

1970 No. 1977

HORTICULTURE**The Horticulture Improvement Scheme 1970***Laid before Parliament in draft*

Made - - - 18th December 1970

Coming into Operation 1st January 1971

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 upon them by sections 1, 2 and 6 of the Horticulture Act 1960(a), as amended by section 31 of the Agriculture Act 1970(b) and as read with the Transfer of Functions (Wales) Order 1969(c), and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme a draft whereof has been laid before Parliament and approved by a resolution of each House of Parliament:—

Extent, citation and commencement

1. This scheme, which applies to the whole of the United Kingdom, may be cited as the Horticulture Improvement Scheme 1970, and shall come into operation on 1st January 1971.

Interpretation

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

“the Act of 1960” means the Horticulture Act 1960;

“the Act of 1964” means the Agriculture and Horticulture Act 1964(d);

“the Act of 1970” means the Agriculture Act 1970;

“agricultural holding” has the meaning assigned to it, as respects land in England or Wales, by section 1 of the Agricultural Holdings Act 1948(e), and as respects land in Scotland, by section 1 of the Agricultural Holdings (Scotland) Act 1949(f), and includes a holding to which any of the provisions of the Small Landholders (Scotland) Acts 1886 to 1931(g) apply and a croft within the meaning of the Crofters (Scotland) Acts 1955 and 1961(h);

“appropriate Minister” means (a) in relation to England or Northern Ireland, and in relation to Wales for the purpose of the making or receipt of any payment, the Minister of Agriculture, Fisheries and Food; (b) in relation to Wales, save for the purpose of the making or receipt of any payment, the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly; (c) in relation to Scotland, the Secretary of State;

(a) 1960 c. 22.

(c) S.I. 1969/388 (1969 I, p. 1070).

(e) 1948 c. 63.

(g) 1886 c. 29; 1887 c. 24; 1891 c. 41; 1908 c. 50; 1911 c. 49; 1919 c. 97; 1931 c. 44.

(h) 3 & 4 Eliz. 2. c. 21; 1961 c. 58.

(b) 1970 c. 40.

(d) 1964 c. 28.

(f) 1949 c. 75.

“approved proposals” means proposals for the provision of any of the facilities specified in the Schedule to this scheme which have been approved in writing by the appropriate Minister in the case of an application for a grant under the Act of 1960;

“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 5½ feet high at the ridge, and of which more than half the total area of the sides, ends, and roof is of glass or of such other translucent material as will, to the satisfaction of the appropriate Minister, give a durability and transparency similar to that of glass;

“horticultural produce” and “horticultural production business” have the meanings respectively assigned to them by section 8 of the Act of 1960;

“land” includes soil or other material used for growing mushrooms in trays or on shelves.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

(3) This scheme shall have effect only as respects facilities which are the subject of applications submitted for approval by the appropriate Minister under this scheme while this scheme is in operation, and the Horticulture Improvement Scheme 1960(b), the Horticulture Improvement Scheme 1964(c) and the Horticulture Improvement Scheme 1966(d) shall not have effect as respects any such facilities.

(4) Any reference in this scheme to a numbered paragraph shall be construed as a reference to the paragraph bearing that number in this scheme.

Conditions of eligibility

3. Payment of a grant under section 1 of the Act of 1960 to the person carrying on a horticultural production business, or to the landlord of land occupied for the purposes of such a business and being or comprised in an agricultural holding, shall not be made unless the appropriate Minister is satisfied that—

(a) at all times during the period of 24 months ending with the date of application for a grant there has been occupied for the purposes of the business not less than 4 acres of land calculated, as appropriate, in accordance with the provisions of paragraph 4;

(b) the business would, after the approved proposals have been carried out, be capable of yielding a sufficient livelihood to any person carrying it on with reasonable efficiency.

4. For the purposes of paragraph 3(a) there shall be added to the actual area of the land occupied for the purposes of the business any area given by multiplying—

(a) by 20 the area of land in any building so occupied for the production of rhubarb or mushrooms; and

(b) by 20 the area of land so occupied which is or can at any one time be covered by any glasshouse in use or available for use thereon; and

(c) by 5 the area of any watercress bed on the land so occupied; and

(a) 1889 c. 63.

(c) S.I. 1964/962 (1964 II, p. 2161).

(b) S.I. 1960/735 (1960 I, p. 284).

(d) S.I. 1966/873 (1966 II, p. 2058).

- (d) by 5 the area of any land so occupied which is or can at any one time be covered by any structure (not being a glasshouse) in use or available for use thereon and clad with glass or other translucent material, including lights, cloches and plastic tunnels designed and used to give all round protection to crops; and
- (e) by 5 any part of the land so occupied which is necessary for access to horticultural produce growing or to be grown on any area mentioned in sub-paragraph (c) or (d) of this paragraph.

Facilities in respect of which grants may be paid

5.—(1) Subject to the provisions of this scheme and to the relevant provisions of the Act of 1960, the Act of 1964 and the Act of 1970, grants may be paid to the person carrying on a horticultural production business, or to the landlord of land occupied for the purposes of such a business and being or comprised in an agricultural holding, in respect of the facilities specified in the Schedule to this scheme, being facilities for the purposes of the business.

(2) For the purposes of this paragraph the “relevant provisions of the Act of 1960, the Act of 1964 and the Act of 1970” shall be construed as sections 1 to 3 and 6 to 8 of the Act of 1960 inclusive, section 7 of the Act of 1964 (that section being construed as one with Part I of the Act of 1960) and sections 31 and 34 of the Act of 1970.

Application for, and conditions of payment of, grants

6. It shall be a condition of the making of payment to any person in respect of a grant under section 1 of the Act of 1960 that—

- (a) there is an application in writing for the approval of the appropriate Minister stating the facility in respect of the provision of which a grant is applied for and furnishing such information as the appropriate Minister may reasonably require;
- (b) the appropriate Minister has approved the proposals in writing, whether or not subject to conditions specified by him in writing;
- (c) no modification of the approved proposals has been carried out except with the approval of, and subject to such conditions, if any, as may have been specified by, the appropriate Minister in writing;
- (d) the approved proposals have been carried out in a proper manner, and completed without avoidable delay, and any condition subject to which approval was given has been complied with.

Restriction on expenditure in respect of which grant may be payable

7. Where it appears to the appropriate Minister that the facility in respect of which a grant under section 1 of the Act of 1960 is applied for is partly for the purposes of a horticultural production business and partly for other purposes and is, in so far as it is for the purposes of that business, a facility of a kind specified in the Schedule to this scheme, grant may be paid in respect of such proportion of the expenditure reasonably incurred in carrying out approved proposals for the provision of that facility or, as the case may be, such proportion of the standard cost thereof as appear to that Minister to be referable to the purposes of the horticultural production business.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 16th December 1970.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 16th December 1970.

(L.S.)

Gordon Campbell,
Secretary of State for Scotland.

Given under my hand on 17th December 1970.

Peter Thomas,
Secretary of State for Wales.

Approved,
18th December 1970.

V. H. Goodhew,
Walter Clegg,
Two of the Lords Commissioners
of Her Majesty's Treasury.

SCHEDULE

FACILITIES FOR WHICH GRANTS MAY BE PAID TO THE PERSON CARRYING ON A HORTICULTURAL PRODUCTION BUSINESS OR TO THE LANDLORD OF LAND OCCUPIED FOR THE PURPOSES OF SUCH A BUSINESS AND BEING OR COMPRISED IN AN AGRICULTURAL HOLDING

IMPROVEMENTS TO LAND

1. Reclamation of waste land.
2. Grubbing up of orchards.
3. Removal of hedges and banks, filling in of ditches, removal of boulders, tree roots and other obstructions to efficient production.
4. Land levelling work, including filling in of ponds and depressions.
5. Making and improvement of roads, paths and other permanent ways, railway crossings, bridges, under-passes, fords and hard-standings.
6. Making and improvement and renewal of cattle grids.
7. Making and improvement and renewal (but not repair) of permanent fences (including hedges), walls and gates.
8. Provision of shelter belts.
9. Making, replacement, reconstruction, alteration, enlargement or other improvement of watercress beds (including parts of watercress beds).

BUILDINGS (other than dwelling houses)

10. Erection, replacement, reconstruction, alteration, enlargement or other improvement of permanent buildings (including parts of buildings), of permanently sited frames and of durable structures for cladding with film plastic.
11. Making or improvement of permanent yards, loading platforms and ramps.
12. Supply and installation of permanent thermal insulation, vapour sealing or gas sealing, for the control of temperature or atmosphere in buildings (including parts of buildings).

PROVISION OF SERVICES FOR BUILDINGS (other than dwelling houses)

13. Provision, replacement or improvement of systems for the disposal of sewage, effluent and waste.
14. Provision or laying on of gas or electricity.
15. Provision of water supply, other than for the purpose of the growing of horticultural produce.

PLANT AND EQUIPMENT FOR PRODUCTION AND HARVESTING

16. Supply and installation of the following kinds of new plant and equipment to be used for, or in connection with, the production and harvesting of horticultural produce:—
 - (i) Plant and equipment for the control of environment in buildings and in durable structures clad with film plastic, including:—
ventilation equipment, irradiation equipment, day length control equipment, mist spray equipment, irrigation equipment, equipment for changing and controlling the composition or humidity of the atmosphere, automatic glasshouse shading equipment, power-operated equipment for washing down glasshouses, soil and bench warming equipment, equipment for the conditioning of bulbs and other planting material, equipment for measuring soil conductivity, instruments for the measurement, recording and control of environment, water meters, dilutors and instruments for the measurement and control of plant nutrients used in conjunction with irrigation systems.
 - (ii) Irrigation equipment for use in the open or in structures other than permanent buildings, including:—

- equipment for the automatic or semi-automatic control of irrigation, water meters, dilutors and instruments for the measurement and control of plant nutrients used in conjunction with irrigation systems.
- (iii) Plant and equipment for the handling, preparation or treatment (other than the sterilisation by heat or cultivation) of soil, compost or other media for growing horticultural produce.
 - (iv) Plant and equipment for the control (other than by cultivation) of pests and diseases of, and weeds among, horticultural produce, including:—
 - plant pot and box cleansing and sterilising machines, thermostatically-controlled warm-water baths, thermostatically-controlled cabinets, dilutors and instruments for the measurement and control of substances for the control of pests and diseases used in conjunction with irrigation systems, water meters, power-operated equipment for horticultural spraying and dusting, and power-operated herbicide sprayers.
 - (v) Plant and equipment for the movement of horticultural produce, or for the movement of materials and equipment used in connection with the growing of horticultural produce, being:—
 - conveyors and elevators, fork-lift trucks, fork lifts and pallet and bin transporters for use with tractors, power-operated self-loading pallet trucks, manually-propelled power-operated stackers, self-actuating lifters, power-operated winches for mobile glasshouses and purpose built self-loading produce transporters.
 - (vi) Miscellaneous plant and equipment, being:—
 - equipment for planting, potting or cleaning growing plants and bulbs, spacing seed-drills, power-operated pruners, pruning pulverisers, heading machines and equipment for the protection of horticultural crops against frost.
 - (vii) Equipment and containers specifically designed for the growing of horticultural produce, being:—
 - beds, troughs, racks, benches and like equipment of a durable nature.

17. Supply of new equipment for the harvesting of horticultural produce (other than peas and potatoes) including mobile orchard lifts, mobile fruit harvesters and mobile harvesting and packing platforms for use in orchards.

18. Supply and installation, or reconstruction, alteration or other improvement, of systems for the production and distribution of heat in buildings (including parts of buildings) other than dwelling houses, or in permanently sited frames, or in durable structures clad with film plastic.

19. Supply and installation of plant and equipment for the sterilisation of soil by heat.

PLANT AND EQUIPMENT FOR STORAGE AND PREPARATION FOR MARKET

20. Supply and installation of the following items of new plant and equipment for the storage of horticultural produce or of containers for such produce or for the preparation for market of horticultural produce:—

- (i) Plant and equipment for control of temperature or atmosphere, being:—
 - scrubbers, coolers, circulation fans, extractor fans, humidifiers, compressors, condensers (for cooling gas in stores), coolant tanks and pumps, pipework installations and instruments for the measurement, recording and control of temperature or atmosphere.
- (ii) Plant and equipment for movement of produce or containers, being:—
 - loading and feed tables, automatic feed units, conveyors, elevators, fork-lift trucks, fork lifts and pallet transporters for use with tractors, power-operated self-loading pallet trucks, manually-propelled power-operated stackers, self-actuating lifters and bulk bins for use in temperature-controlled stores.

- (iii) Plant and equipment for size, weight and quality grading, being:—
sorting tables, return flow tables, grading machines, cull eliminators, automatic loaders, trays, mercury switches and other ancillary equipment or separate components for use with plant and equipment in this group.
- (iv) Plant and equipment for preparation, being:—
cleaners, brushers and polishers (for fruit or vegetables), machinery for washing bulbs, horticultural plants, fruit or vegetables (including soak tanks), driers (contact and air), trough installations (for flowers), dipping tank installations and sprinkler installations, hydro-cooling installations, equipment for cleaning, sorting and testing of seeds, equipment for the hot or cold treatment of bulbs and defoliating machines.
- (v) Plant and equipment for packing, being:—
packing tables, packing benches, packing stands, automatic or semi-automatic fruit packers or box fillers, power-operated equipment for stapling or stitching of containers, power-operated equipment for tying or strapping of produce and containers, shrub or tree bundlers and bulb and seed counting machines.
- (vi) Plant and equipment for pre-packaging.
- (vii) Miscellaneous plant and equipment, being:—
heating equipment (other than portable heaters), settling tanks and silt traps, and, where essential to and installed as part of a system for preparation for market, chlorinating equipment, circulating pumps and filters, racks and benches, compressors, electric motors and internal combustion engines and weighing machines.

GENERAL PROVISION

21. Any operation incidental to the provision of any of the facilities specified in this Schedule, and necessary or proper in carrying out the work or for securing the full benefit of the said facilities.

EXPLANATORY NOTE

(This Note is not part of the Scheme).

This scheme supersedes the Horticulture Improvement Scheme 1966 in relation to applications submitted for approval on or after 1st January 1971. The scheme lays down the conditions of eligibility for grant and the conditions of payment of grant, and specifies the facilities in respect of which grant may be paid to applicants who qualify.

The scheme omits the condition of eligibility in the 1966 scheme which required the applicant to enjoy security of tenure of the land on which the approved proposals were to be carried out and omits the former provision for payment of grant by instalments in specified circumstances. It also omits the former provision for the payment of grant in respect of a horticultural producers' marketing business; this provision has already ceased to have effect in relation to proposals made on or after 12th September 1967 by virtue of the Agricultural and Horticultural Co-operation (Repeal of Enactments) Order 1967(S.I. 1967/1355).

The Schedule of facilities for which grants may be paid has been re-arranged and amended to include structures for cladding with film plastic and certain other facilities.

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