1990 No. 226

AGRICULTURE

HORTICULTURE

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

Made	*11th June 1990*
Coming into operation—	
Articles 1 to 4 and 5(a) to (c)	*1st July 1990*
Article 5(d)	*1st January 1991*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 16(1) and (2) of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987(**a**) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel, hereby makes the following Scheme:

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Farm and Conservation Grant (Amendment) Scheme (Northern Ireland) 1990 and, except for Article 5(*d*), shall come into operation on 1st July 1990.

(2) Article 5(*d*) shall come into operation on 1st January 1991.

(3) In this Scheme "the principal Scheme" means the Farm and Conservation Grant Scheme (Northern Ireland) 1989(**b**).

Savings

2.—(1) Article 4 shall not apply in relation to any claim for grant under the principal Scheme towards expenditure incurred before 1st July 1990 and this Scheme shall not affect the operation of the principal Scheme in relation to any such claim for grant.

(2) Article 5(*d*) shall not apply in relation to any claim for grant under the principal Scheme received by the Department before 1st January 1991 and this Scheme shall not affect the operation of the principal Scheme in relation to any such claim for grant.

Amendment to the principal Scheme

3. Subject to Article 2 the principal Scheme shall be amended in accordance with Articles 4 and 5.

(a) S.I. 1987/166 (N.I. 1)
(b) S.R. 1989 No. 38

4.—(1) In Article 4 (restrictions on payment of grant) there shall be substituted for paragraph (1)(*e*) the following sub-paragraph—

"(*e*) in connection with any work, facility or transaction of a kind specified in paragraph 5 in column 1 of the Schedule unless the Department is satisfied that the person through whom the agricultural business is carried on—

(i) 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,

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

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

(2) In Article 4(2), after the word "business" there shall be inserted "and (as the case may be) qualifying activities".

(3) For Article 4(5) there shall be substituted the following paragraph—

"(5) In this Article—

"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;

"other relevant expenditure" means expenditure which is included in any previous improvement plan or towards which grant is payable or has been paid under this Scheme or the 1987 Scheme; and

"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 Parliament, by any local