STATUTORY INSTRUMENTS

1964 No. 456

AGRICULTURE

AGRICULTURAL AND HORTICULTURAL MARKETING

The Market Development Scheme 1964

Made - - - -	23*rd March* 1964
Laid before Parliament	31*st March* 1964
Coming into Operation	1*st April* 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 9 and 26 of the Agriculture (Miscellaneous Provisions) Act 1963(a), and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Scheme:—

Citation, Commencement and Application

1.—(1) This Scheme may be cited as the Market Development Scheme 1964; and shall come into operation on 1st April 1964.

(2) This Scheme 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 Agriculture (Miscellaneous Provisions) Act 1963;

"applicant" means a person who applies for a proposal to be approved under this Scheme;

"approved proposal" means a proposal, including a proposal approved subject to modification, within the provisions of article 4 hereof which has been approved in writing by the Ministers on or before the end of March 1965 or before such later date as may be provided by statutory instrument pursuant to section 9(6) of the Act;

"the Committee" means the Agricultural Market Development Executive Committee as duly constituted by the National Farmers' Union of England and Wales, the National Farmers' Union of Scotland, and the Ulster Farmers' Union acting jointly;

"the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;

"producers" means producers of agricultural or horticultural produce;

"proposal" means a proposal in respect of which an application for approval is made to the Committee.

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

(a) 1963 c. 11. (b) 52 & 53 Vict. c. 63.

Provision for payment of grants

3. The Ministers may make payment to the Committee of such sums as are necessary for the payment by them of grants in respect of the cost of carrying out approved proposals.

Approved proposals

4. The Ministers may, if the Committee so recommend, approve proposals—

(1) for the promotion of efficient marketing of agricultural or horticultural produce including the promotion of grading, standardisation and the better presentation of such produce;

(2) for carrying out research connected with the efficient marketing of agricultural or horticultural produce including research designed to discover new market outlets and investigations to ascertain reasons for the occurrence of defects in, and the low quality of, produce;

(3) for making the result of research carried out in respect of approved proposals available to producers of such produce;

(4) for the formation of local agricultural or horticultural producers' marketing businesses whose constitutions in writing are such as to satisfy the Ministers that they are in substance co-operative associations.

Amount of Grant

1965/62 **5.** Except as provided in article 7(2) hereof, the amount of grant shall not be less than 25 per cent. nor exceed 75 per cent. of the expenditure reasonably incurred by the applicant in the carrying out of an approved proposal, including any cost incurred in publishing the result of carrying out such an approved proposal:

Provided that where the applicant has received any other grant or payment from Government funds in respect of an approved proposal the total amount of grant which would otherwise be paid under this Scheme in respect of that proposal shall be reduced by the amount of such other grant or payment.

Consideration of Proposals by the Committee

6.—(1) Application for approval of proposals shall be made to the Committee, in such form as the Committee shall prescribe.

(2) The Committee shall consider in relation to every application—

(*a*) whether, and if so to what extent, the proposal has original or pioneering aspects;

(*b*) the extent of the potential benefit of the proposal to producers;

(*c*) the technical and commercial merits of the proposal;

(*d*) how the proposal will be carried out;

(*e*) the estimated cost of the proposal;

(*f*) the estimated time for the proposal to be completed;

(*g*) the resources of the applicant, including possible contributions towards the cost of carrying out the proposal from sources other than under this Scheme; and

(*h*) whether the applicant is required by statute or has some other obligation to carry out the proposal, or part of the proposal, or activities of a similar nature to those contained in the proposal.

(3) The Committee shall decide, after considering any proposal (together with all information furnished in respect of such proposal) in relation to the scope of this Scheme, whether or not to recommend to the Ministers that the proposal in the form made, or subject to such modification as the Committee may advise, should be approved.

(4) The Committee, if they decide to support a proposal for approval shall make such recommendations as aforesaid, and shall recommend at the same time—

(*a*) the rate of grant;

(*b*) any conditions subject to which payment of grant should be made;

(*c*) whether publication of the result of carrying out the proposal should be made a condition of the payment of grant and if so the method to be employed.

(5) All recommendations made by the Committee shall be supported by such documents and extracts from Minutes of the Meetings of the Committee as may be required by the Ministers to show the Committee's considerations and the reasons for their recommendations.

(6) The Committee, if they decide not to support a proposal for approval shall inform the applicant of their decision in writing.

Conditions for approval

7. Each approval of a proposal by the Ministers shall be subject to the following general conditions, and such other conditions as they may from time to time apply in any particular case—

(1) that no expenditure relating to the approved proposal has been incurred other than expenditure in respect of which the Committee, without prejudice to the Ministers' approval, have given written authority;

(2) that a grant may be partly or wholly withheld if the prior written approval of the Ministers is not obtained to any modification of the approved proposal or to any substantial increase in the cost of carrying it out;

(3) that the applicant shall, if required by the Committee from time to time—

(*a*) submit to the Committee a report on the progress made in carrying out the proposal;

(*b*) produce all such documents, accounts or other information relating to the proposal as the Committee may require from him;

(4) that the proposal shall be carried out and completed without unreasonable delay; and

(5) that where required by the Ministers, the results of carrying out the proposal shall be made available to producers in such manner and within such period as the Ministers may prescribe.

Keeping of Records

8. The Committee shall keep such books, accounts and records as may be required by the Ministers and shall make such records available for inspection at all reasonable times by any duly authorised officer, servant or agent of the Ministers or of the Comptroller and Auditor General.

Payment of Grants

9.—(1) Applications for payment of grants shall be made to the Committee in such form as the Ministers may require.

(2) The Committee shall from time to time send to the Ministers a statement of such amounts as they are satisfied are properly payable under this Scheme and shall, at the same time, certify—

(*a*) that they have received and checked all relevant documents and receipted vouchers referring to such amounts;

(*b*) that they are satisfied that the amounts represent expenditure properly incurred in respect of approved proposals and are reasonable in amount; and

(*c*) that all specified conditions of grant have been complied with, and that in the case of instalment payments such conditions continue to be complied with, and that satisfactory progress is being made in the carrying out of the proposal.

10.—(1) Payment of grant may be made by instalments if the Committee so recommend and the Ministers so approve, provided that each instalment payable is for a distinguishable item of expenditure.

(2) All payments of grants in respect of approved proposals shall be made by the Ministers to the Committee who shall maintain a separate bank account for the purposes of all receipts and payments by them under the Scheme.

Recovery of Grants

11.—(1) In any case where it appears to the Ministers that the carrying out of an approved proposal has been unreasonably delayed or is unlikely to be completed or that an approved proposal has been badly carried out or that any condition subject to which approval was given has not been complied with, they may require any person to repay any grant, including any instalments of a grant, paid under this Scheme.

(2) The Ministers, before requiring any person to repay any grant shall—

(*a*) give such person notice in writing stating the grounds on which it is proposed to recover the grant;

(*b*) give such person an opportunity of being heard by a person appointed by them for that purpose; and

(*c*) consider the report of any person so appointed.

(3) The amount of any grant of which the Ministers require repayment shall be recoverable by them as a debt.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th March 1964.

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

Given under the Seal of the Secretary of State for Scotland on 20th March 1964.

(L.S.) *Michael Noble,*
Secretary of State for Scotland.

Approved on 23rd March 1964.

M. A. Hamilton,
Ian MacArthur,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

This Scheme provides for the payment of grants towards the cost of carrying out proposals for promoting the efficient marketing of agricultural and horticultural produce. The Scheme provides for the consideration by the Agricultural Market Development Executive Committee of proposals for grant, for the payment of grants by instalments, and for the recovery of grants in certain circumstances.