STATUTORY INSTRUMENTS

1982 No. 996 (S. 134)

EUROPEAN COMMUNITIES

The Western Isles Integrated Development Programme (Scotland) Regulations 1982

Made - - -	19*th July* 1982
Laid before Parliament	21*st July* 1982
Coming into Operation	1*st September* 1982

In exercise of the powers conferred on me by section 2(2) of the European Communities Act 1972(a) as one of the Ministers designated(b) for the purposes of that section in relation to the common agricultural policy of the European Economic Community and of all other enabling powers, I hereby make the following regulations:—

Citation, commencement and extent

1. These regulations, which may be cited as the Western Isles Integrated Development Programme (Scotland) Regulations 1982, shall apply only to the Western Isles and shall come into operation on 1st September 1982.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires:—

"agricultural business" means a business consisting of, or such part of any business as consists of, the pursuit of agriculture, including the storage, preparation for market or transport of the produce of the business;

"agriculture" includes horticulture, seed growing, dairy farming, the breeding and keeping of livestock, the use of land as grazing land or meadow land and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes and "agricultural" and references to farming shall be construed accordingly;

"approved" means approved in writing by the Secretary of State and "approve" and "approval" shall be construed accordingly;

"eligible person" means a person carrying on or setting up an agricultural business or any person acting for or on behalf of such a person;

"financial assistance" means payment by way of grant or premium;

"livestock" includes any creature kept for the production of food or for its use in the farming of the land;

(a) 1972 c.68. (b) S.I. 1972/1811.

"the Regulation of the Council" means Regulation (EEC) No. 1939/81 of the Council of the European Communities of 30 June, 1981(a);

"standard man day" means the average daily amount of work done by a full-time worker calculated solely by reference to cropping and stocking factors which the Secretary of State may from time to time for this purpose determine;

"Western Isles" means the islands comprised in the Western Isles Islands Area established by section 1(3) of the Local Government (Scotland) Act 1973(b).

(2) References in these regulations to a numbered regulation or schedule shall be construed as a reference to the regulation or schedule so numbered in these regulations.

Land and livestock improvement

3.—(1) Subject to the provisions of these regulations, the Secretary of State may provide financial assistance to an eligible person towards the cost of any operation of land improvement specified in Schedule 1 or of any livestock improvement specified in Schedule 2 made for development of agriculture in accordance with the Regulation of the Council and carried out by or on behalf of the eligible person.

(2) An application for approval of the cost of any such operation or livestock improvement shall be made in such form and manner and at such time as the Secretary of State may from time to time require and the applicant shall furnish all such particulars and information relating to the operation as the Secretary of State may require.

(3) The Secretary of State may, as he thinks fit, approve the cost of any such operation in whole or in part for the purposes of financial assistance and any such approval may be given and any such financial assistance may be provided, subject to such conditions as the Secretary of State may impose.

(4) The amount of any financial assistance under these regulations shall be determined in accordance with the provision of Schedules 1 and 2.

Comprehensive agricultural improvement

4. Subject to the provisions of these regulations, the Secretary of State may make business grants to eligible persons in accordance with the following provisions:—

(*a*) the eligible person shall submit for approval by the Secretary of State in such form and manner and at such time as the Secretary of State may require, a plan for the comprehensive development of his agricultural business;

(*b*) the plan so submitted shall include—

(i) two or more of the eligible works or facilities specified in column 1 of Schedule 1,

(ii) participation in a livestock development measure eligible for premium under items 1 to 4 of Schedule 2;

(a) O. J. No. L197, 20.7.81, p.6. (b) 1973 c.65.

(*c*) the Secretary of State shall not approve any plan unless the agricultural business to which it relates requires labour to the extent of at least 100 standard man days and the plan demonstrates to the satisfaction of the Secretary of State that there will be an increase in the agricultural output of the business;

(*d*) the grant payable under this regulation shall not exceed the least of—

(i) 10 per cent of the gross cost of the land improvement works specified in the plan,

(ii) £60 per livestock unit, based upon the number of livestock specified in the plan as to be reached on completion of the comprehensive development and calculated in accordance with Schedule 3,

(iii) £3000;

(*e*) the grant payable under this regulation may be made at such times and in such instalments as the Secretary of State may determine.

Standard costs

5. In such cases, and subject to such conditions, as the Secretary of State may from time to time determine, the cost of any work or facility specified in Schedule 1 shall, if the applicant for grant so elects, be taken for the purposes of determining the amount of any financial assistance payable under these regulations as such standard cost or amount as the Secretary of State may from time to time fix with the approval of the Treasury.

Restriction of grant

6. The Secretary of State may reduce or withhold financial assistance under these regulations in any case where financial assistance towards the cost of any work or facility has been or may be given otherwise than under these regulations.

Powers of inspection

7.—(1) For the purposes of these regulations any person duly authorised in that behalf by the Secretary of State may upon production if so required of his appointment or authority, at all reasonable times enter upon and inspect any land, and may—

(*a*) inspect any premises, plant, equipment or livestock in respect of which financial assistance under these regulations has been made or claimed;

(*b*) require the occupier to furnish for inspection any book, account or other record in his possession or under his control which the authorised person considers necessary to substantiate eligibility for financial assistance under these regulations.

(2) In exercising the power conferred on him by this regulation an authorised person may be accompanied by such persons acting under his instructions as appear to him to be necessary and in relation to the inspection of documents he shall be entitled to take such copies or extracts therefrom as he may consider necessary.

Recovery of grant and revocation of approval

8. (1) If at any time after the Secretary of State has approved any expenditure for the purposes of financial assistance under these regulations or has made any payments thereunder it appears to the Secretary of State—

(*a*) that any condition subject to which the approval was given or payment made has not been complied with, or

(*b*) that any work or facility in respect of expenditure on which that approval was given has not been satisfactorily carried out or provided, or has been or is being unreasonably delayed, or is unlikely to be completed, or

(*c*) that the person by whom the application for that approval or that financial assistance was made gave information on any matter relevant to the approval or the financial assistance which was false or misleading in a material respect;

he may on demand recover an amount equal to the payment or such part thereof as he may specify and he may revoke the approval in whole or in part.

(2) Before making a demand for repayment or revoking an approval in whole or in part the Secretary of State—

(*a*) shall give to any person to whom any payment would be payable or from whom any such payment would be recoverable a written notification of the reasons for the action proposed to be taken by the Secretary of State, and

(*b*) shall afford to such persons an opportunity of making representations in writing to the Secretary of State giving reasons why repayment should not be made or approval should not be revoked, and

(*c*) may accord to such person an opportunity of appearing before and being heard by a person appointed for the purpose by the Secretary of State, and

(*d*) shall consider the report of any such hearing and supply a copy of the report to each person who was entitled to appear at such hearing.

False statements

9. Any person who, for the purposes of obtaining for himself or any other person any payment under these regulations, wilfully makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable on summary conviction, to a fine not exceeding £400.

Duration of Regulations

10. These regulations shall cease to have effect on 13 May 1987.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.

19th July 1982.

SCHEDULE 1 Regulations 3, 4 and 5

LAND IMPROVEMENTS

ELIGIBLE WORKS AND FACILITIES AND RATES OF GRANT

Column 1 Work or facility	Column 2 Rate of grant for developments on common grazings or common machair Per cent	Column 3 Rate of grant for on-farm developments and improvements on the inbye land Per cent
1. Land improvement works including:— reclamation, coast protection, removal of obstructions, reseeding, drainage, fencing, initial application of lime and fertilisers, access tracks and field water supplies	85	85
2.(a) Provision or enlargement of farm buildings including fanks and dippers	75	60
(b) Provision of hardstandings, electricity, water supply systems and systems for the disposal of farm waste	not applicable	60
3. Provision, installation or replacement of agricultural machinery and equipment	50	50
4. Provision, replacement or improvement of shelter belts including necessary protective fencing	85	85
5. For the production of horticultural produce—		
(a) provision or enlargement of buildings or structures	not applicable	75 for groups or co-operative businesses 60 for individuals
(b) provision of plant or equipment	not applicable	50
(c) initial application of seeds and fertiliser	not applicable	60

SCHEDULE 2

Regulations 3 and 4

LIVESTOCK DEVELOPMENT

PREMIA AND RATES OF GRANT

Column 1	Column 2	Column 3
Premium or assistance	Amount of premium per approved animal	Rate of grant Per cent
1. Premium to be paid on approved quality calves sired by an approved bull and reared to a satisfactory standard	£30	not applicable
2. Premium to be paid on approved quality heifers introduced into or retained in the herd	£50	not applicable
3. Second stage premium to be paid in respect of approved quality heifers on production of satisfactory first calf	£100	not applicable
4. Premium to be paid on approved quality gimmers introduced into flocks	£10	not applicable
5. Grant towards the cost of approved veterinary medicines for sheep subject to flock qualifying for premia under 4 above	not applicable	50

SCHEDULE 3

Regulation 4

COMPREHENSIVE AGRICULTURAL IMPROVEMENT

CALCULATION OF LIVESTOCK UNITS

Column 1	Column 2
Category of animal	Livestock units per animal
Bulls and cows	1.0
Other cattle 2 years old and over	0.8
Other cattle 1 year old and under 2 years	0.6
Other cattle 3 months old and under 1 year	0.4
Sheep 6 months old and over	0.15
Lambs under 6 months old	0.08

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These regulations which are made under section 2(2) of the European Communities Act 1972 implement land improvement and livestock development measures in an integrated development programme for the improvement of living and working conditions in the Western Isles of Scotland in accordance with Council Regulation (EEC) No. 1939/81 (O.J. No. L.197, 20.7.81, p.6). The regulations provide for financial assistance to be given to eligible persons for improvements which qualify for assistance under the regulations. They also provide for business grants to agricultural businesses on approved comprehensive development plans.

The regulations have a duration of five years from 14 May 1982.