



# Agricultural Credits Act 1928

## 1928 CHAPTER 43 18 and 19 Geo 5

### PART II

#### AGRICULTURAL SHORT-TERM CREDITS

#### **8 Supplemental provisions as to agricultural charges.**

- (1) An agricultural charge shall have effect notwithstanding anything in the <sup>M1</sup>Bills of Sales Act, 1878 and <sup>M2</sup>1882, and shall not be deemed to be a bill of sale within the meaning of those Acts.
- (2) Agricultural charges shall in relation to one another have priority in accordance with the times at which they are respectively registered under this Part of this Act.
- (3) Where an agricultural charge creating a floating charge has been made, an agricultural charge purporting to create a fixed charge on, or a bill of sale comprising any of the property comprised in the floating charge shall, as respects the property subject to the floating charge, be void so long as the floating charge remains in force.
- (4) ..... <sup>F1</sup>
- (5) Where a farmer who is [<sup>F2</sup>made] bankrupt has created in favour of a bank an agricultural charge on any of the farming stock or other agricultural assets belonging to him, and the charge was created within three months of the date of the [<sup>F3</sup>making of the bankruptcy application or] presentation of the bankruptcy petition and operated to secure any sum owing to the bank immediately prior to the giving of the charge, then, unless it is proved that the farmer immediately after the execution of the charge was solvent, the amount which but for this provision would have been secured by the charge shall be reduced by the amount of the sum so owing to the bank immediately prior to the giving of the charge, but without prejudice to the bank's right to enforce any other security for that sum or to claim payment thereof as an unsecured debt.
- (6) Where after the passing of this Act the farmer has mortgaged his interest in the land comprised in the holding, then, if growing crops are included in an agricultural charge, the rights of the bank under the charge in respect of the crops shall have priority to

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*Changes to legislation: There are currently no known outstanding effects for the Agricultural Credits Act 1928, Section 8. (See end of Document for details)*

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those of the mortgagee, whether in possession or not, and irrespective of the dates of the mortgage and charge.

- (7) An agricultural charge shall be no protection in respect of property included in the charge which but for the charge would have been liable to distress for<sup>F4</sup>, or the exercise of a power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) to recover,] rent, taxes, or rates.
- (8) An instrument creating an agricultural charge shall be exempt from stamp duty.

#### **Textual Amendments**

- F1** S. 8(4) repealed (E.W.) by *Insolvency Act 1985 (c. 65, SIF 66)*, s. 235, **Sch. 10 Pt. III**
- F2** Word in s. 8(5) substituted (6.4.2016) by *The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481)*, reg. 1, **Sch. 1 para. 2(a)**
- F3** Words in s. 8(5) inserted (6.4.2016) by *The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481)*, reg. 1, **Sch. 1 para. 2(b)**
- F4** Words in s. 8(7) inserted (6.4.2014) by *Tribunals, Courts and Enforcement Act 2007 (c. 15)*, s. 148, **Sch. 13 para. 23** (with s. 89); S.I. 2014/768, art. 2(1)(b)

#### **Marginal Citations**

- M1** 1878 c. 31.
- M2** 1882 c. 43.

**Changes to legislation:**

There are currently no known outstanding effects for the Agricultural Credits Act 1928, Section 8.