1958 No. 954 (S. 44)

The Ploughing Grants (Scotland) Scheme, 1958

Made - - - - 9*th June*, 1958
Coming into Operation 9*th June*, 1958

In exercise of the powers conferred upon me by section 1 of the Agriculture (Ploughing Grants) Act, 1952(a), and of all other powers enabling me in that behalf, and with the approval of the Treasury, I hereby make the following scheme, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:

1. This scheme may be cited as the Ploughing Grants (Scotland) Scheme, 1958.

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

"the Act" means the Agriculture (Ploughing Grants) Act, 1952;

"grass" includes rye grass and other rotational grasses, clover and permanent grass;

"land under grass" includes any grazing land.

(2) For the purpose of this scheme grass shall be regarded as a crop.

(3) The Interpretation Act, 1889(b) applies to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

PART I

3. Subject to the provisions of this scheme a grant may be made by the Secretary of State under this Part of this scheme in respect of the ploughing up of land under grass and the carrying out of such further operations on the land after ploughing as are necessary to produce on that land a crop before the end of the year 1959, or, if in special circumstances the Secretary of State approves, in the year 1960.

4. The rate of grant to be made in accordance with this part of this scheme shall be seven pounds per acre:

Provided that in calculating the amount of a grant fractions of an acre less than one-quarter of an acre shall be disregarded.

5. Subject to the provisions of paragraph 11 of this scheme a grant under this part of this scheme may only be made where the land ploughed up—

(*a*) is not less than one acre in area;

(*b*) was ploughed up from grass within the period beginning the 1st day of June, 1958, and ending with the 31st day of May, 1959; and

(*c*) at the time when such ploughing up was begun was under grass that had been sown before the 1st day of June, 1955, or had been continuously under grass since before that date.

6. A grant shall not be made under this part of this scheme in respect of any land (except in special circumstances if the Secretary of State so decides) unless written notice of the ploughing up of that land is given by the occupier of the land to the Secretary of State not later than 21 days after the ploughing or in the case of land ploughed up before this scheme was made, not later than 21 days after the making of this scheme.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 35. (b) 52 & 53 Vict. c. 63.

PART II

7.—(1) Subject to the provisions of this scheme a grant may be made by the Secretary of State under this part of this scheme in respect of the following operations—

(*a*) the ploughing up of land under grass ;

(*b*) after ploughing, the carrying out of such further operations on the land as may be required by the Secretary of State and as are necessary, or form part of the operations necessary, to bring the land into a state of cleanliness, fertility and fitness for cropping ; and

(*c*) the sowing on that land of a crop unless in special circumstances the Secretary of State otherwise determines.

(2) Except as provided by sub-paragraph (3) of this paragraph a grant shall not be made under this part of this scheme in respect of any land unless before the commencement of any operations in respect of which such a grant may be made the Secretary of State has approved those operations in relation to that land and is satisfied that the carrying out thereof on that land is likely to involve expenditure which is substantially heavier than normal for operations such as are specified in sub-paragraph (1) of this paragraph.

(3) As respects land on which any such operations as aforesaid have been begun within the period beginning with the 1st day of June, 1958, and ending with the date on which this scheme was made, a grant may be made by the Secretary of State if it appears to him that had this scheme been made before the commencement of such operations he would have approved thereof and would have been satisfied as aforesaid and he certifies accordingly.

8. The rate of grant to be made in accordance with this part of this scheme shall be twelve pounds per acre:

Provided that in calculating the amount of a grant fractions of an acre less than one-quarter of an acre shall be disregarded.

9. Subject to the provisions of paragraph 11 of this scheme a grant under this part of this scheme may only be made where the land ploughed up—

(*a*) is not less than one acre in area ;

(*b*) was ploughed up from grass within the period beginning with the 1st day of June, 1958, and ending with the 31st day of May, 1959 ; and

(*c*) at the time when such ploughing up was begun was under grass that had been sown not later than the 1st day of June, 1946, or had been continuously under grass since before that date.

PART III

10. The person to whom a grant may be made under Part I, or, as the case may be, Part II of this scheme, shall be the person who was the occupier of the land ploughed up throughout the period beginning with the date on which the ploughing up was begun and ending with the date on which the operations required to be carried out on that land in accordance with the provisions of the said Part I, or, as the case may be, the said Part II. were completed : Provided that—

(*a*) if there is during that period a change in the occupation of the land and the ploughing up or the operations aforesaid have been carried out partly at the expense of one occupier and partly at the expense of another, the grant shall be divided between them in such proportions as the Secretary of State may determine ;

(*b*) where the occupier is a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931(**a**) or a crofter within the meaning of the Crofters (Scotland) Act, 1955(**b**) to whom a grant may be made by virtue of the provisions of the next succeeding paragraph and an application for the grant is made on his behalf in accordance with sub-paragraph (2) of paragraph 15 of this scheme, the grant shall be made to the person making the application.

11. Where land is ploughed up by a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931 or a crofter within the meaning of the Crofters (Scotland) Act, 1955 then notwithstanding that the area of that land is less than one acre a grant may be made in respect thereof if :

(*a*) the area so ploughed up and any areas of land ploughed up by neighbouring landholders, or, as the case may be, neighbouring crofters, together in the aggregate amount to or exceed one acre,

(*b*) the provisions of this scheme are complied with in relation to all the areas so ploughed up, or in relation to such number of them as, in the aggregate, amount to or exceed one acre, and

(*c*) an application for grant in respect of all those areas is made on behalf of those landholders, or, as the case may be, those crofters, by the Clerk of the Committee appointed for the management of the common grazings or common pasture in which the landholders, or, as the case may be, the crofters, all have shares, or, where there is no such Clerk, or, where they do not all have such shares, by a person who has been duly authorised by the landholders or the crofters, in a manner satisfactory to the Secretary of State, to make the application.

12. The Secretary of State may require an applicant for a grant under Part I, or, as the case may be, Part II, of this scheme to give to any person authorised by the Secretary of State in that behalf adequate facilities for the inspection of any land to which the application relates.

13. Where, in the opinion of the Secretary of State—

(*a*) the ploughing or any further operation in respect of which a grant under Part I, or, as the case may be, Part II, of this scheme may be made has been inefficiently carried out, or

(*b*) adequate facilities for the inspection of the land in respect of which such a grant may be made have not been given,

payment of the grant may be withheld or the amount of the grant may be reduced to such amount as the Secretary of State considers reasonable.

14. If in respect of any of the operations in respect of which a grant is payable under Part I, or, as the case may be, Part II, of this scheme payments of moneys provided by Parliament under any enactment other than the Act are available, the Secretary of State in determining the amount of grant payable under Part I, or, as the case may be, Part II of this scheme may take into consideration such payments, and may withhold or reduce the amount payable under this scheme accordingly.

15. A grant shall not be made under Part I of this scheme unless an application for the grant—

(*a*) is made to the Secretary of State, by the occupier of the land ploughed up, in writing in such form as the Secretary of State may from time to time require, and

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(**a**) 49 & 50 Vict. c. 29; 50 & 51 Vict. c. 24; 54 & 55 Vict. c. 41; 8 Edw. 7. c. 50; 1 & 2 Geo. 5. c. 49; 9 & 10 Geo. 5. c. 97; 21 & 22 Geo. 5. c. 44. (**b**) 3 & 4 Eliz. 2. c. 21.

(*b*) is received by the Secretary of State not later than the 31st day of July, 1959, or before such later date as the Secretary of State may, whether by reason of any approval given under paragraph 3 of this scheme or of other special circumstances of any case, allow.

Provided that, where the occupier is a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931 or a crofter within the meaning of the Crofters (Scotland) Act, 1955, an application under this paragraph may be made on his behalf in manner specified in head (*c*) of paragraph 11 of this scheme.

16. Nothing in this scheme shall authorise the Secretary of State to make a grant under both Part I and Part II of this scheme in respect of the same land.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

6th June, 1958.

We approve.

Martin Redmayne,
Harwood Harrison,
Two of the Lords Commissioners of Her Majesty's Treasury.

9th June, 1958.

EXPLANATORY NOTE

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

This Scheme, which is the eighth Scheme to be made under the Agriculture (Ploughing Grants) Act, 1952, provides for the making of grants by the Secretary of State at two different rates in respect of land ploughed up from grass, where after ploughing the operations described in the Scheme are carried out.

Except for the advancing by one year of all qualifying dates, other than the date (1st June, 1946) since when land must have been down to grass in order to attract the higher rate of grant, the terms of the Scheme are in all respects identical with the corresponding Scheme made last year (The Ploughing Grants (Scotland) Scheme, 1957 (S.I. 1957/993)).