STATUTORY INSTRUMENTS

1987 No. 166

The Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1986

PART III

FARM STRUCTURE GRANTS

Grants for individuals relinquishing occupation of uncommercial units

10.—(1) The Department may in accordance with a scheme make a grant by way of a lump sum payment or an annuity to or for the benefit of an individual who in prescribed circumstances relinquishes his occupation of, or of a part of, an uncommerical unit of agricultural land—

(a) where the relinquishment of all or any part of that uncommercial unit is effected as part of an amalgamation approved in pursuance of a scheme under Article 9; or

(b) in accordance with arrangements which the Department makes with him (whether or not his landlord or any other person is a third party) to enable the Department to dispose of the unit so that it is owned or occupied with other land, or so as to improve the shape of any agricultural units; or

(c) where the grant is made in pursuance of provisions of a scheme implementing, or arising out of or related to, a Community obligation.

(2) A scheme under this Article—

(a) may, subject to any prescribed exceptions, require the individual to have been in occupation of the whole of the uncommercial unit for a prescribed period;

(b) may exclude an individual who occupied the uncommercial unit under a short-term letting as defined in the scheme;

(c) may apply to the individual a test by reference to the income (calculated in a prescribed way) derived from the trade or business of, or employment in, agriculture including, if the scheme so provides, income so derived by the individual's wife or husband or partner or by any other person jointly occupying the land.

(3) A scheme under this Article may authorise the making of grant subject to such conditions as the Department may specify.

(4) Grants shall not be payable under this Article to any one individual in respect of more than one uncommercial unit, and a scheme under this Article shall contain provisions for securing that the amount of the grant payable in respect of an uncommercial unit occupied by more than one individual is an amount which is not more than approximately equivalent to the amount which would be payable if it had been occupied by a single individual.

(5) A scheme under this Article may provide that, after the death of a person in receipt of a grant by way of annuity, grant under this Article of an amount specified in the scheme may be payable to a surviving widow or widower.

(6) A scheme under this Article may make provision, in a case where a person who has submitted an application for a grant under this Article, and who has in prescribed circumstances either relinquished or become under an obligation to relinquish occupation of the uncommercial unit of agricultural land in question, subsequently dies before the application has been dealt with, for the application to be proceeded with after the death and for grants under this Article of such respective amounts as may be determined by or under the scheme to be payable either—

(a) by way of annuity—

(i) in respect of any period after the relinquishment and before the death, for the benefit of the deceased's estate; and

(ii) in respect of any period falling after both the relinquishment and the death, to any person who was both at the date of the death and at the time when the application was made the spouse of the deceased; or

(b) by way of a lump sum payable for the benefit of the deceased's estate.

(7) A scheme under this Article may make provision whereby a person is treated for the purposes of the scheme, to such extent and in such cases as may be prescribed—

(a) as the occupier of any land in respect of which he has granted, or agreed to grant, to another person a licence or tenancy of a kind not making that other person a tenant;

(b) as relinquishing his occupation of that land if he relinquishes his remaining estate in the land;

(c) as relinquishing his occupation of, or of part of, an uncommercial unit of agricultural land if the land was, or was part of, such a unit immediately before he first granted or agreed to grant such a licence or tenancy as aforesaid;

and in relation to any provision made by virtue of this paragraph, paragraphs (2), (4) and (6) shall not apply but provision may be made in the scheme for corresponding purposes.

(8) The duration of a scheme under this Article (that is to say, the period within which applications for approval of proposals qualifying for grant under the scheme must be made) shall be a period not exceeding seven years, but that period may be extended from time to time by subsequent schemes under this Article for periods not exceeding seven years.