
STATUTORY INSTRUMENTS

1985 No. 1029

**AGRICULTURE
HORTICULTURE**

The Agriculture Improvement Scheme 1985

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>5th July 1985</i>
<i>Laid before Parliament</i>		<i>8th July 1985</i>
<i>Comming into operation</i>		
<i>Paragraphs 1 and 10 and Schedule 2</i>		<i>9th July 1985</i>
<i>Remainder</i>		<i>1st October 1985</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 28 and 29 of the Agriculture Act 1970 and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme:—

Citation, extent and commencement

1.—(1) This scheme may be cited as the Agriculture Improvement Scheme 1985 and shall apply throughout the United Kingdom.

(2) This scheme shall come into operation—

- (a) as to this paragraph, paragraph 10 and Schedule 2, on 9th July 1985;
- (b) as to all other provisions, on 1st October 1985.

Interpretation

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

“agriculture business” means a business consisting in, or such part of any business as consists in, the pursuit of agriculture, including the storage, the transport and the preparation for market of the produce of the business;

“the appropriate Minister” means—

- (a) in relation to England or Northern Ireland, the Minister;
- (b) in relation to any other part of the United Kingdom, the Secretary of State;

“contractor” means any person who enters into an agreement to supply agricultural work or services in connection with agricultural land;

“dairy cows” means cows which have calved and which by reason of their breed or suitability are exclusively or principally kept for the production of milk either for human consumption or for processing into milk products;

“designated maps” means—

- (a) in relation to England, the 3 volumes of maps numbered 1 to 3, each such volume being marked “volume of maps of less-favoured farming areas in England” and with the number of the volume, dated 3rd April 1984, signed and sealed by the Minister and deposited at the offices of the Ministry of Agriculture, Fisheries and Food at Great Westminster House, Horseferry Road, London SW1P 2AE;
- (b) in relation to Wales, the 2 volumes of maps numbered 1 and 2, both volumes being marked “volume of maps of less-favoured farming areas in Wales” and with the number of the volume, dated 29th March 1984, signed by the Secretary of State for Wales and deposited at the offices of the Welsh Office Agriculture Department at Plas Crug, Aberystwyth, Dyfed SY23 1NG;
- (c) in relation to Scotland, the 4 maps numbered 1 to 4, each such map being marked “map of less-favoured farming areas in Scotland” and with the number of the map, dated 2nd April 1984, signed by the Secretary of State for Scotland and deposited at the offices of the Department of Agriculture and Fisheries for Scotland at Chesser House, Gorgie Road, Edinburgh EH11 3AW;
- (d) in relation to Northern Ireland, the map marked “map of less-favoured farming areas in Northern Ireland”, dated 4th April 1984, signed by the Secretary of State for Northern Ireland and deposited at the offices of the Department of Agriculture for Northern Ireland at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB;

“excluded contractor” means a contractor other than a contractor who has entered into a written agreement with the occupier of the land on which is carried on the agricultural business in relation to which a claim for grant is made under this scheme and that agreement is expressed to continue in force for a period which is not less than seven years from the day immediately preceding the day on which the claim is submitted;

“glasshouse” means a fixed or mobile structure, used for the production of horticultural produce for sale, which is mounted on durable foundations, is not less than 1.67 metres high at the ridge, and of which more than half the total area of the sides, ends and roof is of glass or such other translucent material as will give a durability and transparency similar to that of glass;

“horticultural produce” means—

- (a) fruit;
- (b) vegetables of a kind grown for human consumption, including fungi, but not including maincrop potatoes or peas grown for seed or for harvesting dry;
- (c) flowers, pot plants and decorative foliage;
- (d) herbs;
- (e) seeds (other than pea seeds), bulbs and other material, being seeds, bulbs or material for—
 - (i) sowing or planting for the production of fruit, of the vegetables, flowers, plants or foliage mentioned in (b) and (c) above or of herbs, or
 - (ii) reproduction of the seeds, bulbs or other material planted; or
- (f) trees and shrubs, other than trees grown for the purpose of afforestation; but does not include hops;

“labour unit” means the amount of work, other than work done by an excluded contractor except to the extent that such work is carried out by seasonal labour, which would in the opinion of the appropriate Minister occupy the full time, not exceeding 2,300 hours per year, of a full-time worker;

“less-favoured area” means land—

- (a) which is situated in an area included in the list of less-favoured farming areas adopted by the Council or the Commission of the European Communities under Article 2 of Council Directive No. [75/268/EEC](#) on mountain and hill farming and farming in certain less-favoured areas⁽¹⁾, and
- (b) which—
 - (i) is, in the opinion of the appropriate Minister, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and whose agricultural production is, in the opinion of the appropriate Minister, restricted in its range by, or by any combination of, soil, relief, aspect or climate, or
 - (ii) is situated in the Isles of Scilly,

which land is within the area shaded blue or shaded pink on the designated maps;

“main framework”, in relation to a building or structure, means the floor, outer walls and roof of that building or structure and any internal dividing walls which are integral to that building or structure;

“pig place”, for the purposes of paragraph 4(1)(b), means the facilities necessary to house one fattening pig; save that where the herd includes breeding sows, the facilities necessary to house one such sow shall be taken to be the equivalent of 6.5 pig places;

“preparation for market”, in relation to produce, does not include canning, bottling, pulping or cooking, or preserving by sterilising, by freezing or by de-hydrating;

“the 1980 Regulations” means the Agriculture and Horticulture Development Regulations 1980⁽²⁾;

“the 1981 Regulations” means the Farm and Horticulture Development Regulations 1981⁽³⁾;

“the 1985 Regulations” means the Agriculture Improvement Regulations 1985;

“the 1980 Scheme” means the Agriculture and Horticulture Grant Scheme 1980⁽⁴⁾.

(2) Unless the context otherwise requires, any reference in this scheme to a numbered paragraph or Schedule shall be construed as a reference to the paragraph or Schedule bearing that number in this scheme.

Payment of grants

3.—(1) Subject to the provisions of this scheme, the appropriate Minister may make to any person a grant towards expenditure incurred by him for the purposes of, or in connection with, the carrying on of an agricultural business, being expenditure which—

- (a) has been incurred on or after 1st October 1985 in respect of any work, facility or transaction of a kind specified in—
 - (i) any of paragraphs 1 to 8 and 10 in column 1 of Schedule 1;

(1) Article 2 was amended by Council Directive No. [80/666/EEC](#).

(2) Amended by S.I. 1981/1708, 1983/508, 924, 1763, 1984/618, 1922, 1985/1025.

(3) Amended by S.I. 1983/507, 925, 1762, 1984/620, 1924.

(4) Varied by S.I. 1981/1533, 1983/273, 923, 1764, 1984/619, 1923.

- (ii) in relation to Scotland only, paragraph 9 in column 1 of Schedule 1;
- (b) appears to that Minister to be of a capital nature or incurred in connection with expenditure of a capital nature; and
- (c) is approved by that Minister for the purposes of a grant under this scheme.

(2) The appropriate Minister may make the payment of grant under sub-paragraph (1) above subject to such conditions as that Minister thinks fit, and any payment of such grant may be made at such time as that Minister may determine.

(3) Where it appears to the appropriate Minister that expenditure in respect of which a grant is claimed under sub-paragraph (1) above has been incurred partly for the purposes of, or in connection with, the carrying on of an agricultural business and partly for non-agricultural purposes, that Minister may for the purposes of a grant under the said sub-paragraph (1) 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 that Minister to be referable to the carrying on of that agricultural business.

Restrictions on payment of grant

4.—(1) The appropriate Minister shall not pay grant under paragraph 3(1) in relation to any expenditure—

- (a) if at the time of receipt of the claim for grant the agricultural business in relation to which the expenditure has been incurred is the subject of a current development plan approved under the 1980 Regulations or the 1981 Regulations or of a current improvement plan approved under the 1985 Regulations;
- (b) in connection with the breeding or keeping of pigs unless—
 - (i) that expenditure is not in respect of any work, facility or transaction which is of a kind specified in paragraph 2(b) in column 1 of Schedule 1 or, if the expenditure is in respect of any such work, facility or transaction, it appears to that Minister that, after completion of the work, facility or transaction, the number of pig places will not exceed 500 in the case of expenditure incurred before 31st December 1986 or 400 in the case of expenditure incurred on or after that date but before 31st December 1987, on the land on which there will be carried on the agricultural business in relation to which the expenditure has been incurred, and
 - (ii) that land will be capable of producing not less than 35 per cent. of the feeding stuffs required for the pigs kept on that land;
- (c) in connection with the breeding or keeping of poultry or the production of eggs except where that expenditure is in respect of any work, facility or transaction which is of a kind specified in paragraph 1(c) in column 1 of Schedule 1 and is required to be carried out in order to comply with the terms of—
 - (i) an abatement notice under section 93 of the Public Health Act 1936;
 - (ii) a nuisance order under section 94 of that Act;
 - (iii) a prohibition notice under section 1 of the Public Health (Recurring Nuisances) Act 1969;
 - (iv) a notice requiring removal of a nuisance under section 20 of the Public Health (Scotland) Act 1897;
 - (v) an order of a court under section 22 or 36 of that Act; or
 - (vi) a notice under section 110 of the Public Health (Ireland) Act 1878;

(d) in connection with the breeding or keeping of dairy cows unless it appears to that Minister that the effect of the work, facility or transaction in respect of which that expenditure has been incurred is not to exceed the reference quantity or, where appropriate, the additional reference quantity determined in accordance with Council Regulation (EEC) No. 857/84⁽⁵⁾ adopting general rules for the application of the levy referred to in Article 5c of Council Regulation (EEC) No. 804/68⁽⁶⁾ in the milk and milk products sector.

(2) Where at the date on which a claim for grant under paragraph 3(1) is received by the appropriate Minister—

- (a) the amount of the expenditure which is included in the claim (hereinafter in this paragraph referred to as “the present claim”) and towards which grant is payable, or
- (b) the aggregate of the amount of that expenditure and any other relevant expenditure towards which grant is payable or has been paid in respect of the same agricultural business, whether under this scheme or otherwise, as the result of a claim received during the period of six years ending with the date of receipt of the present claim,

exceeds £35,000 per labour unit reasonably required in the carrying on of the agricultural business to which the present claim relates or £50,000 for the business, that Minister shall not pay grant towards so much of that expenditure or, as the case may be, that aggregate as exceeds those figures except to the extent that such excess aggregate expenditure has been incurred in relation to any work, facility or transaction of a kind specified in paragraph 1(a) or (d), 5, 6 or 7 in column 1 of Schedule 1 and does not exceed the further sum of £24,000 for the business.

(3) Where the agricultural business to which the present claim under paragraph 3(1) relates includes the breeding or keeping of poultry or the production of eggs, work done in carrying on that part of the agricultural business (other than work required to comply with the statutory provisions referred to in sub-paragraph (1)(c)(i) to (vi) above) shall be disregarded for the purposes of calculating under sub-paragraph (2) above the number of labour units reasonably required in the carrying on of the agricultural business.

(4) In this paragraph—

“expenditure” does not include expenditure incurred in respect of any work, facility or transaction of a kind specified in paragraph 9 in column 1 of Schedule 1;

“other relevant expenditure” means expenditure which is included in any previous improvement plan approved under the 1985 Regulations or towards which grant is payable or has been paid under this scheme.

Amounts of grant

5.—(1) Subject to the provisions of this paragraph and paragraphs 8 and 9, the amount of any grant payable under paragraph 3(1) towards expenditure in respect of any work, facility or transaction of a kind specified in any of paragraphs 1 to 9 in column 1 of Schedule 1 shall be the percentage of that expenditure specified in relation to that work, facility or transaction in column 2 of that Schedule.

(2) In the case of any work, facility or transaction which, in the opinion of the appropriate Minister, is for the purposes of, or in connection with, the carrying on of an agricultural business or that part thereof situated in a less-favoured area, the amount of grant so payable shall be the percentage of that expenditure specified in relation to that work, facility or transaction in column 3 of Schedule 1.

(3) Where it appears to the appropriate Minister that expenditure towards which grant is payable under paragraph 3(1) has been incurred for the purposes of, or in connection with, the carrying on

⁽⁵⁾ Amended by Council Regulation (EEC) No. 590/85 and Council Regulation (EEC) No. 1305/85.

⁽⁶⁾ Article 5c was inserted by Council Regulation (EEC) No. 856/84 and subsequently amended by Council Regulation (EEC) No. 1557/84 and Council Regulation (EEC) No. 1298/85.

of an agricultural business situated partly in a less-favoured area, the appropriate Minister may for the purpose of determining the amount of grant so payable towards that expenditure treat as having been incurred for, or in connection with, that part of the business situated in the less-favoured area so much of that expenditure as appears to that Minister to be referable to the carrying on of that part of the business.

(4) The amount of any grant payable under paragraph 3(1) towards expenditure in respect of the carrying out or provision of any work, facility or transaction (including conservation or amenity works) which is not of a kind specified in any of paragraphs 1 to 9 in column 1 of Schedule 1 but is incidental to, or necessary or proper in, the carrying out or provision of any other work, facility or transaction which is of a kind so specified or for securing the full benefit thereof shall be calculated at the rate of grant appropriate to that other work, facility or transaction in accordance with the provisions of this paragraph.

Claims for grant

6. Any claim for a grant under this scheme shall be made in such form and manner and at such time as the appropriate Minister may from time to time require, and the claimant for grant shall furnish all such particulars and information relating to the claim and copies of such documents and records relating thereto as that Minister may require.

Closing dates for claims

7. The appropriate Minister shall not pay any grant under this scheme in respect of—
- (a) replacing any apple orchards or pear orchards unless the claim for grant is received by him on or before 31st March 1988;
 - (b) any work, facility or transaction which is of a kind specified in paragraph 5 or 6 in column 1 of Schedule 1 (heated glasshouses and glasshouse heating systems) unless the claim for grant is received by him on or before 30th November 1988;
 - (c) any work, facility or transaction which is of a kind not referred to in sub-paragraph (a) or (b) above unless the claim for grant is received by him on or before 1st April 1993, or such later date, not later than 1st May 1993, as that Minister may in special circumstances permit.

Standard costs

8. In such cases, and subject to such conditions, as the appropriate Minister may from time to time determine, the cost of any work, facility or transaction or the amount of any other cost or expenditure shall, if the claimant so elects, be taken for the purpose of determining the amount of any grant payable under this scheme as such standard cost or amount as that Minister may from time to time fix with the approval of the Treasury.

Reduction or withholding of grant

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

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

- (c) he considers that the expenditure towards which such grant is claimed is excessive having regard to the work, facility or transaction carried out or provided to which the claim relates; or
 - (d) the carrying out of the work, facility or transaction towards the expenditure on which such grant is claimed has been effected in a way which appears to that Minister to have destroyed or damaged the natural beauty and amenity of the countryside to an extent which cannot be justified by any resulting agricultural benefit.
- (2) Before reducing or withholding any grant under the provisions of sub-paragraph (1)(c) or (d) above the appropriate Minister shall—
- (a) give to any person whose grant it is proposed to reduce or withhold a written notification of the reasons for the action proposed to be taken by that Minister, and
 - (b) afford that person an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister, and
 - (c) consider the report by a person so appointed and supply a copy of the report to the person mentioned in sub-paragraph (a) above.

Variation of the 1980 Scheme

10. The 1980 Scheme shall have effect subject to the variations set out in Schedule 2 to this scheme.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd July 1985.

Michael Jopling
Minister of Agriculture, Fisheries and Food

1st July 1985

George Younger
Secretary of State for Scotland

5th July 1985

Nicholas Edwards
Secretary of State for Wales

We approve,

1st July 1985

T. Garel-Jones
Donald Thompson
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE 1

Paragraphs 3(1), 4(1) and (2), 5(1), (2) and (4) and 7

ELIGIBLE WORKS, FACILITIES AND TRANSACTIONS AND RATES OF GRANT

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Kind of work or facility or transaction</i>	<i>Business outside less-favoured area. Rate of grant. Per cent.</i>	<i>Business inside less-favoured area. Rate of grant. Per cent.</i>
1. Provision, replacement or improvement of:		
(a) hedges (including hedgerow trees), walls and dykes (where the walls and dykes are built of materials traditional in the locality) and associated gates, stiles and footbridges;	30	60
(b) facilities for the handling, storage and treatment of agricultural effluents and waste (except facilities specified in sub-paragraph (c) of this paragraph);	30	60
(c) manure stores excluding those integral with the poultry-house;	15	30
(d) shelter belts (including trees for shading stock)—		
(i) consisting of 50 per cent. or more broadleaved trees;	30	60
(ii) other shelter belts.	15	60
2. Supply and installation of:		
(a) wind or water powered pumps and generators, solar and other forms of permanent and durable energy-saving agricultural investment (excluding any investment specified in sub-paragraph (b) below);	15	30
(b) permanent thermal insulation, vapour sealing or gas sealing for the control of temperature or atmosphere in buildings designed and intended for agricultural use (excluding glasshouses of a kind specified in paragraph 5 below).	15	30
3. Burning heather or grass or making muirburn or regenerating heather by cutting; bracken control by means other than soil cultivation.	15	30
4. Replacement, alteration or improvement of unheated glasshouses.	15	15
5. Replacement, alteration or other improvement (including the supply and installation of permanent thermal insulation) of heated glasshouses being heated internally by means of permanent installations for the consumption of fuel.	35	35
6. Provision, installation or replacement of glasshouse heating systems including boilers.	15	15

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Kind of work or facility or transaction</i>	<i>Business outside less-favoured area. Rate of grant. Per cent.</i>	<i>Business inside less-favoured area. Rate of grant. Per cent.</i>
7. (a) 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
(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 half 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.		
(b) 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
(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 half of the number of trees of the varieties specified in sub-paragraph (i).		
8. Orchard grubbing.	15	15
9. In Scotland only, making, improvement or alteration of the banks or channels of water-courses or other agricultural flood protection works to provide or improve the drainage of agricultural land or to prevent or mitigate the flooding or erosion of agricultural land.	40	50
10. Any work, facility or transaction (including conservation or amenity works) incidental to the carrying out of any work, facility or transaction specified in any of paragraphs 1 to 9 above or necessary or proper in carrying it out or providing it or securing the full benefit thereof.	The rate appropriate to that work, facility or transaction in accordance with the provisions of this scheme.	

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SCHEDULE 2

Paragraph 10

VARIATION OF THE 1980 SCHEME

For paragraph 14 of the 1980 Scheme (closing date for claims) there shall be substituted the following paragraphs—

“Closing date for claims

14.—(1) Subject to sub-paragraph (2) below, the appropriate Minister shall not pay any grant under paragraph 3(1) in respect of a claim received after 31st December 1985, or such later date, not later than 31st January 1986, as that Minister may in special circumstances permit.

(2) In the case of expenditure incurred after 31st December 1982 in relation to any of the matters referred to in sub-sub-paragraph (a) below or incurred after 31st December 1983 in relation to any of the matters referred to in sub-sub-paragraph (b), (c) or (d) below, the appropriate Minister shall not pay any grant under paragraph 3(1) where the claim is received after the date hereby specified in relation to that matter, that is to say—

- (a) in relation to the matters specified in paragraph 7(iii) of the Schedule (arterial drainage in Scotland), 31st December 1988;
- (b) in relation to the matters specified in paragraph 12 of the Schedule (reseeding and regeneration of grassland, burning heather or grass, reclamation of land in Northern Ireland), 31st December 1988;
- (c) in relation to the matters specified in paragraph 13(ii) and (iii) of the Schedule (replacement of apple and pear orchards), 31st March 1988;
- (d) in relation to any work, facility or transaction in respect of which grant is payable in Northern Ireland under the Agricultural Development in Less-Favoured Areas Regulations (Northern Ireland) 1981(7) 30th June 1986.

15. The appropriate Minister shall not pay grant under this scheme in relation to any expenditure incurred on or after 9th July 1985 except expenditure incurred—

- (a) in Scotland before 1st October 1985 in relation to any of the matters specified in paragraph 7(iii) of the Schedule;
- (b) in Northern Ireland before 1st January 1986 in relation to any work, facility or transaction in respect of which grant is payable under the Agricultural Development in Less-Favoured Areas Regulations (Northern Ireland) 1981.”

EXPLANATORY NOTE

This scheme, which complies with Article 8(2) and (4) of Council Regulation (EEC) No. 797/85 on improving the efficiency of agricultural structures and Council Directive No. 75/268/EEC on mountain and hill farming and farming in certain less-favoured areas, applies throughout the United Kingdom and operates (except for paragraphs 1 and 10 and Schedule 2) from 1st October 1985.

(7) S.I. 1981 No. 399

The scheme makes provision for aid for agricultural businesses in the form of grants in respect of expenditure of a capital nature incurred in relation to the works, facilities or transactions specified in column 1 of Schedule 1 (paragraph 3). The rates of grant applicable are set out (paragraph 5 and columns 2 and 3 of Schedule 1). Higher rates of grant may be payable for businesses in less-favoured areas (paragraph 5(2) and column 3 of Schedule 1). Less-favoured areas are defined by reference to designated maps which are available for inspection during normal office hours at the addresses specified in the definition of designated maps (paragraph 2(1)). Copies of the maps may be inspected during normal office hours at any Regional or Divisional Office of the Ministry of Agriculture, Fisheries and Food, at any Divisional Office of the Welsh Office Agriculture Department, at any Area Office of the Department of Agriculture and Fisheries for Scotland or at any County Agricultural Executive Office or selected Area Offices of the Department of Agriculture for Northern Ireland.

The scheme also—

- (a) imposes certain restrictions on the payment of grant (paragraph 4);
- (b) provides for standard costs (paragraph 8);
- (c) provides for the reduction or withholding of grant in certain circumstances where it would otherwise be payable (paragraph 9);
- (d) sets closing dates for claims (paragraph 7).

This scheme supersedes the Agriculture and Horticulture Grant Scheme 1980 (S.I. 1980/1072, as varied). Expenditure incurred on or after 9th July 1985 is not generally eligible for grant under that scheme. Where expenditure is incurred after 31st December 1982 in relation to arterial drainage in Scotland, or after 31st December 1983 in relation to reseeded and regeneration of grassland, burning heather or grass, reclamation of land in Northern Ireland, the replacement of apple and pear orchards or certain works in less-favoured areas in Northern Ireland, new closing dates for receipt of claims are introduced (paragraphs 1 and 10 and Schedule 2).