STATUTORY INSTRUMENTS

1966 No. 873

HORTICULTURE

The Horticulture Improvement Scheme 1966

Laid before Parliament in draft

Made - - - - 18*th July* 1966

Coming into Operation 21*st July* 1966

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 a draft whereof has been laid before Parliament and approved by a resolution of each House of Parliament:—

Extent, citation and commencement

1. This scheme, which applies to the whole of the United Kingdom, may be cited as the Horticulture Improvement Scheme 1966; and shall come into operation at the expiration of three days beginning with the day on which it is made.

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;

(a) 1960 c. 22. (b) 1964 c. 28. (c) 1948 c. 63. (d) 1949 c. 75.
(e) 1886 c. 29, 1887 c. 24, 1891 c. 41, 1908 c. 50, 1911 c. 49, 1919 c. 97 and 1931 c. 44.
(f) 3 & 4 Eliz. 2. c. 21 and 1961 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.

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

(3) 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) and the Horticulture Improvement Scheme 1964(c) 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 all times during the period of 24 months ending with the date of application for a grant there has been occupied for the purposes of the business not less than 4 acres of land calculated, as appropriate, in accordance with the provisions of sub-paragraph (2) 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.

(2) For the purposes of sub-paragraph (1)(*a*) of this paragraph there shall be added to the actual acreage of the land occupied for the purposes of the business any acreage given by multiplying—

(*a*) by 20 the area of land in any building so occupied for the production of rhubarb or mushrooms ; and

(a) 1889 c. 63. (b) S.I. 1960/735 (1960 I, p. 284). (c) S.I. 1964/962 (1964 II, p. 2161).

(*b*) by 20 the area of land so occupied which is or can at any one time be covered by any glasshouse in use or available for use thereon; and

(*c*) by 5 the area of any watercress bed on the land so occupied; and

(*d*) by 5 the area of any fixed structure, not being a glasshouse, clad with glass or other translucent material, on the land so occupied; and

(*e*) by 5 the area of land so occupied which is or can at any one time be covered by any movable lights in use or available for use thereon; and

(*f*) by 5 any part of the land so occupied which is necessary for access to horticultural produce growing or to be grown on any area mentioned in paragraph (*c*), (*d*) or (*e*) of this sub-paragraph.

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 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 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 payable, 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 payable 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 payable 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 paragraphs 5 to 7, 10 to 15 and 22 to 30 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 paragraph 21 or 33 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 12th July 1966.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 14th July 1966.

(L.S.) *William Ross,*
Secretary of State for Scotland.

Approved.
18th July 1966.

Joseph Harper,
W. Howie,
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.

Improvements to land

1. Reclamation of waste land.

2. Grubbing up of orchards.

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

4. Land levelling work, including filling in of ponds and depressions.

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

6. Provision of cattle grids.

7. Making and improvement and renewal (but not repair) of permanent fences (including hedges), walls and gates.

8. Provision of shelter belts.

9. Making, replacement, reconstruction, alteration, enlargement or other improvement of watercress beds (including parts of watercress beds).

Buildings

10. Erection, replacement, reconstruction, alteration, enlargement or other improvement of permanent buildings (including parts of buildings) other than dwelling houses and of permanently sited frames.

11. Making or improvement of permanent yards, loading platforms and ramps.

12. Supply and installation of permanent thermal insulation, vapour sealing or gas sealing, for the control of temperature or atmosphere in buildings (including parts of buildings).

Provision of services for buildings

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

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.

Plant and equipment for production

16. Supply and installation of the following kinds of new plant and 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, 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 sterilisation by heat or cultivation) of soil, compost or other media for growing horticultural produce.

(iv) Plant and equipment for the control of pests and diseases of, and weeds among, horticultural produce, including—

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 diseases used in conjunction with irrigation systems, power-operated equipment for horticultural spraying and dusting, power-operated herbicide sprayers.

(v) Plant and equipment for the movement of horticultural produce, materials or equipment used in connection with the growing of horticultural produce, including—

Conveyors and elevators, fork-lift trucks, fork lifts and pallet transporters for use with tractors, manually-propelled power-operated stackers, self-actuating lifters.

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

(vii) Containers specifically designed for the growing of horticultural produce, being beds, troughs, racks, benches and like equipment to contain the growing medium.

17. 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.

18. 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) other than dwelling houses, or in permanently sited frames.

19. Works for the supply and installation of plant and equipment for the sterilisation of soil by heat.

Plant and equipment for storage and preparation for market

20. Supply and installation 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, elevators, fork-lift trucks, fork lifts and pallet transporters for use with tractors, manually-propelled power-operated stackers, self-actuating lifters.

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 bulbs, horticultural plants, 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, power-operated fixed equipment for stapling or stitching of containers.

Group (v). Plant and equipment for packing

Packing tables, packing benches, packing stands, automatic or semi-automatic fruit packers or box fillers, power-operated fixed equipment for tying or strapping of produce and containers, 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.

21. Any operation incidental to the provision of any of the facilities specified in paragraphs 1 to 20 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 producers' marketing business.

Improvements to land

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

23. Provision of cattle grids.

24. Making and improvement and renewal (but not repair) of permanent fences (including hedges), walls and gates.

Buildings

25. Erection, alteration, enlargement or other improvement of permanent buildings (including parts of buildings) other than dwelling houses.

26. Making or improvement of permanent yards, loading platforms and ramps.

27. Supply and installation 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.

Provision of services for buildings

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

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

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

Plant and equipment for storage and preparation for market

31. Supply and installation of the items of new plant and equipment specified in paragraph 20 of this Schedule for the storage of horticultural produce or of containers for such produce or for the preparation for market of horticultural produce.

Facilities for use in markets

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

Public address equipment, waste disposal units, weighbridges, conveyors, elevators, fork-lift trucks, fork lifts and pallet transporters for use with tractors, manually-propelled power-operated stackers, self-actuating lifters, facilities for conducting an auction including rostrum, equipment for automatically making, receiving and registering bids, staging, benching, desks.

33. Any operation incidental to the provision of any of the facilities specified in paragraphs 22 to 32 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.*)

This scheme supersedes the Horticulture Improvement Scheme 1964 in relation to applications submitted for approval on or after 21st July 1966. 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: it 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.

The scheme omits restrictions in the 1964 scheme which excluded proposals for the benefit of land newly brought into horticultural use, used for horticulture in rotation with other crops, or used for producing vegetables by non-intensive methods. The schedule of facilities for which grants may be paid has been re-arranged and further facilities have been added, including the erection, otherwise than by way of replacement, of buildings in which horticultural produce is grown.