1963 No. 1023

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Winter Keep (England and Wales and Northern Ireland) Scheme 1963

Laid before Parliament in draft

Made - - - - 27*th May* 1963

Coming into Operation 1*st January* 1964

The Minister of Agriculture, Fisheries and Food, being by virtue of section 26 of the Agriculture (Miscellaneous Provisions) Act 1963(a) the appropriate Minister in relation to a joint scheme for England and Wales and Northern Ireland, in exercise of the powers conferred on him by sections 10 and 12 of the said Act and of all other powers him enabling, with the approval of the Treasury, hereby makes the following scheme, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

Citation, extent and commencement

1. This scheme, which may be cited as the Winter Keep (England and Wales and Northern Ireland) Scheme 1963, applies to England and Wales and Northern Ireland and shall come into operation on 1st January 1964.

Interpretation

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

" the Act " means the Agriculture (Miscellaneous Provisions) Act 1963 ;

" agricultural unit " means land which is occupied as a unit for agricultural purposes, together with any other land, including common land, used in connection with such land for the purpose of grazing ;

" grass " includes clover, lucerne or sainfoin, or mixtures of clover, lucerne or sainfoin with grass ;

" livestock rearing purposes " means the breeding, rearing and maintenance of sheep or cattle, and includes other activities carried on in connection therewith ;

" the Minister " means the Minister of Agriculture, Fisheries and Food ;

" occupier " in relation to land in Northern Ireland, includes the person who, by virtue of an agreement, whether written or otherwise, has the right to the use of that land ;

" year " means a year commencing with 1st January and ending with 31st December.

(a) 1963 c. 11.

(2) In this scheme "livestock rearing land" has the meaning assigned to it by section 10(3) of the Act, that is to say—

(*a*) land situated in an area consisting predominantly of mountains, hills or heath, being land which is, or by improvement could be made, suitable for use for the breeding, rearing and maintenance of sheep or cattle but not for the carrying on, to any material extent, of dairy farming, the production, to any material extent, of fat sheep or fat cattle or the production of crops in quantity materially greater than that necessary to feed the number of sheep or cattle capable of being maintained on the land, and

(*b*) any land suitable for use with such land for livestock rearing purposes.

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

Winter keep grants

3.—(1) Subject to the provisions of this scheme, the Minister may pay annual grants, to be known as winter keep grants, for each year in the period commencing with 1st January 1964 and ending with 31st December 1966, in respect of livestock rearing land which is—

(*a*) comprised in an agricultural unit consisting predominantly of such land as is described in paragraph 2(2)(*a*) of this scheme, being a unit used predominantly for livestock rearing purposes, and

(*b*) used in the year to which the grant relates for growing any such crops for the winter feeding of livestock as are specified in the Schedule to this scheme.

(2) The person to whom such a grant may be made shall be the occupier of the land on 1st September in the year to which the grant relates.

(3) The rate of grant payable shall be £2 per acre, fractions of an acre being rounded down to the nearest quarter of an acre.

(4) A grant shall not be paid under this scheme in respect of less than one acre of land.

Withholding or restriction of grant for bad work, etc.

4. Where in the opinion of the Minister—

(*a*) any operation relevant to the payment of a grant under this scheme has been inefficiently carried out, or

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

payment of the grant may be withheld or the amount of the grant may be restricted to such amount as the Minister considers reasonable.

Restriction of grant for inadequate crops

5. Where in the opinion of the Minister, having regard to the weather and other natural conditions, a crop is unduly small in relation to the acreage of land on which it has been grown, the amount of any grant payable under this scheme in respect of that land shall be restricted to the amount which would have been so payable if the crop had been grown on a part of that land reasonably sufficient in the opinion of the Minister to produce a crop of the kind and quantity actually grown.

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

Restriction of grant for excess winter keep

6. The total grant payable under this scheme for any year in respect of land comprised in an agricultural unit shall be restricted to the amount payable in respect of such acreage of land as would in the opinion of the Minister have been reasonably sufficient to provide adequate crops for the winter feeding of the numbers of sheep and cattle likely to be maintained by the occupier on the unit throughout the following winter.

Other conditions of payment

7. Payment of grant under this scheme in respect of any land used for growing a crop shall be subject to the following conditions:—

(*a*) the land shall, in the opinion of the Minister, be suitable for growing the crop;

(*b*) notice in writing that the crop is being or will be grown on the said land shall be given to the Minister, in such form as he may require, not later than 31st March in the year in which the crop is grown or such subsequent date as he may, either generally in relation to any area, or in the special circumstances of any individual case, allow;

(*c*) if the Minister so requests, adequate facilities shall be given to him to inspect the crop, and any sheep or cattle on the agricultural unit of which the land forms part;

(*d*) an application for the grant shall be submitted to the Minister in writing by the person to whom the grant may be made, in such form and at such time as the Minister may require.

Restrictions following ploughing or grassland renovation grants

8.—(1) A grant under this scheme in respect of any land shall not be paid where, within the immediately preceding period commencing with 1st June 1963, a grant under the Agricultural (Ploughing Grants) Act 1952(a) has been made in respect of the ploughing up of that land from grass on or after that date, unless—

(*a*) at the time when such ploughing up was begun, the land was under grass which had been sown before 1st June in the seventh year before the year in which it was so ploughed, or had been continuously under grass since before the last-mentioned date;

(*b*) after such ploughing, the land was directly reseeded to grass;

(*c*) the crop to which the grant under this scheme relates is grass;

(*d*) at the time when the said crop is grown, the land has been continuously under grass since the date of such reseeding; and

(*e*) the Minister is satisfied that the setting aside and the mowing of the grass for the purposes of this scheme are in accordance with sound farming practice.

(2) Nothing in the preceding subparagraph shall prohibit or restrict the payment of grant under this scheme in respect of any land ploughed up from grass before the coming into operation of this scheme where the grant paid in respect of such ploughing has been repaid to the Minister.

(3) A grant under this scheme in respect of any land shall not be paid where, within the immediately preceding period commencing with 1st September 1963, a grassland renovation grant under section 11 of the Act has been made in respect of the renovation of that land, unless—

(*a*) the crop to which the grant under this scheme relates is grass;

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 35.

(*b*) at the time when the said crop is grown, the land has been continuously under grass since the date of such renovation; and

(*c*) the Minister is satisfied that the setting aside and the mowing of the grass for the purposes of this scheme are in accordance with sound farming practice.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th May 1963.

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

Approved on 27th May 1963.

John Hill,
G. T. C. Campbell,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

Paragraph 3(1)

Crops for the winter feeding of livestock

(1) Grass for drying, hay or silage, set aside for mowing by being kept ungrazed for a substantial part of the growing season.

(2) Other crops grown exclusively for silage.

(3) Oats, turnips, swedes, kale, cabbage, rape, mangolds, fodder beet, beans, peas, kohlrabi, vetches, tares and any mixture of two or more of these crops.

EXPLANATORY NOTE

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

This scheme, which is the first to be made under section 10 of the Agriculture (Miscellaneous Provisions) Act 1963, provides for the payment of annual winter keep grants at the rate of £2 per acre to occupiers of livestock rearing land which is used in the years 1964, 1965 and 1966 to grow specified crops for the winter feeding of livestock, including grass set aside for mowing. The land must be part of an agricultural unit predominantly consisting of livestock rearing land and being used predominantly for livestock rearing purposes. With certain exceptions winter keep grant is not payable under this scheme if ploughing grant has been paid on the same land under the Ploughing Grants Scheme 1963 (S.I. 1963/1019) or any subsequent scheme, or if grassland renovation grant has been paid. Restrictions are imposed on the payment of grant where work is inefficiently carried out, where adequate facilities for inspection are not given, where inadequate crops are grown, having regard to the weather and other natural conditions, and where more winter keep is grown than will be needed for sheep and cattle on the unit in the following winter. The scheme provides for the giving of early notice of the growing of the crops and for the making of applications for grant.