



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART II

#### CAPITAL AND OTHER GRANTS

#### 28 Interpretation of Part II

In this Part of this Act, except where the context otherwise requires, the following expressions have the following meaning respectively, that is to say—

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

" agriculture " and cognate expressions shall be construed, except in relation to Scotland, in accordance with section 109 of the Agriculture Act 1947 and, in relation to Scotland, in accordance with section 86 of the Agriculture (Scotland) Act 1948;

" the appropriate authority ", in relation to any order, scheme or regulations under this Part of this Act, means the appropriate Minister, or the appropriate Ministers acting jointly, for the part or parts of the United Kingdom for which the order, scheme or regulations is or are made ;

" the appropriate Minister ", except in sections 31 to 33 of this Act, means—

- (a) in relation to England, the Minister;
- (b) in relation to Wales, the Minister and the Secretary of State acting jointly;
- (c) in relation to Scotland, the Secretary of State;
- (d) in relation to Northern Ireland, the Minister;

" the Minister ", except in section 35 of this Act, means the Minister of Agriculture, Fisheries and Food ;

" Wales " includes Monmouthshire and references to England shall be construed accordingly.

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## 29 Farm capital grants

- (1) The appropriate authority may with the approval of the Treasury by scheme provide for the making, subject to such exceptions or restrictions as may be provided for by the scheme, of grants of amounts determined in such manner as may be provided for by or under the scheme towards expenditure incurred or to be incurred for the purposes of, or in connection with, the carrying on or establishment of an agricultural business, being expenditure which—
- (a) has been or is to be incurred in respect of any such matters as may be specified in the scheme, or in respect of works or facilities certified under section 26(6) of the Agriculture Act 1967 as amended by subsection (2)(e) of section 32 of this Act; and
  - (b) appears to the appropriate Minister to be of a capital nature or incurred in connection with expenditure of a capital nature; and
  - (c) is approved by the appropriate Minister for the purposes of a grant under the scheme.
- (2) Any scheme under this section shall be made by statutory instrument and—
- (a) may be made for any one, or jointly for any two or for all three, of the following, namely—
    - (i) England and Wales ;
    - (ii) Scotland;
    - (iii) Northern Ireland;
  - (b) may make different provision for different circumstances ;
  - (c) may vary or revoke any previous scheme under this section if or so far as that previous scheme is made for the same part or parts of the United Kingdom as the revoking or varying scheme ;
  - (d) shall be laid before Parliament after being made and cease to have effect (without prejudice to anything previously done thereunder or to the making of a new scheme) after the expiration of a period of forty days (calculated in accordance with section 7(1) of the Statutory Instruments Act 1946) beginning with the day on which it is made unless within that period it has been approved by resolution of each House of Parliament ;
- and the duration of such a scheme (that is to say, the period within which expenditure must qualify in accordance with the provisions of the scheme for consideration for a grant thereunder) shall be a period not exceeding seven years, but that period may from time to time be extended by further schemes under this section for periods not exceeding seven years at a time.
- (3) Any grant under such a scheme may be made, and any approval under such a scheme may be given, subject to such conditions as the appropriate Minister thinks fit; and any payment by way of such a grant shall be made at such time, or by such instalments at such intervals or times, as the appropriate Minister may determine—
- (a) where the expenditure in question is incurred for the purposes of activities on land situated in England, Wales or Northern Ireland, by the Minister;
  - (b) where that expenditure is incurred for the purposes of activities on land situated in Scotland, by the Secretary of State.
- (4) If at any time after the appropriate Minister has approved any expenditure for the purposes of a grant under such a scheme it appears to that Minister—
- (a) that any condition subject to which the approval was given or the grant has been made has not been complied with; or

- (b) that any work in respect of expenditure on which the approval was given has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed; or
- (c) that the person by whom the application for that approval was made (hereafter in this subsection referred to as " the applicant ") gave information on any matter relevant to the giving of the approval which was false or misleading in a material respect,

the appropriate Minister may revoke the approval in respect of the whole or part of the expenditure and, where in pursuance of subsection (3)(a) or (b) of this section any payment has been made by the Minister or the Secretary of State by way of grant, the Minister or, as the case may be, the Secretary of State may on demand recover an amount equal to that payment or such part thereof as the appropriate Minister may specify; but before revoking an approval in whole or in part under this subsection the appropriate Minister—

- (i) shall give to the applicant a written notification of the reasons for the revocation ; and
  - (ii) shall accord to the applicant an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister; and
  - (iii) shall consider the report by any person so appointed and supply a copy of that report to the applicant.
- (5) If any person, for the purpose of obtaining for himself or any other person any grant under such a scheme, knowingly or recklessly makes a false statement, he shall be liable on summary conviction to a fine not exceeding £400.
- (6) As from such date as the appropriate authority may by order made by statutory instrument appoint, and subject to subsection (7) of this section, the enactments mentioned in Part I of Schedule 5 to this Act and any instrument made thereunder shall to the extent specified in the third column of the said Part I, or, as the case may be, to the extent that the instrument was made by virtue of any provision of those enactments so specified, cease to have effect.
- (7) Notwithstanding subsection (6) of this section, the appropriate authority may with the approval of the Treasury by order provide for any such enactment or instrument as is referred to in that subsection to continue in force for such period after the date appointed under that subsection as may be specified in the order (and, in the case of the provisions of section 26 of the Agriculture Act 1967 so referred to, as if the further amendments to that section made by section 32 of this Act had not been made) for the purposes of cases of any description so specified ; and any order under this subsection shall be made by statutory instrument and—
- (a) may make different provision for different circumstances ;
  - (b) may be varied or revoked by a subsequent order under this subsection; and
  - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **30 Supplementary provisions as to farm capital grants**

- (1) The provisions of the Settled Land Act 1925 relating to improvements authorised by that Act (including those provisions as extended to trusts for sale by section 28 of the Law of Property Act 1925) shall, if it is so provided by regulations made with the approval of the Treasury by the appropriate authority, have effect as if such as may be specified in the regulations of the matters in respect of which expenditure may be

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approved for grant under a scheme made under section 29 of this Act were included in Schedule 3 to that Act (which sets out the improvements so authorised, distinguishing in Parts I, II and III of that Schedule between improvements the costs of which are not liable to be replaced, may be required to be replaced, and must be required to be replaced) and were contained in the Part of that Schedule specified in the regulations.

- (2) In the application of subsection (1) of this section to Northern Ireland—
  - (a) for any reference to the Settled Land Act 1925 or to Schedule 3 to that Act there shall be substituted a reference to the Settled Land Act 1882 or, as the case may be, to section 25 of the said Act of 1882;
  - (b) the words from " (including those provisions " to " Law of Property Act 1925)" and the words from " distinguishing in " onwards shall be omitted.
- (3) The appropriate authority may with the approval of the Treasury by regulations make provision for subsections (1) to (12) of section 12 of the Hill Farming Act 1946 (which in England and Wales enable the appropriate Minister to carry out improvements to certain land that is subject to rights of common of pasture and to recover a proportion of the expenditure of his so doing from persons claiming to enjoy rights over that land) to apply, with such modifications appearing to the appropriate authority to be necessary or expedient as may be specified in the regulations, to such as may be so specified of the matters in respect of which expenditure may be approved for grant under section 29 of this Act as they apply to improvements within the meaning of that Act.
- (4) Regulations under subsection (1) of this section may be made for England and Wales and for Northern Ireland respectively either separately or jointly; and any regulations under that subsection or subsection (3) of this section shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In section 83(4) of the Capital Allowances Act 1968 (which specifies certain grants the making of which in respect of any expenditure disentitles a grantee to an initial allowance in respect of that expenditure) at the end of the paragraph (d) added by section 3(2) of the Transport (London) Act 1969 there shall be inserted the words “or
  - (e) a grant made under section 29 of the Agriculture Act 1970”.

### **31 Amendments as to grants for horticultural improvements**

- (1) In section 1(1) of the Horticulture Act 1960 (under which the appropriate Minister for the purposes of that Act may, in accordance with a scheme made with the approval of the Treasury, make grants in respect of horticultural production businesses), after the word " Treasury " there shall be inserted the words " and subject to such exceptions or restrictions as may be provided for by the scheme " ; and in consequence of the foregoing provisions of this subsection the following provisions of that Act, namely, section 1(4) from the word " and " onwards, section 1(5), section 2(1) from the word "and" onwards, in section 2(3) the words from " whether " to " matter ", section 2(4), and in section 3 the words " and (4) " and the words " and subsection (1) of section two ", shall cease to have effect as from the date of commencement of this subsection except in relation to a proposal submitted for approval before that date.
- (2) In section 7(1) of the Agriculture and Horticulture Act 1964 (which provides that the aggregate amount of grants under sections 1 and 4 of the said Act of 1960 and sections 2 to 5 of the said Act of 1964 shall not exceed £24 million or if so provided by order £27 million)—

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- (a) for the words " twenty-four million pounds" there shall be substituted the words " £42 million ";
  - (b) for the words " twenty-seven million pounds" there shall be substituted the words " £47 million ".
- (3) Subsection (1) of this section shall come into operation on such date as the appropriate Minister for the purposes of the said Act of 1960 may by order made by statutory instrument appoint.

### **32 Amendments as to grants in connection with alterations of farm structure**

- (1) Part II of the Agriculture Act 1967 (which relates to grants in connection with alterations in farm structure) shall have effect with the amendments specified in the subsequent provisions of this section.
- (2) In section 26—
- (a) in subsection (1)—
    - (i) for the words preceding paragraph (a) there shall be substituted the words " The appropriate Minister may in accordance with a scheme approve, and (subject to section 50 of the Agriculture Act 1970) make grants out of money provided by Parliament towards expenditure incurred in connection with the carrying out of—  
; and in paragraphs (a), (b) and (c) the word " of " in the first place where it occurs in each of those paragraphs shall be omitted ;
    - (ii) in paragraph (a) (which relates to the carrying out of transactions for securing that agricultural land which is an uncommercial unit, but which together with some other agricultural land could form an intermediate unit or commercial unit, shall be owned and occupied with that other land), after the word " is " there shall be inserted the words " or forms part of ";
    - (iii) for the words " improvements and works which will be carried out" there shall be substituted the words " works and facilities which will be carried out or provided ";
  - (b) in subsection (3) as amended by subsection (6) of section 29 of this Act (which defines the expenditure towards which a grant may be made under section 26 in connection with an amalgamation or boundary adjustment) for the words from " shall be " onwards there shall be substituted the words " shall be any costs of the amalgamation or boundary adjustment of any description specified in the scheme ";
  - (c) in subsection (4) as amended by subsection (6) of section 29 of this Act (which specifies certain matters for which different provision may be made by a scheme under section 26) for the words from " amalgamations " onwards there shall be substituted the words " different circumstances ";
  - (d) in subsection (5) (which relates to the amount of a grant under that section) for the words from " shall be " onwards there shall be substituted the words " shall be determined in such manner as may be provided for by or under the scheme ";
  - (e) for subsection (6) (which relates to the matters by reference to which grant is to be payable under that section) there shall be substituted the following:—
    - “(6) A scheme under this section shall provide for grant in respect of such of any expenditure such as is mentioned in subsection (3) above as

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is approved for the purposes of grant by the appropriate Minister in connection with an amalgamation or boundary adjustment approved by that Minister in pursuance of the scheme, and any such approval—

- (a) may be given either before or, in any case where the appropriate Minister thinks fit, after the expenditure has been incurred or the amalgamation or boundary adjustment has been carried out;
- (b) may be given subject to such conditions as the appropriate Minister may specify, and in particular subject to any condition as to the time within which the amalgamation or boundary adjustment is to be carried out or as to the carrying out or provision within a specified period of specified works or facilities appearing to the appropriate Minister to be necessary as a consequence of the amalgamation or boundary adjustment ;
- (c) may be varied or withdrawn by the appropriate Minister with the written consent of the person on whose application the approval was given;  
 and the appropriate Minister may, if he thinks fit, for the purposes of a claim for grant under section 29 of the Agriculture Act 1970 issue a certificate with respect to any work or facility that he considers it to be necessary or desirable as a consequence of an amalgamation, or to be necessary as a consequence of a boundary adjustment, approved by that Minister in pursuance of the scheme”;
- (f) in subsection (7) (which provides that after certain payments the provisions of Schedule 3 shall apply) for the word " or " in the first place where it occurs there shall be substituted the words " any grant under section 29 of the Agriculture Act 1970 in respect of any work or facility certified under subsection (6) above or any grant under ";
- (g) in subsection (7)(a) (which provides that the proposals for an amalgamation shall not be approved unless the appropriate Minister is satisfied that certain persons have given their consent to the application of Schedule 3) the words " the proposals for " shall be omitted ;
- (h) in subsection (7)(b) for the word " proposals" there shall be substituted the word " amalgamation ";
- (i) for subsection (7)(c)(i) there shall be substituted the following—  
 “(i) any such grant as aforesaid in respect of such expenditure as the appropriate Minister may certify as being expenditure related to the relevant unit, and”;
- (j) in subsection (8), after the word " section ", there shall be inserted the words " or any such grant under section 29 of the Agriculture Act 1970 as is referred to in the last foregoing subsection " and for the word " proposals " there shall be substituted the words " boundary adjustment ";
- (k) in subsection (11), for the words " in consequence of the carrying out of proposals approved under this section " there shall be substituted the words " as a consequence of an amalgamation or boundary adjustment approved in pursuance of a scheme under this section or in consequence of the carrying out or provision of works or facilities certified under subsection (6) thereof ".

- (3) In section 27—
- (a) in subsection (1)(a) (which relates to certain circumstances in which a grant under section 27 may be made) for the words from " amalgamation " onwards there shall be substituted the words " amalgamation approved in pursuance of a scheme under section 26 of this Act, or ";
  - (b) after subsection (5) there shall be inserted the following subsection—

“(5A) A scheme under this section may make provision, in a case where a person who has submitted an application for a grant under this section, and who has in prescribed circumstances either relinquished or become under an obligation to relinquish occupation of the uncommercial unit of agricultural land in question, subsequently dies before the application has been dealt with, for the application to be proceeded with after the death and for grants under this section of such respective amounts as may be determined by or under the scheme to be payable either—

    - (a) by way of annuity—
      - (i) in respect of any period after the relinquishment and before the death, for the benefit of the deceased's estate; and
      - (ii) in respect of any period falling after both the relinquishment and the death, to any person who was both at the date of the death and at the time when the application was made the spouse of the deceased ; or
    - (b) by way of a lump sum payment for the benefit of the deceased's estate.”.
- (4) In section 28(1) (which relates to loans to assist amalgamations and boundary adjustments)—
- (a) for the words from " incurred " to " applies " there shall be substituted the words " incurred in connection with an amalgamation or boundary adjustment approved by the appropriate Minister in pursuance of a scheme under section 26 of this Act ";
  - (b) in paragraph (a), after the word " section ", there shall be inserted the words " or incurred in the carrying out or provision of works or facilities certified under subsection (6) thereof ".
- (5) In section 35(b) (which provides that a scheme under section 26 or section 27 may authorise the making of different grants in different circumstances) for the word " may " there shall be substituted the words " without prejudice to the provisions of subsection (4) of the said section 26 as to schemes under that section, may, in the case of a scheme under the said section 27 ";
- and in section 35(f) (under which a scheme may contain such incidental and supplemental provisions as appear to the appropriate Minister expedient for the purposes of the scheme) for the words " for the purposes of the scheme " there shall be substituted " including transitional provisions treating as having been done under or in pursuance of the scheme anything done under or in pursuance of a previous scheme ".
- (6) Section 37 (which relates to recovery of grant) shall apply in relation to the approval of an amalgamation or boundary adjustment in pursuance of a scheme under section 26 as amended by this Act and to that amalgamation or boundary adjustment as it applies

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in relation to the approval of proposals under that section as originally enacted or, as the case may be, to those proposals.

- (7) Section 38 (which relates to the recovery of possession of farmhouses made redundant by amalgamation) or, as the case may require, Case 13 in Schedule 3 to the Rent Act 1968 (which replaces the provisions of the said section 38 for England and Wales) shall apply in relation to an amalgamation approved in pursuance of a scheme under section 26 as amended by this Act as it applies in relation to proposals for amalgamation approved for the purposes of a scheme under that section as originally enacted and, as so applied, shall have effect as if for references therein to the time when the proposals were submitted or the date on which the proposals were approved there were substituted a reference to the time when the application for approval of the amalgamation was made or, as the case may be, the date on which the amalgamation was approved.
- (8) Subject to the provisions of any order under subsection (7) of section 29 of this Act, the provisions of this section shall have effect as respects any period beginning on or after the date appointed under subsection (6) of the said section 29; but the appropriate Minister for the purposes of section 26 may by order made by statutory instrument provide for any provision of this section to come into force from such earlier date as may be specified in the order; and the provisions of section 26, as amended by this section and the said subsection (6), are set out in Schedule 2 thereto.

### **33 Miscellaneous amendments relating to amalgamations**

- (1) In Schedule 3 to the Agriculture Act 1967 (which relates to the conditions applying to amalgamated agricultural units)—
- (a) paragraph 1 (which relates to the duration of the application of that Schedule to a unit of land) shall have effect, and be deemed always to have had effect, with the substitution for the words " forty years " of the words " fifteen years " ;
  - (b) for sub-paragraph (4) of paragraph 2 (which relates to registration of conditions in Scotland) there shall be substituted the following sub-paragraph—
    - “(4) In the case of a unit of land in Scotland—
    - (a) where the conditions specified in this Schedule first come to apply to the unit, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice of that fact;
    - (b) the said conditions shall not be enforceable against any third party who shall have in good faith and for value acquired right (whether completed by infertment or not) to his estate or interest in the unit prior to the said notice being recorded as aforesaid, or against any person deriving title from such a third party ;
    - (c) where the conditions or any of them cease to apply to the unit or part of the unit in pursuance of paragraph 6(1) or 7(8) of this Schedule, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice stating that the conditions or condition no longer apply, or applies, to that unit of land or that part”;
  - (c) in paragraph 5 (which requires the owner of a unit of land in certain circumstances to furnish certain information) after the word " land " in the



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first place where it occurs there shall be inserted the words " or any such other person having an estate or interest in the unit of land as may be agreed between the appropriate Minister, the owner and that other person " and for the words " furnish to him " there shall be substituted the words " or, if the tenant has been informed of such an agreement as aforesaid, by the other person in question, furnish to the owner or, as the case may be, to that other person ";

- (d) in paragraph 7(2) (which relates to the maximum additional amount to be payable under paragraph 7(1)(b) where certain conditions are breached) for the words from " not exceed" onwards there shall be substituted the words " not exceed £1500 ".

- (2) In section 29(3) and in section 48(2) of the Agriculture Act 1967 (which require certain persons to be parties to certain deeds) for the words " are parties to " there shall in each case be substituted the words " have executed " ; but—

- (a) in the case of any land in England, Wales or Northern Ireland which is comprised in a settlement or is held under a trust for sale, or  
(b) in the case of any land in Scotland in which an estate or interest is held by a liferenter or an heir of entail,

the person having the powers of a tenant for life, the trustees for sale, the liferenter or the heir of entail, as the case may be, may execute the deed referred to in the said section 29(3) or 48(2), or give the consent referred to in section 26(7)(a) or 28(6)(a) of that Act, or make the application for ministerial consent referred to in paragraph 6(1) of Schedule 3 to that Act, on behalf of all other persons who are or may become entitled to benefit under the settlement or trust in question or, as the case may be, to a right in that estate or interest as well as on his own behalf, and in that case the deed, consent or application shall not be required to be executed, given or made by any of those other persons.

- (3) The Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 thereof (which relates to the general powers of trustees) there were included a power to execute such a deed, give such a consent or make such an application as is referred to in subsection (2) of this section relating to the trust estate or any part thereof.

- (4) Where an application is made to the court by any person for a direction as to whether or not that person should exercise a power conferred on him by virtue of subsection (2) or (3) of this section in any particular case, other than the power to execute such a deed as is referred to in section 29(3) or 48(2) of the Agriculture Act 1967 relating to land which constitutes or forms part of a commercial unit within the meaning of Part II of that Act, the costs or expenses of that application shall, whatever the direction given by the court, be treated as expenditure towards which a grant may be made under section 26 of that Act.

- (5) In the application to Scotland of sections 26(7)(a), 28(6)(a), 29(3) and 48(2) of, and Schedule 3 to, the Agriculture Act 1967 and of subsection (2) of this section, references to an estate or interest in land shall not include and shall be deemed never to have included a reference to an estate of superiority within the meaning of section 3 of the Conveyancing (Scotland) Act 1874.

### **34 New provision as to standard costs, etc. for certain grants**

- (1) In such cases, and subject to such conditions, as may from time to time be determined by the Minister or Ministers concerned with the making in any part of the United

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Kingdom' of any description of grants to which this section applies, the cost of any works, or the amount of any other cost or expenditure, shall, if the applicant for grant so elects, be taken for the purpose of determining the amount of the grant as such standard cost or amount as the Minister or Ministers in question may from time to time fix with the approval of the Treasury.

- (2) The grants to which this section applies are as follows—
- (a) grants under section 16 of the Agriculture Act 1937 or section 15 of the Agriculture (Miscellaneous War Provisions) Act 1940 (drainage and water supply);
  - (b) improvement grants under the Hill Farming and Live stock Rearing Acts 1946 to 1956;
  - (c) grants under section 1 of the Horticulture Act 1960 (horticultural improvements) or section 3 of the Agriculture and Horticulture Act 1964 (orchard clearing); and
  - (d) grants under section 30 (farm improvements), section 41 (hill land improvements) or section 61 (co-operative activities) of the Agriculture Act 1967.
- (3) Section 1(4)(c) of the Agricultural Improvement Grants Act 1959 (which authorises standard cost regulations for the purposes of section 3 of the Pests Act 1954) shall cease to have effect.

### **35 Termination of grants under Hill Farming Act 1946 s. 1**

- (1) The Minister may by order specify a date (hereafter in this section referred to as " the terminal date "), not being earlier than 5th November 1973, after which no payment shall be made under section 1(1) of the Hill Farming Act 1946 except in pursuance of a claim made on or before the terminal date in respect of work done before the making of the claim, being a claim made in such form and manner and containing such particulars as the Minister may from time to time direct.
- (2) Without prejudice to section 2(3) of the said Act of 1946 or subsection (3)(b) of this section, a grant under section 1(1) of that Act may be paid in pursuance of a claim made as aforesaid in respect of any work done not later than the terminal date which is required for making an improvement proposed by a scheme approved under the said section 1(1) whether or not the improvement is completed on or before the terminal date.
- (3) Where a scheme approved under the said section 1(1) is not completed on or before the terminal date—
- (a) the scheme is hereby revoked as from immediately after the terminal date ; and
  - (b) section 6 of the said Act of 1946 (which relates to the power of the Minister in certain circumstances to revoke a scheme approved, or to recover the whole or part of any payments made by way of grant, under the said section 1(1)) shall cease to apply to that scheme, but, subject to paragraph (c) of this subsection, the Minister may on demand recover an amount equal to any payment made by way of grant under the said section 1(1)—
    - (i) if or so far as the payment was in respect of any work done under the scheme which has been badly done; or
    - (ii) if, otherwise than in such circumstances as may be prescribed, the total cost of all work done under the scheme on or before the terminal

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- date is excessive in relation to the agricultural benefit which is likely to be derived from that work ; or
- (iii) except in such circumstances as may be prescribed, if or so far as the payment was in respect of work required for making an improvement under the scheme and that improvement is not completed on or before the terminal date ;
- (c) before making a demand under paragraph (b) of this subsection on the recipient of any payment by way of grant under the said section 1(1), the Minister—
- (i) shall give to that recipient a written notification that he proposes to make the demand and of the reason therefor; and
- (ii) shall accord to that recipient an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister; and
- (iii) shall consider the report by any person so appointed and supply a copy of that report to that recipient.
- (4) In this section—
- (a) the expression " the Minister " means the appropriate Minister for the purposes of the Hill Farming Act 1946;
- (b) the expression " prescribed " means prescribed by the Minister by order, whether or not the same order as one made for the purposes of subsection (1) of this section.
- (5) Any order under this section shall be made by statutory instrument and—
- (a) may include such incidental, supplemental or transitional provision as appears to the Minister to be necessary or expedient;
- (b) may be varied or revoked by a subsequent order under this section; and
- (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **36 Amendment of Agriculture (Ploughing Grants) Act 1952**

In section 3 of the Agriculture (Ploughing Grants) Act 1952, for subsection (4) (which provides that no scheme shall be made under that Act unless a draft has been approved by resolution of each House of Parliament) there shall be substituted the following:—

- “(4) Any statutory instrument making, varying or revoking a scheme under this Act shall be laid before Parliament after being made and cease to have effect (without prejudice to anything previously done thereunder or to the making of a new scheme) after the expiration of a period of forty days (calculated in accordance with section 7(1) of the Statutory Instruments Act 1946) beginning with the day on which it is made unless within that period it has been approved by resolution of each House of Parliament.”