and control of temperature or atmosphere.

Group (ii). Plant and equipment for movement of produce or containers

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, 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 hot or cold treatment of bulbs, defoliating machines.

Group (v). Plant and equipment for packing

Packing tables, packing benches, packing stands, automatic or semi-automatic fruit packers or box fillers, shrub or tree bundlers, bulb counting machines.

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.

20. Any operation incidental to the provision of any of the facilities specified in paragraphs 12 to 19 (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.

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

22. Supply and installation in market buildings of the following items of new plant and equipment:—

Public address equipment, waste disposal units, weighbridges, conveyors, elevators, facilities for conducting an auction including rostrum, equipment for automatically making, receiving and registering bids, staging, benching, desks.

23. Any operation incidental to the provision of any of the facilities specified in paragraph 21 or 22 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, which is made under the Horticulture Act 1960, s. 1, as amended by the Agriculture and Horticulture Act 1964, s. 5, replaces, with modifications, the Horticulture Improvement Scheme 1960 in relation to applications submitted for approval on or after 1st July 1964. 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 the grant-aiding of a wider range of facilities than is provided for in the Horticulture Improvement Scheme 1960, including facilities for conducting a market for the sale of horticultural produce by wholesale in the course of horticultural producers' marketing businesses. The scheme also makes provision for payment of grant by instalments in certain specified instances and specifies the minimum cost in respect of which grant is payable.