



# Hill Farming Act 1946

## 1946 CHAPTER 73

### *Rehabilitation of Hill Farming Land*

#### **1 Grants under schemes for improvement of hill farming land**

- (1) With a view to the rehabilitation of hill farming land the appropriate Minister may approve schemes duly submitted to him within five years from the commencement of this Act providing for the making of improvements for the benefit of such land or of other land suitable for use therewith for hill farming purposes (in this Act referred to as "hill farming land improvement schemes"), and may, subject to and in accordance with the provisions of this Act, make out of moneys provided by Parliament grants (in this Act referred to as "improvement grants") in respect of the cost of work done in accordance with an approved hill farming land improvement scheme.
- (2) Before approving a hill farming land improvement scheme the appropriate Minister shall satisfy himself as to the following requirements, that is to say,—
  - (a) that the land for the benefit of which the improvements are proposed ought to be used for hill farming purposes, and comprises an area suitable to be dealt with as a unit for the purpose of rehabilitation thereof for such purposes, and that the improvements proposed are comprehensive enough to provide adequately for the rehabilitation of the land for such purposes ; and
  - (b) that the cost of the work required for making any of the improvements proposed will not be unreasonably high in relation to the benefit to be derived therefrom ;

and before varying an approved scheme under any of the provisions of this Act in that behalf he shall satisfy himself that the scheme as varied will be in conformity with those requirements.

- (3) In this Act—

the expression "hill farming land" means mountain, hill and heath land which is suitable for use for the maintenance of sheep of a hardy kind but not of sheep of other kinds, or which by improvement could be made so suitable ;

the expression "hill farming purposes" means the maintenance of sheep of a hardy kind and the keeping and management thereof in accordance with the

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*Status: This is the original version (as it was originally enacted).*

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recognised practices of hill sheep farming, and includes other activities carried on in connection therewith ; and

the expression " improvement" means, subject to the provisions of this section, an operation of any of the kinds specified in the First Schedule to this Act, and any operation incidental to, or necessary or proper in the carrying out of, an operation of any such kind or for securing the full benefit thereof.

- (4) Subject to the provisions of section thirty-seven of this Act, the Ministers may from time to time by order modify the kinds of operations that are to be treated as improvements for the purposes of this Act by adding to the First Schedule to this Act, or by deleting therefrom, or modifying the description of, a kind of operation for the time being therein specified :

Provided that, for the purposes of this Act in its application to a scheme approved before the coming into force of an order under this subsection, any operation which would have been treated as an improvement apart from the order shall continue to be so treated, except that no provision for the carrying out of an operation which by virtue of the order is not to be treated as an improvement shall be made by any subsequent variation of the scheme.

- (5) In considering the approval or variation of hill farming land improvement schemes the appropriate Minister shall have regard to any other provisions in force which may authorise the giving of assistance out of public moneys, by way of grant, subsidy or otherwise, in respect of improvements of the kind proposed, and the giving of assistance under any such other provision in respect of cost that would otherwise be the subject of an improvement grant shall be a ground on which the appropriate Minister may reduce or withhold the grant.