
STATUTORY INSTRUMENTS

1996 No. 908

AGRICULTURE

The Farm Waste Grant (Nitrate Vulnerable Zones) (England and Wales) Scheme 1996

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>22nd March 1996</i>
<i>Laid before Parliament</i>		<i>25th March 1996</i>
<i>Coming into force</i>	- -	<i>17th April 1996</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, in exercise of the powers conferred upon them by sections 28 and 29 of the Agriculture Act 1970⁽¹⁾ and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Scheme:

Title, extent and commencement

1. This Scheme may be cited as the Farm Waste Grant (Nitrate Vulnerable Zones) (England and Wales) Scheme 1996, shall extend to England and Wales and shall come into force on 17th April 1996.

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires—“the appropriate Minister” means—

- (a) in relation to England, the Minister of Agriculture, Fisheries and Food; and
- (b) in relation to Wales, the Secretary of State for Wales; “slurry” has the same meaning as in regulation 2 of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991⁽²⁾; “nitrate vulnerable zone” has the same meaning as in regulation 2(1) of the Protection of Water against Agricultural Nitrate Pollution (England and Wales) Regulations 1996.⁽³⁾

(2) In this Scheme, any reference to—

- (a) a numbered paragraph is a reference to the paragraph in this Scheme so numbered;

⁽¹⁾ 1970 c. 40; section 28(1) defines “the appropriate authority”.

⁽²⁾ S.I. 1991/324.

⁽³⁾ S.I. 1996/888.

- (b) a numbered sub-paragraph (with no corresponding reference to a specific paragraph) is a reference to the sub-paragraph so numbered in the paragraph in which the reference appears.

Payment and amount of grants

3.—(1) Subject to the following provisions of this Scheme, the appropriate Minister may make to any person one or more grants representing 25% of the expenditure incurred by him for the purposes of or in connection with the carrying on of a given agricultural business, being expenditure which—

- (a) has been incurred after 16th April 1996 but before 17th April 2003 in respect of—
- (i) the provision, replacement or improvement of—
 - (aa) facilities (including safety fencing) for the handling and storage of manure, slurry and silage effluent,
 - (bb) fixed disposal facilities for slurry and silage effluent, or
 - (cc) facilities (other than roofing) for the separation of clean and dirty water, where those facilities reduce the need to store slurry; or
 - (ii) any work, facility or transaction (including conservation or amenity works) incidental to any matter in respect of which a grant may be made under the foregoing provisions of this paragraph;
- (b) appears to the appropriate Minister to be of a capital nature or incurred in connection with expenditure of a capital nature;
- (c) is approved by the appropriate Minister for the purposes of a grant under this Scheme; and
- (d) does not in aggregate exceed £85,000.

(2) Where it appears to the appropriate Minister that expenditure in respect of which a grant is claimed under sub-paragraph (1) has been incurred partly for the purposes of or in connection with the carrying on of an agricultural business and partly for other purposes he may for the purposes of a grant under that sub-paragraph treat as having been incurred for the purposes of or in connection with the carrying on of an agricultural business so much of that expenditure as appears to him to be referable to the carrying on of that agricultural business.

Restrictions on the making of grants

4.—(1) The appropriate Minister shall not make an individual grant under sub-paragraph (1) of paragraph 3—

- (a) in respect of any agricultural business which is not at least partly carried on on land situated in a nitrate vulnerable zone; or
- (b) towards any expenditure incurred in respect of an agricultural business which entails an increase in its production capacity.

(2) The appropriate Minister shall not make an individual grant under sub-paragraph (1) of paragraph 3 unless he is satisfied on reasonable grounds that the expenditure towards which the grant is to be made will result in at least some environmental benefit accruing to the nitrate vulnerable zone concerned.

Claims for grant

5.—(1) Any claim for a grant under this Scheme shall be made in such form and manner and by such date as the appropriate Minister may reasonably determine, and the claimant in question shall provide all such particulars and information relating to the claim as that Minister may reasonably require, including, where specified by him, relevant documents and records.

(2) In sub-paragraph (1), the reference to relevant documents and records includes a reference to certified copies thereof.

Withholding of grants

6.—(1) The appropriate Minister may withhold the whole or any part of a grant otherwise payable under this Scheme where—

- (a) assistance in respect of expenditure towards which the grant is claimed has been obtained or is obtainable from another source;
 - (b) that Minister considers on reasonable grounds that the work in respect of which the grant is claimed would frustrate the purposes served by assistance previously given out of money provided by Parliament or the European Community;
 - (c) the claimant has in connection with his claim provided information which is false or misleading in a material particular;
 - (d) that Minister considers on reasonable grounds that the expenditure towards which the grant is being claimed is excessive, having regard to all the circumstances of the case; or
 - (e) that Minister considers on reasonable grounds that the carrying out of the work in respect of which the grant is to be made has already destroyed or damaged or as the case may be is likely to destroy or damage the natural beauty and amenity of the countryside to an extent which cannot be justified by any resulting agricultural benefit.
- (2) Before acting under sub-paragraph (1) the appropriate Minister shall—
- (a) give to the person to be affected by it written notification of the reasons for the proposed action and the date on which the action will be taken;
 - (b) give to him the opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister; and
 - (c) consider the report of a person so appointed and give a copy of it to the person mentioned in paragraph (a) of this sub-paragraph.

20th March 1996

Tim Boswell
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Wales

21st March 1996

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

We approve,

22nd March 1996

Derek Conway
Michael Bates
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Scheme)

1. This Scheme complies with Article 12(5) of Council Regulations [\(EEC\) No. 2328/91](#) on improving the efficiency of agricultural structures (OJ No. L218, 6.8.91, p.1). Article 12(5) has been amended by Council Regulation [\(EC\) No. 2843/94](#) (OJ No. L302, 25.11.94, p.1).
2. This Scheme extends to England and Wales only.
3. It makes provision for the making of grants in respect of agricultural businesses which are at least partly situated in nitrate vulnerable zones, as defined by regulation 2(1) of the Protection of Water against Agricultural Nitrate Pollution (England and Wales) Regulations 1996 (S.I. [1996/888](#)).
4. The grant aid is available (at the rate of 25%) towards expenditure (up to a maximum of £85,000) incurred by the agricultural business between the date of coming into force of the Scheme and the seventh anniversary of that date in relation to facilities for the handling, storage and disposal of certain farm wastes and the separation of clean and dirty water (*paragraph 3*).
5. A number of restrictions are imposed on the making of grants under the Scheme (*paragraph 4*).
6. The Scheme indicates how grants are to be claimed (*paragraph 5*) and enables grant monies to be withheld in certain circumstances (*paragraph 6*).
7. No compliance cost assessment has been prepared in respect of this Scheme.