

Scheme made by the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, laid before Parliament under section 29(2) of the Agriculture Act 1970, for approval by resolution of each House of Parliament within forty days beginning with the day on which the Scheme was made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

1991 No. 1338

**AGRICULTURE
HORTICULTURE**

The Farm and Conservation Grant (Variation) Scheme 1991

<i>Made</i>	- - - -	<i>6th June 1991</i>
<i>Laid before Parliament</i>		<i>10th June 1991</i>
<i>Coming into force</i>	- -	<i>18th July 1991</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(1), and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Scheme:

Title, commencement and interpretation

1.—(1) This Scheme may be cited as the Farm and Conservation Grant (Variation) Scheme 1991 and shall come into force on 18th July 1991.

(2) In this Scheme—

“the principal Scheme” means the Farm and Conservation Grant Scheme 1989(2);

“the appropriate Minister” has the meaning provided by paragraph 2(1) of the principal Scheme.

Savings

2.—(1) Paragraph 4(b) and (e) of this Scheme shall not apply—

(a) in relation to any claim for grant under the principal Scheme received by the appropriate Minister before 18th July 1991, or

(1) 1970 c. 40.

(2) S.I.1989/128, amended by S.I. 1990/1126.

- (b) in relation to any claim for grant under the principal Scheme towards expenditure incurred before 18th December 1990,

and those provisions of this Scheme shall not affect the operation of the principal Scheme in relation to any such claim for grant.

(2) Paragraphs 4(a) and (d), 5(2) and 7 of this Scheme shall not apply in relation to any claim for grant received by the appropriate Minister before 18th July 1991, and that paragraph shall not affect the operation of the principal Scheme in relation to any such claim for grant.

Variation of the principal Scheme

3. The principal Scheme shall be varied in accordance with the following paragraphs of this Scheme.

4. In paragraph 2(1) (interpretation)—

- (a) after the definition of “agricultural business” there shall be inserted the following definition:

““beneficial organism” means any creature bred or kept for its use in the control of infestation of horticultural produce by pests;”;

- (b) for the definition of “designated maps” there shall be substituted the following definition:

““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 20th May 1991, signed and sealed by the Minister of Agriculture, Fisheries and Food and deposited at the offices of the Ministry of Agriculture, Fisheries and Food at Nobel House, 17 Smith Square, London SW1P 3JR;

- (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 20th May 1991, signed by the Secretary of State for Wales and deposited at the offices of the Welsh Office Agriculture Department at Trawsgoed, Aberystwyth, Dyfed SY23 4HT;

- (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 15th May 1991, signed by the Secretary of State for Scotland and deposited at the offices of the Scottish Office Agriculture and Fisheries Department at Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TW;”;

- (c) in the definition of “the Farm and Conservation Grant Regulations”, after the word “means” there shall be inserted the following:

“the Farm and Conservation Grant Regulations 1989(3) or”;

- (d) in the definition of “glasshouse”, after the words “horticultural produce” there shall be inserted “or beneficial organisms”; and

- (e) for sub-paragraph (a) of the definition of “less-favoured area”, there shall be substituted the following sub-paragraph:

“(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(2) of Council Directive [75/268/EEC](#)(4) on mountain and hill farming

(3) S.I. 1989/219, amended by S.I. 1990/1125.

(4) OJ No. L128, 19.5.75, p.1.

and farming in certain less-favoured areas, as amended by Council Directive [80/666/EEC\(5\)](#), which list is contained in Council Directive 84/169/EEC(6), as amended by Commission Decision [91/25/EEC\(7\)](#), and”.

5.—(1) In paragraph 4(1) (restrictions on payment of grant)—

(a) in sub-paragraph (d), for the words from “reference quantity” to the end of the sub-paragraph there shall be substituted the following:

“quota, as defined in the Dairy Produce Quotas Regulations 1989(8), of the person carrying on the agricultural business to which the expenditure relates”;

(b) in sub-paragraph (e)(i), for the words “ancillary farm business” there shall be substituted “qualifying business”; and

(c) sub-paragraph (f) shall be omitted.

(2) In paragraph 4(3), for the figure “£35,000” there shall be substituted “£42,500”, and for the figure “£74,000” there shall be substituted “£85,000”.

(3) In paragraph 4(5)—

(a) there shall be inserted the following definition:

““qualifying business” means a business consisting in the pursuit of a qualifying activity where that business is carried on by the person also carrying on the eligible agricultural business on the same or adjacent land;”;

(b) the definition of “ancillary farm business” shall be omitted.

6.—(1) In paragraph 5 (amounts of grant)—

(a) in sub-paragraph (4), the words “Subject to sub-paragraph (6) below” shall be omitted; and

(b) for sub-paragraph (6) there shall be substituted the following sub-paragraph:

“(6) Subject to the provisions of paragraphs 8 and 9, in the case of expenditure incurred in relation to the Isles of Scilly in respect of any work, facility or transaction of a kind specified both in column 1 of Schedule 1 and column 1 of Schedule 2, the amount of any grant payable under paragraph 3(1) shall be the percentage of that expenditure specified in relation to that work, facility or transaction in column 2 of Schedule 2.”.

7. In Schedule 1 (eligible works, facilities and transactions and rates of grant), in paragraphs 7 and 8 in column 1, after the words “horticultural produce” in each place, there shall be inserted “or beneficial organisms”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th June 1991.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

(5) OJ No. L180, 14.7.80, p.34.

(6) OJ No. L82, 26.3.84, p.67.

(7) OJ No. L16, 22.1.91, p.25.

(8) S.I. 1989/380, amended by S.I. 1990/132, 1990/664, 1990/784.

5th June 1991 *Strathclyde*
Parliamentary Under Secretary of State, Scottish
Office

5th June 1991 *David Hunt*
Secretary of State for Wales

We approve,

6th June 1991 *Gregory Knight*
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme further varies the Farm and Conservation Grant Scheme 1989 (“the principal Scheme”) and complies with Article 8 of Council Regulation (EEC) No. 797/85 (OJ No. L93, 30.3.85, p.1) on improving the efficiency of agricultural structures, as amended by Council Regulations (EEC) Nos. 1760/87 (OJ No. L167, 26.6.87, p.1), 2156/89 (OJ No. L207, 19.7.89, p.12) and 3808/89 (OJ No. L93, 30.3.85, p.1).

The Scheme—

- (a) provides for grant in respect of glasshouses used for the production of “beneficial organisms” intended for pest control (paragraphs 4(a) and (d) and 7);
- (b) extends the areas of land which may be treated for the purposes of the principal Scheme as less-favoured areas, in which higher rates of grant are payable, in accordance with Commission Decision 91/25/EEC (OJ No. L16, 22.1.91, p.25), which amends the list of less-favoured farming areas contained in Council Directive 84/169/EEC (OJ No. L82, 26.3.84, p.67) (paragraph 4(e)). 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 4(b)). Copies of the maps may also 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 and at any Area Office of the Scottish Office Agriculture and Fisheries Department. This variation of the principal Scheme does not apply to claims for grant received before 18th July 1991 or claims towards expenditure incurred before 18th December 1990, the date of notification of the Commission Decision;
- (c) omits the requirement in respect of certain works that expenditure shall not be incurred before written notification of them is acknowledged by the appropriate Minister (paragraph 5(1)(c));
- (d) makes increases in the maximum limits of expenditure which may be eligible for grant (paragraph 5(2)).

The Scheme also—

- (a) amends the definition of “the Farm and Conservation Grant Regulations” (paragraph 4 (c));
- (b) makes the restriction on expenditure in connection with the breeding or keeping of dairy cows referable to an applicant’s quota, as defined in the Dairy Produce Quotas Regulations 1989 (paragraph 5(1)(a));
- (c) replaces the term “ancillary farm business” with “qualifying business” (paragraph 5(1)(b) and (3)); and
- (d) makes a minor amendment to clarify which rates of grant are available in the Isles of Scilly (paragraph 6).