STATUTORY INSTRUMENTS

1970 No. 828 (S.63)

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Ploughing Grants (Scotland) Scheme 1970

Laid before Parliament in draft

Made - - - *26th May* 1970

In exercise of the powers conferred upon me by sections 1, 2, 3 and 5 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 1970.

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 ;

"eligible occupier" means a person who is for the time being an eligible occupier within the meaning of the Crofting Counties Agricultural Grants (Scotland) Scheme 1961(**b**), the Crofting Counties Agricultural Grants (Scotland) Scheme 1963(**c**) or the Crofting Counties Agricultural Grants (Scotland) Scheme 1965(**d**) and, except in the case of a person who is a sub-tenant as is mentioned in section 14(1)(*c*) of the Crofters (Scotland) Act 1961(**e**), who has been offered a grant under any of the said schemes

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

"land under grass" includes any grazing land ;

"occupier" in relation to any land means the person who has the right to carry out on that land the operations referred to in this scheme.

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

(3) Any reference in this scheme to any other scheme shall be construed as a reference to that scheme as amended by any subsequent scheme, and if any scheme referred to in this scheme is replaced by a subsequent scheme the reference shall be construed as a reference to that subsequent scheme.

(4) The Interpretation Act 1889(**f**) shall apply for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

(**a**) 1952 c. 35.
(**b**) S.I. 1961/2266 (1961 III, p. 3973).
(**c**) S.I. 1963/1294 (1963 II, p. 2240).
(**d**) S.I. 1965/1519 (1965 II, p. 4399).
(**e**) 1961 c. 58.
(**f**) 1889 c. 63.

3.—(1) Subject to the provisions of this scheme a grant may be made by the Secretary of State 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 the Secretary of State otherwise determines.

(2) A grant shall not be made under 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, together with any necessary preliminary operations, 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) Where the Secretary of State has approved operations in relation to any land for the purposes of the Ploughing Grants (Scotland) Scheme 1968(**a**) or the Ploughing Grants (Scotland) Scheme 1969(**b**), not being operations deemed to have been approved for the purposes of the said scheme of 1968 by virtue of paragraph 3(3) thereof, and any part of the said land has not been ploughed up from grass before 1st June 1970, such operations shall be deemed to have been approved for the purposes of this scheme also.

(4) A grant shall not be made under this scheme in respect of any land which has been the subject of a grant under Part II of any previous scheme made under the Act.

4. The rate of grant to be made in accordance with this scheme shall be £12 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 7 of this scheme a grant under 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 1st June 1970 and ending with 31st May 1971 ; and

(*c*) at the time when such ploughing up was begun was under grass that had been sown not later than 1st June 1958, or had been continuously under grass since before that date.

6. The person to whom a grant may be made under this scheme in pursuance of an application made in that behalf shall be the occupier of the land ploughed up as at the date of the completion, on that land, of the operations in respect of which the grant is payable :

(**a**) S.I. 1968/860 (1968 II, p. 2283). (**b**) S.I. 1969/778 (1969 II, p. 2191).

Provided that 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) Acts 1955 and 1961(**b**) or an eligible occupier 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 as provided by and in the manner specified in head (*c*) of that paragraph, the grant shall be made to the person making the application.

7. 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) Acts 1955 and 1961 or an eligible occupier 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 neighbouring crofters or neighbouring eligible occupiers, as the case may be, 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 crofters or eligible occupiers, as the case may be, by the Clerk of the Committee appointed for the management of the common grazings or common pasture in which the landholders or crofters or eligible occupiers, as the case may be, 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 crofters or eligible occupiers, in a manner satisfactory to the Secretary of State, to make the application.

8. The Secretary of State may require an applicant for a grant under 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.

9. Where in the opinion of the Secretary of State—

(*a*) the ploughing or any other operation in respect of which a grant under this scheme may be made has been inefficiently carried out ; or

(*b*) any preliminary operations the expenditure or likely expenditure on which has been taken into account by the Secretary of State for the purpose of satisfying himself that a grant may be made under this scheme have not been carried out or have been inefficiently carried out ; or

(*c*) adequate facilities for the inspection of the land in respect of which any such grant as aforesaid 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.

10. If in respect of any of the operations in respect of which a grant is payable under this scheme payments of moneys provided by Parliament under any enactment other than the Act are available, the Secretary of State in deter-

(a) 1886 c. 29; 1887 c. 24; 1891 c. 41; 1908 c. 50; 1911 c. 49; 1919 c. 97; 1931 c. 44.
(b) 1955 c. 21; 1961 c. 58.

mining the amount of grant payable under this scheme may take into consideration such payments, and may withhold or reduce the amount payable under this scheme accordingly.

11. A grant shall not be made under this scheme in respect of any land which has been the subject of a grassland renovation grant made by virtue of a scheme under section 11 of the Agriculture (Miscellaneous Provisions) Act 1963(**a**).

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
18th May 1970.

We approve.

E. G. Perry,
Neil McBride,
Two of the Lords Commissioners of Her Majesty's Treasury.

26th May 1970.

EXPLANATORY NOTE

(*This Note is not part of the Scheme.*)

This Scheme, which is made under the Agriculture (Ploughing Grants) Act 1952, provides for the making of grants by the Secretary of State at the rate of £12 per acre in respect of land ploughed up from grass, where after ploughing the operations described in the Scheme are carried out. The land must have been under grass since 1st June 1958 and the ploughing must be carried out within the period from 1st June 1970 to 31st May 1971.

Prior approval must be obtained from the Secretary of State, and this will only be given where he is satisfied that the carrying out of the operations (together with any necessary preliminary operations) is likely to involve expenditure which is substantially heavier than normal for operations of the kind.

Where operations have been expressly approved for the purposes of the 1968 Scheme or the 1969 Scheme, but any of the ploughing is carried out during the period to which this Scheme applies, the approval is to be treated as though it were given for the purposes of this Scheme also. In other respects, except for the advancement of the dates by one year, the Scheme is materially the same as the 1969 Scheme.

(a) 1963 c. 11.

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