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STATUTORY INSTRUMENTS

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**1983 No. 507**

**AGRICULTURE**

**HORTICULTURE**

**The Farm and Horticulture Development  
(Amendment) Regulations 1983**

*Laid before Parliament in Draft*

*Made - - - - 31st March 1983*

*Coming into Operation 1st April 1983*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, being Ministers designated for the purposes of section (2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Economic Community<sup>(1)</sup>, in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations, a draft of which has been approved by resolution of each House of Parliament:—

1. These regulations may be cited as the Farm and Horticulture Development (Amendment) Regulations 1983 and shall come into operation on 1st April 1983.

2. The Farm and Horticulture Development Regulations 1981 shall be amended in accordance with the following provisions.

3. In regulation 11 thereof (restrictions on approval of grant) in paragraph (1) immediately after subparagraph (b) there shall be inserted the following subparagraph:—

“(c) any expenditure in connection with the replacing of apple orchards or pear orchards to the extent that such expenditure was incurred before 8th November 1982, or proposed expenditure in connection with replacing apple orchards or pear orchards to take place after 31st March 1988.”.

4. Immediately after regulation 16 thereof (restrictions on grant) there shall be inserted the following regulation:—

“**16A.** The appropriate Minister shall not pay any grant under these regulations in respect of replacing any apple orchards or pear orchards unless the claim for grant is received on or before 31st March 1988.”.

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5.—(1) Immediately after the entries numbered 15 in Schedule 1 thereto (eligible work and facilities and rates of grant) there shall be inserted the following entries in Columns 1, 2, 3 and 4 of that Schedule:—

“ “

15A. Replacement of apple orchards (other than apple orchards consisting of trees producing cider apples) which have been grubbed up after 7th November 1982 by an equal or smaller area of apple orchards consisting of—	25	25	30
(i) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seedling apple or Spartan apple;			
(ii) any other named varieties of apple trees required for pollination (other than varieties producing cider apples) not exceeding in total one third of the number of trees of the varieties specified in sub-paragraph (i);			
(iii) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination.			
15B. Replacement of pear orchards (other than pear orchards consisting of trees producing perry pears) which have been grubbed up after 7th November 1982 by an equal or smaller area of pear orchards consisting of—	25	25	30”
(i) the varieties of pear trees known as Conference pear or Doyenne du Comice pear;			
(ii) any other named varieties of pear trees required for pollination (other than varieties producing perry pears) not exceeding in total one third of the number of trees of the varieties specified in sub-paragraph (i).			

(2) Immediately after the entries numbered 15 in Schedule 2 thereto (eligible work and facilities and rates of grant) there shall be inserted the following entries in Columns 1, 2, 3 and 4 of that Schedule:—

“ “

15A. Replacement of apple orchards (other than apple orchards consisting of trees producing cider apples) which have been grubbed up after 7th November 1982 by an equal or smaller area of apple orchards consisting of—	32.5	32.5	32.5
(i) the varieties of apple trees known as Cox's Orange Pippin apple, Bramley's Seedling apple or Spartan apple;			
(ii) any other named varieties of apple trees required for pollination (other than varieties producing cider apples) not exceeding in total one third of the number of trees of the varieties specified in sub-paragraph (i);			

(iii) any species of crab apple tree and any hybrid varieties of crab apple tree required for pollination.

15B. Replacement of pear orchards (other than pear orchards consisting of trees producing perry pears) which have been grubbed up after 7th November 1982 by an equal or smaller area of pear orchards consisting of—

32.5

32.5

32.5”

(i) the varieties of pear trees known as Conference pear or Doyenne du Comice pear;

(ii) any other named varieties of pear trees required for pollination (other than varieties producing perry pears) not exceeding in total one third of the number of trees of the varieties specified in sub-paragraph (i).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 31st March 1983.

L.S.

*Peter Walker*  
Minister of Agriculture Fisheries and Food

31st March 1983

*George Younger*  
Secretary of State for Scotland

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## EXPLANATORY NOTE

These regulations amend the Farm and Horticulture Development Regulations 1981 by making provision for grant to be claimed under the regulations towards the cost of replacing apple orchards or pear orchards (other than such orchards producing cider apples or perry pears) grubbed up after 7th November 1982 by an equal or smaller area of either apple orchards or pear orchards (depending on the type of orchard grubbed up) containing:—

- (i) apple trees or pear trees respectively of specified varieties (Cox's Orange Pippin apple, Bramley's Seedling apple and Spartan apple or Conference pear and Doyenne du Comice pear);
- (ii) any other named varieties of apple trees or pear trees required for pollination (other than varieties producing cider apples or perry pears) not exceeding in number one third of the total of the specified varieties;
- (iii) in the case of apple orchards, any number of crab apple trees or hybrid varieties of crab apple trees required for pollination.

Grant is only payable towards the cost of replacements taking place after 7th November 1982 and before 1st April 1988 provided that the replacement is included (by means of a variation) in an approved development plan and the claim for grant is received on or before 31st March 1988. In cases where the original application for assistance for a development plan was received on or after 1st February 1980 grant will be payable at the rate of 32.5 per cent, or at 25 per cent for agricultural businesses and 30 per cent for horticultural businesses in cases of such applications received before that date (although in the latter two cases grant may be paid at the rate of 32.5 per cent with the consent of the appropriate Minister).