



# Housing on Farms Act (Northern Ireland) 1972

## 1972 CHAPTER 3

An Act to consolidate the Housing on Farms Act (Northern Ireland) 1950 and certain other enactments. [8th February 1972]

### Modifications etc. (not altering text)

- C1** Act: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9(2))

## PART I

### GRANTS FOR PROVISION OF NEW FARMHOUSES

*S.1 rep. by 1978 NI 2*

#### **2<sup>F1</sup> Restrictions on the making of grants under Part I.**

A grant shall not be paid under this Part in respect of the provision of any new farmhouse where—

- (a) the net annual value of a farmhouse on the farm (other than the new farmhouse) exceeds [<sup>F2</sup> £300]; or
- (b) any other grant out of money provided by Parliament, or by the Parliament of the United Kingdom, is paid in respect of the provision of the farmhouse; or
- (c) the farmhouse when completed will not conform to such standards as the Ministry may prescribe with respect to siting, accommodation and construction.

**F1** Appln. for grant had to be made on or before 31.3.1978 and the building completed by 31.3.1981, [1981 NI 3](#) art.163(2) sch.12

**F2** SR 1976/22

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### **3<sup>F3</sup> Statutory conditions under Part I.**

Where a grant is paid by the Ministry under this Part in respect of the provision of a new farmhouse on any farm, the following conditions (in this Act referred to as “the Part I conditions”) shall, until the expiration of the period of five years next after the date of the payment of the grant (in this section referred to as “the relevant period”), apply in relation to such farmhouse and such farm—

- (a) the new farmhouse shall, as soon as practicable, be occupied as the dwelling-house of a person who is engaged in carrying on and directing operations on the farm on which it is situate, and the farmhouse, or any share therein or any part thereof, shall not, without the consent of the Ministry, be used otherwise than as the dwelling-house of such a person and his family;
- (b) the new farmhouse, or any share therein or part thereof, shall not, without the written consent of the Ministry, be transferred, assigned, let or sub-let to any person otherwise than for use as aforesaid;
- (c) any premises previously used as a farmhouse shall not, without the written consent of the Ministry, be used for human habitation;
- (d) the new farmhouse shall not be enlarged, altered or structurally modified so that the superficial area thereof exceeds fifteen hundred square feet;
- (e) an officer or servant of the Ministry duly authorised by it in writing in that behalf may, where the Ministry has reasonable cause to believe that the Part I conditions are not being performed and observed, at all reasonable times enter the new farmhouse and any premises previously used as a farmhouse for the purpose of ascertaining whether those conditions are being duly performed and observed.

<p><b>F3</b> Appln. for grant had to be made on or before 31.3.1978 and the building completed by 31.3.1981, <a href="#">1981 NI 3</a> art.163(2) sch.12</p>
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## **PART II**

### **GRANTS FOR PROVISION OF HOUSES FOR APPROVED WORKERS**

*S.4 rep. by 1978 NI 2*

### **5 Restrictions on the making of grants under Part II.**

A grant shall not be paid under this Part in respect of the provision of any approved worker's house where—

- (a) any other grant out of money provided by Parliament, or by the Parliament of the United Kingdom, is paid in respect of the provision of the house; or
- (b) the house when completed will not conform to such standards as the Ministry may prescribe with respect to siting, accommodation and construction; or
- (c) the house is so constructed as to be capable of being amalgamated with any other house or houses so that such houses together form a single house.

### **6<sup>F4</sup> Statutory conditions under Part II.**

Where a grant is paid to an applicant by the Ministry under this Part in respect of the provision of an approved worker's house on any farm, the following conditions (in

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this Act referred to as “the Part II conditions” ) shall, until the expiration of the period of five years next after the date of the payment of the grant (in this section referred to as “the relevant period” ), apply in relation to such house and such farm—

- (a) the house shall as soon as practicable be let to an approved worker employed in the service of the applicant for the purpose of carrying out on the farm agricultural operations of the nature specified in the certificate given by the Ministry of Agriculture in respect of the house under section 4(1);
- (b) the house, or any share therein or part thereof, shall not, without the written consent of the Ministry, be transferred, assigned, let or sub-let otherwise than for occupation by an approved worker, and shall not be occupied by any person other than an approved worker and his family;
- (c) the house shall not be enlarged, altered or structurally modified so that the superficial area thereof exceeds one thousand and fifty square feet, and shall not be amalgamated with any other house or houses so that such houses together form a single house;
- (d) an officer or servant of the Ministry duly authorised by it in writing in that behalf may, where the Ministry has reasonable cause to believe that the Part II conditions are not being performed and observed, at all reasonable times enter the house for the purpose of ascertaining whether those conditions are being duly performed and observed.

<p><b>F4</b> Appln. for grant had to be made on or before 31.3.1978 and the building completed by 31.3.1981, 1981 NI 3 art.163(2) sch.12</p>
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*Part III (ss.7#9) rep. by 1976 NI 25*

## PART IV

### MISCELLANEOUS AND GENERAL

#### 10 Expenses.

- (1) Expenses incurred by the Ministry (including the amount of any grants payable by the Ministry under this Act) in consequence of the passing of this Act may be defrayed either out of money provided by Parliament or, if the Ministry of Finance so directs, by means of sums charged on and issued out of the Consolidated Fund, and, for the purpose of providing any sums so issued out of the Consolidated Fund, the Ministry of Finance may borrow any sum which it considers fit, so, however, that the aggregate of the sums to be charged on and issued out of the Consolidated Fund under this subsection shall not, unless and until Parliament otherwise determines, exceed £1,000,000.

*Subs.(2) rep. by SLR 1980*

- (3) Any money borrowed under subsection (1) shall be repaid within any period or periods, not exceeding twenty-five years from the date of borrowing, and provision for such repayment may be made out of money provided by Parliament.

*S.11 rep. by 1976 NI 25; 1978 NI 2*

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## 12 Procedure on application for, and payment of, grants.

*Subs.(1) spent*

- (2) Grants under this Act shall be paid at such times and subject to such conditions as to records, certificates, vouching of expenditure or otherwise as the Ministry may determine.

## 13 Power to remove statutory conditions where grant repaid.

Where the full amount of any grant paid under this Act in respect of any premises, or an amount not less than that repayable under section 14(3) or which would have been so repayable if, at the time of the repayment, there had been a breach or contravention of a condition, has been repaid to the Ministry, the observance of the conditions imposed under this Act with respect to those premises shall, if the Ministry so directs in writing, cease to be required notwithstanding that the period for which those conditions were imposed has not expired.

## 14 Offences and penalties.

- (1) Every person guilty of any breach or contravention of any condition imposed by virtue of section 3 or by virtue of section 6 shall, without prejudice to any other liability, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>[F5]</sup> level 5 on the standard scale].

*Subs.(2) rep. by 1976 NI 25*

- (3) In the event of any breach or contravention of any condition imposed under this Act, there shall become due and repayable to the Ministry, and recoverable upon demand made in writing by the Ministry as a civil debt due to it, such sum as bears to the amount of the grant paid by the Ministry in respect of the premises to which the breach or contravention relates the same proportion as that portion of the period for which the condition was imposed which, at the time of the breach or contravention, remains unexpired bears to the whole of the period.
- (4) Where a person has been convicted of an offence under subsection (1), the court before which he is convicted may, on such conviction, order that, in addition to the amount repayable by him under subsection (3), he shall repay to the Ministry the balance of the grant paid in respect of the premises to which the breach or contravention relates or such lesser sum as the court may consider necessary to remedy the breach or contravention, and that order may, without prejudice to any other remedy, be enforced in like manner as a sum adjudged to be paid by a conviction of that court.
- (5) If, for the purpose of obtaining a grant under this Act, either for himself or for any other person, any person knowingly or recklessly makes any false or fraudulent statement or representation—
- (a) the person making such statement or representation; and
  - (b) any person who received any payment under this Act knowing that such statement or representation had been made;
- shall be guilty of an offence and shall be liable—
- (i) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding<sup>[F5]</sup> level 3 on the standard scale], or to both;
  - (ii) on conviction on indictment, to imprisonment for a term not exceeding two years or to<sup>[F5]</sup> an unlimited fine], or to both.

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- (6) Where any offence punishable under this section has been committed by a body corporate, then, without prejudice to the liability of that body, every person who, at the time of such commission, was a director or other officer of the body corporate, or was purporting to act in any such capacity, shall be liable to be prosecuted as if he had personally committed that offence and shall, if on such prosecution it is shown that he consented to, or connived at, or did not exercise all such diligence as he ought in the circumstances to have exercised to prevent, the offence, be liable to the like conviction and punishment as if he had personally been guilty of that offence.

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## 15 Regulations.

- (1) The Ministry may make regulations prescribing anything which is to be prescribed, and providing for any matter in regard to which regulations may be made under this Act, and generally for carrying this Act into effect.
- (2) All regulations made under this Act shall be subject to negative resolution.

## 16 Interpretation.

In this Act—

- “approved worker”<sup>F6</sup> has the meaning assigned to it by section 4(1)(a);
- “breach or contravention” includes an attempted breach or contravention; and
- “contravention”, in relation to any provision or condition, includes a failure to comply with that provision or, as the case may be, that condition;
- “enactment” includes any provision in any Act (whether public general, local or private) of the Parliament of Northern Ireland or of the Parliament of the United Kingdom and any provision contained in any Order in Council, order, regulation, rule, scheme, byelaw or other instrument made under any such Act;
- “family”, when used in relation to the person using a farmhouse or occupying an approved worker's house, includes all persons usually residing in such house with such person, whether or not related to him by blood or marriage [<sup>F7</sup>or civil partnership] ;
- “farmhouse”, in relation to any farm, means the dwelling-house of a person who is engaged in carrying on and directing agricultural operations on that farm;
- “the Ministry”<sup>F8</sup> has the meaning assigned to it by section 1(1);
- “net annual value” means the net annual value [<sup>F9</sup>as estimated for the purposes of the Rates (Northern Ireland) Order 1977 or, as the case requires, the amount certified by the Commissioner of Valuation under paragraph 7 of Part II of Schedule 16 to that Order];
- “occupier” means the person who is rated as occupier or who, but for the last-mentioned enactment, would have been so rated;
- “the Part I conditions” has the meaning assigned to it by section 3;
- “the Part II conditions” has the meaning assigned to it by section 6;
- “prescribed” means prescribed by regulations made by the Ministry;
- Definition rep. by 1976 NI 25*

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“superficial area”, in relation to any farmhouse or approved worker's house, means the area of that house calculated in accordance with such method as may be prescribed.

- F6** i.e. a worker in the service of the applicant in full time employment in agricultural operations on the farm
- F7** Words in s. 16 inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **130** (with regs. 6-9)
- F8** i.e. M/Dev., now D/Env., SRO (NI) 1973/504; 1976 NI 6
- F9** 1977 NI 28

*S.17, with Schedule 1, effects amendments*

**18 Transitional and saving provisions.**

The transitional and saving provisions specified in Schedule 2 shall have effect for the purposes of this Act.

*S.19, with Schedule 3, effects repeals*

**20 Short title and commencement.**

This Act may be cited as the Housing on Farms Act (Northern Ireland) 1972 ...  
*Commencement ...*

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*Schedule 1—Amendments*

SCHEDULE 2

Section 18.

TRANSITIONAL AND SAVING PROVISIONS

TRANSITIONAL PROVISIONS

- 1 Where an application has been made before the commencement of this Act for a grant under the Housing on Farms Act (Northern Ireland) 1950 , the application shall be deemed to have been made under this Act.

SAVINGS

- 2 The approval of any plan or specification by the Ministry under or for the purposes of any provision of this Act shall not affect the liability of any person to comply with the provisions of any enactment applicable to any works proposed to be carried out in accordance with that plan or specification.
- 3 Notwithstanding the repeal by this Act of any provision of any enactment, any statutory conditions in force immediately before the commencement of this Act shall continue to have effect, and be registrable in the Statutory Charges Register, as if this Act had not been passed.
- 4 Nothing in this Act shall affect the provisions of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 (effect of repeals and of substituting provisions).

*Schedule 3—Repeals*

**Changes to legislation:**

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