1988 No. 321

AGRICULTURE

The Farm Business (Non-Capital Grant Scheme) Order (Northern Ireland) 1988

Made . . . . . 7th September 1988

Coming into operation . . 1st October 1988

The Department of Agriculture, in exercise of the powers conferred on it by Article 3(1) and (2) of the Farm Businesses (Northern Ireland) Order 1988(**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 Order:—

Citation and commencement

1. This Order may be cited as the Farm Business (Non-Capital Grant Scheme) Order (Northern Ireland) 1988 and shall come into operation on 1st October 1988.

The Farm Business Non-Capital Grant Scheme (Northern Ireland) 1988

2. The Department hereby makes the Farm Business Non-Capital Grant Scheme (Northern Ireland) 1988 set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture on 7th September 1988.

(L.S.) *L. Sinclair*
Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel on 7th September 1988.

(L.S.) *J. O. M. Frame*
Assistant Secretary

(a) S.I. 1988/1302 (N.I. 12)

Farm Business Non-Capital Grant Scheme (Northern Ireland) 1988

Interpretation

1. In this Scheme —

"approved" means approved by the Department;

"company" means a company as defined in Article 3(1) of the Companies (Northern Ireland) Order 1986(**a**) or a company as defined in section 735(1) of the Companies Act 1985(**b**);

"co-operative" means a registered society as defined in section 101(1) of the Industrial and Provident Societies Act (Northern Ireland) 1969(**c**) or a registered society as defined in section 74 of the Industrial and Provident Societies Act 1965(**d**);

"designated map" means the map marked "map of the less-favoured farming areas in Northern Ireland" dated 4th April 1984, signed by the Secretary of State and deposited at the offices of the Department at Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB;

"eligible group" has the meaning assigned to that expression in Article 3;

"eligible person" has the meaning assigned to that expression in Article 2;

"farm-based industry" means—

(*a*) the manufacture of craft items and tourist souvenirs;

(*b*) food processing and the purification, carbonation and bottling of spring water;

(*c*) the processing of timber;

(*d*) the processing of agricultural produce for purposes other than human or animal consumption; or

(*e*) the repair and renovation of agricultural machinery;

"farm shop" means a shop primarily used for the sale of the produce of the agricultural business of which the shop forms part;

"feasibility study plan" means a plan to study the feasibility of producing a new product on, or supplying a new service from, the land on which the agricultural business or specified farm business is carried on by an eligible person or by each member of an eligible group, by means of—

(*a*) establishing a specified farm business or expanding an existing specified farm business; or

(*b*) expanding, for purposes connected with the establishment, expansion or carrying on of a specified farm business, an agricultural business;

"food processing" means the application of any process or treatment to agricultural produce for the purposes of human consumption but does not include—

(*a*) the cleaning and trimming of raw fruit and vegetables to which no further process or treatment is applied and the packaging of such fruit and vegetables;

(**a**) S.I. 1986/1032 (N.I. 6)
(**b**) 1985 c.6
(**c**) 1969 c.24 (N.I.)
(**d**) 1965 c.12

(*b*) the slaughter of livestock and the skinning and gutting of animal carcases;

(*c*) any process or treatment applied for the purposes of the manufacture of wine; or

(*d*) any process or treatment applied to cows' milk for the purposes of the liquid consumption of that milk or for the purposes of the manufacture of any milk-based drink as defined in regulation 2 of the Milk Regulations (Northern Ireland) 1987(**a**) and any process or treatment applied to any such milk-based drink;

"less-favoured area" means land which is within the area shaded blue or pink on the designated map;

"livery" means the provision of accommodation and care for horses and ponies;

"marketing plan" means a plan to promote the specified farm business being carried on by an eligible person or by each member of an eligible group or to market, from the land on which the specified farm business is being carried on by an eligible person or by each member of an eligible group, anything produced or supplied in the course of a specified farm business;

"provision of accommodation", in relation to persons, includes provision of facilities for camping and caravanning;

"specified farm business" means any business of a type specified in the Annex to this Scheme consisting in, or such part of any business as consists in, a business which is carried on by a person who also carries on an agricultural business at the same time and on the same or adjacent land;

"sports" means any game or exercise other than field sports, horse riding and sports involving the use of motor vehicles, firearms or cross-bows.

Eligible persons

2.—(1) Subject to the provisions of this Article, the following classes of person shall be eligible for grant under this Scheme—

(*a*) an individual carrying on an agricultural business if the Department is satisfied that that individual or, as the case may be, the farm manager or other person through whom the business is carried on—

(i) derives more than half of his annual income calculated in accordance with paragraph (2) from that business and any specified farm business; and

(ii) spends not less than 1,100 hours per year in agricultural activities relating to that business; and

(iii) possesses sufficient agricultural skill and competence, in that he holds an appropriate certificate issued by a teaching establishment recognised for this purpose by the Department or has been engaged in agricultural activities for not less than five years,

and if the individual carrying on that agricultural business submits a feasibility study plan or a marketing plan in accordance with Article 4;

(*b*) any person representing a body carrying on an agricultural business if—

(i) the Department is satisfied that the main purpose of that business is the pursuit of agriculture and that the farm manager or other person through whom the business is carried on satisfies the requirements as to income, hours spent in agricultural activities and as to agricultural skill and competence, as specified in paragraph (1)(*a*), and

(**a**) S.R. 1987 No. 229

(ii) the said person representing the said body submits on behalf of the said body a feasibility study plan or a marketing plan in accordance with Article 4;

(*c*) persons carrying on an agricultural business in partnership if—

(i) the Department is satisfied that the farm manager or other person through whom the business is carried on satisfies the requirements as to income, hours spent in agricultural activities and as to agricultural skill and competence as specified in paragraph (1)(*a*), and

(ii) a feasibility study plan or a marketing plan is submitted in accordance with Article 4;

(*d*) the owner of land occupied for the purposes of the pursuit of agriculture who submits a feasibility study plan or a marketing plan relating to such land or adjacent land jointly with one of the kinds of person eligible for grant under sub-paragraph (*a*), (*b*) or (*c*).

(2) For the purposes of this Article, a person's annual income shall be calculated in each case by reference to such year or years within the three years immediately preceding the day on which the feasibility study plan or the marketing plan is submitted as the Department shall determine, being a year or years which it is satisfied gives or give a fair indication of the normal amount of income of that person and the normal amount of income derived by that person from the agricultural business and any specified farm business.

Eligible groups

3.—(1) Subject to the provisions of paragraph (2) a group shall be eligible for grant under this Scheme provided that—

(*a*) it consists of at least three members each carrying on an agricultural business;

(*b*) a minimum of seventy-five per cent of the members are eligible persons at the time when the feasibility study plan or the marketing plan is submitted to the Department for approval in accordance with Article 4;

(*c*) that part, if any, of the membership which is not comprised of eligible persons does not include a company or a co-operative; and

(*d*) a feasibility study plan or a marketing plan is submitted in accordance with Article 4 by a member of the group.

(2) A group consisting of ten or more members which satisfies the conditions specified in paragraph (1) shall nevertheless not be eligible for grant under this Scheme if each of the members also carries on a business involving food processing or the purification, carbonation and bottling of spring water.

Feasibility study plans and marketing plans

4.—(1) The Department shall not approve proposed expenditure for the purpose of grant under this Scheme unless a feasibility study plan or a marketing plan relating to that expenditure is submitted for the approval of the Department and is approved by it and may make such approval subject to such conditions as it shall determine.

(2) A feasibility study plan and a marketing plan submitted for approval shall be set out in such form as the Department may from time to time specify and the person or group submitting the plan shall furnish all such particulars and information relating thereto as the Department may specify.

(3) Without prejudice to paragraph (2), the person or group submitting a feasibility study plan or a marketing plan for approval shall furnish—

(*a*) sufficient information to show that that person or group is an eligible person or eligible group;

(*b*) details of the establishment, expansion or promoting of the specified farm business or agricultural business to which the plan relates and of any product or service to be marketed in accordance with the plan;

(*c*) an indication of the measures to be taken to achieve the aim of the plan;

(*d*) a statement of the name, qualifications and relevant experience of the person to be employed or contracted to implement the plan;

(*e*) a written statement by the person referred to in sub-paragraph (*d*) unless that person is an employee of the eligible person or eligible group, of the expenditure, within Article 7(1)(*a*), to be incurred in carrying out the plan.

(4) The duration of a marketing plan shall be such period as is specified in the plan, being a period not less than three years from the date of approval of the plan.

Restrictions on approval of feasibility study plans and marketing plans

5. The Department shall not approve for the purposes of grant a feasibility study plan or a marketing plan in so far as—

(*a*) such a plan includes—

(i) proposed expenditure which would in aggregate result in the payment of grant under this Scheme of less than £250 in respect of a feasibility study plan or less than £250 during a period of any one year in respect of a marketing plan;

(ii) proposed expenditure in relation to the provision of horses and ponies for hire outside a less-favoured area;

(iii) proposed expenditure in relation to any activity in respect of a specified farm business or agricultural business which the eligible person or eligible group has previously carried out and, in particular, in relation to the employment of, or the contracting for the services of, any person to promote a specified farm business or to market a product of, or a service supplied by, a specified farm business where the eligible person or eligible group has previously employed, or contracted for the services of, any person to promote the same specified farm business or to market the same product of, or service supplied by, that specified farm business;

(*b*) the person nominated to implement the plan under Article 4(3)(*d*) is not—

(i) a member of an organisation recognised from time to time by the Department for the purposes of this Scheme; or

(ii) a suitable person to carry out the plan, in the opinion of the Department, having regard, in particular, to his qualifications and relevant experience;

(*c*) the plan which is submitted is a marketing plan and a payment of grant under this Scheme in respect of such a plan has previously been made to the eligible person or eligible group responsible for submitting the plan, or to any person being a member of that eligible group or to any other eligible group of which such a person has been a member, within the period of three years immediately prior to the receipt of the plan by the Department;

(*d*) the plan which is submitted is a feasibility study plan, and a payment of grant under this Scheme has previously been made in respect of such a plan in the circumstances and within the period specified in paragraph (*c*) unless the eligible person or eligible group responsible for submitting the plan has—

(i) previously withdrawn from carrying out a feasibility study plan under Article 6(3) and received a payment of grant in accordance with that paragraph, or

(ii) previously fully completed the carrying out of such a plan and received a payment of grant in accordance with this Scheme in circumstances where