

**1973 No. 1403****AGRICULTURE****AGRICULTURAL GRANTS, GOODS AND SERVICES****The Farm Structure (Payments to Outgoers) Scheme 1973***Laid before Parliament in draft*

<i>Made</i> - - - -	<i>6th August 1973</i>
<i>Coming into Operation</i>	
<i>Paragraph 16</i> - -	<i>7th August 1973</i>
<i>Remainder</i> - -	<i>1st September 1973</i>

The Minister of Agriculture, Fisheries and Food, in relation to England and Northern Ireland, and the Secretary of State, in relation to Scotland, in exercise of the powers conferred on them by sections 27(1)(a), (b) and (d) and 35 of the Agriculture Act 1967<sup>(a)</sup> (as those sections have effect by virtue of sections 32(3) and (5) of the Agriculture Act 1970<sup>(b)</sup>, sections 9(3) and 10(2) of the Agriculture (Miscellaneous Provisions) Act 1972<sup>(c)</sup> and regulation 4 of the Agriculture Act 1967 (Amendment) Regulations 1973<sup>(d)</sup>), and the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly in relation to Wales in exercise of the powers conferred by the said sections 27 and 35 and now vested in them jointly <sup>(e)</sup>, the said Ministers acting jointly in exercise of these and 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:—

*Citation, commencement and extent*

**1.** This scheme, which may be cited as the Farm Structure (Payments to Outgoers) Scheme 1973, shall apply throughout the United Kingdom and shall come into operation on 1st September 1973, save that paragraph 16 hereof shall come into operation at the expiration of the day on which the scheme is made.

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

“the Act” means the Agriculture Act 1967;

“the appropriate Minister” means—

(a) in relation to England or Northern Ireland, and in relation to Wales for the purpose of the making, receipt or recovery of any payment, the Minister of Agriculture, Fisheries and Food;

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(a) 1967 c. 22.

(c) 1972 c. 62.

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

(b) 1970 c. 40.

(d) S.I. 1973/1402(1973 II, p. 4287).

(b) in relation to Wales, save for the purpose of the making, receipt or recovery 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;

“croft” and “crofter” have the meanings assigned to them by the Crofters (Scotland) Acts 1955 and 1961(a);

“holding”, “landholder” and “statutory small tenant” have the meanings assigned to them by the Small Landholders (Scotland) Acts 1886 to 1931(b);

“occupation” in relation to agricultural land means, subject to the provisions of paragraphs 4(3) and 7, occupation as owner or tenant, and “occupy” shall be construed accordingly;

“owner” in relation to—

(a) any land other than in Scotland, means a person, other than a mortgagee not in possession, who is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let, but does not include an executor or administrator of an owner;

(b) any land in Scotland, means a person who for the time being is entitled to receive, or would, if the land were let, be entitled to receive, the rent of the land, but does not include the executor or administrator of an owner;

“tenant”—

(a) in England and Wales, means an individual who is the holder of land under a contract of tenancy as defined in section 94(1) of the Agricultural Holdings Act 1948(c) or under an agreement which has effect by virtue of section 2(1) of that Act as an agreement for the letting of land for a tenancy from year to year or which would have so had effect if it had been made after 1st March 1948, but does not include the executor or administrator of a tenant; and

(b) in Scotland, means an individual who is the holder of land under a lease as defined in section 93(1) of the Agricultural Holdings (Scotland) Act 1949(d) or under a lease which has effect by virtue of section 2(1) of that Act as a lease from year to year or would have so had effect if it had been made after 1st November 1948, and includes a crofter, landholder or statutory small tenant but does not include the executor or administrator of a tenant nor the sub-tenant of a crofter; and

(c) in Northern Ireland, means an individual who by virtue of a contract of tenancy holds land for a life or lives or for a term of years or from year to year but does not include an individual whose rights in the land arise by virtue of a conacre agreement nor the executor or administrator of a tenant;

“Wales” includes Monmouthshire and references to England shall be construed accordingly;

AND other expressions have the same meaning as in the Act.

(a) 1955 c. 21; 1961 c. 58.

(b) See Small Landholders (Scotland) Act 1911 (c. 49).

(c) 1948 c. 63.

(d) 1949 c. 75.

(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) Except insofar as the context otherwise requires, any reference in this scheme to an enactment shall be construed as a reference to that enactment as amended or extended by any other enactment.

(4) Save in paragraph 16, any reference in this scheme to a numbered paragraph shall be construed as a reference to the paragraph in this scheme bearing that number.

*Approval of proposals*

3.—(1) Subject to the provisions of this scheme and of section 27 of the Act, a grant under section 27 of the Act may be made to or for the benefit of an individual who relinquishes occupation of, or of part of, an uncommercial unit of agricultural land in accordance with proposals approved by the appropriate Minister in writing, being proposals submitted before the relinquishment of occupation and within 7 years from the commencement of this scheme, and such grant may be made subject to such conditions as the appropriate Minister may specify.

(2) No grant shall be payable under section 27 of the Act unless the uncommercial unit of which occupation is relinquished, or such part or parts of that unit as are relinquished in the circumstances specified in section 27(1)(a), (b) or (d) of the Act, is or are in the opinion of the appropriate Minister capable, when farmed under reasonably skilled management and in the case of such part or parts as aforesaid when farmed in conjunction with any dwelling house or other building included in the unit, of providing for an individual occupying it or them employment for at least 100 days in aggregate in a year on average if a system of husbandry suitable for the district is followed and the greater part of the feeding stuffs required by any livestock kept on the unit or, as the case may be, the said part or parts of that unit is grown on the unit or the said part or parts thereof.

(3) Subject to the provisions of paragraphs 5(1) and 7(1), no grant of an amount calculated in accordance with paragraph 12(1) and (2) shall be payable under section 27 of the Act unless in the opinion of the appropriate Minister the individual applying for grant has during a period of not less than 5 consecutive years ending with the day of submission of his proposals for grant—

(a) farmed agricultural land which is capable of providing for an individual occupying it employment for at least 100 days in aggregate in a year on average in the circumstances described in sub-paragraph (2) above, or

(b) been employed in agriculture for not less than 100 days in aggregate in a year on average.

(4) Each submission of proposals for approval shall be made in such form as the appropriate Minister may require and the applicant for grant shall furnish all such particulars and information relating to the proposals as that Minister may reasonably require.

(5) A submission of proposals for approval made, or an approval given, in pursuance of the Farm Structure (Payments to Outgoers) Scheme 1967(a) or the Farm Structure (Payments to Outgoers) Scheme 1970(b) may be treated as a submission of proposals for approval made; or as the case may be an approval given, in pursuance of this scheme.

*Eligible occupation*

4.—(1) Subject to the provisions of this and the next two succeeding paragraphs a grant under section 27 of the Act shall not be payable unless the individual applying for grant has been entitled to occupy the uncommercial unit, or such part of that unit as is relinquished by him, or the land of which that unit or such part of that unit consists, throughout the period beginning with 1st January 1973 and ending with the day of the submission of his proposals for such a grant in respect of the relinquishment of occupation of that unit or, as the case may be, of such part thereof.

(2) Grant shall not be payable if at any time during the period of 5 years ending with the day of the submission of his proposals for grant—

- (a) the individual has been entitled to occupy any unit of land sufficiently large to constitute a commercial unit, or
- (b) the land comprising the uncommercial unit, or part thereof, of which occupation is relinquished formed part of a larger uncommercial unit:

Provided that grant may be payable if the appropriate Minister is satisfied that by the time of submission by the individual of his proposals for grant—

- (i) either of the aforesaid larger units of land has been reduced in size, or the individual has relinquished his occupation of the unit to which sub-paragraph (a) above applies, otherwise than in consequence of any act or default of the individual, or
- (ii) the larger unit to which sub-paragraph (b) above applies has been reduced in size by not more than 15 per cent.

(3) For the purposes of paragraphs 4(1), 5 and 6, an individual may be taken to have been entitled to occupy land even if he has granted to another person in respect of that land a licence or tenancy of a kind referred to in paragraph 7.

5.—(1) The provisions of paragraphs 3(3) and 4(1) shall not apply where the appropriate Minister is satisfied—

- (a) that the individual has become entitled to occupy the whole or a major part of the uncommercial unit or the whole or a major part of that part of the uncommercial unit of which occupation is being relinquished by that individual or, as the case may be, the whole or a major part of the land of which that unit or the part thereof consists, by way of a transfer from a member of his family or by devolution on death and that since 1st January 1973 any other transmission of the right to occupy the whole or a part of that unit or land has been by way of such transfer or devolution and through no other cause; and

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(a) S.I. 1967/1609 (1967 III, p. 4425).

(b) S.I. 1970/2026 (1970 III, p. 6612).

- (b) that the individual has during a period of not less than 2 consecutive years ending with the day of submission of his proposals for grant farmed, or been employed in agriculture on, that unit or land, or the part of that unit or land of which occupation is being relinquished, in connection with such crops and livestock as would in the opinion of the appropriate Minister occupy the time of one man for at least 100 days in aggregate in each of those years on average if a system of husbandry suitable for the district is followed and the greater part of the feeding stuffs required by any livestock kept on the unit or land is grown there, or
- (c) where the individual is a surviving spouse, that he or she has throughout the said period either resided on the said unit or land, or the part of that unit or land of which occupation is being relinquished by that individual, as spouse of the occupier thereof or been entitled to occupy the whole or a major part thereof.

(2) In this paragraph "family" means the individual's spouse, his brother, sister, uncle, aunt (the two last mentioned relations being respectively a brother and sister of either parent of the individual) and cousin (being a child of an uncle or aunt of the individual), the spouse and any child of his brother or sister, the brother or sister of the individual's spouse, any lineal ancestor of the individual or the spouse and any lineal descendant of the individual, and in deducing any such relationship an adopted child shall be treated as a child of the adopter, any relationship of the half blood shall be treated as a relationship of the whole blood and any illegitimate relationship shall be treated as legitimate.

6.—(1) Notwithstanding the provisions of paragraph 4(1), grant under section 27 of the Act may be paid where the uncommercial unit of which occupation is relinquished includes—

- (a) land which on 1st January 1973 was an agricultural unit smaller in extent than the said uncommercial unit; and
- (b) other land which the appropriate Minister is satisfied the individual has been entitled to occupy for a period of not less than 2 consecutive years ending with the day on which occupation of the said uncommercial unit is relinquished.

(2) For the purposes of this paragraph, the other provisions of this scheme shall apply as if references therein to the uncommercial unit of which occupation is relinquished were references to so much of that uncommercial unit as consists of land such as is described in sub-paragraph (1)(a) and (b) above:

Provided that no grant shall be payable under section 27 of the Act in accordance with this paragraph unless the appropriate Minister is satisfied that—

- (i) throughout the period beginning with 1st January 1973 and ending with the day of the submission of his proposals for grant the individual has been entitled to occupy, or
- (ii) during such period no change of occupation other than by way of transfer or devolution of the kind referred to in paragraph 5(1)(a) has taken place of,

so much of the aforesaid uncommercial unit as, on the day of the submission of the individual's proposals for grant, would have satisfied the requirements specified in paragraph 3(2) in relation to an uncommercial unit.

7.—(1) For the purposes of this scheme an individual may be treated as the occupier of any land in respect of which he has granted, or agreed to grant, to another person a licence or tenancy of a kind not making that other person a tenant as defined in the Agricultural Holdings Act 1948 (or, in Scotland, the Agricultural Holdings (Scotland) Act 1949) or, in Northern Ireland, a tenant who holds a contract of tenancy for a life or lives or for a term of years if it appears to the appropriate Minister that during any one year within the period of 5 years ending with the day of submission of his proposals for grant under section 27(1)(a), (b) or (d) of the Act he farmed agricultural land, or was employed in agriculture, in circumstances which satisfy the requirements of sub-paragraph (a) or (b) of paragraph 3(3) respectively.

(2) For the purposes of this scheme, such an individual as aforesaid may be treated—

- (a) as relinquishing his occupation of the land in respect of which he has granted or agreed to grant a licence or tenancy of a kind mentioned in sub-paragraph (1) above if he relinquishes his remaining estate or interest in the land;
- (b) as relinquishing his occupation of, or of part of, an uncommercial unit of agricultural land if the land was, or was part of, such a unit immediately before he first granted or agreed to grant such a licence or tenancy as aforesaid.

*Relinquishment of occupation*

8. No grant shall be payable under section 27 of the Act in respect of the relinquishment of occupation of a part or parts only of an uncommercial unit unless the occupation of the remainder of that unit is also relinquished in accordance with proposals approved by the appropriate Minister.

9. No grant shall be payable under paragraph (d) of section 27(1) of the Act, insofar as that paragraph relates to the relinquishment of occupation of, or of part of, an uncommercial unit of agricultural land for the purpose of facilitating afforestation, unless the appropriate Minister is satisfied that—

- (a) the land of which occupation is being relinquished is more suitable for afforestation than for agricultural use, and can be released for afforestation without detriment to the full and efficient use for agriculture of other land in the vicinity thereof, and
- (b) that land will be made available for afforestation—
  - (i) by the Forestry Commissioners or the Ministry of Agriculture for Northern Ireland, or
  - (ii) by some other person or body of persons in accordance with proposals for planting approved for the purposes of this scheme by the appropriate Minister.

10. No grant shall be payable under paragraph (d) of section 27(1) of the Act, insofar as that paragraph relates to the relinquishment of occupation of, or of part of, an uncommercial unit of agricultural land for any purpose involving public use unless

- (a) for the purposes of this scheme the appropriate Minister approves the withdrawal from agricultural use of the land of which occupation is being relinquished for a public use, and
- (b) it appears to the appropriate Minister that the transactions whereby the land is made, or to be made, available for a purpose involving public use do not include the acquisition of an interest in that land by an authority possessing compulsory purchase powers (whether by agreement or by the exercise of those powers) and that an applicant for grant under section 27 of the Act will not be given, otherwise than under that section, assistance for the purpose for which occupation of the land is being relinquished.

*Income test*

11.—(1) Subject to the provisions of this paragraph, grant of an amount calculated in accordance with paragraph 12(1) and (2) shall not be payable under section 27 of the Act unless it appears to the appropriate Minister that during the period comprising the 5 years immediately preceding the day of submission of the proposals for grant the earned income of each individual applying for grant derived from the trade or business of, or employment in, agriculture equalled or exceeded that individual's earned income from any source other than agriculture: for the purposes of this paragraph the first £500 per annum of earned income from any source other than agriculture may be disregarded.

(2) Where the individual applying for grant is a surviving spouse on whom the right to occupy the uncommercial unit has devolved on the death of his or her late spouse within the period comprising the 5 years immediately preceding the day on which the proposal for grant is submitted—

- (a) sub-paragraph (1) above shall have effect as if for references to the earned income of the individual applying for grant during the said period comprising 5 years there were substituted references to the aggregate of the earned income of that individual during so many of those years as followed the death of the late spouse and the earned income of the late spouse during so many of those years as preceded his or her death;
- (b) where during any of the said 5 years the individual applying for grant, although entitled beneficially to all or part of the late spouse's estate arising on the death of the late spouse, has not had the same vested in him or her on or before the commencement of that year there shall be taken into account in arriving at the said individual's earned income for such year for the purposes of sub-paragraph (1) above such an amount as the appropriate Minister is satisfied, after consulting the said individual, represents a fair estimate of income to be derived from the beneficial interest.

(3) In this paragraph—

“earned income” means, in relation to any individual—

- (a) any income which is immediately derived by the individual from the carrying on or exercise by him of his trade, profession or vocation, either as an individual or, in the case of a partnership, as a partner personally acting therein, and

(b) any income arising in respect of any remuneration from any office or employment held by the individual, and

(c) any income from any property which is attached to or forms part of the emoluments of any office or employment held by the individual, but does not include any income of the individual's spouse;

"year" means a year commencing on 6th April and ending on the following 5th April.

*Amount of grant*

**12.—**(1) Subject to the provisions of this paragraph and of paragraphs 6 and 13, the amount of grant payable under section 27 of the Act in respect of each uncommercial unit of which occupation is relinquished shall be—

(a) in the case of an individual of less than 55 years of age, a lump sum payment of £1,000 plus a sum calculated at the rate of £20 per acre of eligible land;

(b) in the case of an individual of not less than 65 years of age, a life annuity consisting of the aggregate of £250 and a sum calculated at the rate of £2 per acre of eligible land;

(c) in the case of an individual of not less than 55 but less than 65 years of age, an amount calculated in accordance with either sub-paragraph (a) or sub-paragraph (b) above as the individual may elect in writing before the appropriate Minister approves the proposals for grant.

In each case the individual's age shall be calculated by reference to the date on which the appropriate Minister approves the proposals for grant, so however that if an individual of the class referred to in sub-paragraph (c) above submits proposals for grant before attaining 65 years of age, the individual may exercise the election for which provision is there made notwithstanding that he or she attains 65 years of age before the appropriate Minister approves the proposals for grant.

(2) No more than one lump sum of £1,000 as mentioned in sub-paragraph (1)(a) above or one fixed sum of £250 as part of a life annuity as mentioned in sub-paragraph (1)(b) above shall be payable in connection with the relinquishment of occupation of any one uncommercial unit.

(3) If it appears to the appropriate Minister that an individual applying for grant does not satisfy the requirements as to farming or employment in agriculture set out in paragraph 3(3) or the income test set out in paragraph 11, the amount of grant payable under section 27 of the Act in respect of each uncommercial unit of which occupation is relinquished shall, subject to the following provisions of this paragraph and the provisions of paragraphs 6 and 13, be an amount calculated at the rate of £10 per acre of eligible land.

(4) For the purposes of calculating the amount of the grant there shall be taken into account as eligible land, having regard to the land being relinquished as on the day on which the proposals for grant are submitted, or in the case of grant payable in accordance with paragraph 6 the day on which occupation of the uncommercial unit is relinquished, and disregarding any part of that land or unit which on whichever of the aforesaid days the case may require—

(a) is or has been subject to the provisions of Schedule 3 to the Act in accordance with section 26(7) thereof or is or has been subject to any condition or conditions imposed by virtue of section 10(4) of the Agriculture (Miscellaneous Provisions) Act 1972 and has previously been taken into account for the purposes of a grant paid under section 27(1)(a) of the Act, or

- (b) has previously been taken into account for the purposes of a grant paid under section 27(1)(b) or (d) of the Act,

any of the following—

- (i) the area of any land within the uncommercial unit the occupation of which is being relinquished which the appropriate Minister is satisfied is used, or prepared or cultivated for use, for the purpose of growing crops or grass, other than any area of rough grazing land;
- (ii) one sixth of the area of any land within that unit which appears to the appropriate Minister to be rough grazing land or to be woodland the use of which is ancillary to the farming of the unit;
- (iii) the area of any land within that unit not coming within sub-paragraph (4)(i) above, which appears to the appropriate Minister to be necessary to the full and efficient farming of the unit;
- (iv) where a right to graze animals is enjoyed with that unit, not being such a unit as is mentioned in sub-paragraph (4)(v) of this paragraph, such acreage as may be determined by the appropriate Minister, having regard to the benefit, if any, to the farming of that unit attributable to the enjoyment of that right;
- (v) where an agricultural unit in Scotland consists of or includes a croft or holding and there is deemed to form part of that croft or holding any right in pasture held by the tenant or landholder whether alone or in common with others, such acreage as may be determined by the appropriate Minister having regard to the extent of the right and of the land over which it is exercisable;

so however that only acreage in excess of an aggregate of 10 acres and not exceeding an aggregate of 110 acres shall be taken into account under the preceding provisions of this sub-paragraph. In calculating the aggregate of the land so taken into account, any fraction of an acre shall be rounded off to the nearest acre.

(5) Where the relinquishment of occupation of any part of an uncommercial unit is effected otherwise than—

- (a) as part of an amalgamation approved in pursuance of a scheme under section 26 of the Act, or
- (b) in accordance with arrangements of a kind mentioned in section 27(1)(b) of the Act, or
- (c) for the purpose of facilitating afforestation or for any purpose involving public use, or
- (d) in the circumstances described in sub-paragraph (6) below,

the land of which that part of the unit consists shall not be taken into account as eligible land for the purposes of calculating the amount of any grant under section 27 of the Act payable in respect of the relinquishment of occupation of that unit or of any part thereof.

(6) Where occupation of part of an uncommercial unit is relinquished by way of a transfer of agricultural land (or of an estate or interest in agricultural land) for the purpose of giving more satisfactory boundaries to one or more agricultural units, being a transfer which, in the opinion of the appropriate Minister, will improve the suitability of at least one agricultural unit for the full and efficient pursuit of agriculture and is in the interests of good estate management or good husbandry, the area of land within that part of an uncommercial unit may be taken into account as eligible land if occupation of the remainder of that unit is relinquished for one or more of the purposes described in sub-paragraph (5)(a), (b) and (c) of this paragraph and if the said part of the unit is physically separate from the said remainder of the unit.

13.—(1) In the case of an uncommercial unit the whole of which is occupied by more than one individual or of which any part is in separate occupation (whether by one or more individuals) there may be payable to each individual eligible for grant in respect of his relinquishment of occupation such proportion of an amount approximately equivalent to the grant which might have been payable to a single individual had the unit been in his sole occupation as appears to the appropriate Minister to be appropriate having regard to any agreement between all the individuals for the time being entitled to occupy the said unit, or, in the case of grant being paid in respect of the relinquishment of part only of the said unit, to any agreement between all the individuals for the time being entitled to occupy the said part, of which the appropriate Minister has been notified and having regard to the extent of each individual's interest as regards his occupation of the unit, or part thereof considered in relation to such interest of the other individuals entitled to occupy that unit or any part thereof.

(2) Save where the amount of the grant falls to be calculated in accordance with paragraph 12(3), the form of a payment of grant to each individual under the last preceding sub-paragraph, though not the amount thereof, shall be in accordance with the provisions of paragraph 12(1).

*Payment of grant after death of applicant*

14. After the death of a person in receipt of a grant by way of annuity, a grant under section 27 of the Act by way of an annuity equivalent in amount to half of the first mentioned annuity may be paid to a surviving spouse who was living with that person when proposals for the first mentioned grant were submitted, subject to compliance with such conditions as the appropriate Minister may specify when making the last mentioned grant. The last mentioned grant shall cease to be payable if the spouse re-marries.

15. In a case where a person who has submitted an application for grant under section 27 of the Act within 7 years from the commencement of this scheme relinquishes, or becomes under an obligation to relinquish, occupation of the uncommercial unit of agricultural land in question or of the part thereof in respect of which the application is submitted and subsequently dies before the application has been dealt with, the application may be proceeded with after the death and, if the appropriate Minister approves the application, in a case where, if the grant had been payable to the deceased, the amount of grant would have fallen to be determined in accordance with—

- (a) paragraph 12(1)(a), or (3) there may be paid for the benefit of the deceased's estate, subject to such conditions as the appropriate Minister may specify, a grant under the said section 27 by way of a lump sum payment equivalent in amount to the grant which would have been payable to the deceased;

(b) paragraph 12(1)(b), there may be paid, subject to such conditions as the appropriate Minister may specify—

- (i) in respect of any period after the relinquishment of occupation and before the death for the benefit of the deceased's estate a grant under the said section 27 by way of an annuity equivalent in amount to the annuity which would have been payable to the deceased;
  - (ii) in respect of any period falling both after the relinquishment and the death and before any subsequent marriage of the spouse, to any person who was, both at the date of the death and at the time when the application was made, the spouse living with the deceased a grant under the said section 27 by way of an annuity equivalent in amount to half of the annuity which would have been payable to the deceased;
- (c) paragraph 12(1)(c), and the deceased before death did not exercise the election as to the method of payment provided for in the said sub-paragraph, grant under the said section 27 by way of a lump sum payment may be paid in accordance with the provision of sub-paragraph (a) of this paragraph.

For the avoidance of doubt, for the purposes of this paragraph references in other provisions of this scheme to the individual are references to the individual who submitted the application for grant under section 27.

*Variation of the Farm Structure (Payments to Outgoers) Scheme 1970*

16. The Farm Structure (Payments to Outgoers) Scheme 1970 shall be varied by substituting in paragraph 3(1) thereof for the words "within seven years from the commencement of this scheme" the words "before 1st September 1973".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 31st July 1973.

(L.S.)

*Joseph Godber,*  
Minister of Agriculture, Fisheries and Food.

26th July 1973.

*Gordon Campbell,*  
Secretary of State for Scotland.

26th July 1973.

*Peter Thomas,*  
Secretary of State for Wales.

We approve.

6th August 1973.

*Tim Fortescue,*  
*Oscar Murton,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

## EXPLANATORY NOTE

*(This Note is not part of the Scheme.)*

This Scheme, which is made under section 27 of the Agriculture Act 1967, as amended by section 32(3) and (5) of the Agriculture Act 1970, sections 9(3) and 10(2) of the Agriculture (Miscellaneous Provisions) Act 1972 and Regulation 4 of the Agriculture Act 1967 (Amendment) Regulations 1973, supersedes the Farm Structure (Payments to Outgoers) Scheme 1970. The Scheme provides, as did the 1970 Scheme for the payment of a grant by way of a lump sum or in certain circumstances an annuity to an individual who relinquishes occupation of an uncommercial unit of agricultural land for the purpose of improving farm structure. It makes a new provision that alternatively the relinquishment of occupation may in certain circumstances be for purposes of afforestation or public use. The Scheme does not extend to any submission of proposals for approval made after the expiration of 7 years from the commencement of the scheme. It applies to the whole of the United Kingdom.

The Scheme provides that for an individual to be eligible for grant, the uncommercial unit, or the part of it to be relinquished, must be capable of providing work for an individual occupying it for at least a 100 days a year. It lays down terms as to eligibility for grant including revised occupation and income tests. It specifies the amount of grant payable, which differs from the 1970 Scheme and the method by which grant is to be calculated. The Scheme makes provision for the payment of grant in cases where an applicant, having relinquished occupation, or come under an obligation to do so, dies before the application has been dealt with. It also re-enacts the provisions of the 1970 Scheme whereby grant may be paid to the surviving spouse of an annuitant at the rate of half the original annuity.

It provides, for the first time, that except in certain circumstances an applicant should have worked in agriculture for 5 years immediately preceding his submission of proposals for grant.

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