# 1963 No. 1024 (S. 40)

# AGRICULTURE

## AGRICULTURAL GRANTS, GOODS AND SERVICES

## The Winter Keep (Scotland) Scheme 1963

*Laid before Parliament in draft*

*Made* - - - - 27*th May* 1963

*Coming into Operation* 1*st January* 1964

In exercise of the powers conferred on me by sections 10 and 12 of the Agriculture (Miscellaneous Provisions) Act 1963(**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:

*Citation and Commencement*

**1.** This scheme may be cited as the Winter Keep (Scotland) Scheme 1963 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, other than land being or forming part of a croft or occupied by an eligible occupier, which is occupied as a unit for agricultural purposes, together with any other land, including land held in common, used in connection with such land for the purpose of grazing;

"croft" means a croft within the meaning of the Crofters (Scotland) Acts 1955 and 1961(**b**);

"eligible occupier" means an eligible occupier within the meaning of the Crofting Counties Agricultural Grants (Scotland) Scheme 1961(**c**);

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

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

"occupier" in relation to any land, means the person who has the right to use that land for growing any such crops as are specified in Schedule 1 to this scheme; and the word "occupation" shall be construed accordingly;

(**a**) 1963 c. 11. (**b**) 3 & 4 Eliz. 2. c. 21 and 9 & 10 Eliz. 2. c. 58.
(**c**) S.I. 1961/2266 (1961 III, p. 3973).

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

(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 for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

*Winter keep grants*

**3.**—(1) Subject to the provisions of this scheme, the Secretary of State 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 Schedule 1 to this scheme.

(2) The rate of grant payable in respect of any such land shall be the rate specified in Column 2 of Schedule 2 to this scheme in relation to the class of land into which that land falls, being one of the classes of land specified in Column 1 of the said Schedule: Provided that—

(*a*) for the purposes of this subparagraph the class of land into which any such land falls shall be such one of the said classes as is determined by the Secretary of State;

(*b*) in calculating the amount of a grant fractions of an acre shall be rounded down to the nearest quarter of an acre.

(3) The person to whom such a grant may be made shall be the occupier of the land on 4th June in the year to which the grant relates: Provided that where after 4th June in the year to which the grant relates there is a change in the occupation of the land and the land is used for growing a crop, or in the case where the crop is grass, for setting aside of grass for mowing, after such change and then for the first time in that year, the person to whom the grant may be made shall be the occupier of the land who carried out the operations relevant to the payment of the grant.

(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 Secretary of State—

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

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

(*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 Secretary of State considers reasonable.

*Restriction of grant for inadequate crops*

**5.** Where in the opinion of the Secretary of State, 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 Secretary of State to produce a crop of the kind and quantity actually grown.

*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 Secretary of State, 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 Secretary of State, 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 Secretary of State, in such form as he may require, not later than 31st January 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 an individual case, allow;

(*c*) if the Secretary of State 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 Secretary of State in writing by the person to whom the grant may be made in such form and at such time as the Secretary of State 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 Agriculture (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;

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

(*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 Secretary of State 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 Secretary of State.

(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;

(*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 Secretary of State 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.

*Michael Noble,*
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
27th May 1963.

We approve.

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

27th May 1963.

## SCHEDULE 1

Paragraphs 2(1) and 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.

## SCHEDULE 2

Paragraph 3(2)

*Rate of grant*

| Column 1<br>Classes of land | Column 2<br>Rate of Grant |
|---|---|
| CLASS A<br>Land comprised in an agricultural unit normally possessing most of the following natural characteristics:—<br>(*a*) good grazings, capable of carrying the less hardy types of sheep or cattle;<br>(*b*) a not unduly restricted grazing season;<br>(*c*) the capacity to carry a reasonably high rate of stocking;<br>(*d*) arable land of fair quality and sufficient in area for the production of crops in reasonable relationship to the stock carrying capacity of the unit. | £1 10s. per acre |
| CLASS B<br>Land comprised in an agricultural unit normally possessing natural characteristics intermediate to those specified in Classes A and C respectively in this Column. | £2 10s. per acre |
| CLASS C<br>Land comprised in an agricultural unit normally possessing most of the following natural characteristics:—<br>(*a*) poor grazings, capable of carrying only the hardier types of sheep and cattle;<br>(*b*) a short grazing season;<br>(*c*) the capacity to carry only a low rate of stocking due to poor or insufficient arable land. | £4 per acre |

## 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 different rates to occupiers of different classes 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 consisting predominantly 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 (Scotland) Scheme 1963 (S.I. 1963/1020) 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. This scheme does not apply to croft land nor to land occupied by a person eligible for grant under the Crofting Counties Agricultural Grants (Scotland) Scheme 1961.