



Agriculture Act 1967

1967 CHAPTER 22

PART II

FARM STRUCTURE AND FARM IMPROVEMENTS, AND PROMOTION OF AGRICULTURAL INVESTMENT

Supplemental

35 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) may 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 for the purposes of the scheme,
- (g) may be varied or revoked by a subsequent scheme,
- (h) shall be made by statutory instrument of which a draft has been laid before and approved by resolution of each House of Parliament.

36 Supplemental provisions as to grants under Part II and application of capital on works thereunder.

- (1) Regulations under this section may confer on a person eligible for grant under section 26 or section 30 of this Act the amount of which depends on the cost of carrying out works of some kind, or on some other cost, the right to elect to take that cost for the purposes of the grant as being of such standard amount as may be determined by or under the regulations.
- (2) Regulations under this section or a scheme under section 26 of this Act may prescribe tests by which expenditure or cost not otherwise qualifying for grant may be regarded, for the purposes of section 26 or section 30 of this Act, and of subsection (1) above, as being partly expenditure qualifying for grant, and partly not, and authorise the making of grant in accordance with the regulations or scheme in respect of the part to be so regarded as qualifying for grant.
- (3) Regulations under this section may provide that where grant is payable under section 26 or section 30 of this Act in respect of a cattle-grid to be provided in pursuance of Part V of the Highways Act 1959 or the Highways (Provision of Cattle-Grids) Act 1950, grant shall be payable to a person making a contribution to the cost of providing the cattle-grid, instead of the authority providing the cattle-grid, and the regulations may provide for adjustment of the amount so paid where any part of the contribution becomes repayable.
- (4) Regulations under this section may also provide for the adjustment, where any contribution in respect of the provision of a cattle-grid becomes repayable in whole or in part, of any amount paid in respect of the contribution by way of grant under section 31 of this Act.
- (5) The provisions of the Settled Land Act 1925 relating to improvements authorised by that Act (including those provisions as extended to trusts for sale by section 28 of the Law of Property Act 1925) shall, if it is so provided by regulations under this section, have effect as if works of any description specified in the regulations, being works of a kind mentioned in Schedule 4 to this Act or prescribed by a scheme under section 26 above, were included in Schedule 3 to that Act (which sets out the improvements so authorised, distinguishing in Parts I, II and III between improvements the costs of which are not liable to be replaced, may be required to be replaced, and must be required to be replaced) and were contained in the Part thereof specified in the regulations.
- (6) In the application of subsection (5) above to Northern Ireland—
 - (a) for any reference to the Settled Land Act 1925 and to Schedule 3 to that Act there shall be substituted references to the Settled Land Act 1882 and to section 25 of that Act, respectively;
 - (b) the words from " (including those provisions " to " Law of Property Act 1925) " and from " distinguishing in " onwards shall be omitted.
- (7) Regulations under this section—
 - (a) shall be made by the appropriate Minister, and 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, and
 - (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

37 Recovery of grant and revocation of approval.

- (1) If at any time after the approval of proposals under section 26, section 27 or section 30 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) If it appears to the appropriate Minister—
- (a) that any condition imposed by him on the making of a grant under section 31 or section 32 of this Act has not been complied with, or
 - (b) that, in connection with his application for a grant under either of those sections, the person by whom the application was made 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 the grant or any part thereof.
- (4) Before making a demand, revoking an approval or giving a direction under the preceding provisions of this section the appropriate Minister—
- (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) If it appears to the appropriate Minister that the circumstances specified in paragraph (a) or (b) of subsection (3) above obtain in the case of a grant under section 32 of this Act payable by instalments, he may direct that future instalments of the grant shall not be payable.
- (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.

38 Recovery of possession of farmhouses made redundant by amalgamation.

(1) This section shall have effect where, after the carrying out of any proposals for amalgamation approved for the purposes of a scheme under section 26 of this Act, a dwelling-house which, at the time when the proposals were submitted, was occupied by a person responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any of the land comprised in the amalgamation is let on a regulated tenancy otherwise than to—

- (a) a person who ceased to be so responsible as part of the amalgamation, or
- (b) a person who is, or at any time was, employed by the landlord in agriculture, or
- (c) the widow of any such person as is mentioned in either of the preceding paragraphs.

(2) If—

- (a) not later than the commencement of the regulated tenancy, the tenant has been given notice in writing that possession may be recovered under this section, and
- (b) apart from the Rent Acts, the landlord would be entitled to recover possession of the dwelling-house, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed or to be employed by the landlord in agriculture,

the court shall, in proceedings commenced by the landlord during the period specified in subsection (3) below, make an order for the possession of the dwelling-house, whether or not it would have power to do so under section 3 of the Act of 1933, and section 5(2) of the Act of 1920 shall not apply in relation to the order.

(3) The period referred to in subsection (2) above is one of five years beginning with the date on which the proposals for the amalgamation were approved or, if occupation of the dwelling-house after the amalgamation continued in, or was first taken by, a person falling within subsection (1)(a) above or his widow, a period expiring three years after the date on which the dwelling-house next became unoccupied.

(4) In this section—

" the Rent Acts " means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939, or any of those Acts, and " the Act of 1920 " and " the Act of 1933 " mean respectively the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 and the Rent and Mortgage Interest Restrictions (Amendment) Act 1933 ;

" employed " and " agriculture " have the same meanings as in the Agricultural Wages Act 1948 or, in Scotland, the Agricultural Wages (Scotland) Act 1949 ;

" landlord ", " tenant " and " tenancy " have the same meanings as in the Act of 1920;

" regulated tenancy " means a tenancy to which the Rent Acts apply by virtue of section 1 of the Rent Act 1965 ; and

" order for possession ", in relation to Scotland, means decree of removing or warrant of ejection or other like order.

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) The Ministry of Agriculture for Northern Ireland may acquire by agreement any estate or interest in—
 - (a) any land used for agriculture,
 - (b) any other agricultural land,
 - (c) where any such land as is mentioned in paragraph (a) or (b) above is offered to the said Ministry 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 Ministry may manage, farm or dispose of land acquired by it under subsection (2) above—
 - (a) in such manner as appears to the said Ministry expedient for the purpose for which the land was acquired,
 - (b) if the said Ministry is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to the said Ministry expedient therefor,and in section 27(1)(W of this Act as it applies in Northern Ireland the reference to the appropriate Minister shall include a reference to the said Ministry.

Section 45(3) of the 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 Land Law (Ireland) Act 1881 shall not have effect in relation to any tenancy granted by the said Ministry 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.
- (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 Ministry 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 the Ministry of Finance for Northern Ireland,
 - (c) the said section 29(3)(a) included a reference to compensation for disturbance under section 3 of the Landlord and Tenant (Ireland) Act 1870.
- (7) The functions conferred by this section on the said Ministry shall be exercised in accordance with arrangements made between the Ministry 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 Ministry in exercising those functions, and any sums received by that Ministry 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.

40 Interpretation of Part II.

- (1) In this Part of this Act, except where the context otherwise requires—
- " 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 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 Crofters (Scotland) Act 1955 and the Small Landholders (Scotland) Acts 1886 to 1931 respectively.