STATUTORY INSTRUMENTS

1962 No. 2732 (S. 118)

AGRICULTURE

The Marginal Agricultural Production (Scotland) Scheme 1962

Made - - - -	11*th December* 1962
Laid before Parliament	20*th December* 1962
Coming into Operation	21*st December* 1962

In exercise of the powers conferred upon me by section 75 of the Agriculture (Scotland) Act 1948(a), and of all other powers enabling me in that behalf and with the approval of the Treasury, I hereby make the following Scheme:—

1. This Scheme may be cited as the Marginal Agricultural Production (Scotland) Scheme 1962 and shall come into operation on 21st December 1962.

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

"Committee" means an Agricultural Executive Committee established under section 68 (1) of the Act;

"occupier" means any person as respects whom the Committee are satisfied that he is farming an agricultural unit;

"the Act" means the Agriculture (Scotland) Act 1948;

and other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

3.—(1) Subject to the provisions of this Scheme, a Committee may before the 31st August 1963, make an offer in a form approved by the Secretary of State to assist the occupier of any agricultural unit situated in their area in meeting the cost of such of the services to which this Scheme applies at the date of the making of the offer (whether those services are to be provided by the Secretary of State or by another person) as will, in the opinion of the Committee, enable the occupier to carry out on the unit such a programme of agricultural operations as is approved by them for the purposes of the offer.

(2) An offer made under this Article shall be subject to such conditions with respect to the carrying out of the programme of agricultural operations aforesaid (including conditions designed to secure that so far as possible those operations will be properly carried out) as are specified in the offer and to any provisions so specified, being such provisions as the Secretary of State may think necessary for ensuring that a payment shall not be made, or shall not be made in full, by way of assistance under this Scheme, if any of the conditions aforesaid have not been complied with.

(3) This Scheme shall apply to such of the following services as the Secretary of State shall from time to time determine, that is to say—liming,

(a) 11 & 12 Geo. 6. c. 45. (b) 52 & 53 Vict. c. 63.

manuring, ploughing, cultivating, sowing, harvesting, threshing and reclamation of semi-derelict land.

(4) An agricultural unit which is situated partly in the area of one Committee and partly in the area of another, shall be deemed for the purpose of this Scheme to be situated in the area of that one of those Committees in whose area the greater part of the unit is situated.

4.—(1) Before making an offer under the last foregoing Article the Committee shall satisfy themselves—

(*a*) that the programme of agricultural operations in respect of which they propose to make the offer is such as will assist the occupier to discharge his responsibility to farm in accordance with the rules of good husbandry the land comprised in the agricultural unit on which the operations are to be carried out;

(*b*) that it is desirable having regard to national agricultural production requirements for the time being that the offer should be made; and

(*c*) that the productivity of the unit, together with that of any other unit comprised in the farm business carried on by the occupier of the unit, is, as a whole, such that the occupier could not reasonably be expected to carry out the programme of agricultural operations aforesaid if no such assistance were afforded to him.

(2) For the purposes of this Article the expression "farm business" means a trade or business consisting in, or such part of any trade or business as consists in, the carrying out of agricultural operations on land.

5.—(1) If—

(*a*) an offer made under Article 3 of this Scheme is, within the period specified in the offer, accepted by the occupier of the agricultural unit to which the offer relates; and

(*b*) the Secretary of State is satisfied that the conditions and provisions specified in the offer have been complied with by the occupier;

then, subject to the following provisions of this Scheme, the assistance offered by the Committee shall be afforded to the occupier.

(2) Where the amount of the payment which would fall to be made by way of assistance to any person in accordance with the foregoing provisions of this Scheme in respect of any services would, together with the amount of any grant, subsidy or other payment made or falling to be made, by virtue of any enactment to that person in respect of those services exceeds 85 per cent. of the gross cost of those services, the amount of the payment first above-mentioned shall be abated by such sum as will secure that in the aggregate not more than 85 per cent. of the gross cost thereof shall be paid to him.

(3) If any of the conditions or provisions specified in an offer made as aforesaid to any person, or if any of the requirements of this Scheme relating to the offer, are not complied with, or if the programme of agricultural operations approved as aforesaid is not carried out to the satisfaction of the Secretary of State, the amount of the payment which would, apart from the provisions of this paragraph, fall to be made by way of assistance to that person may, if the Secretary of State so determines, be reduced by such amount as he may determine or may be withheld, or, where a sum has been paid on account of any such payment, that sum may, if he so determines, be recovered in whole or in part.

6. The Committee shall, in addition to carrying out the functions conferred upon them by this Scheme, do such other things as the Secretary of State may from time to time direct for the purpose of giving effect to this Scheme and shall keep such records and make such reports to the Secretary of State as he may direct.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
10th December 1962.

We approve,

M. A. Hamilton,
G. T. C. Campbell,
Two of the Lords Commissioners of Her Majesty's Treasury.

11th December 1962.

EXPLANATORY NOTE

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

This Scheme, which provides for the continuation of services in substantially the form in which they have operated in recent years, has with the approval of the Treasury been made under Section 75 of the Agriculture (Scotland) Act 1948, and applies to Scotland only. It provides that the Secretary of State may give assistance, subject to certain defined conditions, in respect of certain services.