

1973 No. 1402

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Agriculture Act 1967 (Amendment) Regulations 1973*Laid before Parliament in draft*

Made - - - 31st July 1973

Coming into Operation 1st September 1973

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, being by virtue of article 2 of, and the Schedule to, the European Communities (Designation) Order 1972(a) designated Ministers for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, in exercise of the power conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations, of which a draft has been approved by resolution of each House of Parliament:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Agriculture Act 1967 (Amendment) Regulations 1973, and shall come into operation on 1st September 1973.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Amendment of the Agriculture Act 1967

2. For the purposes of enabling any Community obligation to be implemented and of dealing with matters arising out of or related to any such obligation, Part II of the Agriculture Act 1967(d), as amended(e), (which relates to grants in connection with alterations in farm structure) shall have effect with the amendments specified in the subsequent provisions of these regulations.

3. In section 26(1)(a) for the word “and” where that word last appears there shall be substituted the words “or, if not so owned, occupied with that other land by a person who shall occupy any part of the resulting unit not owned by him as a tenant (as defined in the Agricultural Holdings Act 1948(f) or, in Scotland, the Agricultural Holdings (Scotland) Act 1949(g)), and”.

(a) S.I. 1972/1811 (1972 III, p. 5216).

(b) 1972 c. 68.

(c) 1889 c. 63.

(d) 1967 c. 22. (e) 1970 c. 40; 1972 c. 62.

(f) 1948 c. 63.

(g) 1949 c. 75.

4. In section 27—

(a) after subsection (1)(c) there shall be inserted—

“(d) where the relinquishment of all or any part of that uncommercial unit is effected for the purpose of facilitating afforestation or for any purpose involving public use.”;

(b) in subsection (2)(c) for the words “the land the occupation of which he relinquishes” there shall be substituted the words “the trade or business of, or employment in, agriculture”;

(c) in subsection (5B) in the words preceding paragraph (a) for the words “by virtue of subsection (1)(a) or (b) of this section” there shall be substituted the words “by virtue of subsection (1)(a), (b) or (d) of this section”.

5. In section 39(5A) for the words “Sections 26(1)(bb) and 27(5B)” there shall be substituted the words “Sections 26(1)(a) and (bb) and 27(5B)”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 31st July 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

26th July 1973.

Gordon Campbell,
Secretary of State for Scotland.

26th July 1973.

Peter Thomas,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to the whole of the United Kingdom, make amendments to sections 26 and 27 of the Agriculture Act 1967 (which make

provision for grants for amalgamations and grants for individuals relinquishing occupation of uncommercial units of agricultural land respectively) and section 39 (provisions relating to Northern Ireland) for the purpose of enabling any Community obligation (and, in particular, Directive 72/160/EEC of the Council (O.J. No. L.96, 23.4.72, p.9 (O.J./S.E. 1972(II), p.332)) on encouragement to cease farming and the allocation of the agricultural land in use for the improvement of agricultural structures) to be implemented.

Section 26 is amended so that in certain circumstances a unit of agricultural land resulting from an amalgamation need not all be in the same ownership. This will be when the part of the unit which is not owned by the occupier is occupied under a tenancy of not less than one year.

Section 27 is amended so that grants under that section may be paid in respect of the relinquishment of occupation of an uncommercial unit of agricultural land for the purpose of facilitating afforestation or for any purpose involving public use and so as to permit the imposition of an income test related to income derived from agriculture in general rather than from the land the occupation of which is relinquished in particular.

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