1985 No. 55

AGRICULTURE

Grassland Scheme (Northern Ireland) 1985

Made	*14th March 1985*
Coming into operation . . .	*1st April 1985*

The Department of Agriculture in exercise of the powers conferred 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) 1985 and shall come into operation on 1st April 1985.

Interpretation

2. In this Scheme—

"agriculture 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;

"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);

"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 1985.

"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 areas" 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 on mountain and hill farming in certain less favoured areas(**c**).

Application of scheme

3. Claims may be made under this Scheme which relate to any area of Northern Ireland except insofar as it has been designated a less favoured area.

(**a**) 1949 c. 2 (N.I.)
(**b**) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3
(**c**) O.J. No. L128, 19 May 1975, p. 1

Payment of grant

4. 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 or establishment 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.

Amounts of grant

5. Subject to the provisions of this Scheme the Department may pay—

(*a*) the rate of grant specified in column 2 of Schedule 1 on expenditure incurred on the items specified in column 1 of that Schedule where grant is payable under the Agriculture and Horticulture Grant Scheme 1980(**a**) except insofar as the agricultural business in respect of which the grant is claimed has an earned income per labour unit in excess of the comparable income specified in article 8 in respect of the calendar year in which the grant is claimed;

(*b*) the rate of grant specified in column 3 of Schedule 1 on expenditure incurred on the items specified in column 1 of that Schedule where grant is not payable under the Agriculture and Horticulture Grant Scheme 1980(**a**) except insofar as the agricultural business in respect of which the grant is claimed has an earned income per labour unit in excess of the comparable income specified in article 8 in respect of the calendar year in which the grant is claimed;

(*c*) the rate of grant specified in column 4 of Schedule 1 on expenditure incurred on the items specified in column 1 of that Schedule where grant is payable under the Agriculture and Horticulture Development Regulations 1980(**b**) or Schedule 2 of the Farm and Horticulture Development Regulations 1981(**c**)

Expenditure limits

6.—(1) Where at the date on which a claim for grant under this Scheme is received by the Department the amount of the expenditure which is included in the claim (in this paragraph referred to as 'the present claim') and which would but for this article be eligible for payment together with any other expenditure towards which grant is payable or has been paid in respect of the same agricultural business whether under this Scheme, the Agriculture and Horticulture Grant Scheme 1980, the Agriculture and Horticulture Development Regulations 1980 or Schedule 2 of the Farm and Horticulture Development Regulations 1981 as the result of a claim received during the period of—

(*a*) 2 years ending with the date of receipt of the present claim, exceeds 40,000 ECU for each labour unit appearing to the Department to be required in the carrying on of the agricultural business to which the present claim relates; or

(*b*) 6 years ending with the date of receipt of the present claim, exceeds 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.

(2) Where the agricultural business to which the present claim relates includes the breeding of poultry or the production of eggs, work done in carrying on that part of the agricultural business shall be disregarded for the purposes of calculating under paragraph (1)(*a*) the number of labour units required in the carrying on of the agricultural business.

(**a**) S.I. 1980/1072 as amended by S.I. 1981/1533; S.I. 1983/273; S.I. 1983/923; S.I. 1983/1764; S.I. 1984/619; S.I. 1984/1923

(**b**) 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

(**c**) 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

Standard costs

7. 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 CG6 (published September 1979), CG7 (published July 1980) and CG8 (published July 1980) by the Department.

Comparable income

8. For the purposes of this Scheme the comparable income shall be £7,400.

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 Article 5 in respect of claims for the items listed in column 1 of Schedule 1 only if the work in respect of those items commenced on or before 31st March 1986 and the claim is received by the Department on or before 30th June 1986.

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.

Revocation

12. The Grassland Scheme (Northern Ireland) 1984(**a**) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 14th March 1985.

(L.S.) *N. E. Morrison*
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 14th March 1985.

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

(a) S.R. 1984 No. 108 as amended by S.R. 1984 No. 429 and S.R. 1984 No. 443