Agriculture Act 1967

1967 CHAPTER 22

PART II

FARM STRUCTURE AND FARM IMPROVEMENTS,
AND PROMOTION OF AGRICULTURAL INVESTMENT

Farm Structure

29 Promotion of amalgamations and boundary adjustments by Minister.

(1) It is hereby declared that the appropriate Minister has power under sections 82 and 90 of the Agriculture Act 1947 and sections 55 and 61 of the Agriculture (Scotland) Act 1948 (powers of acquiring land by agreement and managing land) to acquire, hold and dispose of land for the purposes of effecting amalgamations of agricultural land and reshaping agricultural units.

(2) That power shall include in particular power for the said purposes to enter into transactions involving loss, including—

(a) amalgamating holdings of land in a way which renders less valuable, or useless, any buildings or equipment on any of the land,

(b) allowing the occupier of an uncommercial unit to retain occupation of a dwelling-house on the land when the remainder of the unit is acquired by the appropriate Minister for the purposes of amalgamation,

(c) selling land resulting from an amalgamation effected by the appropriate Minister subject to depreciatory conditions imposed for the purpose of ensuring that the land continues to be held in single ownership and single occupation for agricultural purposes.

(3) A deed by which the appropriate Minister conveys land, or an estate or interest in land, may apply Schedule 3 to this Act to any of that land, and to any other land, but only if all the persons who will have an estate or interest in the land to which Schedule 3 is so applied are parties to the deed; and in that Schedule as so applied " relevant Exchequer payments " shall mean such amounts as are specified in the deed for the purposes of this subsection under the heads of—

(a) the incidental costs incurred by the appropriate Minister in acquiring and disposing of the land, estate or interest conveyed by the deed, being costs consisting of surveyor's fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security, and any compensation for disturbance under section 34 of the Agricultural Holdings Act 1948 or section 35 of the Agricultural Holdings (Scotland) Act 1949,

(b) any such loss as is described in subsection (2) of this section incurred by the appropriate Minister in dealing with the land, estate or interest so conveyed, including any reduction in the purchase price obtained by him on the transaction effected by the deed in consequence of the depreciatory conditions contained in the deed,

(c) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with the transaction to which the deed gives effect,

and " relevant date " means the date on which the transaction to which the deed relates takes effect.

(4) Section 24(1) of the Agricultural Holdings Act 1948 and section 25(1) of the Agricultural Holdings (Scotland) Act 1949 (which restrict the operation of a notice to quit an agricultural holding) shall not apply to a notice to quit given by the appropriate Minister where;—

(a) the appropriate Minister certifies in writing that the notice to quit is given in order to enable him to use or dispose of the land for the purpose of effecting any amalgamation or the reshaping of any agricultural unit, and

(b) the instrument under which the tenancy was granted contains an acknowledgment signed by the tenant that the tenancy is subject to the provisions of this section.

(5) Where an instrument bearing to grant a tenancy contains such an acknowledgment as is mentioned in paragraph (b) of the last foregoing subsection, the grant of the tenancy shall have effect notwithstanding section 16 of the Crofters (Scotland) Act 1955 (vacant crofts), and during the subsistence of the tenancy the provisions of the Crofters (Scotland) Acts 1955 and 1961 and of the Small Landholders (Scotland) Acts 1886 to 1931 shall not apply to any land subject to the tenancy.