
STATUTORY INSTRUMENTS

1980 No. 97

AGRICULTURE

HORTICULTURE

**The Farm and Horticulture Development (Amendment)
Regulations 1980**

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| <i>Made</i> - - - - | 29th January 1980 |
| <i>Laid before Parliament</i> | 31st January 1980 |
| <i>Coming into Operation</i> | 1st February 1980 |

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, being Ministers designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the common agricultural policy of the European Economic Community(b), in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and extent

1. These regulations, which may be cited as the Farm and Horticulture Development (Amendment) Regulations 1980, shall come into operation on 1st February 1980 and shall apply to the whole of the United Kingdom.

Interpretation

2. In these regulations the “principal regulations” means the Farm and Horticulture Development Regulations 1978(c) and, unless the context otherwise requires, any reference herein to a numbered regulation shall be construed as a reference to the regulation bearing that number in the principal regulations.

Amendment of regulation 2

3.—(1) In paragraph (1) of regulation 2 there shall be inserted immediately after the definition of “earned income” the following definition—

““ECU” means the unit of account of the European Economic Community defined in Article 1 of Council Regulation (EEC) No. 3180/78(d), and any reference in these regulations to a specified number of ECU in relation to any expenditure shall be taken to be a reference to the sterling equivalent of that number of ECU applicable on the 1st January of the calendar year in which the conditions for granting aid are fulfilled;”.

(2) In paragraph (1) of regulation 2 the definition “unit of account” shall be omitted.

(a) 1972 c. 68. (b) S.I. 1972/1811. (c) S.I. 1978/1086; amended by S.I. 1979/1559.
(d) O.J. No. L397, 30.12.78, p. 1.

(3) For paragraph (4) of regulation 2 there shall be substituted the following paragraph—

“(4) Any reference in these regulations to a numbered regulation or schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or schedule bearing that number in these regulations.”.

Amendment of regulation 3

4. For the words “the Schedule” in regulation 3(1)(a) there shall be substituted the words “Schedule 1 or Schedule 2”.

Amendment of regulation 9

5.—(1) For the words “42,901 units of account” in regulation 9(a) there shall be substituted the words “52,599 ECU”.

(2) For the words “10,730 units of account and not more than 54,400 units of account” in regulation 9(b) there shall be substituted the words “13,158 ECU and not more than 66,699 ECU”.

(3) For the words “the Schedule” in regulation 9(e) there shall be substituted the words “Schedule 1”.

New regulation 9A

6. The following regulation shall be inserted after regulation 9—

“9A. In respect of any development plan or plans for the same agricultural business in relation to which application for assistance has been received on or after 1st February 1980, the appropriate Minister shall not approve for the purposes of grant under regulation 3(1) any expenditure which amounts in aggregate in respect of any period of 6 years to more than 220,000 ECU.”.

Amendment of regulation 10

7.—(1) In regulation 10(1) for the words “Subject to the provisions of regulations 13 and 14” there shall be substituted the words “In respect of applications for assistance received by the appropriate Minister before 1st February 1980 and subject to the provisions of paragraph (1B) and regulations 13 and 14,” and the words “Schedule 1” shall be substituted for the words “the Schedule”.

(2) Immediately after paragraph (1) of regulation 10 there shall be inserted the following new paragraphs:

“(1A) In respect of applications for assistance received by the appropriate Minister on or after 1st February 1980 and subject to the provisions of regulations 13 and 14, the amount of any grant payable under regulation 3(1) towards expenditure in respect of any work or facility or transaction of a kind specified in any of paragraphs 1 to 28 and 30 in column 1 of Schedule 2 to these regulations shall be the proportion of that expenditure, if any, specified in relation to that work or facility or transaction in column 2 of that Schedule, save that in the case of any work or facility or transaction which, in the opinion of the appropriate Minister—

(a) is for the purposes of, or in connection with, the carrying on of an agricultural business, or that part thereof, situated in a less-favoured

area, the amount of grant so payable shall be the proportion of that expenditure, if any, specified in relation to that work or facility or transaction in column 3 of that Schedule;

(b) is for the purposes of, or in connection with, the carrying on of a horticultural production business as to which that Minister is satisfied that at all times during the period of 24 months ending with the date of application for approval of that expenditure for the purposes of a grant under regulation 3(1) there has been occupied for the purposes of that business not less than 1.6 hectares of land calculated, as appropriate, in accordance with the provisions of paragraph (2) of this regulation, the amount of grant so payable shall be the proportion of that expenditure, if any, specified in relation to that work or facility or transaction in column 4 of that Schedule;

(c) is for the purposes of, or in connection with, the carrying on of an agricultural business, or a horticultural production business, of a kind described in regulation 6(b), the amount of grant so payable shall be 80 per cent. of the proportion of that expenditure, if any, specified in relation to that work or facility or transaction in column 2 of that Schedule in the case of an agricultural business, or in column 3 thereof in the case of an agricultural business in a less-favoured area, or in column 4 thereof in the case of a horticultural production business.

(1B) Any eligible person whose application for assistance has been received before 1st February 1980 and whose development plan is or has been approved may with the consent of the appropriate Minister be paid, in respect of a particular work, facility or transaction, grant at the rate specified in Schedule 2 in relation to that work, facility or transaction (if that rate is higher than the rate specified in relation thereto in Schedule 1), and the relevant provisions of paragraph (1A) shall then apply.”

(3) For the words “paragraph (1)” in regulation 10(2) there shall be substituted the words “paragraphs (1) or (1A)”.

(4) For the words “the Schedule” in regulation 10(5) there shall be substituted the words “Schedule 1 or Schedule 2”.

(5) For paragraph (6) of regulation 10 there shall be substituted the following paragraph—

“(6) Where it appears to the appropriate Minister that the expenditure reasonably incurred in the carrying out of any development plan exceeds the expenditure approved for the purposes of grant under regulation 3(1), in respect of any work or facility or transaction of a kind specified in paragraphs 1 to 16, 20 to 23, and 28 to 29 in Column 1 of Schedule 1 or Schedule 2, the appropriate Minister may, notwithstanding regulation 9(a), approve for the purposes of grant the difference between the amount of expenditure so approved, and the amount of expenditure actually incurred.”.

(6) At the end of regulation 10 there shall be added the following new paragraph—

“(7) Where it appears to the appropriate Minister that the expenditure reasonably incurred in the carrying out of any development plan exceeds the expenditure approved for the purposes of grant under regulation 3(1), in respect of any work or facility or transaction of a kind specified in column 1 of Schedule 2, the appropriate Minister may, notwithstanding

regulation 9A, approve for the purposes of grant the difference between the amount of expenditure so approved, and the amount of expenditure actually incurred.”.

Amendment of regulation 11

8. For the words “192 units of account” and “140 units of account” in regulation 11(2) there shall be substituted the words “250 ECU” and “167 ECU” respectively.

Schedule amendments

9.—(1) For the word “Schedule” at the head of the Schedule to the principal regulations there shall be substituted the words “Schedule 1”.

(2) The provisions of the Schedule to these regulations shall be added as Schedule 2 to the principal regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th January 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

29th January 1980.

Regulation 9(2)

SCHEDULE

PROVISIONS TO BE ADDED AS SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

"SCHEDULE 2 Regulations 3(1)(a) and 10

ELIGIBLE WORKS AND FACILITIES AND RATES OF GRANT

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Kind of work or facility or transaction | Agricultural business. Rate of grant. Per Cent. | Agricultural business in Less-Favoured Area. Rate of grant. Per Cent. | Horticultural production business. Rate of grant. Per Cent. |
| 1. Provision, replacement, improvement, alteration, enlargement or reconditioning of: | | | |
| (i) Permanent buildings (except living accommodation and buildings designed and intended for horticultural use or for any use mentioned in paragraph 11 of this Schedule and works and facilities specified in paragraphs 2 and 3 of this Schedule); bulk dry stores. | 32.5 | 37.5 | Not applicable |
| (ii) Yards, loading platforms, ramps or banks. | 32.5 | 37.5 | 32.5 |
| 2. Provision, replacement, improvement, alteration, enlargement or reconditioning of silos. | 32.5 | 37.5 | Not applicable |
| 3. Provision, replacement, improvement, alteration, enlargement or reconditioning of permanent buildings for cattle (except for any use mentioned in paragraph 11 of this Schedule); dairy and parlour buildings and associated collecting yards. | 32.5 | 37.5 | Not applicable |
| 4. Provision, replacement or improvement of systems for the disposal of farm waste. | 32.5 | 37.5 | 32.5 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Kind of work or facility or transaction | Agricultural business. Rate of grant. Per Cent. | Agricultural business in Less-Favoured Area. Rate of grant. Per Cent. | Horticultural production business. Rate of grant. Per Cent. |
| 5. Provision, replacement or improvement of facilities for the supply of electricity or gas for agricultural purposes. | 32.5 | 37.5 | 32.5 |
| 6. Provision, replacement or improvement of facilities for the supply of water, including the provision, replacement or improvement of facilities for water storage. | 32.5 | 50 | 32.5 |
| 7. Field drainage, including under-drainage and ditching. | 50 | 70 | 50 |
| 8. Provision or improvement of farm flood protection works, protection or improvement of river banks. | 32.5 | 50 | 32.5 |
| 9. Provision, replacement or improvement of roads, paths and other permanent ways, hard standings, fords, bridges, culverts, railway crossings, creeks, piers, jetties or slips. | 32.5 | 50 | 32.5 |
| 10. Provision, replacement or improvement of sheep grids or cattle grids. | 32.5 | 50 | 32.5 |
| 11. Provision, replacement or improvement of pens, dips, stells, or other facilities designed and intended for use in connection with the gathering, treatment or feeding of sheep or cattle or for sheltering them in periods of adverse weather but not for in-wintering. | 32.5 | 50 | Not applicable |
| 12. Provision, replacement or improvement of permanent fences, hedges, walls or gates. | 32.5 | 50 | 32.5 |
| 13. Provision, replacement or improvement of shelter belts. | 5 | 50 | 32.5 |

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| Column 1 | Column 2 | Column 3 | Column 4 |
|--|---|---|---|
| Kind of work or facility or transaction | Agricultural business. Rate of grant. Per Cent. | Agricultural business in Less-Favoured Area. Rate of grant. Per Cent. | Horticultural production business. Rate of grant. Per Cent. |
| 14. (i) Reseeding and regeneration of grassland and laying down of permanent pasture, including the application of lime or fertiliser (other than normal husbandry applications). | 32.5 | Not applicable | Not applicable |
| (ii) Reseeding and regeneration of grassland; laying down of permanent pasture, application of lime or fertiliser (other than normal husbandry applications) for the benefit of grassland. | Not applicable | 50 | Not applicable |
| (iii) Clearance and reclamation of land; subsoiling; burning heather or grass or making muirburn; land levelling or grading (including filling in of ditches or ponds); removal of tree roots, boulders or other obstructions to cultivation; bracken control. | 32.5 | 50 | 32.5 |
| 15. Orchard grubbing. | 32.5 | 32.5 | 32.5 |
| 16. Provision, replacement or improvement of wirework for hop gardens. | 32.5 | 32.5 | Not applicable |
| 17. Provision or installation or replacement of: | | | |
| (i) Plant or machinery (including fixtures and fittings) for agricultural purposes (excluding plant or machinery which has been used before installation or which is installed or is wholly for the benefit of, living accommodation or which is of a kind | | | |

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|---|---|---|
| Kind of work or facility or transaction | Agricultural business. Rate of grant. Per Cent. | Agricultural business in Less-Favoured Area. Rate of grant. Per Cent. | Horticultural production business. Rate of grant. Per Cent. |
| specified in subparagraphs (ii) and (iii) of this paragraph or paragraphs 24 to 26 of this Schedule). | 5 | 10 | 5 |
| (ii) Fans for barn hay drying and associated equipment, hay and silage making machinery (except tractors). | 5 | 10 | Not applicable |
| (iii) Milking and associated equipment, bulk milk tanks. | 5 | 10 | Not applicable |
| 18. Provision, replacement or improvement of stakes and wirework for vineyards. | 32.5 | 32.5 | 32.5 |
| 19. Provision, replacement or improvement of stakes and wirework for cane fruit. | 20 | 20 | 20 |
| 20. Claying or marling or soil mixing. | 5 | 10 | 5 |
| 21. Provision or enlargement of permanent buildings, of permanently sited frames or of durable structures for cladding with plastic, designed and intended for the production of horticultural produce. | Not applicable | Not applicable | 5 |
| 22. (i) Replacement, reconstruction, alteration, reconditioning or other improvement of existing permanent buildings, of permanently sited frames or of durable structures for cladding with plastic, designed and intended for horticultural use (excluding any work or | | | |

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|---|---|---|
| Kind of work or facility or transaction | Agricultural business. Rate of grant. Per Cent. | Agricultural business in Less-Favoured Area. Rate of grant. Per Cent. | Horticultural production business. Rate of grant. Per Cent. |
| facility specified in paragraph 21 of this Schedule). | Not applicable | Not applicable | 32.5 |
| (ii) Provision or enlargement of permanent buildings designed and intended for horticultural use (excluding buildings of a kind specified in paragraph 21 of this Schedule). | Not applicable | Not applicable | 32.5 |
| (iii) Supply and installation of permanent thermal insulation, vapour sealing or gas sealing for the control of temperature or atmosphere in buildings designed and intended for horticultural use (excluding buildings of a kind specified in paragraph 21 of this Schedule). | Not applicable | Not applicable | 32.5 |
| 23. Provision, replacement, improvement, alteration, enlargement or reconditioning of watercress beds. | Not applicable | Not applicable | 32.5 |
| 24. Plant or equipment designed and intended for the production or harvesting of horticultural produce (excluding plant or equipment of a kind specified in paragraph 25 or 26 of this Schedule). | Not applicable | Not applicable | 20 |
| 25. Plant or equipment designed and intended for the storage or preparation for market of horticultural produce (excluding plant or equipment of a kind specified in paragraph 26 of this Schedule). | Not applicable | Not applicable | 20 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|--|---|---|
| Kind of work or facility or transaction | Agricultural business. Rate of grant. Per Cent. | Agricultural business in Less-Favoured Area. Rate of grant. Per Cent. | Horticultural production business. Rate of grant. Per Cent. |
| 26. Plant or equipment, including tractors and ancillary equipment, designed and intended for the cultivation of horticultural crops and produce. | Not applicable | Not applicable | 5 |
| 27. (i) Purchase of livestock (except fresh water fish for food production). | 5 | 10 | Not applicable |
| (ii) Purchase of fresh water fish for food production. | 5 | 10 | Not applicable |
| 28. Provision, replacement, improvement, alteration or enlargement of facilities for the farming of fresh water fish for food production. | 5 | 10 | Not applicable |
| 29. Any work or facility incidental to the carrying out or provision of any work or facility specified in any of paragraphs 1 to 28 of this Schedule or necessary or proper in carrying it out or providing it or securing the full benefit thereof. | The rate appropriate to that work or facility in accordance with the provisions of the Scheme. | | |
| 30. Preparation of development plans. | 32.5 | 32.5 | 32.5". |

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made under Section 2(2) of the European Communities Act 1972. They amend the principal regulations (the Farm and Horticulture Development Regulations 1978) in order to change the level of grant payable to those applying for assistance on or after 1st February 1980. They also restrict the total amount of expenditure which may be approved for grant in respect of such applications, taking into account similar approved expenditure during the preceding 6 years.

In addition the amendments:

- (a) introduce the ECU to replace the unit of account;
- (b) increase the lower and upper limits relating to approved expenditure in connection with the breeding and keeping of pigs;
- (c) increase the limits for expenditure per labour unit that may be approved for grant on a development plan;
- (d) increase the amount of grant payable for keeping accounts.

