
STATUTORY INSTRUMENTS

1988 No. 1302 (N.I. 12)

NORTHERN IRELAND

The Farm Businesses(Northern Ireland) Order 1988

<i>Made</i>	- - - -	<i>26th July 1988</i>
<i>Laid before Parliament</i>		<i>8th August 1988</i>
<i>Coming into Operation</i>		<i>17th August 1988</i>

At the Court at Buckingham Palace, the 26th day of July 1988
Present,
The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of section 1 of the Farm Land and Rural Development Act 1988(1):

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(2) (as modified by section 4(3) of the said Act of 1988) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Farm Businesses (Northern Ireland) Order 1988.

(2) This Order shall come into operation on the expiration of 21 days from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(3) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(1) 1988 c. 16
(2) 1974 c. 28
(3) 1954 c. 33 (N.I.)

Grants in respect of farm businesses

3.—(1) The Department may, with the approval of the Department of Finance and Personnel, by order make a scheme to provide for the payment by the Department of grants towards expenditure which—

- (a) has been or is to be incurred for the purposes of, in connection with or in connection with any proposals for—
 - (i) the establishment or expansion of a farm business of such a description as may be specified in the scheme;
 - (ii) the establishment or expansion, for purposes connected with the establishment, expansion or carrying on of such a farm business, of any agricultural business;
 - (iii) the promotion of such a farm business; or
 - (iv) the marketing of anything produced or supplied in the course of such a farm business; and
- (b) appears to the Department to be neither expenditure of a capital nature nor expenditure which would fall to be treated for the purposes of Article 16 of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987⁽⁴⁾ as incurred in connection with expenditure of a capital nature.

(2) Without prejudice to the generality of paragraph (1), a scheme under this Article providing for the payment of grants may—

- (a) impose requirements to be complied with by persons applying for the grants;
- (b) confer a discretion on the Department as to the payment of the grants, as to the manner and timing of their payment and as to their amounts;
- (c) provide for the grants to be paid to persons on such terms as may be specified in or determined under the scheme and for the modification of any such terms in such manner as may be so specified or determined;
- (d) provide for the terms on which the grants are paid to impose such requirements on the persons to whom they are paid, including requirements to be complied with after the payment of the grants and requirements as to the repayment of grants, as may be so specified or determined;
- (e) provide for any discretion conferred by or under the scheme to be exercisable in such circumstances and by reference to such matters, and the opinion of such persons, as may be so specified or determined; and
- (f) contain such supplemental, consequential and transitional provision as the Department thinks fit.

(3) An order under this Article shall be made subject to negative resolution.

(4) In this Article—

“agricultural business” means a business consisting in, or such part of a business as consists in, the pursuit of agriculture;

“agriculture” has the same meaning as in the Agriculture Act (Northern Ireland) 1949⁽⁵⁾ and includes the use of land as osier land;

“the Department” means the Department of Agriculture;

“farm business” means any business consisting in, or such part of any business as consists in, a business which—

(4) 1987 NI 1

(5) 1949 c. 2 (N.I.)

- (a) is carried on by a person who also carries on an agricultural business at the same time and on the same or adjacent land; and
- (b) is not itself an agricultural business.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made only for purposes corresponding to those of section 1 of the Farm Land and Rural Development Act 1988.

It enables the Department of Agriculture for Northern Ireland, with the approval of the Department of Finance and Personnel, to make a scheme for the payment of grants in respect of certain aspects of farm businesses. Such a scheme may provide for grants towards non-capital expenditure incurred in connection with the establishment, expansion or promotion of a farm business, the marketing of the products of such a business, or the establishment or expansion of an agricultural business for purposes connected with such a business.