



AGRICULTURAL DROUGHT RELIEF SCHEME 2018

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Statutory Document No. 2018/0243



Financial Provisions and Currency Act 2011
Interpretation Act 2015

AGRICULTURAL DROUGHT RELIEF SCHEME 2018

Approved by Tynwald:

Coming into Operation: 19 October 2018

The Department of Environment, Food and Agriculture, with the concurrence of the Treasury, makes the following Scheme under section 3(2)(b) of the Financial Provisions and Currency Act 2011 and section 81 of the Interpretation Act 2015.

1 Title

This Scheme is the Agricultural Drought Relief Scheme 2018.

2 Commencement

If approved by Tynwald, this Scheme comes into operation on 19 October 2018.¹

3 Interpretation

In this Scheme –

“**ADS**” means the Agricultural Development Scheme 2015²;

“**AHDB**” means the Agriculture and Horticulture Development Board established by the Agriculture and Horticulture Development Board Order 2008 (of Parliament)³;

“**authorised officer**” means an officer authorised by the Department to exercise the powers specified under this Scheme;

“**BITS cattle database**” means the database made and maintained by the Department further to the Bovine Identification and Traceability Order 2007⁴

“**combining**” means harvesting a crop for its seed or bean;

¹ Tynwald approval is required under section 3(7) of the Financial Provisions and Currency Act 2011.

² GC 2015/0004.

³ SI 2008 No. 576.

⁴ SD 223/07.

“**Department**” means the Department of Environment, Food and Agriculture;

“**eligible applicant**” means a person eligible to apply for a grant under this Scheme under paragraph 6;

“**exceptional weather period**” means the period of unusually dry weather that occurred between 3 May 2018 and 27 July 2018;

“**grant issue date**” is the earliest date that a grant may be issued under this Scheme;

“**most recent agricultural census**” means the last census conducted in accordance with the Agricultural Regulations Order 1930; and

“**premises**” includes land and any vehicle, vessel or freight container.

4 Purpose of the Scheme

The purpose of this Scheme is to provide grants to any eligible applicant who had livestock, crops or vegetables affected by the exceptional weather period.

5 Scheme budget and grants

- (1) A sum of £1,200,000 (one million two hundred thousand pounds) has been appropriated from the General Revenue by the Department as the budget for grants under this Scheme (the Scheme budget).
- (2) Subject to sub-paragraph (3), any grant made to an eligible applicant under this Scheme must be calculated in accordance with the Schedule and paid from the Scheme budget on or after the dates specified in the Schedule.
- (3) On each occasion the grants are calculated, if the total amount of grants anticipated to be paid to eligible applicants before 1 April 2019 exceeds the Scheme budget, the grant rates specified in the table set out in Part 2 of the Schedule will be reduced on a pro-rata basis so as to ensure the total amount of grants paid to applicants does not exceed the Scheme budget.
- (4) The Scheme budget, and grants from the Scheme budget, will be accounted for as part of the Agriculture and Forestry Development Fund maintained by the Department.

6 Eligible applicants

An eligible applicant for the purposes of this Scheme must —

- (a) be a person or business that was engaged in agriculture during the exceptional weather period;
- (b) have or have had livestock, crops or vegetables (or any combination of these) affected by the exceptional weather period;

- (c) meet the terms and conditions of this Scheme and any terms and conditions published in accordance with paragraph 10 (terms and conditions); and
- (d) not be the subject of grant recovery action further to paragraph 12 (recovery of grants).

7 Submission of applications

- (1) An application for a grant must be made in writing in a form approved by the Department.
- (2) The applicant must submit to the Department the completed application form together with any document or information the Department may require.
- (3) The application must be received by the Department by no later than 5pm on Wednesday 31 October 2018.
- (4) An application is properly made only when the application form and any document or information required by the Department has been provided.

8 Offence for furnishing false, incomplete or misleading information in connection with an application

The submission of false, incomplete or misleading information in connection with an application is an offence punishable on summary conviction by custody for not more than 6 months, a fine not exceeding level 5 on the standard scale, or both.

9 Consideration of applications

- (1) The Department must consider every application that has been properly made and must inform the applicant of its decision in writing.
- (2) The approval by the Department of an application is conditional upon the correctness of the information supplied in the application or any document or information required by the Department.

10 Terms and conditions

- (1) The Department may publish terms and conditions in relation to the approval and offer of a grant under the Scheme, with which the applicant of a grant must comply.
- (2) In addition to any terms and conditions published under sub-paragraph (1), a grant is subject to any terms or conditions which the Department may in any particular case decide to impose (whether or not relating to the livestock, crops or vegetables, or any combination of these, affected

by the exceptional weather period in respect of which the application is made).

11 Enforcement

- (1) An authorised officer may, after giving the applicant or other person in charge of the applicant's premises reasonable notice of his or her intention and upon production, if so required of his or her authority, enter any premises for the purposes of exercising the powers specified under this Scheme.
- (2) An authorised officer may —
 - (a) inspect any land specified in the application;
 - (b) require an applicant or any employee, servant or agent of an applicant to provide any relevant record or document, or extracts of a record or document, and to supply such additional information as is in the applicant's possession or under the applicant's control relating to an application under this Scheme;
 - (c) have access to, and inspect and copy any relevant record or document (in whatever form it is held) or remove such record or document to enable it to be copied;
 - (d) have access to, inspect and check the operation of, any computer and associated apparatus which is or has been used in connection with the relevant record or document;
 - (e) require any applicant having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford the authorised officer such assistance as the authorised officer may require and, if a record is kept by means of a computer, may require the records to be produced in a form in which it can be taken away; and
 - (f) seize and retain any relevant record or document which the authorised officer has reason to believe may be required as evidence in any proceedings under this Scheme.

12 Recovery of grants

- (1) If at any time —
 - (a) the Department determines that the conditions set out under this Scheme, or published in accordance with paragraph 10 (terms and conditions), have not been met; or
 - (b) the Department determines that false, incomplete or misleading information has been supplied in connection with an application,the Department must act in accordance with sub-paragraph (2).
- (2) Once the Department has made a determination in accordance with sub-paragraph (1) it must notify the applicant that, subject to review and

appeal under paragraph 13 (review and appeal), the applicant is required to repay to the Department all grants made under this Scheme within 28 days of the Department issuing the notice.

- (3) The applicant must co-operate in all respects with the Department if action under this paragraph is taken.

13 Review and appeal

- (1) An applicant may, within 28 days of the notification of a decision under this Scheme, request in writing that the Department review the decision, stating the grounds on which the review is requested.
- (2) In the first instance, the review request will be reviewed by an officer of the Department who has had no involvement in the original application. This is known as a Stage 1 appeal.
- (3) Stage 1 appeal decisions are to be made and notified to the applicant within 30 days from the date the review request was received.
- (4) Following notification of the outcome of the review, if an applicant considers that the grounds for appeal have not been addressed, the applicant may apply in writing to the Department requesting that the matter be referred to the Appeals Committee (“the Committee”). This is known as a Stage 2 appeal.
- (5) The Committee must consider a Stage 2 appeal and make a recommendation to the Department within 90 days from the date a request for a Stage 2 appeal was received.

14 Stage 2 appeal fee

- (1) The submission of an application for a Stage 2 appeal is subject to a fee of £300, payable by the applicant when the appeal is submitted.
- (2) Any fee paid under paragraph (1) will be refunded to the applicant if the appeal is decided in favour of the applicant.

15 Guidance

The Department may publish guidance for applicants relating to the operation of the Scheme, which may, amongst other things, detail —

- (a) the conditions of eligibility for assistance under the Scheme;
- (b) the terms and conditions of any assistance given;
- (c) the application process;
- (d) the review and appeal process; or
- (e) the information and additional documentation that must be provided in support of —
 - (i) an application;

- (ii) request for a Stage 1 appeal; or
- (iii) referral for a Stage 2 appeal.

MADE 18 SEPTEMBER 2018

GEOFFREY BOOT

Minister for Environment, Food and Agriculture

SCHEDULE

(paragraph 5)

PART 1**CALCULATION OF GRANTS****1 Calculating a grant for livestock**

- (1) On the occasion of each grant issue date (as specified in columns 3 and 5 of the table specified in paragraph 1 of Part 2 of this Schedule) the process for calculating a grant in relation to livestock is undertaken as set out in this paragraph.
- (2) Using the information specified in paragraph 1 of Part 2 to this Schedule the process for calculating the grant is —
 - (a) multiplying the price per head for the type of livestock by the number of head of livestock of that type of livestock (determined in accordance with paragraph 5 of the Schedule);
 - (b) reducing the figure calculated in 1(2)(a) above by the percentage specified in the grant reduction column relating to that grant issue date for that type of livestock;
 - (c) once 1(2)(a) and 1(2)(b) have been undertaken for each type of livestock specified in the application the resultant figures are then summed; and
 - (d) subject to any pro-rata reduction that may be made further paragraph 5(3) of the Scheme, the sum of figures determined in accordance with 2(2)(c) is the grant to be issued to the applicant on or after the grant issue date.

2 Calculating a grant for crops

- (1) On the 31 March 2019 the process for calculating a grant in relation to crops is undertaken as set out in this paragraph.
- (2) Using the information specified in paragraph 2 of Part 2 to this Schedule the process for calculating the grant is —
 - (a) multiplying the actual price per acre for the type of crop by the number of acres of that type of crop (determined in accordance with paragraph 5);
 - (b) once 2(2)(a) has been undertaken for each type of crop specified in the application the resultant figures are then summed; and

- (c) subject to any pro-rata reduction that may be made further paragraph 5(3) of the Scheme, the sum of figures determined in accordance with 2(2)(b) is the grant to be issued to the applicant on or after the 31 March 2019.

3 Calculating a grant for vegetables

- (1) On the 1 November 2018 the process for calculating a grant in relation to vegetables is undertaken as set out in this paragraph.
- (2) Using the information specified in paragraph 32 of Part 2 to this Schedule the process for calculating the grant is –
 - (a) multiplying the actual price per acre for the type of vegetable by the number of acres of that type of vegetable (determined in accordance with paragraph 5);
 - (b) once 3(2)(a) has been undertaken for each type of vegetable specified in the application the resultant figures are then summed; and
 - (c) subject to any pro-rata reduction that may be made further paragraph 5(3) of the Scheme, the sum of figures determined in accordance with 2(2)(b) is the grant to be issued to the applicant on or after the 1 November 2018.

4 Determining the actual price per acre for each type of crop

- (1) On the 31 March 2019 the actual price per acre for each type of crop is determined by deducting from the maximum price per acre for each type of crop £1.00 for each whole £1.00 that the average price per tonne of wheat on the grant issue date exceeds the baseline price of wheat.
- (2) For the purposes of subparagraph (1), the average price of wheat is determined by taking the mean average of the monthly LIFFE wheat future prices for a tonne of wheat, as published by the AHDB, for the twelve month period preceding the 31 March 2019.
- (3) For the purposes of subparagraph (1), the baseline price for wheat is £212.34.

5 Determining the number of head livestock, the number of crop acres and the number of vegetable acres

- (1) Subject to paragraph 7 (insurance claims), the number of –
 - (a) head of livestock will be established from recorded verified livestock numbers calculated in accordance with paragraph 6 of this Schedule;

- (b) crop acres and vegetable acres will be established from the applicant's returns for the ADS in the 2018 scheme year and the applicant's returns from the most recent agricultural census.

6 Determining the recorded verified livestock numbers

- (1) Subject to sub-paragraph (2) and paragraph 7 (insurance claims), for the purpose of establishing the recorded verified livestock numbers the Department will establish the size of the applicant's –
- cattle herd size from information held on the BITS cattle database at the time of calculating the grant;
 - sheep flock size from the most recent agricultural census;
 - goat herd size from the most recent agricultural census;
 - pig herd size from the most recent agricultural census; and
 - poultry flock size from the most recent agricultural census.
- (2) The Department may establish the size of a herd or flock using an alternative source when the Department determines the data collected by the most recent agricultural census, or held on the BITS cattle database, is insufficient or uncertain.

7 Insurance claims

If an applicant has been successful in establishing a claim for losses from an insurer the livestock, crops or vegetables subject to the claim must not be considered for the purpose of determining the number of livestock, crops or vegetables.

PART 2

HEAD OF LIVESTOCK AND CROP ACRES VALUES

1 Price per head of livestock

Livestock type	Price per head	First grant issue date	First grant issue date grant reduction	Second grant issue date	Second grant issue date grant reduction
Cattle less than 6 months old	£0.00	Not applicable	Not applicable	Not applicable	Not applicable
Cattle more than 6 months but less than 12 months old	£20.00	1 November 2018	50%	31 March 2019	50%
Cattle more than 12 months but less than 36 months old	£25.00	1 November 2018	50%	31 March 2019	50%

Livestock type	Price per head	First grant issue date	First grant issue date grant reduction	Second grant issue date	Second grant issue date grant reduction
Beef cows that have calved at least once	£20.00	1 November 2018	50%	31 March 2019	50%
Dairy cows that have calved at least once	£40.00	1 November 2018	50%	31 March 2019	50%
Breeding sheep	£5.00	1 November 2018	0%	Not applicable	Not applicable
Breeding goats	£5.00	1 November 2018	0%	Not applicable	Not applicable
Sows	£5.00	1 November 2018	50%	31 March 2019	50%
Pigs weighing more than 65kg (i.e. "finished pigs")	£5.00	1 November 2018	50%	31 March 2019	50%
Laying hens	£2.00	1 November 2018	50%	31 March 2019	50%

2 Price per crop acre

Crop type	Maximum price per acre
Winter wheat	£10.00
Spring wheat	£40.00
Winter barley	£10.00
Spring barley	£30.00
Oats	£30.00
Peas and beans for combining	£60.00
Oil seed rape	£10.00
Maize	£0.00
Fodder beet	£0.00
Forage rape	£0.00
Other forage crops	£0.00
Cereal forage crops	£0.00
Other crops for combining	£0.00

3 Price per vegetable acre

Vegetable type	Price per acre
Potatoes	£300.00
Vegetables	£300.00

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme makes provision for grants to farmers who have been adversely affected by the exceptional drought that occurred from 3 May 2018 to 27 July 2018, which has been referred to in this Scheme as the “exceptional weather period”.

The grants made under this Scheme are calculated using data held by the Department under the terms of the Agricultural Development Scheme 2015, the most recent agricultural census and the BITS cattle database. Different grants will be issued at different times for different types of livestock, crops and vegetables.