



Agriculture and Horticulture Act 1964

1964 CHAPTER 28

PART II

FURTHER GRANTS FOR HORTICULTURAL IMPROVEMENTS

Extension of system of grants under Part I of Horticulture Act 1960

2 Grants for improving efficiency of small production businesses

- (1) The appropriate Minister may with the approval of the Treasury make a scheme containing provision for the making by him of a grant in connection with the carrying out by any person of a programme designed to increase the efficiency of a small horticultural production business and submitted to and approved by that Minister in accordance with the scheme.
- (2) A scheme under this section (hereinafter referred to as " a scheme ") may—
 - (a) provide for the payment of grants by instalments over such period as is specified in the scheme ;
 - (b) make the payment of grants, or of instalments of grants, subject to compliance with such conditions, whether as to the capacity of the business (determined in accordance with the scheme), the security of tenure of land on which the business is carried on, the period within which or the manner in which the programme or any part thereof is to be carried out, or any other matter, as are specified in or under the scheme;
 - (c) provide for a programme approved by the appropriate Minister under the scheme to be modified from time to time with his approval, and thereafter to have effect for the purposes of the scheme as so modified;
 - (d) contain such incidental and supplemental provisions as appear to the appropriate Minister expedient for the purposes of the scheme.
- (3) Subject to subsection (4) below, where the appropriate Minister has approved a programme for the purposes of a scheme he may revoke the approval if, at any time before the carrying out of the programme is completed, it appears to him—

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- (a) that the business has ceased to be carried on or has ceased to be a small horticultural production business ; or
- (b) that any condition imposed in connection with the payment of a grant or instalments thereof under this section in relation to the programme has not been, or will not be, complied with; or
- (c) that in connection with an application for approval of the programme or of any modification of the programme the applicant gave information on any matter which was false or misleading in a material respect;

and if before the revocation any payment is made by way of grant under the scheme in respect of the programme, the appropriate Minister may recover the payment or so much thereof as he may think fit.

- (4) Before revoking an approval under subsection (3) above the appropriate Minister—
 - (a) shall give to any person to whom any payment by way of grant in relation to the programme would be payable, or from whom any such payment would be recoverable, a written notification of the reasons for the proposed revocation ; and
 - (b) shall accord to each such person an opportunity, either in person or by counsel, solicitor or agent, of appearing before and being heard by a person appointed for the purpose by that Minister; and
 - (c) shall consider the report of a person so appointed and supply a copy of the report to each person who was entitled to appear before the person submitting it.
- (5) A scheme may be made for England and Wales, for Scotland, for Northern Ireland or for any two or all of those parts of the United Kingdom jointly, and may be varied or revoked by a subsequent scheme.
- (6) In this section " small horticultural production business " means, in relation to any scheme, a horticultural production business which is conducted on land not exceeding in extent such area as is specified in that behalf in the scheme, and which satisfies such other requirements (whether as to minimum area or otherwise) as may be so specified :

 Provided that a horticultural production business shall not, so far as concerns a programme relating to the business submitted at any time for approval under a scheme, be treated as ceasing to be a small horticultural production business by reason only of any increase after that time in the area of the land on which the business is conducted.

3 Grants for clearing orchards

- (1) The appropriate Minister may, in such manner and subject to such conditions as he may with the approval of the Treasury determine, make a grant to the owner or occupier of any agricultural land of an amount equal to one-third of expense reasonably incurred by him in clearing, by the removal of fruit trees and other vegetation, any part of that land bearing an orchard, being a part' which when cleared is intended to be used as agricultural land.
- (2) Section 3 of the Horticulture Act 1960 (which allows standard costs to be fixed) shall apply for the purposes of this section as it applies for the purposes of sections 1 and 2 of that Act.
- (3) In this section—

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" agricultural land " means land used for agriculture (within the meaning of the Agriculture Act 1947, the Agriculture (Scotland) Act 1948 or the Agriculture Act (Northern Ireland) 1949, as the case may require) which is so used for the purposes of a business ;

" owner ", in relation to any land, includes any person for the time being entitled to receive the rents and profits of the land.

4 Grants for improvement or initial operation of co-operative marketing businesses

- (1) Subject to section 6 of this Act where the appropriate Minister approves a programme making provision for expanding, or increasing the efficiency of, an existing horticultural producers' marketing business or for the initial operation of a newly-established horticultural producers' marketing business he may, in such manner and subject to such conditions as with the approval of the Treasury he may determine, make to the person carrying on or proposing to carry on the business a grant towards the expense of carrying out the programme not exceeding one-third of an amount specified in the programme as being the estimated amount of that expense.
- (2) The reference in subsection (1) above to the initial operation of a business shall be construed, in relation to any matter dealt with by a programme, as a reference to its operation during such period ending not later than two years after the establishment of the business as is specified in relation to that matter in the programme.
- (3) Subject to subsection (4) below, where the appropriate Minister has approved a programme under this section relating to a horticultural producers' marketing business he may revoke the approval if, at any time before the carrying out of the programme is completed, it appears to him—
 - (a) that the business has ceased to be carried on, or has ceased to be a horticultural producers' marketing business; or
 - (b) that any condition imposed by him in relation to the programme has not been, or will not be, complied with; or
 - (c) that in connection with an application for approval of the programme the applicant gave information on any matter which was false or misleading in a material respect;and if before the revocation any payment is made by way of grant under this section in respect of the programme, the appropriate Minister may recover the payment or so much thereof as he may think fit.
- (4) Subsection (4) of section 2 of this Act shall apply in relation to a revocation of approval under subsection (3) above as it applies in relation to a revocation of approval under subsection (3) of the said section 2.

5 Grants for co-operative markets

- (1) In section 1(2) of the Horticulture Act 1960 (which authorises the making of grants to persons carrying on horticultural producers' marketing businesses in respect of expenditure on specified facilities for the storage, preparation for market or transport of horticultural produce in the course of the business) there shall be inserted at the end the words " or for conducting a market for the sale of horticultural produce in the course of the business, being a market wholly or mainly for transactions by wholesale "

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- (2) As respects grants in relation to the provision of facilities for conducting markets, references in the said section 1(2) as so amended to a horticultural producers' marketing business shall include references to a business which—
- (a) is carried on by an association the members of which are persons carrying on horticultural producers' marketing businesses or consist of one or more such persons together with another person or other persons, and which answers the description set out in paragraph (a) or (b) of the definition of " co-operative association " contained in section 8(4) of the Horticulture Act 1960, and
 - (b) consists of the marketing of horticultural produce produced in the course of horticultural production businesses by persons—
 - (i) who are members of the association, or
 - (ii) who are members of a co-operative association (within the meaning of the said section 8(4)) which is itself a member of the association, or
 - (iii) where the Land Settlement Association Limited is a member of the association, who are occupiers of land under the management of that Association;
- and shall also include references to so much of a larger business so carried on as consists of the marketing of horticultural produce so produced.

6 Supply of produce to co-operative marketing businesses

- (1) A grant under section 4 of this Act or section 1(2) of the Horticulture Act 1960 (as amended by section 5 of this Act) shall not be made to an association whose business comprises the marketing of horticultural produce grown by its members unless the appropriate Minister is satisfied that the constitution of the association contains provision designed to secure that a sufficient proportion of the horticultural produce grown by a member is made available by him for marketing by the, association.
- (2) Subsection (1) above shall not apply to a grant under the said section 1(2) where application was made for the grant before the commencement of this Act.

7 Aggregate amount of grants, and time for application therefor

- (1) The aggregate amount of the grants under the provisions of sections 1 and 4 of the Horticulture Act 1960 and sections 2 to 5 above shall not exceed twenty-four million pounds or, if the Minister and the Secretary of State acting jointly (in this Act referred to as " the Ministers ") by order made with the approval of the Treasury so direct, twenty-seven million pounds.
- (2) No grant shall be payable under any of the said provisions unless the application therefor was made, or, in the case of a grant in respect of the carrying out of an approved programme, the programme was submitted to the appropriate Minister for his approval, before the expiration of ten years from the commencement of this Act.
- (3) Section 5 of the Horticulture Act 1960 (which restricts the aggregate amount of grants under the said sections 1 and 4 and imposes time limits on applications) is hereby repealed.

8 Construction of sections 2 to 6

Sections 2 to 7 above shall be construed as one with Part I of the Horticulture Act 1960.

Other grants

9 Grants towards fulfilling guarantees of bank loans

- (1) The Minister may, in such manner and subject to such conditions as he may with the approval of the Treasury determine, make a grant to any person in respect of expenditure incurred by that person in fulfilling a guarantee given by him, during the period of five years beginning on 1st April 1964, as security for a loan made in the course of a banking business to a person requiring the loan for the purposes of a horticulture business carried on by him.
- (2) The aggregate of sums paid by way of grant under this section in a year shall be subject to a limit of one hundred thousand pounds increased, where the aggregate of sums so paid in the last preceding year fell short of the limit for that year, by the amount of the difference or two hundred thousand pounds, whichever is the less.
- (3) The Minister may from time to time, by order made by statutory instrument with the approval of the Treasury, extend or further extend the period mentioned in subsection (1) above by such additional period, not exceeding five years, as may be specified in the order; but an order under this subsection shall be of no effect unless approved by resolution of the Commons House of Parliament.
- (4) In this section—
 - " horticulture business " means either—
 - (a) a horticultural production business as defined by section 8(2) of the Horticulture Act 1960, or
 - (b) a horticultural producers' marketing business as defined by section 8(3) and (4) of that Act, but in the application of the said section 8(4) for the purposes of this definition " the appropriate Minister " shall in all cases mean the Minister;
 - " year " means a period of twelve months beginning on 1st April.

10 Grants for wholesale markets of national importance

- (1) The appropriate Minister may, with the approval of the Treasury and in such manner and subject to such conditions as he may with that approval determine, make a grant of an amount not exceeding one-third of the amount of expenditure reasonably incurred by any person in, or in connection with, the provision, reconstruction or extension of a market for the sale of horticultural produce by wholesale, being a market which, having regard to the volume of business transacted or expected to be transacted therein, appears to the Ministers to be, or to be likely to become, of major importance in the national system of distribution of horticultural produce.
- (2) As respects the making in relation to a market of a grant to a local authority under this section—
 - (a) where expenditure in, or in connection with, the provision, reconstruction or extension of the market is reasonably incurred by the authority in the execution of works on land neither purchased by the authority (whether compulsorily or by agreement) for the purpose of the market nor previously used by the authority for that purpose, the authority shall be treated as having incurred in the acquisition of the land for that purpose expenditure equal to an amount calculated as follows, that is to say—

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- (i) where the land was appropriated by the authority for the purpose of the market, the amount shall be equal to such amount as, on the adjustment of the accounts of the authority following the appropriation, was treated as being the then value of the land, or
 - (ii) where the land became vested in the authority under any enactment as the direct or indirect successor to another local authority by whom the land was purchased (whether compulsorily or by agreement) for the purpose of the market or was appropriated for that purpose, the amount shall be equal to the expenditure incurred by that authority in carrying out the purchase or, as the case may be, to such amount as, on the adjustment of the accounts of that authority following the appropriation, was treated as being the then value of the land;
 - (b) a condition imposed under subsection (1) above may require the local authority to establish a reserve fund for the market, to pay into the fund such receipts from the market as may be specified by the condition, and to administer the fund in such manner, and apply it towards meeting such expenditure, as may be so specified ; and notwithstanding any enactment the authority shall have power to comply with the condition.
- (3) For the purposes of this section, expenditure in relation to a market which in part is used or intended to be used for or in connection with transactions other than the sale" by wholesale of horticultural produce shall be treated as reduced by an amount equal to so much thereof as is referable to that use or intended use.
- (4) No payment by way of grant under this section shall be made after the end of the period of ten years beginning with the commencement of this Act except in relation to a market the provision, reconstruction or extension of which is completed before the end of that period in accordance with any conditions imposed by the appropriate Minister in making the grant; and where before the end of that period any such payment is made in relation to a market the provision, reconstruction or extension of which is not so completed, that Minister may recover the payment or so much thereof as he may think fit.
- (5) The aggregate amount of grants under this section shall not exceed twenty million pounds.
- (6) The Ministers may by order made by statutory instrument with the approval of the Treasury—
- (a) extend the period mentioned in subsection (4) above by not more than two years ;
 - (b) increase the aggregate amount mentioned in subsection (5) above by not more than five million pounds;
- but an order under this subsection shall be of no effect unless approved by resolution of the Commons House of Parliament.
- (7) In this section—
- " the appropriate Minister " means the Minister in relation to a market in England or Wales or Northern Ireland and the Secretary of State in relation to a market in Scotland;
 - " horticultural produce " means—
- (a) fresh fruit, dried fruit, frozen fruit and fruit preserved in airtight containers ;

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- (b) fresh vegetables, dried vegetables, frozen vegetables and vegetables preserved in airtight containers;
- (c) fresh herbs and dried herbs ;
- (d) fresh edible fungi, dried edible fungi and edible fungi preserved in airtight containers;
- (e) nuts;
- (f) cut flowers;
- (g) dried flowers;
- (h) decorative foliage;
- (i) Christmas trees;
- (j) pot plants, bedding plants and herbacious plants;
- (k) shrubs and flowering trees;
- (l) fruit trees, fruit bushes and fruit plants; and
- (m) seeds, bulbs, corms, tubers and seed potatoes.