



# Agriculture Act 1967

## 1967 CHAPTER 22

### PART II

#### FARM STRUCTURE AND FARM IMPROVEMENTS, AND PROMOTION OF AGRICULTURAL INVESTMENT

##### *Supplemental*

#### [35] <sup>F1</sup> General provisions for schemes under Part II.

A scheme under section 26 or section 27 of this Act—

- (a) shall be made by the appropriate Minister with the approval of the Treasury,
- (b) [<sup>F2</sup>without prejudice to the provisions of subsection (4) of the said section 26 as to schemes under that section, may, in the case of a scheme under the said section 27]] authorise the making of different grant in different circumstances,
- (c) may authorise the reduction or withholding of grant where assistance in respect of expenditure for which the grant is made is or may be given otherwise than under the scheme, but so that where expenditure, or part of expenditure, is eligible for grant at different rates, grant at the higher rate shall be allowed,
- (d) may authorise the reduction or withholding of grant in respect of land for the benefit of which any other prescribed grant or contribution has been made out of money provided by Parliament or has been so made within a prescribed period ,
- (e) may be made for England and Wales, for Scotland, for Northern Ireland, or for any two or all of those parts of the United Kingdom jointly,
- (f) may contain such incidental and supplemental provisions as appear to the appropriate Minister expedient [<sup>F2</sup>including transitional provisions treating as having been done under or in pursuance of the scheme anything done under or in pursuance of a previous scheme]
- (g) may be varied or revoked by a subsequent scheme,

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- (h) shall be made by statutory instrument of which a draft has been laid before and approved by resolution of each House of Parliament.

**Textual Amendments**  
F1 S. 35 repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, Sch.  
F2 Words substituted by Agriculture Act 1970 (c. 40), s. 32(5)

36 ..... F3

**Textual Amendments**  
F3 Ss. 30–32, 36, 37(3)(5) repealed by Agriculture Act 1970 (c. 40), ss. 29(6)(7), 113(3), Sch. 5 Pt. I

**37 Recovery of grant and revocation of approval.**

[<sup>F4</sup>(1) If at any time after the approval of proposals under section 26, section 27 . . . <sup>F5</sup>of this Act, and whether before or after the proposals have been fully carried out, it appears to the appropriate Minister—

- (a) that any condition imposed by the appropriate Minister in giving his approval has not been complied with, or
- (b) in the case of proposals for the carrying out of work, that the work has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed, or
- (c) that in connection with the submission of the proposals the person submitting them gave information on any matter which was false or misleading in a material respect,

the appropriate Minister may, on demand made after compliance with subsection (4) below, recover any grant or any part of a grant paid by him by reference to the proposals and revoke the approval in whole or in part.

(2) In the case of a grant under section 27 of this Act which is a lump sum payable by instalments or a grant by way of annuity the appropriate Minister may, in a case within paragraph (a) or paragraph (c) of subsection (1) above, after compliance with subsection (4) below direct that future instalments of the grant or annuity shall not be payable.

(3) ..... F6

- (a) shall give to any person to whom any payment by way of grant would be payable by reference to the proposals, 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 accord 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 who is entitled to appear before the person submitting it.]

(5) ..... F6

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- (6) Where a grant by reference to which a supplementary grant has been made under section 33 of this Act becomes recoverable in whole or in part, the supplementary grant shall also become recoverable on demand.

#### Textual Amendments

- F4** S. 37(1)–(4) repealed (N.I.) by S.I. 1987/166 (N.I. 1), **art. 20 Sch.**  
**F5** Words repealed by Agriculture Act 1970 (c. 40), ss. 29(6)(7), 113(3), **Sch. 5 Pt. I**  
**F6** Ss. 30–32, 36, 37(3)(5) repealed by Agriculture Act 1970 (c. 40), ss. 29(6)(7), 113(3), **Sch. 5 Pt. I**

#### Modifications etc. (not altering text)

- C1** S. 37 extended by Agriculture Act 1970 (c. 40), **s. 32(6)**, which provision is repealed (N.I.) by S.I. 1987/166 (N.I.1), **art. 20, Sch.**

**38** ..... <sup>F7</sup>

#### Textual Amendments

- F7** s. 38 repealed by Rent Act 1968 (c. 23), **Sch. 17** and Rent (Scotland) Act 1971 (c. 28), **Sch. 20**

### **39 Provisions relating to Northern Ireland.**

- (1) Subject to this section, this Part of this Act shall extend to Northern Ireland with the exception of section 28 and section 38 and, subject to the following provisions of this section, of section 29.
- (2) [<sup>F8</sup>The Department of Agriculture for Northern Ireland] may acquire by agreement any estate or interest in—
- any land used for agriculture,
  - any other agricultural land,
  - where any such land as is mentioned in paragraph (a) or (b) above is offered to the said [<sup>F8</sup>Department] for acquisition by it on the condition that it also acquires other land not falling within either of those paragraphs, that other land,
- for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units.
- (3) The said [<sup>F8</sup>Department] may manage, farm or dispose of land acquired by it under subsection (2) above—
- in such manner as appears to the said [<sup>F8</sup>Department] expedient for the purpose for which the land was acquired,
  - if the said [<sup>F8</sup>Department] is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to the said [<sup>F8</sup>Department] expedient therefor,
- [<sup>F9</sup>and in section 27(1)(b) of this Act as it applies in Northern Ireland the reference to the appropriate Minister shall include a reference to the said [<sup>F8</sup>Department]].

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Section 45(3) of the <sup>M1</sup>Interpretation Act (Northern Ireland) 1954 shall have effect for the purposes of this subsection as it has effect for the purposes of an enactment of the Parliament of Northern Ireland passed after the commencement of that Act.

- (4) Sections 4 and 5 of the <sup>M2</sup>Land Law (Ireland) Act 1881 shall not have effect in relation to any tenancy granted by the said [<sup>F8</sup>Department] under subsection (3) above.
- (5) Subsections (2) and (3) above shall in particular confer power to enter into transactions involving loss, including transactions corresponding to those into which the appropriate Minister may enter under section 29(2) of this Act.
- <sup>F10</sup>[<sup>F12</sup>Sections 26(1)(a) and (bb) and 27(5B)] of this Act shall, in their application to <sup>F11</sup>(5A) Northern Ireland, have effect as if references to a tenant as defined in the Acts there mentioned were references to a tenant who holds under a contract of tenancy for a life or lives or for a term of years.]]
- (6) Section 29(3) of this Act, and Schedule 3 to this Act when read with the said section 29(3), shall apply in Northern Ireland as if—
- (a) the said [<sup>F8</sup>Department] were substituted for the appropriate Minister,
  - (b) the reference to legal costs in the said section 29(3)(a) included a reference to the costs of obtaining any requisite consent of [<sup>F8</sup>the Department of Finance for Northern Ireland],
  - (c) the said section 29(3)(a) included a reference to compensation for disturbance under section 3 of the <sup>M3</sup>Landlord and Tenant (Ireland) Act 1870.
- <sup>F13</sup>(7) The functions conferred by this section on the said [<sup>F8</sup>Department] shall be exercised in accordance with arrangements made between the [<sup>F8</sup>Department] and the Minister of Agriculture, Fisheries and Food with the approval of the Treasury, and the Minister of Agriculture, Fisheries and Food shall pay out of money provided by Parliament any expenses incurred by the said [<sup>F8</sup>Department] in exercising those functions, and any sums received by that [<sup>F8</sup>Department] in exercising those functions (including any sums so received or recovered under Schedule 3 to this Act) shall be paid over to the said Minister.]

#### Textual Amendments

- F8** Words substituted by virtue of Northern Ireland Constitution Act 1973 (c.36), **Sch. 5 para.8(1)**
- F9** Words repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**
- F10** S. 39(5A) repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**
- F11** S. 39(5A) inserted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), **s.9(5)**
- F12** Words substituted by S.I. 1973/1402, **reg. 5**
- F13** S. 39(7) repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**

#### Marginal Citations

- M1** 1954 c. 53 (N.I.)
- M2** 1881 c. 49.
- M3** 1870 c. 46.

## 40 Interpretation of Part II.

- (1) In this Part of this Act, except where the context otherwise requires—

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“amalgamation” and “boundary adjustment” have the meanings given by section 26 of this Act;

“exchange” in relation to land in Scotland means excambion;

“prescribed”, in relation to the contents of a scheme, means prescribed by the scheme.

(2) In this Part of this Act—

- (a) “commercial unit” means an agricultural unit which in the opinion of the appropriate Minister is capable, when farmed under reasonably skilled management, of providing full-time employment for an individual occupying it and for at least one other man (or full-time employment for an individual occupying it and employment for members of his family or other persons equivalent to full-time employment for one man);
- (b) “intermediate unit” means an agricultural unit which, in the opinion of the appropriate Minister, is capable, when farmed under reasonably skilled management, of providing full-time employment for an individual occupying it.

In this subsection “full-time employment” shall be construed in accordance with any provisions defining that expression in any scheme made under section 26 of this Act.

(3) In this Part of this Act “uncommercial unit” shall be construed by reference to the definition of commercial unit, except that, where the appropriate Minister so directs, it may be treated as referring to the relevant agricultural unit exclusive of any one dwelling house of the unit [<sup>F14</sup>or of an area sufficient to provide a site for one dwelling house] and, if the Minister so directs, exclusive of any small portion of land to be occupied with that dwelling house.

(4) Where any agricultural land in Scotland consists of or includes a croft or holding, for the purposes—

- (a) of determining under the preceding provisions of this section whether an agricultural unit formed by that land is commercial, intermediate or uncommercial, and
- (b) of calculating under section 27(2)(c) of this Act the income derived from the land,

the land shall be taken to include any right in pasture or grazing land held by the tenant or landholder whether alone or in common with others and deemed to form part of the croft or holding.

In this subsection “croft” and “holding” have the meanings ascribed to them by the <sup>M4</sup>Crofters (Scotland) Act 1955 and the Small Landholders (Scotland) Acts 1886 to 1931 respectively.

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#### Textual Amendments

**F14** Words inserted by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\), s. 9\(6\)](#)

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#### Marginal Citations

**M4** 1955 c. 21.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(10A) inserted by [2003 c. 44 Sch. 27 para. 2\(3\)](#)