1964 No. 963

HORTICULTURE

The Small Horticultural Production Business Scheme 1964

Laid before Parliament in draft

Made - - - - 25*th June* 1964

Coming into Operation 1*st July* 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly in exercise of the powers conferred upon them by section 2 of the Agriculture and Horticulture Act 1964(**a**) (which section is, by virtue of section 8 of that Act, to be construed as one with Part I of the Horticulture Act 1960(**b**)) and section 6 of the Horticulture Act 1960, and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme:—

Extent, citation and commencement

1. This scheme, which applies to the whole of the United Kingdom, may be cited as the Small Horticultural Production Business Scheme 1964; and shall come into operation on 1st July 1964.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

"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**);

"agriculture" has the meaning assigned to it by section 109 of the Agriculture Act 1947(**g**), section 86 of the Agriculture (Scotland) Act 1948(**h**) and section 43 of the Agriculture Act (Northern Ireland) 1949(**i**) as the case may require;

(**a**) 1964 c. 28. (**b**) 8 & 9 Eliz. 2. c. 22. (**c**) 11 & 12 Geo. 6. c. 63.
(**d**) 12, 13 & 14 Geo. 6. c. 75. (**e**) 49 & 50 Vict. c. 29; 1 & 2 Geo. 5. c. 49; 9 & 10 Geo. 5. c. 97 and 21 & 22 Geo. 5. c. 44.
(**f**) 3 & 4 Eliz. 2. c. 21 and 9 & 10 Eliz. 2. c. 58. (**g**) 10 & 11 Geo. 6. c. 48.
(**h**) 11 & 12 Geo. 6. c. 45. (**i**) 1949 c. 2. (N.I.).

" 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 programme " means a programme approved in writing under this scheme by the appropriate Minister, whether or not modified from time to time with the approval in writing of that Minister ;

" eligible land " has the meaning assigned to it by sub-paragraph (2) of this paragraph ;

" 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 Horticulture Act 1960 ;

" 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 ;

" small farm business " has the meaning assigned to it by section 6 of the Agriculture (Small Farmers) Act 1959(a) ;

" small horticultural production business " has the meaning assigned to it by sub-paragraph (3) of this paragraph ;

" successional crops ", in relation to any land, means crops of horticultural produce of which not more than one crop is in the land at any one time.

(2) In this scheme " eligible land " means land which is used for the purposes of a horticultural production business at the date of the submission for approval under this scheme of a programme relating to that business and has been used for the purposes of any horticultural production business for a period of not less than 24 months immediately preceding the said date:

Provided that in the case of land which, at the date of the submission of a programme for approval under this scheme, is used for the purpose of growing for sale horticultural produce consisting of annual vegetables in the open,—

(*a*) if not less than one-third of the area of that land has been used during the period of 24 months immediately preceding the said date for the purpose of growing for sale successional crops, of which either more than two have been sown or planted or more than two have been harvested or intended to be harvested during the said period, then the whole of the land shall be deemed to be eligible land ;

(*b*) if less than one-third of the area of that land has been used as aforesaid, then three times the acreage of any part of the land which has been so used shall be deemed to be eligible land.

(3) In this scheme " small horticultural production business " means a horticultural production business which at the date of submission for

(a) 7 & 8 Eliz. 2. c. 12.

approval under this scheme of a programme relating to the business is conducted on land not exceeding 30 acres in extent and satisfies the following requirements :—

(*a*) the land on which the business is conducted comprises not more than 15, and not less than 4, acres of eligible land (calculated, in the case of the special classes of land referred to in sub-paragraph (4) of this paragraph, in accordance with the provisions of that sub-paragraph) ;

(*b*) the business does not form part of any larger business conducted for purposes of agriculture on land exceeding 30 acres in extent.

(4) For the purposes of paragraphs 2(3)(*a*) and 3(1)(*b*) of this scheme, the area of any eligible land which for a period of not less than 24 months immediately preceding the date of the submission of a programme for approval under this scheme has been used in glasshouses, or in buildings used for the production of rhubarb or mushrooms, shall be multiplied by 20 ; and the area of any eligible land used thus long for growing horticultural produce under movable lights or under fixed structures, not being glasshouses, clad with glass or other translucent material, or for growing watercress, together with any land necessary for access to the growing produce, shall be multiplied by 6 :

Provided that any eligible land which at the said date is used in glasshouses or in such buildings or under such lights or structures shall be deemed to have been so used for any period during which, but to no greater extent than, any other land, which has been used for the purposes of the horticultural production business to which the programme relates, has been used in the said glasshouses or buildings, or under the said lights or structures, or in or under any other glasshouses, buildings, lights or structures, as the case may be, which the said glasshouses, buildings, lights or structures have replaced, and the foregoing provisions of this sub-paragraph shall have effect accordingly.

(5) For the purposes of this scheme, land shall be deemed to be used for the purpose of growing horticultural produce if it is cultivated or prepared for use for that purpose.

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

Grant payable

3.—(1) Subject to the provisions of this scheme and to the relevant provisions of the Act—

(*a*) the appropriate Minister may make a grant in connection with the carrying out by any person of an approved programme designed to increase the efficiency of a small horticultural production business ;

(*b*) payment of the said grant may be made to the person for the time being responsible for carrying out the approved programme at the rate of £50 for each acre of eligible land on which the business to which the programme relates is conducted at the date on which the programme is approved, the acreage of such land being calculated—

(i) to the nearest tenth of an acre, no account being taken for this purpose of any fraction less than one-tenth of an acre ; and,

(a) 52 & 53 Vict. c. 63.

(ii) where the land includes any of the special classes of land referred to in paragraph 2(4) of this scheme, in accordance with the provisions of that sub-paragraph ;

so however that no payment of grant under this scheme shall be made in respect of more than 10 acres of such land, calculated as aforesaid, in connection with the carrying out of any one approved programme ;

(*c*) payment of the said grant shall, so far as circumstances allow, be made by 4 equal instalments 6, 12, 24 and 36 months after the commencement of the approved programme.

(2) For the purposes of this paragraph, the " relevant provisions of the Act " shall be construed as sections 2 and 7 of the Agriculture and Horticulture Act 1964 construed as one with Part I of the Horticulture Act 1960.

Conditions of eligibility

4. Payment of a grant under this scheme shall not be made unless, before approving a programme submitted to him, the appropriate Minister is satisfied in relation to the programme and the small horticultural production business to which the programme relates—

(*a*) that the person for the time being carrying on the business and carrying out the programme is the owner of the freehold, or in Scotland the owner, of the land on which the business is for the time being conducted, or is a tenant of the said land for a term which has an unexpired residue not less than the duration of the programme, or that the said land constitutes, or forms part of, an agricultural holding of which that person is a tenant ;

(*b*) that after the programme has been completed the business will be capable of yielding an adequate return to any person carrying it on with reasonable efficiency and as a full-time occupation.

Application for, and conditions of payment of, grants

5.—(1) It shall be a condition of the making of any payment to any person in respect of a grant under this scheme that—

(*a*) there shall have been an application in writing, containing such information as the appropriate Minister may reasonably require, for the approval of that Minister of the programme, being a programme designed to increase the efficiency of the small horticultural production business to which it relates and to be carried out during a period of 3 years ;

(*b*) the appropriate Minister shall have approved the programme in writing, subject to such conditions as may be specified by him in writing ;

(*c*) there shall be no substantial modification of the approved programme except with the approval of, and subject to such conditions as may be specified by, the appropriate Minister in writing ;

(*d*) the approved programme shall have been commenced within a reasonable time after approval thereof and shall be properly carried out to the satisfaction of the appropriate Minister without any avoidable delay and the conditions subject to which approval of the programme was given shall be complied with to the satisfaction of that Minister ;

(*e*) the person for the time being responsible for carrying out the approved programme shall—

(i) keep, or cause to be kept, such records as the appropriate Minister may reasonably require for the purposes of this scheme;

(ii) make any such records available to any person duly authorised by the appropriate Minister in that behalf and permit any such person to enter any land, and inspect any works, operations, equipment or crops to which the approved programme relates;

(iii) give to any person so authorised any information which may reasonably be required for the purposes of this scheme.

(2) It shall be a condition of the making of payment to any person by way of an instalment of a grant under this scheme that there is an application in writing to the appropriate Minister for the payment submitted at such time and containing such information as that Minister may reasonably require, and that that Minister shall be satisfied that—

(*a*) the requirement of the condition of eligibility set out in paragraph 4(*a*) of this scheme continues to be met; and

(*b*) the conditions of payment set out in sub-paragraph (1) of this paragraph have thus far been complied with insofar as they are relevant.

(3) An approved programme may, on the application or with the agreement of the person for the time being responsible for carrying it out, be modified from time to time with the approval in writing of the appropriate Minister and thereafter shall have effect for the purposes of this scheme as so modified.

6.—(1) Where after the appropriate Minister has approved under this scheme a programme relating to a small horticultural production business conducted on any land he so approves a second or subsequent programme relating to a small horticultural production business conducted on that land or any part thereof, it shall be a condition of the making of any payment under this scheme in connection with the carrying out of that second or subsequent programme that the aggregate of all such payments made in connection with the carrying out of that second or subsequent programme may, if the appropriate Minister thinks fit, be reduced by an amount not exceeding the aggregate of all payments made to any person under this scheme in connection with the carrying out of any previous programme relating to a small horticultural production business conducted on the aforesaid land or any part thereof.

(2) Where the appropriate Minister approves under this scheme a programme relating to a small horticultural production business conducted on land on which, or any part of which, there has been conducted a small farm business in respect of which any payment by way of grant has been made under any scheme made under section 1 of the Agriculture (Small Farmers) Act 1959, it shall be a condition of the making of any payment under this scheme in connection with the carrying out of the aforesaid programme that the aggregate of all payments so made to any person in connection with the carrying out of that programme may, if the appropriate Minister thinks fit, be reduced by an amount not exceeding the aggregate of all payments made to any person under any scheme made under the said section 1 in respect of any small farm business conducted on any

part or parts of the land on which the aforesaid small horticultural production business is conducted.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th June 1964.

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

Edward Heath,
One of Her Majesty's Principal Secretaries of State.

24th June 1964.

Approved.
25th June 1964.

Ian MacArthur,
Martin McLaren,
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, which is made under section 2 of the Agriculture and Horticulture Act 1964, provides for the making of grants to persons carrying out programmes designed to increase the efficiency of small horticultural production businesses. The scheme lays down conditions of eligibility for grant and the conditions of payment of grant; it also specifies the amount of grant payable and provides for payment of grant by instalments.