1987 No. 158

AGRICULTURE

HORTICULTURE

Agriculture and Horticulture Grant Scheme (Northern Ireland) 1987

Made	*30th March 1987*
Coming into operation . .	*1st April 1987*

The Department of Agriculture in exercise of the powers conferred on it by Articles 16(1) and (3) and 19(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 and commencement

1. This Scheme may be cited as the Agriculture and Horticulture Grant Scheme (Northern Ireland) 1987 and shall come into operation on 1st April 1987.

Interpretation

2. In this Scheme—

"designated map" means the map marked "map of 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;

"disadvantaged land" means land—

(*a*) which is, in the opinion of the Department, inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and

(*b*) whose agricultural production is, in the opinion of the Department restricted in its range by, or by any combination of, soil, relief, aspect or climate,

which land is within the area shaded blue or pink on the designated map;

"earned income" in relation to an agricultural business, means the revenue of the business as assessed by the Department, provided that in any such assessment the said revenue shall be taken to include net inventory changes and farmhouse consumption less remuneration of capital invested in the agricultural business and such charges and expenses as the Department may consider reasonable;

(**a**) S.I. 1987/166 (N.I. 1)

"ECU" means the unit of account used for the purposes of the common agricultural structures policy of the European Economic Community and any reference in this scheme to a specified number of ECU in relation to any expenditure or any grant shall be taken to be a reference to the sterling equivalent of that number of ECU converted into sterling at the agricultural exchange rate applicable on 1st January in the calendar year during which the decision to pay grant is taken;

"horticultural produce" means—

(*a*) fruit;

(*b*) vegetables of a kind grown for human consumption, including fungi, but not including maincrop potatoes or peas grown for seed or for harvesting dry;

(*c*) flowers, pot plants and decorative foliage;

(*d*) herbs;

(*e*) seeds (other than pea seeds), bulbs and other material, being seeds, bulbs or material for—

(i) sowing or planting for the production of fruit, of the vegetables, flowers, plants or foliage mentioned in (*b*) and (*c*) or of herbs, or

(ii) reproduction of the seeds, bulbs or other material planted; or

(*f*) trees and shrubs, other than trees grown for the purpose of afforestation,

but does not include hops;

"horticultural production business" means an agricultural business consisting in, or such part of any agricultural business as consists in, the growing in Northern Ireland of horticultural produce for sale or the growing of such produce for sale and its storage, transport or preparation for market;

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

"less-favoured area" means land—

(*a*) 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 on mountain and hill farming in certain less-favoured areas(**a**), and

(*b*) which is shaded blue and pink on the designated map;

"the Order" means the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987;

"preparation for market", in relation to produce, does not include canning, bottling, pulping or cooking, or preserving by sterlising, by freezing, by de-hydrating, by heat or by chemical process;

(a) OJ No. L128, 19.5.75, p. 1; Article 2 was amended by Council Directive No. 80/666/EEC (OJ No. L180, 14.7.80, p. 34)

"the 1980 Scheme" means the Agriculture and Horticulture Grant Scheme 1980(a)

"severely disadvantaged land" means—

(*a*) land—

(i) which is, in the opinion of the Department inherently suitable for extensive livestock production but not for the production of crops in quantity materially greater than that necessary to feed such livestock as are capable of being maintained on such land, and

(ii) whose agricultural production is, in the opinion of the Department severely restricted in its range by, or by any combination of, soil, relief, aspect or climate,

which land is within the area shaded pink on the designated map.

Payment of grants

3. Where the Department is satisfied that any grant would, apart from the Order, fall to be made to any person after the 1st April 1987 under the 1980 Scheme in respect of a claim received under that scheme on or before 31st January 1986 in relation to an agricultural business in Northern Ireland it may pay that grant to that person.

4.—(1) Subject to the provisions of this Scheme the Department may make to any person a grant towards expenditure incurred by him for the purposes of, or in connection with, the carrying on or establishment of an agricultural business, being expenditure which—

(*a*) has been incurred after 31st December 1983 and before 9th July 1985;

(*b*) has been incurred in respect of any work, facility or transaction of a kind specified in any of paragraphs 1 to 3 of column 1 of the Schedule;

(*c*) appears to the Department to be of a capital nature, or incurred in connection with expenditure of a capital nature;

(*d*) is approved by the Department for the purposes of a grant under this Scheme; and

(*e*) is not payable under Article 3.

(2) Where it appears to the Department that expenditure in respect of which a grant is claimed under paragraph (1) has been incurred partly for the purposes of, or in connection with, the carrying on or establishment of an agricultural business and partly for non-agricultural purposes, the Department may for the purposes of a grant under the said paragraph treat as having been incurred for the purposes of, or in connection with, the carrying on or establishment of an agricultural business so much of that expenditure as appears to the Department to relate to the carrying on or establishment of that agricultural business.

Restriction on payment of grant

5. The Department shall not pay grant under Article 4(1) in relation to expenditure in respect of any work, facility or transaction which is of a kind

(a) S.I. 1980/1072 as amended by S.I. 1981/1533, 1983/273, 923, 1764, 1984/619, 1923, 1985/1029, 1986/57

specified in any of paragraphs 1 to 3 of column 1 of the Schedule unless the Department is satisfied that the agricultural business is capable of providing the greater part of the employment of at least one person reasonably skilled in agriculture.

6.—(1) Where at the date on which a claim for grant under Article 4(1) is received—

(*a*) the amount of the expenditure which is included in the claim (hereinafter in this paragraph referred to as "the present claim") and towards which grant is payable, or

(*b*) the aggregate of the amount of that expenditure and any other expenditure towards which grant is payable or has been paid in respect of the same agricultural business as the result of a claim received during the period of two years ending with the date of receipt of the present claim, being grant payable or paid either under this scheme, the Farm Capital Grant Scheme 1973(**a**) the Horticulture Capital Grant Scheme 1973(**b**) or any regulations made under section 2(2) of the European Communities Act 1972(**c**) providing for the payment of grant to a person carrying on an agricultural business as therein defined in accordance with an approved development plan,

exceeds, in relation to expenditure incurred before 12th December 1984, 52599 ECU; or, in relation to expenditure incurred on or after that date, 40,000 ECU for each labour unit appearing to the Department to be required in the carrying on of the agriculture business to which the present claim relates, the Department shall not pay grant towards so much of that expenditure or, as the case may be, so much of that aggregate as exceeds that figure except to the extent that such excess expenditure or excess aggregate expenditure has been incurred in relation to any work, facility or transaction of a kind specified in paragraph 2(i) or 2(ii) of column 1 of the Schedule and does not exceed the further sum of 39,379 ECU.

7.—(1) Where at the date on which a claim for grant under Article 4(1) is received—

(*a*) the amount of the expenditure which is included in the claim (hereinafter in this Article referred to as "the present claim") and towards which grant is payable, or

(*b*) the aggregate of the amount of that expenditure and any other relevant expenditure towards which grant is payable or has been paid in respect of the same agricultural business, whether under this scheme or otherwise, as the result of a claim received during the period of six years ending with date of receipt of the present claim,

exceeds, in relation to expenditure incurred before 12th December 1984, 160,000 ECU; or, in relation to expenditure incurred on or after that date, 80,000 ECU, the Department shall not pay grant towards so much of that expenditure or, as the case may be, that aggregate as exceeds that figure except to the extent that such excess expenditure or excess aggregate

(a) S.I. 1973/1965, varied by S.I. 1976/547, 1870, 1978/380, 768, 1980/103, 930
(b) S.I. 1973/1945, varied by S.I. 1976/761, S.I. 1980/104
(c) 1972 c. 68

expenditure has been incurred in relation to any work, facility or transaction of a kind specified in paragraph 2(i) or 2(ii) of column 1 of the Schedule and, in relation to expenditure incurred on or after 12th December 1984 does not exceed the further sum of 80,000 ECU.

(2) In this Article—

"other relevant expenditure" means expenditure—

(*a*) towards which grant is payable or has been paid under this scheme, or

(*b*) towards which grant is payable or has been paid under the Farm Capital Grant Scheme 1973, the Horticulture Capital Grant Scheme 1973 or any regulations made under section 2(2) of the European Communities Act 1972 providing for the payment of grant to a person carrying on an agricultural business as therein defined in accordance with an approved development plan, and which was approved for the purposes of grant as the result of an application received on or after 1st February 1980, and which was incurred on or after that date.

8. Where a development plan for an agricultural business has been approved under any regulations made under section 2(2) of the European Communities Act 1972 which provide for the payment of grant to a person carrying on an agricultural business as therein defined in accordance with an approved development plan, the Department shall not pay grant under Article 4(1) in relation to any expenditure, for or in connection with that agricultural business unless at the time of receipt of the claim for grant the carrying out of the said development plan has come to its end, whether by completion, variation or withdrawal of approval, or otherwise.

Amounts of grant

9.—(1) Subject to the provisions of Articles 11 and 13, the amount of grant payable under Article 4(1) towards expenditure in respect of any work, facility or transaction of a kind specified in column 1 of the Schedule shall be the percentage of that expenditure specified in relation to that work, facility or transaction in column 2 of the Schedule, except that—

(*a*) if the work, facility or transaction in question is specified in paragraph 2 of the said column 1, and if in the opinion of the Department the expenditure in respect thereof is for the purposes of, or in connection with, the carrying on or establishment of an agricultural business, or that part thereof, situated in a less-favoured area on severely disadvantaged land the amount of grant so payable shall be the percentage of that expenditure specified in relation to that work, facility or transaction in column 3 of the Schedule; or

(*b*) if the work, facility or transaction in question is specified in paragraph 1 of the said column 1, and if in the opinion of the Department—

(i) the expenditure in respect of that work, facility or transaction is for the purposes of, or in connection with, the carrying on or establishment of an agricultural business, or that part thereof, situated in a less-favoured area on severely disadvantaged land and