GRANTS, GOODS AND SERVICES

1953 No. 1184

The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales), 1953

Made - - - -	29*th July*, 1953
Laid before Parliament	31*st July*, 1953
Coming into Operation	1*st August*, 1953

The Minister of Agriculture and Fisheries, in exercise of the powers conferred upon him by Section 103 of the Agriculture Act, 1947(**a**), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Scheme:—

Citation, Commencement and Revocation

1.—(1) This Scheme may be cited as the Agricultural Goods and Services (Marginal Production) Scheme (England and Wales), 1953, and shall come into operation on the 1st day of August, 1953.

(2) The Statutory Instruments specified in the first column of the Schedule to this Scheme are hereby revoked to the extent specified in the second column of the said Schedule; and for the purposes of Section 38 of the Interpretation Act, 1889(**b**) (which relates to the effect of repeals), this Scheme shall be deemed to be an Act of Parliament and the Statutory Instruments specified in the first column of the Schedule to this Scheme shall, to the extent specified in the second column of the said Schedule,be deemed to be Acts of Parliament repealed by this Scheme.

Definitions and Interpretation

2.—(1) In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"cattle-grid" means a device designed to prevent the passage of animals, or animals of any particular description, but to allow the passage of all or some other traffic, and includes any fence or other works necessary for securing the efficient operation of the said device;

"The Committee" means any County Agricultural Executive Committee in England or Wales;

"The Minister" means the Minister of Agriculture and Fisheries;

"Normal charges" has the meaning assigned by paragraph 3 of this Scheme;

"Occupier" means any person occupying agricultural land.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Purpose of the Scheme

3. This Scheme shall have effect for providing to persons farming agricultural land in England and Wales, in circumstances approved by the Minister or the Committee, goods and services to which the Scheme relates at charges lower than those which would be made for the same goods and services

(a) 10 & 11 Geo. 6. c. 48. (b) 52 & 53 Vict. c. 63.

under the provisions of the Agricultural Goods and Services Scheme (England and Wales), 1948-52(a), such last-mentioned charges under the said Scheme being hereinafter referred to as " normal charges ".

Kinds of goods and services to which the Scheme relates

4. This Scheme shall relate to the following goods and services, namely:

Goods: fertilisers and manure, lime, chalk, calcareous sand, clay and marl, seeds, machinery, implements, dairy equipment, livestock, fungicides, herbicides, sera and vaccines, materials, components and accessories required in connection with the construction or repair of (*a*) cattle-grids (*b*) temporary sheds and shelters (*c*) fences and (*d*) silos, and materials required in connection with the repair of roads, and for controlling pests and diseases.

Services: Ploughing, cultivating, harrowing, distributing fertilisers or manure, lime or chalk spreading, carting and spreading calcareous sand, digging carting and spreading clay or marl, drilling, harvesting, threshing, spraying, bush clearing, farm drainage, farm ditching, reclamation of derelict land, control of pests and diseases, construction or repair of (*a*) cattle-grids (*b*) temporary sheds and shelters (*c*) fences and (*d*) silos, and repair of roads.

Conditions of Eligibility

5. The Minister or the Committee may approve the supply of goods and services at less than normal charges in any case where—

(1) a programme shall have been devised, in consultation with the occupier, to consist of certain operations calculated to increase or maintain the output of food or fodder on the agricultural unit which he occupies; and

(2) such programme shall have been approved by the Minister or the Committee as satisfactory in relation to national production requirements and to the rules of good husbandry; and

(3) the Minister or the Committee shall have been satisfied (having regard to any grants, subsidies or other benefits receivable by the occupier in respect of things done or to be done on the agricultural unit, whether payable under the Hill Farming Act, 1946(b), the Livestock Rearing Act, 1951(c), or otherwise) that the operations covered by the programme would be uneconomic on the unit in question for the time being; and

(4) the occupier shall have signified in writing to the Minister or the Committee that he will carry out the approved programme to the best of his ability and expeditiously, as a condition of his participation in the Scheme.

Other Conditions of Participation

6.—(1) The Minister or the Committee may require to be satisfied, before approving the supply of any particular goods or services at less than normal charges, that the execution of the approved programme of operations at normal charges might prejudice the carrying out of other necessary operations on the agricultural unit in question.

(2) The Minister or the Committee may attach to an occupier's participation in the Scheme any condition relating to quantity, quality, kind or method of production which he or they may think fit, and if the occupier shall be in

(a) S.I. 1948/103; Rev. I, p. 99; 1948 I, p. 25; S.I. 1949/763; 1952/1185: 1949 I, p. 45; 1952 I, p. 2. (b) 9 & 10 Geo. 6. c. 73. (c) 14 & 15 Geo. 6. c. 18.

breach of any such condition, or if he shall be guilty of negligence, default or unreasonable delay in carrying out the approved programme, or any part thereof, the Minister or the Committee may cancel any arrangement to supply goods or services at less than normal charges, and may (without prejudice to the recovery of any debt due by the occupier to the Minister or the Committee) take steps to recover the difference between the normal charges and the charges actually made in respect of any goods or services already supplied; provided, nevertheless, that due consideration shall be given to any circumstances not within the occupier's control which may have contributed to any such breach.

Goods and Services Supplied by the Occupier

7. If the occupier shall be in a position to supply, by the use of his own resources, any goods or services in relation to his agricultural unit of which the Minister or the Committee may undertake the supply under this Scheme, the said goods or services may be so supplied by the occupier, and treated by the Minister or the Committee as goods or services qualifying to be supplied at less than normal charges; and the Minister or the Committee may in such a case pay to the occupier the difference between the normal charges and such reduced charges:

Provided that the provisions of sub-paragraph (2) of paragraph 6 hereof, relating to the recovery of such difference as aforesaid in certain circumstances therein specified, shall have effect with respect to any payment made for goods or services supplied under this paragraph.

Reduced Charges

8. The Minister or the Committee, in accordance with the provisions of paragraphs 4 to 6 of this Scheme, may supply goods or services, or in accordance with the provisions of paragraph 7 of this Scheme, may permit goods or services to be supplied by the occupier, at charges reduced by any amount up to one-half of the normal charges for each respective kind of goods or service.

Provided that:

(1) if the occupier shall be entitled to receive a grant or subsidy under any other Scheme or under any Act of Parliament or otherwise in respect of any such goods or services, the normal charges may be reduced by such amount as the Minister or the Committee may determine to be appropriate, having regard to the circumstances of the case, but so that the reduced charges, as diminished by the amount of the grant or subsidy receivable by the occupier as aforesaid, shall not be less than one-half of the normal charges, as diminished by the amount of the grant or subsidy which would have been receivable by the occupier as aforesaid if no reduction in the normal charges have been made; and

(2) in the case of goods, the normal charges shall, for the purpose of calculating the reduced charges, include any costs of carriage.

Miscellaneous

9.—(1) Paragraphs 6 to 8 of the Agricultural Goods and Services Scheme (England and Wales), 1948(**a**), as amended(**b**), relating to the procedure for obtaining goods and services, conditions of repayment and methods of securing repayment, may be applied by the Minister or the Committee, with any necessary adaptations and so far as the circumstances of the case

(**a**) S.I. 1948/103; Rev. I, p. 99; 1948 I, p. 25.
(**b**) Article 2 of S.I. 1949/763; 1949 I, p. 45.

will allow, to the supply of goods and services under this Scheme as the said paragraphs apply to goods and services supplied under the first-mentioned Scheme.

(2) In any case where, in accordance with the provisions of paragraph 7 of this Scheme, an occupier shall supply goods or services by the use of his own resources, he shall furnish proof, to the satisfaction of the Minister or the Committee, of the fact that such goods or services have actually been supplied, and of their cost or value; provided, nevertheless, that the calculation of such cost or value in respect of services so supplied shall make no allowance for the cost or value of the occupier's own personal labour or supervision.

(3) Notwithstanding anything to the contrary in the said Agricultural Goods and Services Scheme (England and Wales), 1948, goods may be supplied to occupiers participating in this Scheme whether or not they are unable to purchase the said goods through normal trade channels, for cash or on credit.

(4) Nothing in this Scheme shall be construed as dispensing with the consent or approval of any person to the doing of any thing in a case where the occupier is required, by virtue of any statute, contract, custom or rule of law, to obtain such consent or approval to the doing of that thing; provided, nevertheless, that neither the Minister nor the Committee shall be concerned to obtain on behalf of an occupier participating in this Scheme any such necessary consent or approval as aforesaid, nor shall the Minister or the Committee require to be satisfied, as a condition for the supply of goods or services at less than normal charges, that any such necessary consent or approval as aforesaid has been obtained by the occupier.

Directions to the Committee by the Minister

10.—(1) The Committee, in addition to performing any functions which under this Scheme they may be required or authorised to perform, shall do such things as the Minister may from time to time direct for the purpose of giving effect to this Scheme.

(2) The Committee shall in the administration of this Scheme keep such records and make such reports to the Minister as he may direct.

Duration of Scheme

11. No programme shall be approved under this Scheme after the 31st day of August, 1954.

In Witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 29th day of July, Nineteen hundred and fifty-three.

(L.S.)

Tom Dugdale,
Minister of Agriculture and Fisheries.

Approved this 29th day of July, Nineteen hundred and fifty-three.

Dennis Vosper,
Martin Redmayne,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

STATUTORY INSTRUMENTS REVOKED

Title and S.I. No.	Extent revoked.
The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales), 1949: S.I. 1949/536; I, p. 41.	The whole Scheme.
The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales) Amending Order, 1950: S.I. 1950/1094; I, p. 27.	The whole Order.
The Agricultural Goods and Services (Marginal Production) Scheme (England and Wales) Amending Order, 1951: S.I. 1951/1639; I, p. 8.	The whole Order.
The Agricultural Goods and Services Schemes Extension Order, 1952: S.I. 1952/1185.	In paragraph (2) of Article 1, the words from "and this order" to the end of that paragraph; and paragraph (2) of Article 2.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

This Scheme consolidates and extends previous Instruments (which are hereby revoked) authorising the Minister of Agriculture and Fisheries to supply certain farmers on specified conditions with goods and services at less than normal charges.

The purpose is (*a*) still to encourage an increase in production from farms on poor or difficult land, whose costs are high and returns low, and (*b*) in addition, to encourage occupiers of these and other farms to undertake operations, such as reclaiming derelict land, which are desirable in the national interest but require capital investment at a rate which cannot be expected to bring in a return in a reasonable time; discretion is now given to the Minister or the County Agricultural Executive Committee in these cases to dispense with the requirement, formerly applicable to all programmes of work, that other necessary operations on the farm might be prejudiced by the execution of the programme at normal charges.

The range of eligible goods and services has also been extended, and a number of minor and consequential amendments have been made.