

1974 No. 1072

HORTICULTURE**HORTICULTURAL GRANTS****The Hop Gardens (Replanting and Restructuring) Scheme 1974**

<i>Made - - - -</i>	<i>20th June 1974</i>
<i>Laid before Parliament</i>	<i>2nd July 1974</i>
<i>Coming into Operation</i>	<i>23rd July 1974</i>

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 29 of the Agriculture Act 1970(a), and of all their other enabling powers, with the approval of the Treasury, hereby make the following scheme:—

Citation, extent and commencement

1. This scheme, which may be cited as the Hop Gardens (Replanting and Restructuring) Scheme 1974, shall apply to England and Wales, and shall come into operation on 23rd July 1974.

Interpretation

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

“applicant” means an applicant for grant under this scheme ;
 “the appropriate Minister” means—

(a) in relation to England, and in relation to Wales for the purpose of the making, receipt or recovery of any payment, the Minister of Agriculture, Fisheries and Food ;

(b) in relation to Wales, save for the purpose of the making, receipt or recovery of any payment, the Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly ;

“approved variety” means the varieties of hops known as Wye North-down, Wye Challenger, Wye Target, Bullion, Northern Brewer or OR 55 (Keyworths Midseason), or such other varieties of hops as the appropriate Minister may approve ;

“basic area” means, in relation to any applicant, the area on which the applicant was growing hops on 1st February 1973, and any area which came into his possession after that date upon which he is growing hops, if that area was also used for growing hops on 1st February 1973 ;

“ net cost ” in relation to any hop plants or equipment means the actual cost of purchasing such plants or equipment, exclusive of value added tax and of any charge made in respect of credit ;

“ restructuring ” means erecting new wiring or poling for the purpose of growing hops.

(2) In computing areas for the purpose of this scheme there shall be included headlands and other land which by reason of the cultivation of hop plants is (apart from temporary intercropping) incapable of being used for any other crop, including land which cannot be so used by reason of the existence of wiring or stays.

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

Eligible expenditure

3. Subject to the provisions of this scheme, the appropriate Minister may make to any person a grant towards expenditure incurred or to be incurred by him for the purposes of, or in connection with, the carrying on of any business consisting in, or such part of any business as consists in, the growing of hops for sale or for other commercial use, being expenditure which—

- (a) has been incurred, or is to be incurred in respect of the carrying out of any works of replanting or restructuring begun on or after 1st February 1973 and completed by 31st January 1975, or any part thereof, of a description specified in the Schedule hereto ; and
- (b) appears to the appropriate Minister to be of a capital nature or incurred in connection with expenditure of a capital nature ; and
- (c) is approved by the appropriate Minister for the purpose of a grant under this scheme.

Basic conditions of eligibility for a grant

4. A grant for replanting shall not be payable under paragraph 3 unless the appropriate Minister is satisfied (in addition to the requirements of paragraph 3) that—

- (a) the area on which hops are being grown by an applicant at the time when payment of grant is made is not less than half an acre and does not exceed the basic area ;
- (b) replanting has taken place with an approved variety of hop plant, and in the case of the approved variety known as OR 55 (Keyworths Midseason) has taken place before 4th June 1974 ;
- (c) the area replanted has not previously been the subject of a payment under this scheme in respect of replanting.

5. A grant for restructuring shall not be payable under paragraph 3 unless the appropriate Minister is satisfied (in addition to the requirements of paragraph 3) that—

- (a) the area of the applicant's land affected by the restructuring at the time when payment of grant is made is not less than $2\frac{1}{2}$ acres in area ;
- (b) the total area upon which the applicant is growing hops does not at the time when payment of grant is made exceed the basic area ;
- (c) the area affected by the restructuring has not previously been the subject of a payment under this scheme in respect of restructuring.

(a) 1889 c. 63.

Applications for, and conditions of payment of, grants

6.—(1) It shall be a condition of the making of payment of a grant to any applicant under this scheme that—

- (a) there is an application in writing for the approval of the appropriate Minister stating the work in respect of which grant is claimed and furnishing such other information as that Minister may reasonably require, and the appropriate Minister has approved such application, either unconditionally, or subject to conditions specified by him in writing, and that in the case of an application relating to work which has not been begun at the time of the coming into operation of this scheme, such approval was given prior to the commencement of the carrying out of any part of such work ;
- (b) no modification of the approved proposals has been carried out, except with the approval of the appropriate Minister, and subject to such conditions (if any) as may have been specified by him in writing ;
- (c) the appropriate Minister is satisfied that the approved proposals have been carried out in a proper manner, and completed without avoidable delay, and any condition subject to which an approval has been given has been complied with ;
- (d) the applicant shall have provided to the appropriate Minister such receipts, invoices or other evidence as the Minister may require as to the date of the carrying out of any work or as to the cost of any hop plants or equipment in respect of which grant is claimed.

(2) The appropriate Minister may either refuse to approve expenditure, or approve it in whole or in part, for the purposes of a grant under this scheme, and any such grant may be made, and any such approval may be given, subject to such conditions as the appropriate Minister may think fit.

Duration of scheme

7. Expenditure shall only qualify for consideration for a grant under this scheme if application for its approval for the purposes of such a grant is made before 31st January 1975.

Amounts of grant

8.—(1) The amount of grant payable under this scheme to any applicant (whether for replanting or for restructuring or for both) shall not exceed 1500 units of account in respect of each hectare on which any works have been carried out by him in respect of which grant is claimed.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, grant may be paid in accordance with the rates specified in relation to the operations set out in the Schedule hereto.

(3) For the purposes of sub-paragraph (1) of this paragraph “unit of account” means a unit of account of the European Economic Community, and the reference to “1500 units of account” shall be taken to be a reference to the sterling equivalent of that number of units of account on the date on which the claim for grant is received, calculated at such rate as may appear to the appropriate Minister to be appropriate, having regard to any relevant provisions of any instrument issued by that Community.

Restrictions on grant

9. The appropriate Minister may reduce or withhold grant payable under this scheme in any case where—

- (a) assistance in respect of the expenditure towards which grant is claimed has been, is, or may be given otherwise than under this scheme ; or
- (b) the carrying out of the work in respect of which the expenditure towards which grant is claimed is or is to be incurred appears to the appropriate Minister to frustrate the purposes served by assistance previously given out of money provided by Parliament or the European Economic Community.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th June 1974.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

John Morris,
Secretary of State for Wales.

19th June 1974.

We approve.

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

20th June 1974.

Paragraphs 3(a), 8(2)

SCHEDULE

WORK IN CONNECTION WITH WHICH GRANT MAY BE PAID

REPLANTING

Work	Rate of grant
1. Replanting with hop plants purchased from any hop propagator registered as an A-plus propagator under the Scheme for the Inspection and Certification of Hop Plants operated by the Ministry of Agriculture, Fisheries and Food.	The net cost of the plants to the applicant.
2. Replanting with hop plants cultivated on the applicant's own land.	£13 per 100 hills planted.
3. Replanting with hop plants from any source not specified above.	The net cost of the plants to the applicant up to the following maxima:— (a) £16 per 100 sets planted in the case of sets purchased before 4th June 1974; (b) £18 per 100 sets planted in the case of sets purchased on or after 4th June 1974:

Provided always that grant shall not be payable in respect of stag hop plants moved from any hop garden or other place separate from the replanted area.

RESTRUCTURING

Work	Rate of grant
Rewiring or repoling of an existing plot or wiring or poling of a new plot.	The net cost to the applicant of any equipment erected as part of new wiring or poling, including:— corner poles, inside poles, outside poles, top (string) wires, bearer wires, anchor wires, staples, nails and other fasteners, anchor blocks, anchor rods, anchor sundries, hooks, clips, hook bolts, screw pegs.

EXPLANATORY NOTE

(This Note is not part of the scheme.)

This scheme, which applies to England and Wales, is made under section 29 of the Agriculture Act 1970, and makes provision for the payment to hop growers in England and Wales of grants corresponding to those payable to recognised producer groups under Council Regulation (EEC) No. 1696/71 and Council Regulation (EEC) 879/73. These arrangements are made in accordance with a derogation from the original regulations contained in Commission Regulation (EEC) 423/74.

The scheme authorises the payment of specified rates of grant towards prescribed capital expenditure in relation to replanting of hop gardens with approved varieties of hops, and the erection of new wiring and poles for hop growing. Conditions of eligibility are laid down, including a requirement that at the time of payment of grant the area used by an applicant for growing hops must not have increased so as to exceed the total area so used by him on 1st February 1973 and any additional hop growing area which has come into his possession since that date, if the additional area was also used for growing hops on 1st February 1973.

Provision is made for the approval of applications by the appropriate Minister, who can impose conditions. Proposals must be properly carried out without avoidable delay, and any conditions must be observed.

The scheme also provides that grant which would otherwise have been payable may be reduced or withheld altogether if financial assistance for the work has been paid or is available from another source, or if the carrying out of that work would frustrate other work in respect of which expenditure has been grant-aided. The scheme is applicable in respect of work begun on or after 1st February 1973 and completed by 31st January 1975.

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