1984 No. 108

AGRICULTURE

Grassland Scheme (Northern Ireland) 1984

Made	*30th March 1984*
Coming into operation . . .	*2nd April 1984*

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) 1984 and shall come into operation on 2nd April 1984.

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;

"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 1984.

"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 Ministry of Finance. *See* Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1) and S.I. 1982/338 (N.I. 6) Art. 3
(**c**) OJ 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 those items specified in column 1 of the 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 those items specified in column 1 of the 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 espect 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 those items specified in column 1 of the 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—

(i) 2 years ending with the date of receipt of the present claim, exceeds 79,379 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

(ii) 6 years ending with the date of receipt of the present claim, exceeds 160,000 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 sub-paragraph (i) above 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
(**b**) S.I. 1980/1298 as amended by S.I. 1981/1708; S.I. 1983/508; S.I. 1983/1763
(**c**) S.I. 1981/1707

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 £6,800.

Claims for grant

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

Closing date for claims

10. The Department shall not pay any grant under Article 5 in respect of claims received for work commenced after 31st March 1985.

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) 1982(**a**) as amended(**b**) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 30th March 1984.

(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 30th March 1984.

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

(**a**) S.R. 1982 No. 206
(**b**) S.R. 1982 No. 425 and S.R. 1983 No. 74