1990 No. 232

AGRICULTURE

HORTICULTURE

Farm and Conservation Grant (Amendment) Regulations (Northern Ireland) 1990

Made	*13th June 1990*
Coming into operation . .	*1st July 1990*

The Department of Agriculture, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Farm and Conservation Grant (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 1st July 1990.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these regulations,—

"the principal Regulations" means the Farm and Conservation Grant Regulations (Northern Ireland) 1989(**d**);

"the 1987 Regulations" means the Agriculture Improvement Regulations (Northern Ireland) 1987(**e**);

"the Department" means the Department of Agriculture for Northern Ireland.

Savings

3. Regulations 6 to 8 shall not apply in relation to an improvement plan approved under the principal Regulations before 1st July 1990, or to a request for the variation of such a plan or an application for approval of an

(a) S.I. 1972/1811
(b) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. (N.I.) 1984 No. 253
(c) 1954 c. 33 (N.I.)
(d) S.R. 1989 No. 39
(e) S.R. 1987 No. 156 as amended by S.R. 1987 No. 452, S.R. 1988 No. 265 and S.R. 1988 No. 412

improvement plan received before 1st July 1990 by the Department, and these regulations shall not affect the operation of the principal Regulations in relation to any such plan, request or application.

Amendment of principal Regulations

4. The principal Regulations shall be amended in accordance with regulations 5 to 8.

5. In regulation 3 (eligible persons)—

(*a*) for sub-paragraph (i) of paragraph (1)(*a*), there shall be substituted the following sub-paragraph—

"(i) (α) derives not less than half of his annual income, calculated in accordance with the provisions of paragraph (2), from agricultural activities relating to that business and any qualifying activity carried on by him on land to which the business or an ancillary farm business relates,

(β) derives not less than one quarter of his annual income, so calculated, from agricultural activities relating to that business, and

(γ) spends time in such agricultural and qualifying activities amounting to at least 1,100 hours per year, and;"

(*b*) in each of sub-paragraphs (*b*) and (*c*) of paragraph (1), for the words "practises farming as his main occupation, as" there shall be substituted "meets the requirements";

(*c*) in paragraph (2), after the word "business" there shall be inserted "and (as the case may be) qualifying activities";

(*d*) after paragraph (2) there shall be inserted the following paragraph—

"(2A) For the purposes of this regulation—

"ancillary farm business" means a business consisting in the pursuit of a qualifying activity where that business is carried on by the person also carrying on the eligible agricultural business on the same or adjacent land;

"qualifying activity" means any activity carried on for the purpose of—

(*a*) forestry;

(*b*) tourism, including the provision of any of the following: accommodation; food and drink; facilities for camping and caravanning; facilities for sports and recreation; educational facilities relating to farming and the countryside; accommodation and care for horses and ponies; or horses and ponies for hire;

(*c*) craft activities, including the manufacture and sale of craft items or tourist souvenirs; or

(*d*) maintaining the countryside, including the conservation and enhancement of the natural beauty of an area, the conservation of the flora or fauna or geological or

physiographical features of an area, or the protection of buildings or other objects of archaeological, architectural or historic interest in an area, where aid is paid in respect of that activity out of money provided by or under any statutory provision or by the European Economic Community.''.

6. In regulation 6 (restrictions on approval of improvement plans)—

(*a*) for paragraph (1) there shall be substituted the following paragraph—

''(1) An improvement plan shall not be approved unless the Department is satisfied that the investments to be made under the plan are justified from the point of view of the situation of the agricultural business and its economy and that implementation of the plan—

(*a*) will bring about a lasting improvement of that situation and in particular of the income per labour unit reasonably required in the carrying on of the business, or

(*b*) is necessary for maintaining the present level of income per labour unit so required.'';

(*b*) in paragraph (3), for sub-paragraph (*b*) there shall be substituted the following sub-paragraphs—

''(*b*) proposed expenditure in connection with the breeding or keeping of pigs unless the Department is satisfied—

(i) that after completion of the work, facility or transaction to which the expenditure relates, the number of pig places on the land occupied for the purposes of the agricultural business to which the plan relates will not exceed 800; and

(ii) that the plan provides that on its completion not less than 35 per cent. of the feeding stuffs required for the pigs kept on that land can be produced therefrom;

(*bb*) proposed expenditure in connection with the breeding or keeping of pigs which entails an increase in production, except that where a plan submitted for approval which includes such expenditure is received before 1st January 1991, the Department may approve for the purposes of grant expenditure which serves to increase the number of pig places on the land occupied for the purposes of the agricultural business to which the plan relates to no more than 300 such places;'';

(*c*) in paragraph (3), after sub-paragraph (*h*) there shall be inserted the following sub-paragraph—

''(*j*) proposed expenditure in connection with the breeding or keeping of beef livestock, unless the Department is satisfied—

(i) that, subject to sub-paragraph (ii) the effect of such expenditure will not be to increase the number of such livestock kept on the land occupied for the purposes of the agricultural business to which the plan relates,