

the certificate shall be handed over to the seller and the seller shall, on making application and sending the certificate to the Ministry within a period of three months from the date of the purchase of the powder, be paid by the Ministry the amount of such reduction made by him at the time of the purchase of the powder.

Application

5. This scheme shall apply only when the sale is made in Northern Ireland and shall come into operation on the 1st day of October, 1954.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 30th day of September, Nineteen hundred and fifty-four in the presence of

(L.S.)

J. H. Craig,
Assistant Secretary.

The Ministry of Finance hereby approves of the foregoing scheme.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 30th day of September, Nineteen hundred and fifty-four in the presence of

(L.S.)

D. C. B. Holden,
Assistant Secretary.

Marginal Land Farm Buildings (Amendment) Scheme, 1954

Scheme dated 31st March, 1954, made by the Ministry of Agriculture under Section 6 of the Agriculture Act (Northern Ireland) 1949(a).

1954. No. 43

This Order which provides that the Agricultural Development (Marginal Land Farm Buildings) Scheme 1953 shall terminate on the 30th June, 1954 is of temporary effect and is not printed at length in this Volume.

Marginal Land Farm Buildings Scheme

SCHEME DATED DECEMBER 23RD, 1954, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 6 OF THE AGRICULTURE ACT (NORTHERN IRELAND), 1949 (b).

1954. No. 188

The Ministry of Agriculture in exercise of the powers conferred on it by subsection (1) of Section 6 of the Agriculture Act (Northern Ireland), 1949, and of every other power enabling it in that behalf and with the approval of the Ministry of Finance, hereby makes the following scheme:—

Short Title

1. This scheme may be cited as the Agricultural Development (Marginal Land Farm Buildings) Scheme, 1954.

Commencement and Termination

2. This scheme shall come into operation on the 23rd December, 1954, and terminate on the 30th September, 1955.

Definitions

3. In this scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the Act” means the Agriculture Act (Northern Ireland), 1949;

“agricultural land” shall have the same meaning as in the Agriculture Act (Northern Ireland), 1949, but shall not include any land used primarily or mainly for the growing and raising of flowers, or for nursery stock, or for woodlands;

“approved cost” means the cost of the work as approved by the Ministry for the purpose of making a grant;

“buildings” means permanent agricultural buildings (not being dwelling houses) constructed or adapted to a specification approved by the Ministry, the provision of which the Ministry is satisfied will increase the fertility of any agricultural land or the productive capacity of any farm or are necessary for the more efficient working of any farm on which they are sited or to be sited or with which they are associated, but shall not include movable houses or structures;

“the Ministry” means the Ministry of Agriculture, Northern Ireland;

“occupier” means a person who is in occupation of any land under an estate or interest, not less than a yearly tenancy;

“promoter” means the person at whose expense the work approved under this scheme is carried out;

“crops” includes tillage crops and grass.

Interpretation

4. The Interpretation Act, 1889 (a), as applied to Northern Ireland by the Interpretation Act (Northern Ireland), 1921 (b), shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Application for Grant

5. Subject to the provisions of this scheme the Ministry may make payments by way of grants towards the cost of carrying out on agricultural land such works as are specified in the First Schedule hereto to the owners or occupiers of not more than 50 statute acres of arable land situated in the County of Fermanagh and in the District Electoral Divisions of the County of Tyrone specified in the Second Schedule to this scheme, and also to such other persons in the same area as are in occupation of more than 50 acres of arable land in cases where the Ministry is satisfied that the land so occupied is of such a nature that it cannot without special treatment be reasonably productive either in regard to crops or the grazing of livestock.

(a) 52 and 53 Vict., c.63,

(b) 12 Geo. 5, c.4 (N.I.),

6. Applications for assistance towards the cost of carrying out any of the works specified in the First Schedule hereto will be accepted only from persons who are the owners or occupiers of the farms in respect of which application is made (herein referred to as "the promoters").

7. Forms of application for grant can be obtained from the Ministry and a promoter shall obtain such a form and make his application in writing thereon and he shall furnish all information therein required from him. No work shall be commenced on buildings for which a grant is applied for until the written approval of the Ministry to the project and the cost thereof has been communicated to the promoter and if any work be commenced before such approval is communicated the Ministry may on that ground reject the application or reduce the grant in respect thereof.

8. Grants shall be limited in the manner following, that is to say—

- (a) No grant shall be made in respect of work on any building where the cost is estimated to be less than £25.
- (b) In the case of buildings for the housing of calves the maximum grant shall not exceed £100.
- (c) In the case of buildings for the housing of pigs the maximum grant shall not exceed £100.
- (d) In the case of buildings for the housing of laying poultry the maximum grant shall not exceed £100.
- (e) The Ministry in its discretion may make grants to persons whose applications were approved by the Ministry under the Agricultural Development (Marginal Land Farm Buildings) Scheme, 1953, but who did not complete the buildings therein mentioned before 30th June, 1954.

Subject as above and also to paragraph 9 of this scheme the grant for work carried out under this scheme shall be at a rate not exceeding 50 per cent. of the approved cost of labour and materials necessary for the completion of the work to the satisfaction of the Ministry.

9. Notwithstanding anything contained in the immediate preceding paragraph the Ministry may, in any case where an application has been made in respect of more than one of the different projects set out in the aforesaid paragraph, limit the total amount of grant payable in respect of all such projects on any farm to £150, and the limitation herein contained shall apply to any case in which a grant has been made in respect of an application under the Agricultural Development (Marginal Land Farm Buildings) Scheme, 1953, and in which another application is made under this Scheme as if both applications had been made as one under the 1953 Scheme extended as to termination as in this Scheme contained.

General

10. The Ministry shall, in its consideration of any application for assistance under this Scheme, have regard as to whether the proposed work is economic in relation to the size of the holding and the kind of farming practised, and in any such consideration shall also have regard to the provisions of the Act, having for

their purposes the securing that agricultural land is maintained in good condition and farmed in accordance with the rules of good husbandry, and safeguarding in the public interest the supply of food or other agricultural products.

11. The Ministry may make such inspections of the work as it considers necessary to ensure that it is carried out in a proper manner, and the promoter shall afford to the Ministry, or to any of its officers, such facilities and help as may be required in carrying out such inspections

12. The promoter shall be solely responsible for carrying out any work approved under this scheme and for complying with any requirement under any enactment or bye-law affecting the work to be done.

13. The Ministry will, as a condition of any approval for works to be done under this scheme, require the promoter to give an undertaking to maintain the works in good order and to use them for the purpose for which they were constructed for a period of at least five years. Should the promoter fail to maintain and use the works to the satisfaction of the Ministry it may require him to refund either in whole or in part the amount paid as grant.

14. Promoters shall inform the Ministry of the date on which they propose to commence any work approved under this scheme and shall also notify the Ministry of the date on which the work is completed.

15. The Ministry may require promoters of works under this scheme to keep and produce for inspection such records and properly receipted vouchers and such other information as it may consider necessary in respect of the carrying out of the work.

16. In any case in which there is a change of owner or occupier before the completion of the work approved, the grant shall be paid to the person who is in ownership or occupation of the farm at the time the work is completed provided that such person gives an undertaking similar to that required in the preceding paragraph 13.

17. In any case in which the Ministry has paid a grant on completed works and where a further application is received having for its purpose the extension to, or the improvement of, such works the Ministry may, in so far as it thinks it reasonable to do so, take into account the amount paid in grant in respect of the previous work:

Provided, however, that the amount payable by way of grant shall in no case exceed the amount which would have been eligible or paid had the further application been submitted and approved as part of the original application.

18. The Ministry may, notwithstanding any approval which it may have given, cancel such approval, or reduce, or withhold in whole or in part, a grant in any case in which, in the opinion of the Ministry, the work has not been carried out in accordance with the terms of the approval, or where the work has not been fully or satisfactorily completed within a reasonable time, or has not been done in a manner which will lead to the efficient working of the holding, and in each of these respects the decision of the Ministry shall be final:

Provided that any such cancellation of approval shall not prejudice the approval of any new application submitted.

19. The Ministry may reduce, or withhold in whole or in part, the grant payable in respect of any work carried out under this scheme if other assistance is given out of Public or Trust funds towards its cost.

20. The Ministry shall not pay any grant in respect of work done under this scheme, notwithstanding that such work has been approved, in any case in which the person who would otherwise be entitled to receive the grant is convicted in any Court of Law for fraudulent practices in connection with that work.

21. The Ministry may fix a period during which applications under this scheme may be submitted, provided that if such period is fixed the Ministry shall give notice in two or more newspapers circulating in the area concerned of the period during which applications may be submitted.

22. The Ministry's decision on any question arising out of any application made under this scheme shall be final.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this twenty-third day of December, 1954, in the presence of

(L.S.) *(Signed)* W. C. Glover,
Assistant Secretary.

The Ministry of Finance hereby approves of the foregoing Scheme.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 23rd day of December, 1954, in the presence of

(L.S.) *(Signed)* C. J. Bateman,
Assistant Secretary.

FIRST SCHEDULE

Works eligible for Grant

1. (a) Construction of buildings to be used for the housing of calves.
- (b) Adaptation of existing buildings for the housing of calves.
2. (a) Construction of buildings to be used for the housing of pigs.
- (b) Adaptation of existing buildings for the housing of pigs.
3. (a) Construction of buildings to be used for the housing of laying poultry.
- (b) Adaptation of existing buildings for the housing of laying poultry.

SECOND SCHEDULE

The District Electoral Divisions of Aghafad, Dromore, Drumharvey, Ecclesville, Fallaghearn, Fintona, Greenan, Kilskeery, Lifford, Moorfield, Rahony, Tattymoyle and Trillick in the Rural District of Omagh in the County of Tyrone.