WELSH STATUTORY INSTRUMENTS

2004 No. 1606 (W.165)

AGRICULTURE, WALES

The Farm Waste Grant (Nitrate Vulnerable Zones) (Wales) Scheme 2004

Made - - - -	*23 June 2004*
Coming into force - -	*30 June 2004*

The National Assembly for Wales, acting in relation to Wales, in exercise of the powers conferred by section 29 of the Agriculture Act 1970(**1**), makes the following Scheme —

Title, application and commencement

1. This Scheme may be cited as the Farm Waste Grant (Nitrate Vulnerable Zones) (Wales) Scheme 2004, shall apply in Wales and shall come into force on the 30 June 2004.

Interpretation

2. In this Scheme —

"agricultural business" ("*busnes amaethyddol*") means an agricultural business which is at least partly carried out on land situated in a nitrate vulnerable zone;

"slurry" ("*slyri*") has the same meaning as in Regulation 2 of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991(**2**);

"nitrate vulnerable zone" ("*parth perygl nitradau*") means any area designated as a nitrate vulnerable zone by paragraph 3B of the Protection of Nitrate Pollution (England and Wales) Regulations 1996(**3**).

Payment and amount of grants

3.—(1) Subject to the following provisions of this Scheme, the National Assembly for Wales may make to any person one or more grants representing 40 per cent of the expenditure to be incurred by him for the purposes of or in connection with the carrying on of an agricultural business, being expenditure incurred after 29 June 2004 but before 31 October 2005 and which —

(**1**) 1970 c. 40. *See* section 28 for a definition of "the appropriate authority". Under the National Assembly for Wales Transfer of Functions (Wales) Order 1999, S.I.1999/672, article 2 (a) and Schedule 1, the functions of the Secretary of State for Wales under section 29 of the Agricultural Act, were transferred to the National Assembly for Wales.
(**2**) S.I. 1991/324, as amended by S.I 1991/324.
(**3**) S.I. 1996/888.

(a) is incurred in respect of —

(i) the provision, replacement or improvement of —

(aa) facilities (including safety fencing) for the handling and storage of manure, slurry and silage effluent;

(bb) fixed disposal activities for slurry and silage effluent, or

(cc) facilities (other than roofing) for the separation of clean and dirty water, where those facilities reduce the need to store slurry; or

(ii) any work, facility or transaction (including conservation or amenity works) incidental to any matter in respect of which a grant may be made under the foregoing provisions of this paragraph;

(b) appears to the National Assembly for Wales be of a capital nature or incurred in connection with expenditure of a capital nature;

(c) is approved by the National Assembly for Wales for the purposes of a grant under this Scheme; and

(d) does not in aggregate exceed £85,000.

(2) Where it appears to the National Assembly for Wales that expenditure, in respect of which an application is made for a grant under sub-paragraph (1), is to be incurred partly for the purposes of or in connection with the carrying on of an agricultural business and partly for other purposes it may treat as being incurred for the purposes of or in connection with the carrying on of an agricultural business so much of that expenditure as appears to it to be referable to the carrying on of that agricultural business.

Financial Limits

4.—(1) If, in view of the total number of applications for grant already approved or received, the National Assembly for Wales is at any time of the opinion that the financial resources which are available for payment of grant under this Scheme during any period are insufficient to satisfy any payment during the period which would result from the approval of any further application, it may, in respect of any application received at the date of its decision but not yet accepted, or any application it may receive during the relevant period —

(a) suspend further consideration of any such application until such time as may subsequently be specified by it; or

(b) reject any such application without further consideration.

(2) Notice of —

(a) a decision —

(i) to suspend consideration of any application under sub-paragraph (1)(a), or

(ii) to reject any application without further consideration under sub-paragraph (1)(b); or

(b) of the termination of the relevant period, shall be published in The London Gazette.

(3) In sub-paragraphs (1) and (2), "the relevant period" means the period beginning with the day after the date of the decision of the National Assembly for Wales referred to in sub-paragraph (1), or any subsequent date specified by it in a notice under sub-paragraph (2)(a), and ending with such date as may be specified by it in a notice under sub-paragraph (2)(b).

Restrictions on the making of grants

5. The National Assembly for Wales shall not make a grant under sub-paragraph (1) of paragraph 3 —