



Rent (Agriculture) Act 1976

1976 CHAPTER 80

PART IV

REHOUSING

28 Duty of housing authority concerned.

- (1) An application to the authority shall be in writing and, if the authority so direct, shall be in such form as the authority direct; and there shall be a sufficient compliance with a direction under this subsection if the application is in a form substantially to that same effect as the form specified in the direction.
- (2) The authority shall, within seven days of their receiving the application, notify the occupier of the dwelling-house of which possession is sought (“the dwelling-house”) that the application has been made.
- (3) [^{F1}If the dwelling-house is in Wales, the authority], or the applicant, or the occupier of the dwelling-house, may obtain advice on the case made by the applicant concerning the interests of efficient agriculture, and regarding the urgency of the application, by applying for the services of a committee under section 29 of this Act.
- (4) The committee shall tender its advice in writing to the authority, and make copies of it available for the applicant and the occupier of the dwelling-house.
- (5) In assessing the case made by the applicant and in particular the importance and degree of urgency of the applicant’s need, the authority shall take full account of any advice tendered to them by the committee in accordance with section 29 of this Act, and in any legal proceedings relating to the duty imposed on the authority by this section evidence shall be admissible of the advice so given.
- [^{F2}(6) The authority shall notify their decision on the application in writing to the applicant, and to the occupier of the dwelling-house, within three months of their receiving the application or, if an application is made for the services of a committee under section 29 of this Act, within two months of their receiving the committee’s advice.
- (6A) The notification shall state—

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- (a) if the authority are satisfied that the applicant's case is substantiated in accordance with section 27 above, what action they propose to take on the application;
 - (b) if they are not so satisfied, the reasons for their decision.]
- (7) If the authority are satisfied that the applicant's case is substantiated in accordance with section 27 above, they shall use their best endeavours to provide the suitable alternative accommodation; and in assessing under this subsection the priority to be given to meet the applicant's case, the authority shall take into account the urgency of the case, the competing claims on the accommodation which they can provide and the resources at their disposal.
- (8) Without prejudice to any other means of enforcing the duty imposed by subsection (7) above, that duty shall be enforceable, at the suit of the applicant, by an action against the authority for damages for breach of statutory duty.
- (9) The authority shall not be obliged to provide suitable alternative accommodation if, at the time when the accommodation becomes available, the person for whom it is to be provided is employed by the applicant in the same capacity as that in which he was employed by the applicant at the time when the application was made, and he will continue to be so employed if provided with the alternative accommodation.
- (10) The continuance of the obligation imposed on the authority by this section shall depend on compliance by the applicant with any reasonable request made by the authority for information about any change in circumstances which takes place after the making of the application, and which might affect the merits of the applicant's case.
- (11) Any material change of facts which have been stated to the authority, or to the committee, by the applicant or, in relation to the application, by the occupier of the dwelling-house, shall be notified to the authority as soon as practicable by the person making the statement unless before the change accommodation has been provided in accordance with the application, or the authority have decided that the applicant's case is not substantiated.
- A person who without reasonable excuse fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding [^{F3}level 5 on the standard scale].
- (12) An application under this section shall lapse if the applicant ceases to be the occupier of the land used for agriculture, but without prejudice to the making of an application by any other person who is or becomes the occupier.
- (13) In this section and section 27 of this Act references to the authority providing housing accommodation are references to its provision by any means open to the authority, whether direct or indirect.
- (14) If in or in connection with an application under this section the applicant or any other person knowingly or recklessly makes a false statement for the purpose of inducing the authority to provide housing accommodation, he shall be liable on summary conviction to a fine not exceeding [^{F3}level 5 on the standard scale].
- [^{F4}(14A) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980, an information relating to an offence under this section may be tried if it is laid at any time within two years after the commission of the offence and within six months after the date on which evidence sufficient in the opinion of the housing authority concerned to justify the proceedings comes to its knowledge.]

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Textual Amendments

- F1** Words in s. 28(3) substituted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 20 para. 1**; S.I. 2013/1455, art. 3(a) (with art. 4(2)(3))
- F2** S. 28(6)(6A) substituted for s. 28(6) by Rent (Agriculture) Amendment Act 1977 (c. 17), **s. 1** except where the application under s. 27 of this Act is received by the housing authority concerned before 9.6.1977
- F3** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46**
- F4** S. 28(14A) inserted by Housing Act 1988 (c. 50, SIF 61, 75:1), s. 140, **Sch. 17 para. 21**

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