



Horticulture (Special Payments) Act 1974

CHAPTER 5

ARRANGEMENT OF SECTIONS

Section

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Horticulture (Special Payments) Act 1974

1974 CHAPTER 5

An Act to authorise payments out of moneys provided by Parliament to assist certain commercial growers of horticultural produce, the growing of which has become uneconomic as a result of the United Kingdom's membership of the European Economic Community.
[8th February 1974]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where it appears to the appropriate authority that the growing of any kind of horticultural produce has, as a result of the United Kingdom's membership of the European Economic Community, become uneconomic for certain commercial growers of that produce, the appropriate authority may, for the purpose of assisting any commercial growers of that produce and with the approval of the Treasury, by scheme provide for the making of payments in connection with—

- (a) the discontinuance of the growing of that produce ;
and
- (b) the carrying out of operations to make land on which that produce has been grown available for other agricultural use.

(2) In this Act references to a "scheme" are references to a scheme made under this section.

(3) Without prejudice to the generality of subsection (1) above, a scheme may provide for payments to be made in such circumstances and subject to such exceptions, restrictions and conditions as may be prescribed, and in particular—

- (a) may prescribe the horticultural produce and the operations in respect of which payments are to be made under the scheme ;
- (b) may provide for payments under the scheme to be made only to persons carrying on agricultural businesses of prescribed descriptions ;
- (c) may impose conditions as to the future use of any land which is at any prescribed time comprised in a business in respect of which a payment is to be made under the scheme or as to the future growing of horticultural produce by the person to whom the payment is to be made ; and any such condition may be imposed to take effect before or after payment but shall not have effect for more than five years from the date of the claim for the payment concerned ;
- (d) may prescribe the amounts of any payments which may be made under the scheme and the methods by which they are to be calculated ;
- (e) may restrict payments under the scheme to cases where approval has been given by the appropriate Minister in writing to proposals for the discontinuance of the growing of any prescribed horticultural produce and to cases where such approval has been given before the commencement of any prescribed operation in connection with that discontinuance ;
- (f) may require applications for the approval of proposals by the appropriate Minister to be submitted, and for claims for payment to be made, at such times and in such manner as may be prescribed or, in cases for which no provision is made by the scheme, as the appropriate Minister may from time to time direct ;
- (g) may prescribe the period during which applications for the approval of proposals must be made and the period during which claims for payments must be made (being periods not exceeding five years and seven years respectively from the commencement of the scheme) ;
- (h) may authorise the reduction or withholding of a payment where assistance in connection with the discontinuance of the growing of the horticultural produce or the carrying out of an operation to which the payment relates is or may be given otherwise than under the scheme ;

- (i) may make different provisions for different circumstances ;
 - (j) may contain such incidental and supplemental provisions as appear to the appropriate authority necessary or expedient for the purposes of the scheme.
- (4) Any approval given by any Minister under a scheme may be given subject to such conditions as he thinks fit to impose.
- (5) A scheme—
- (a) may be made for any one, or jointly for any two or for all three, of the following, namely :—
 - (i) England and Wales ;
 - (ii) Scotland ;
 - (iii) Northern Ireland ;
 - (b) may be varied or revoked by a subsequent scheme ;
 - (c) shall be made by statutory instrument and—
 - (i) shall be laid before Parliament after being made ; and
 - (ii) shall cease to have effect (without prejudice to anything previously done thereunder or to the making of a new scheme) after the expiration of a period of 40 days beginning with the date on which it was made, unless within that period it has been approved by resolution of each House of Parliament.

In reckoning for the purposes of this paragraph any period of 40 days, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

(6) Where the agricultural business in respect of which any payment is to be made under a scheme is carried on on land situated in England, Wales or Northern Ireland, payment shall be made by the Minister at such time, or by such instalments at such intervals or times, as the appropriate Minister may determine.

(7) Where the agricultural business in respect of which any payment is to be made under a scheme is carried on on land situated in Scotland, payment shall be made by the Secretary of State at such time, or by such instalments at such intervals or times, as he may determine.

2.—(1) If at any time after the appropriate Minister has approved any proposals under a scheme it appears to that Minister—

Revocation of approval and recovery of payment.

- (a) that any condition subject to which the approval was given or any payment has been made has not been complied with ; or

- (b) that any operation in respect of which any payment is to be made has been badly carried out or has been or is being unreasonably delayed or is unlikely to be completed or that adequate facilities for inspection of the land have not been given ; or
- (c) that the person by whom the application for that approval or for the making of that payment was made gave information on any matters relevant to the giving of the approval or the making of the payment which was false or misleading in a material respect,

the appropriate Minister may, after compliance with subsection (2) below, revoke the approval in whole or in part and thereupon the Minister, or as the case may be the Secretary of State, may on demand recover any payment or any part of a payment made by him by reference to the proposals.

(2) Before revoking an approval under this section the appropriate Minister—

- (a) shall give to any person to whom any payment would be payable, or from whom any such payment would be recoverable, a written notification of the reasons for the action proposed to be taken by the appropriate Minister ; and
- (b) shall afford to each such person an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister ; and
- (c) shall consider the report by a person so appointed and supply a copy of the report to each person entitled to appear before the person submitting it.

False statements to obtain payments.

3. If any person for the purpose of obtaining for himself or any other person any payment under such a scheme knowingly or recklessly makes a false statement he shall be liable on summary conviction to a fine not exceeding £400.

Powers of entry.

4.—(1) For the purposes of this Act an authorised officer shall on producing if so required written evidence of his authority have power to enter land (other than a dwelling house) at all reasonable times for the purpose of ascertaining whether any requirement of a scheme or any condition subject to which payment may be or has been made under a scheme is being, or has been, complied with.

(2) If any person wilfully obstructs or impedes an authorised officer in the exercise of his powers under the preceding subsection he shall be liable on summary conviction to a fine not exceeding £400.

(3) In this section “ authorised officer ” means—

- (a) in relation to England or Wales an authorised officer of the Minister ;
- (b) in relation to Scotland an authorised officer of the Secretary of State ; and
- (c) in relation to Northern Ireland an authorised officer of the Minister or of the Ministry of Agriculture for Northern Ireland.

5.—(1) Any expenditure incurred by any Minister under or by virtue of this Act shall be defrayed out of moneys provided by Parliament. Expenses and receipts.

(2) Any receipts of any Minister under this Act shall be paid into the Consolidated Fund.

6.—(1) This Act may be cited as the Horticulture (Special Payments) Act 1974. Short title, extent and interpretation.

(2) This Act extends to Northern Ireland.

(3) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say:—

“ agricultural business ” means a business consisting in, or such part of any business as consists in, the pursuit of agriculture ;

“ agriculture ” and cognate expressions shall be construed, except in relation to Scotland, in accordance with section 109 of the Agriculture Act 1947 and, in relation to Scotland, in accordance with section 86 of the Agriculture (Scotland) Act 1948 ; 1947 c. 48.
1948 c. 45.

“ the appropriate authority ”, in relation to a scheme, means the appropriate Minister, or the appropriate Ministers acting jointly, for the part or parts of the United Kingdom for which the scheme is made ;

“ the appropriate Minister ” means—

- (a) in relation to England the Minister ;
- (b) in relation to Wales the Minister and the Secretary of State acting jointly ;
- (c) in relation to Scotland the Secretary of State ;
- (d) in relation to Northern Ireland the Minister ;

“ horticultural produce ” has the meaning assigned to it by section 8(1) of the Horticulture Act 1960 ; 1960 c. 22.

“ the Minister ” means the Minister of Agriculture, Fisheries and Food ;

“ prescribed ” means prescribed by a scheme.

1972 c. 70.

(4) Section 269 of the Local Government Act 1972 (which relates to the meaning of “ England ” and “ Wales ” in Acts passed after the 1st April 1974) shall apply to this Act as if it had been passed after that date.

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