STATUTORY INSTRUMENTS

1975 No. 882 (S. 157)

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Winter Keep (Scotland) Scheme 1975

Laid before Parliament in draft

Made - - - -	15*th May* 1975
Coming into Operation	16*th May* 1975

In exercise of the powers conferred on me by sections 10 and 12 of the Agriculture (Miscellaneous Provisions) Act 1963(**a**), as amended by section 44 of the Agriculture Act 1967(**b**), 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 1975 and shall come into operation on the day after it is made.

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 occupied by any person as a crofter or as 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;

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

"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(**d**), the Crofting Counties Agricultural Grants

(**a**) 1963 c. 11.
(**b**) 1967 c. 22.
(**c**) 1955 c. 21; 1961 c. 58.
(**d**) S.I. 1961/2266 (1961 III, p. 3973).

(Scotland) Scheme 1963(a), the Crofting Counties Agricultural Grants (Scotland) Scheme 1965(b) or the Crofting Counties Agricultural Grants (Scotland) Scheme 1972(c) 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, who has been offered a grant under any of the said schemes;

"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;

"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) 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(d) shall apply 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 1975 and ending with 31st December 1979 in respect of livestock rearing land which in the year to which the grant relates is—

(*a*) comprised in an agricultural unit which appears to the Secretary of State to consist 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 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

(a) S.I. 1963/1294 (1963 II, p. 2240).
(b) S.I. 1965/1519 (1965 II, p. 4399).
(c) S.I. 1972/407 (1972 I, p. 1499).
(d) 1889 c. 63.

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 sub-paragraph 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 grew the crop or set aside the grass for mowing.

(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

(*b*) adequate facilities have not been given for the inspection of any land in respect of which a grant may be made, or of the crop grown thereon, or of any sheep or cattle on the agricultural unit of which the land forms part,

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 the Secretary of State is of the opinion, after making allowance for the weather and other natural conditions, that 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*) 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 within such time as the Secretary of State may require;

(*b*) the person to whom the grant may be made shall, on being requested to do so by the Secretary of State, give to him such information as he may require to enable him to verify the application;

(*c*) the land shall, in the opinion of the Secretary of State, be suitable for growing the crop.

Withholding or restriction of grant where land has been grant-aided under other schemes

8. Where in the opinion of the Secretary of State the carrying out on any land of any operation relevant to the payment of grant under this scheme appears to frustrate the purposes served by any expenditure in respect of which, within the period of seven years immediately preceding the date of application for the grant, there has been made for the benefit of that land a grassland renovation grant under section 11 of the Act or a grant towards the cost of improvement of hill land under section 41 of the Agriculture Act 1967 or section 29 of the Agriculture Act 1970(a), the Secretary of State may withhold the grant under this scheme or restrict it to such amount as in the circumstances appears to him to be appropriate.

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

St. Andrew's House,
Edinburgh.
12th May 1975.

We approve.

M. Cocks,
James A. Dunn,
Two of the Lords Commissioners of Her Majesty's Treasury.

15th May 1975.

Paragraphs 2(1) and 3(1)

SCHEDULE 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, fodder radish, beans, peas, kohlrabi, vetches, tares and any mixture of 2 or more of these crops.

(a) 1970 c. 40.

Paragraph 3(2)

SCHEDULE 2

RATE OF GRANT

Column 1 Classes of land	Column 2 Rate of grant
CLASS A Land comprised in an agricultural unit normally possessing most of the following natural characteristics:— (*a*) good grazings, capable of carrying the less hardy types of sheep or cattle; (*b*) a not unduly restricted grazing season; (*c*) the capacity to carry a reasonably high rate of stocking; (*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...	£3 per acre
CLASS B Land comprised in an agricultural unit normally possessing natural characteristics intermediate to those specified in Classes A and C respectively in this Column	£4 per acre
CLASS C Land comprised in an agricultural unit normally possessing most of the following natural characteristics:— (*a*) poor grazings, capable of carrying only the hardier types of sheep and cattle; (*b*) a short grazing season; (*c*) the capacity to carry only a low rate of stocking due to poor or insufficient arable land	£5·50 per acre

EXPLANATORY NOTE

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

This Scheme 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 1975 to 1979 to grow specified crops (including grass set aside for mowing) for the winter feeding of livestock. The land must be part of an agricultural unit consisting predominantly of livestock rearing land and being used predominantly for livestock rearing purposes. Grant may be reduced or withheld where the land used for growing the crops has been improved with the aid of grassland renovation grant or a hill land improvement grant within the preceding seven years. 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 and where more winter keep is grown than is likely to be needed for sheep and cattle on the unit in the following winter. The Scheme provides for the making of applications for grant. The Scheme does not apply to croft land or to other land occupied by persons eligible for grant under the Crofting Counties Agricultural Grants (Scotland) Schemes.

The Scheme is materially the same as the previous scheme, the Winter Keep (Scotland) Scheme 1969 (S.I. 1969/1845), as varied by the Winter Keep (Scotland) Variation Scheme 1972 (S.I. 1972/861).

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