

1973 No. 1818

COUNTER-INFLATION
**The Counter-Inflation (Agricultural Rents—No. 2)
 (Northern Ireland) Order 1973**

Made - - - - 30th October 1973
Laid before Parliament 2nd November 1973
Coming into Operation 5th November 1973

In exercise of the powers conferred on me by sections 11 and 23(2) of, and paragraphs 1 and 3 of Part I of Schedule 3 to, the Counter-Inflation Act 1973(a), I hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Counter-Inflation (Agricultural Rents—No. 2) (Northern Ireland) Order 1973 and shall come into operation on 5th November 1973.

(2) This Order extends to Northern Ireland only.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In this Order, unless the context otherwise requires—

“agricultural land” has the same meaning as in the Agriculture Act (Northern Ireland) 1949(c);

“agricultural tenancy” means any tenancy where the property comprised in the tenancy is or includes agricultural land;

“enactment” includes an Act of the Parliament of Northern Ireland;

“rent” means the rent payable under an agricultural tenancy and for the purposes of any comparison under this Order excludes any sums payable by the tenant in respect of rates, repairs, maintenance or insurance;

“standard rate” in relation to any land means—

(a) where an agricultural tenancy comprising the land was subsisting on 5th November 1972, the rate at which rent was payable (whether or not then determined as to amount) under the tenancy for the land on that date;

(b) where there was no such agricultural tenancy subsisting on 5th November 1972 but an agricultural tenancy had subsisted in respect of the land in question on or after 5th November 1971, the rate at

(a) 1973 c. 9.
 (c) 1949 c. 2 (N.I.).

(b) 1889 c. 63.

which rent was payable under the tenancy for the land at the date upon which the tenancy or, where there were successive tenancies, the last such tenancy came to an end;

with the addition, in either case, of any increase in that rate as a result of an increase of rent permitted by Part IV of the Counter-Inflation (Northern Ireland) Order 1972(a) or the Counter-Inflation (Agricultural Rents) (Northern Ireland) Order 1973(b), where that Part or the second of those Orders applied.

(3) In this Order, unless the context otherwise requires, references to any enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

(4) In this Order, unless the context otherwise requires, any reference to a numbered Article or paragraph is a reference to the Article or paragraph bearing that number in this Order or in the Article in question, as the case may be.

Application of this Order

3.—(1) Subject to paragraph (2), this Order applies to any agricultural tenancy.

(2) This Order shall not apply to—

- (a) any letting in conacre; or
- (b) any new letting of agricultural land.

(3) In paragraph (2)(b) “new letting” means any agricultural tenancy granted after 6th November 1972 where the land comprised in the tenancy consists of or includes agricultural land in relation to which there is not a standard rate.

Prevention of rent increases

4. Where, in relation to any land there is a standard rate, rent under an agricultural tenancy (whether granted before or after the commencement of this Order) comprising that land shall, subject to this Order, not be payable for that land in respect of any part of the period during which this Order is in force at a rate exceeding the standard rate by more than 7 per cent.

Land re-let after 4th November 1973

5. Where an agricultural tenancy comes to an end on or after 4th November 1973 and the land is re-let (whether to the previous tenant or not) the rate at which rent is payable shall not exceed the standard rate by more than 7 per cent. except to the extent that any such excess is properly attributable to a variation in the terms of the tenancy.

Improvements

6. Nothing in this Order shall preclude the recovery of the cost of improvements to land comprised in an agricultural tenancy by way of an increased rent—

- (a) where the tenancy was subsisting on 5th November 1972, in accordance with the terms of that tenancy or any agreement subsisting on that date;

(a) S.I. 1972/1913 (1972 III, p. 5695).

(b) S.I. 1973/856 (1973 II, p. 2655).

(b) in all other cases, of an amount representing a yearly increase not exceeding $12\frac{1}{2}$ per cent. of that cost;

and the standard rate in relation to that land shall be increased accordingly.

Recovery of excess rent

7.—(1) Subject to paragraph (3), where a tenant has paid on account of rent any amount which, by virtue of this Order, he is not liable to pay he shall be entitled to recover that amount from the landlord who received it.

(2) Subject to paragraph (3), any amount which a tenant is entitled to recover under paragraph (1) may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord.

(3) No amount which a tenant is entitled to recover under paragraph (1) shall be recoverable at any time after the expiration of two years from the date of payment.

Supplemental

8. Nothing in this Order shall render unlawful any agreement, determination or notice increasing a rent to which this Order applies by a greater amount than that permitted by this Order but, subject to this Order, no increase by a greater amount than aforesaid of any such rent provided or determined by any agreement, arbitration, determination or notice shall have effect during the period while this Order is in force.

Disclosure of information

9. Unless he has a reasonable excuse for not doing so, the landlord under an agricultural tenancy shall, within 21 days of being so requested in writing by the tenant, supply him with a statement in writing of—

(a) the rent which was payable at the date appropriate for the purpose of establishing the standard rate in relation to the land comprised in that tenancy;

(b) the cost of any improvement in respect of which the landlord is requiring an increase in rent by virtue of Article 6.

Determination of questions as to rent

10. Any dispute as to a question arising under this Order in relation to rent or the application of this Order to any land, shall be determined by the Lands Tribunal for Northern Ireland.

Transitional

11. Without prejudice to paragraph 4 of Part I of Schedule 3 to the Counter-Inflation Act 1973, any right acquired or liability or obligation incurred by

virtue of, or any penalty incurred for the contravention of, this Order shall not be affected by Part II of that Act ceasing to be in force, and accordingly any investigation, legal proceedings or remedy in respect of any such right, liability, obligation or penalty may be instituted, continued or enforced as though that Part had continued in force.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

Northern Ireland Office.
30th October 1973.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order (which applies to Northern Ireland only) makes provision, while Part II of the Counter-Inflation Act 1973 is in force, for restricting rent increases under certain agricultural tenancies.

The Order also provides for the recovery by tenants of excess payments of rent.

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