Housing on Farms Act (Northern Ireland) 1972

1972 CHAPTER 3

PART IV

MISCELLANEOUS AND GENERAL

10 Expenses.

(1) Expenses incurred by the Ministry (including the amount of any grants payable by the Ministry under this Act) in consequence of the passing of this Act may be defrayed either out of money provided by Parliament or, if the Ministry of Finance so directs, by means of sums charged on and issued out of the Consolidated Fund, and, for the purpose of providing any sums so issued out of the Consolidated Fund, the Ministry of Finance may borrow any sum which it considers fit, so, however, that the aggregate of the sums to be charged on and issued out of the Consolidated Fund under this subsection shall not, unless and until Parliament otherwise determines, exceed £1,000,000.

Subs.(2) rep. by SLR 1980

(3) Any money borrowed under subsection (1) shall be repaid within any period or periods, not exceeding twenty-five years from the date of borrowing, and provision for such repayment may be made out of money provided by Parliament.

S.11 rep. by 1976 NI 25; 1978 NI 2

12 Procedure on application for, and payment of, grants.

Subs.(1) spent

(2) Grants under this Act shall be paid at such times and subject to such conditions as to records, certificates, vouching of expenditure or otherwise as the Ministry may determine.

13 Power to remove statutory conditions where grant repaid.

Where the full amount of any grant paid under this Act in respect of any premises, or an amount not less than that repayable under section 14(3) or which would have been so repayable if, at the time of the repayment, there had been a breach or contravention of a condition, has been repaid to the Ministry, the observance of the conditions imposed under this Act with respect to those premises shall, if the Ministry so directs in writing, cease to be required notwithstanding that the period for which those conditions were imposed has not expired.

14 Offences and penalties.

(1) Every person guilty of any breach or contravention of any condition imposed by virtue of section 3 or by virtue of section 6 shall, without prejudice to any other liability, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding**[**[F1] level 5 on the standard scale**]**.

Subs.(2) rep. by 1976 NI 25

(3) In the event of any breach or contravention of any condition imposed under this Act, there shall become due and repayable to the Ministry, and recoverable upon demand made in writing by the Ministry as a civil debt due to it, such sum as bears to the amount of the grant paid by the Ministry in respect of the premises to which the breach or contravention relates the same proportion as that portion of the period for which the condition was imposed which, at the time of the breach or contravention, remains unexpired bears to the whole of the period.

(4) Where a person has been convicted of an offence under subsection (1), the court before which he is convicted may, on such conviction, order that, in addition to the amount repayable by him under subsection (3), he shall repay to the Ministry the balance of the grant paid in respect of the premises to which the breach or contravention relates or such lesser sum as the court may consider necessary to remedy the breach or contravention, and that order may, without prejudice to any other remedy, be enforced in like manner as a sum adjudged to be paid by a conviction of that court.

(5) If, for the purpose of obtaining a grant under this Act, either for himself or for any other person, any person knowingly or recklessly makes any false or fraudulent statement or representation—

(a) the person making such statement or representation; and

(b) any person who received any payment under this Act knowing that such statement or representation had been made;

shall be guilty of an offence and shall be liable—

(i) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding**[**[F1] level 3 on the standard scale**]**, or to both;

(ii) on conviction on indictment, to imprisonment for a term not exceeding two years or to**[**[F1] an unlimited fine**]**, or to both.

(6) Where any offence punishable under this section has been committed by a body corporate, then, without prejudice to the liability of that body, every person who, at the time of such commission, was a director or other officer of the body corporate, or was purporting to act in any such capacity, shall be liable to be prosecuted as if he had personally committed that offence and shall, if on such prosecution it is shown that he consented to, or connived at, or did not exercise all such diligence as he ought in the

circumstances to have exercised to prevent, the offence, be liable to the like conviction and punishment as if he had personally been guilty of that offence.

F1 1984 NI 3

15 Regulations.

(1) The Ministry may make regulations prescribing anything which is to be prescribed, and providing for any matter in regard to which regulations may be made under this Act, and generally for carrying this Act into effect.

(2) All regulations made under this Act shall be subject to negative resolution.

16 Interpretation.

In this Act—

"approved worker"[F2] has the meaning assigned to it by section 4(1)(*a*);

"breach or contravention" includes an attempted breach or contravention; and "contravention" , in relation to any provision or condition, includes a failure to comply with that provision or, as the case may be, that condition;

"enactment" includes any provision in any Act (whether public general, local or private) of the Parliament of Northern Ireland or of the Parliament of the United Kingdom and any provision contained in any Order in Council, order, regulation, rule, scheme, byelaw or other instrument made under any such Act;

"family", when used in relation to the person using a farmhouse or occupying an approved worker's house, includes all persons usually residing in such house with such person, whether or not related to him by blood or marriage **[**[F3]or civil partnership**]** ;

"farmhouse", in relation to any farm, means the dwelling-house of a person who is engaged in carrying on and directing agricultural operations on that farm;

"the Ministry"[F4] has the meaning assigned to it by section 1(1);

"net annual value" means the net annual value [[F5] as estimated for the purposes of the Rates (Northern Ireland) Order 1977 or, as the case requires, the amount certified by the Commissioner of Valuation under paragraph 7 of Part II of Schedule 16 to that Order];

"occupier" means the person who is rated as occupier or who, but for the last-mentioned enactment, would have been so rated;

"the Part I conditions" has the meaning assigned to it by section 3;

"the Part II conditions" has the meaning assigned to it by section 6;

"prescribed" means prescribed by regulations made by the Ministry;

Definition rep. by 1976 NI 25

"superficial area", in relation to any farmhouse or approved worker's house, means the area of that house calculated in accordance with such method as may be prescribed.

F2 i.e. a worker in the service of the applicant in full time employment in agricultural operations on the farm

F3 Words in s. 16 inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **130** (with regs. 6-9)

F4 i.e. M/Dev., now D/Env., SRO (NI) 1973/504; 1976 NI 6
F5 1977 NI 28

S.17, with Schedule 1, effects amendments

18 Transitional and saving provisions.

The transitional and saving provisions specified in Schedule 2 shall have effect for the purposes of this Act.

S.19, with Schedule 3, effects repeals

20 Short title and commencement.

This Act may be cited as the Housing on Farms Act (Northern Ireland) 1972 … *Commencement* …

Changes to legislation:
There are currently no known outstanding effects for the Housing on Farms Act (Northern Ireland) 1972, PART IV.