

1974 No. 1003

**HORTICULTURE**
**The Horticulture (Apple and Pear Growers) (Special Payments)  
Scheme 1974**

<i>Made</i> - - - -	10th June 1974
<i>Laid before Parliament</i>	19th June 1974
<i>Coming into Operation</i>	1st August 1974

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by section 1 of the Horticulture (Special Payments) Act 1974(a), and of all their other enabling powers, being satisfied that the growing in England, Wales and Northern Ireland of the kinds of apples and pears to which this scheme relates has, as a result of the United Kingdom's membership of the European Economic Community, become uneconomic for certain commercial growers thereof, with the approval of the Treasury, hereby make the following scheme:—

*Citation, extent and commencement*

1. This scheme, which may be cited as the Horticulture (Apple and Pear Growers) (Special Payments) Scheme 1974, shall apply to England, Wales and Northern Ireland, and shall come into operation on 1st August 1974.

*Interpretation*

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

“application” means an application for the approval of proposals under paragraph 5 of this scheme;

“approved” means approved by the appropriate Minister in writing, and “approve” and “approval” shall be construed accordingly;

“appropriate Minister” means—

(a) in relation to England and Northern Ireland, the Minister; and

(b) in relation to Wales, the Minister and the Secretary of State, acting jointly;

“category” means one only of—

(a) culinary apples; or

(b) dessert apples; or

(c) pears;

“culinary apples” means apples, other than—

(a) dessert apples; and

(b) cider apples as defined in Schedule 3 to the Apple and Pear Development Council Order 1966(a);

“dessert apples” means apples of the varieties set out in Schedule 1 to this scheme;

“eligible apples” means culinary apples and dessert apples;

“eligible pears” means pears, other than perry pears as defined in Schedule 3 to the Apple and Pear Development Council Order 1966;

“eligible trees” means eligible apple and eligible pear trees;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“mixed orchard” means an orchard in which eligible trees are interspersed throughout with other top fruit trees;

“top fruit” means apples (including cider apples), pears (including perry pears), plums, damsons, cherries, peaches and nuts.

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

*Special payments in connection with the discontinuance of the growing of eligible apples and eligible pears.*

3.—(1) Subject to the provisions of this scheme, the Minister may make to any person carrying on an agricultural business payments in connection with—

(a) the discontinuance of the growing on land comprised in the business of eligible apples and eligible pears; and

(b) the grubbing up of trees on such land to make it available for other agricultural use.

(2) A payment under sub-paragraph (1)(a) above shall consist of an amount per eligible tree grubbed determined in accordance with Part I of Schedule 2 to this scheme, and shall be limited to the maximum number of trees per acre indicated therein by reference to their girth measurements and category.

(3) A payment under sub-paragraph (1)(b) above shall consist of an amount per eligible or (in a case falling within paragraph 7 below) other top fruit tree grubbed determined in accordance with Part II of that Schedule, and shall be limited to a maximum of 500 trees per acre.

*Conditions of eligibility for payments*

4.—(1) Subject to sub-paragraph (2) below, payments shall not be made under this scheme unless the appropriate Minister is satisfied that—

(a) on the date on which the application was submitted, and on 1st July 1970—

(i) the applicant was carrying on the agricultural business to which the application relates; and

(a) S.I. 1966/1579 (1966 III, p. 4883).

(b) 1889 c.63.

- (ii) there were comprised in that business at least 5 acres of land (including, for this purpose, headlands) used for the growing of one of the categories of eligible apples or of eligible pears;
- (b) the commercial production of eligible apples and eligible pears, or any category or categories thereof, constitutes at least one-third of the activity of the business; and
- (c) for the period of 3 years which ended on 31st March 1973 the business, taken as a whole, yielded a sufficient livelihood to the person carrying it on.

(2) Where the appropriate Minister is satisfied that an applicant has acquired his interest in the business to which the application relates by inheritance since 1st July 1970, he may, notwithstanding the provisions of sub-paragraph (1)(a) above, determine that the applicant shall not be ineligible for payments under this scheme by reason only of the fact that he was not carrying on that business on that date.

(3) In determining the amount of land comprised in the business which was used for the growing of eligible apples or eligible pears on the date on which the application was submitted, no account shall be taken of land—

- (a) on which eligible trees have been planted (otherwise than in the course of rotational replanting), or
  - (b) acquired by the business,
- since 1st July 1970.

*Applications for approval of proposals*

5.—(1) Payments shall not be made under this scheme unless an application in writing, setting out the applicant's proposals in connection with the discontinuance of the growing on land comprised in the business of eligible apples or eligible pears, and furnishing such other information as the appropriate Minister may require, has been submitted to and approved by that Minister before any work in connection with the grubbing of trees is commenced on any part of the land to which the application relates.

(2) The application may relate to the discontinuance of the growing on land comprised in the business of one, or more than one, of the categories of eligible trees, but it shall only be approved by the appropriate Minister if the proposals contained therein—

- (a) relate to at least 5 acres of land (including, for this purpose, headlands) which are used for the growing of one of those categories only; and
- (b) include the grubbing up of all trees of any category to which the application relates growing on land comprised in the business on the date on which the application was submitted, other than trees which, in the opinion of the appropriate Minister, are necessary for the pollination of trees of a category to which the application does not relate.

(3) The appropriate Minister shall only approve an application if it is received by him on or before 31st July 1976, and his approval may be given subject to compliance with such conditions as he may think fit to impose.

*Trees in respect of which payments may be made*

6.—(1) Subject to the limitation contained in paragraph 3(2) above, payments under sub-paragraph (1)(a) of that paragraph may be made in respect of all eligible trees grubbed of the categories to which the application as approved

relates, other than trees planted (otherwise than in the course of rotational replanting) since 1st July 1970 and trees which were growing on land acquired since that date.

(2) Subject to the limitation contained in paragraph 3(3) above, payments under sub-paragraph (1)(b) of that paragraph may be made in respect of all eligible trees grubbed of the categories to which the application as approved relates.

*Special provisions in respect of mixed orchards*

7. Where eligible trees to which the application as approved relates form part of a mixed orchard, and the land used for the growing of those trees exceeds, in the opinion of the appropriate Minister, 50% of the area of the orchard as a whole, payments under paragraph 3(1)(b) above may be made in respect of other top fruit trees grubbed in the orchard at the same time as the eligible trees, subject to the limitation contained in sub-paragraph (3) of that paragraph.

*Claims for payment*

8. A claim for a payment under this scheme, which shall not be submitted until all the proposals contained in the application as approved have been carried out, shall be made in writing, and must be received by the appropriate Minister within twelve months of the date on which the application was approved, or by the 31st July 1978, whichever is the earlier.

*Conditions subject to which payments may be made*

9. It shall be a condition of the making of any payment under this scheme that—

- (a) the appropriate Minister is satisfied that the proposals contained in the application as approved have been carried out in a proper manner, and that any condition subject to which the approval was given has been complied with;
- (b) all eligible trees of the categories to which the application as approved relates have been removed from land comprised in the business on the date on which the application was submitted, other than trees which, in the opinion of the appropriate Minister, are necessary for the pollination of trees of a category to which the application does not relate; and
- (c) for a period commencing on the date on which the application was submitted, and ending five years from the date of the claim for payment—
  - (i) no eligible trees shall be planted (otherwise than in the course of rotational replanting) on land comprised in the business on the date on which the application was submitted;
  - (ii) if any part of the said land is planted with top fruit trees, evidence of the varieties of trees so planted shall be supplied to the appropriate Minister if so required; and
  - (iii) the land from which any trees have been grubbed in accordance with proposals contained in the application as approved shall only be used for agricultural purposes.

*Restrictions on payments*

10. Payments under this scheme may be reduced or withheld in any case where the appropriate Minister is satisfied that assistance towards the carrying

out of the proposals contained in the application (whether or not that application has been approved) has been or may be given otherwise than under this scheme.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 5th June 1974.

(L.S.)

*Frederick Peart,*  
Minister of Agriculture, Fisheries and Food.

Given under my hand on 6th June 1974.

*John Morris,*  
Secretary of State for Wales.

We approve.

10th June 1974.

*Donald R. Coleman,*  
*James A. Dunn,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

## Article 2(1)

## SCHEDULE 1

## VARIETIES OF DESSERT APPLES

Allington Pippin	Kidd's Orange Red
Ashdown Seedling	King of the Pippins (Golden Winter Pearmain)
Ashmead's Kernel	King Russet
Baker's Delicious	Kings Acre Pippin
Beauty of Bath	Laxton's Superb
Belle de Boskoop	Lord Lambourne (Lady Lambourne)
Blenheim Orange	McIntosh
Charles Ross	Magdalene
Cheddar Cross	Maidstone Favourite
Chivers Delight	Melrose
Cockett's Red (Marguerite Henrietta, One Bite)	Merton Worcester
Coronation	Michaelmas Red
Cox's Orange Pippin	Miller's Seedling
Crispin (Mutsu)	Mother
D'Arcy Spice (Baddow Pippin)	Murasaki
Discovery	Norfolk Royal
Egremont Russet	Ontario
Ellison's Orange	Orleans Reinette
Epicure	Pearl
Exeter Cross	Red Delicious (Richared)
Fortune	Reinette Rouge Etoilée (Sterapfel)
Gala	Ribston Pippin
George Cave	Rival
Gladstone	Saint Edmund's Pippin (Saint Edmunds Russet)
Golden Delicious	Stark's Earliest (Scarlet Pimpernel)
Golden Russet	Spartan
Granny Smith	Sturmer Pippin
Holstein	Sunset
Hunt's Early	Tydemans Early Worcester
Idared	Tydemans Late Orange
Ingrid Marie	Wagener
James Grieve	Wealthy
John Standish	Winston (Winter King)
Jonathan	Worcester Pearmain

NOTE: "Sports" of any of the above varieties of apples shall be regarded as being included in this Schedule.

## SCHEDULE 2

Article 3

## RATES OF PAYMENT

## PART I

For the purposes of a payment under paragraph 3(1)(a) of this scheme, the amount per eligible tree referred to in sub-paragraph (2) of that paragraph shall be the rate per tree specified in the table set out below by reference to category and girth size, up to the maximum number of trees per acre indicated in each case:—

## RATES OF SPECIAL PAYMENT

Girth of tree cm.	DESSERT APPLES		CULINARY APPLES		PEARS	
	Maximum No. of trees per acre eligible	Rate per tree	Maximum No. of trees per acre eligible	Rate per tree	Maximum No. of trees per acre eligible	Rate per tree
	No.	£	No.	£	No.	£
Under 25	300	0.38	200	0.30	300	0.18
25-39 ...	300	0.58	160	0.66	275	0.38
40-59 ...	200	1.00	140	0.96	190	0.74
60-89 ...	175	1.14	120	1.21	190	0.76
90-104 ...	120	1.46	100	1.45	130	1.00
105-119 ...	110	1.36	100	1.45	130	0.65
120-134 ...	75	1.33	75	1.53	100	0.20
135-149 ...	75	0.80	75	1.27	100	0.20
150 and over	50	0.40	50	0.40	100	0.20

## PART II

For the purposes of a payment under paragraph 3(1)(b) of this scheme, the amount per tree referred to in sub-paragraph (3) of that paragraph shall be the rate per tree specified in the table set out below by reference to girth size, up to a maximum of 500 trees per acre:—

## RATES OF GRUBBING PAYMENT

Girth of tree cm.	Rate per tree £
Under 25 ...	0.12
25-39 ...	0.19
40-59 ...	0.50
60-89 ...	0.95
90-104 ...	1.45
105-119 ...	1.45
120-134 ...	1.90
135-149 ...	1.90
150 and over ...	2.65

## EXPLANATORY NOTE

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

This scheme, which applies to England, Wales and Northern Ireland, is made under section 1 of the Horticulture (Special Payments) Act 1974. It provides for the making of payments to commercial producers wishing to give up the growing of certain kinds of apples and pears the commercial production of which has, in the opinion of the appropriate Minister, become uneconomic for some growers by reason of the United Kingdom's membership of the European Economic Community. The scheme covers dessert and culinary apples, and pears other than perry pears.

To be eligible for payments under the scheme, an applicant must show that, both at the date of his application and (with one minor exception) at 1st July 1970, he was carrying on an agricultural business one-third of the activity of which involved the commercial production of apples or pears to which the scheme relates. He must also show that at both dates the business used at least five acres of land for the growing of one of the three eligible categories of fruit.

Payments are of two kinds: first a payment in respect of the discontinuance of the growing of the apples and pears which is based on an amount for each tree grubbed, calculated by reference to its size and type (this payment is limited to a maximum number of trees per acre which varies according to the girth of the trees concerned, and is generally not payable in respect of trees planted since 1st July 1970); secondly, a standard payment per tree towards the cost of grubbing, and payable in respect of all trees grubbed under the applicants' approved proposals up to a maximum of 500 trees to the acre.

Payments can only be made under the scheme where grubbing is carried out strictly in accordance with proposals previously approved by the appropriate Minister, and it is a condition that all trees of the kinds covered by the proposals (other than trees which the appropriate Minister considers are necessary for the pollination of trees not to be grubbed under the scheme) must be removed from land occupied by the business at the date of the application. Payments are also conditional on the land grubbed not being planted with trees of any of the categories to which the scheme relates for a period of five years, and only being used for agricultural purposes during that period.

Applications under the scheme must be received by the appropriate Minister on or before 31st July 1976, and claims for payment within twelve months of the date on which he approved the applicant's proposals, and not later than 31st July 1978.

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