1987 No. 197

AGRICULTURE

Grassland Scheme (Northern Ireland) 1987

Made	*16th April 1987*
Coming into operation . .	*17th April 1987*

The Department of Agriculture in exercise of the powers conferred on it by section 6(1) of the Agriculture Act (Northern Ireland) 1949(**a**) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel(**b**), hereby makes the following Scheme:

Citation and commencement

1. This Scheme may be cited as the Grassland Scheme (Northern Ireland) 1987 and shall come into operation on 17th April 1987.

Interpretation

2. In this Scheme—

"agricultural business" means a business consisting in or such part of any business as consists in the pursuit of agriculture including the storage, the transport and the preparation for market of the produce of the business;

"the Department" means the Department of Agriculture;

"development plan" means a development plan approved under the Agriculture and Horticulture Development Regulations 1980(**c**), the Farm and Horticulture Development Regulations 1981(**d**), the Agriculture and Horticulture Development Regulations (Northern Ireland) 1987(**e**), or the Farm and Horticulture Development Regulations (Northern Ireland) 1987(**f**);

"earned income" in relation to an agricultural business means the revenue of the business including net inventory changes and farm house consumption but excluding remuneration from capital invested in the agricultural business and farm production costs (excluding costs of labour);

(**a**) 1949 c. 2 (N.I.)
(**b**) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3
(**c**) S.I. 1980/1298 as amended by S.I. 1981/1708, S.I. 1983/508, S.I. 1983/924, S.I. 1983/1763, S.I. 1984/618, S.I. 1984/1922, S.I. 1985/1025
(**d**) S.I. 1981/1707 as amended by S.I. 1983/507, S.I. 1983/925, S.I. 1983/1762, S.I. 1984/620, S.I. 1984/1924, S.I. 1986/1295
(**e**) S.R. 1987 No. 154
(**f**) S.R. 1987 No. 155

"improvement plan" means an improvement plan approved under the Agriculture Improvement Regulations 1985(**a**), or the Agriculture Improvement Regulations (Northern Ireland) 1987(**b**);

"labour unit" means the amount of work, other than work done by contractors, which would occupy the full-time not exceeding 2,300 hours per year of a full-time worker;

"less favoured area" means land which is situated in an area included in the list of less favoured farming areas adopted by the Council or the Commission of the European Communities under Article 2 of Council Directive No. 75/268/EEC(**c**) on mountain and hill farming and farming in certain less favoured areas;

Payment of grant

3. Subject to the provisions of this Scheme the Department may make a grant to any person towards expenditure incurred by him for the purposes of, or in connection with, the carrying on of an agricultural business, being expenditure which appears to the Department to be of a capital nature or incurred in connection with expenditure of a capital nature.

Restrictions on the payment of grant

4. The Department shall not pay grant under this Scheme in relation to any expenditure if—

(*a*) at the time of receipt of the claim for grant the agricultural business in relation to which the expenditure has been incurred is the subject of a current development plan or of a current improvement plan; or

(*b*) the agricultural business in respect of which the grant is claimed has an earned income per labour unit in excess of the reference income specified in Article 7 in respect of the calendar year in which the grant is claimed.

Amount of grant

5.—(1) Subject to the provisions of this Scheme, the Department may pay the rate of grant specified in column 2 of Schedule 1 on expenditure incurred on the item specified in column 1 of that Schedule save that the Department may pay the rate of grant specified in column 3 of that Schedule where such expenditure has been incurred 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.

(2) Where it appears to the Department that expenditure towards which grant is payable under this Scheme has been incurred for the purposes of, or in connection with, the carrying on of an agricultural business situated partly in a less-favoured area, the Department may for the purpose of determining the amount of grant so payable towards that expenditure treat as having been incurred for, or in connection with, that part of the business situated in the less-favoured area so much of that expenditure as appears to the Department to relate to the carrying on of that part of the business.

(**a**) S.I. 1985/1266
(**b**) S.R. 1987 No. 156
(**c**) O.J. No. L128, 19.5.1975, p. 1; Article 2 was amended by Council Directive No. 80/666/EEC (O.J. No. L180, 14.7.1980, p. 34)

Standard costs

6. The cost of any work or facility for the purpose of determining the amount of any grant payable shall, if the claimant so elects, be such standard costs or amount as are specified in forms SC1 (published October 1985) and SC2 (published October 1985) by the Department.

Reference income

7. For the purposes of this Scheme the reference income shall be £8,100.

Notification of area and limits

8.—(1) Before incurring expenditure upon which it is intended to claim grant a person shall notify the Department in writing of the area of land in respect of which grant is to be claimed.

(2) The minimum area of land in respect of which the Department may pay grant under this Scheme shall, in the case of any agricultural business, be 1 hectare.

(3) The maximum area of land in respect of which the Department may pay grant under this Scheme shall, in the case of any agricultural business, be 10 hectares.

Claims for grant

9. Any claims for a grant under this Scheme shall be in the form specified in Schedule 2.

Closing date for commencement of work and making of claims

10. The Department shall pay grant under this Scheme in respect of claims for the item listed in column 1 of Schedule 1 only if the work in respect of that item commenced on or before 30th September 1987 and the claim is received by the Department on or before 31st December 1987.

Recovery of grant

11. If the Department has paid a grant under this Scheme and finds that the whole or part of such payment ought not to have been made it shall be entitled to recover on demand as a civil debt from the person to whom such payment was made so much of the said sum as ought not to have been paid.

Sealed with the Official Seal of the Department of Agriculture on 16th April 1987.

(L.S.) *D. A. J. Hirrell*
Assistant Secretary

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

Sealed with the Official Seal of the Department of Finance and Personnel on 16th April 1987.

(L.S.) *D. W. Alexander*
Assistant Secretary