

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, SCHEDULE 2. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 2 **E+W+S**

Section 32(8).

S. 26 OF ^{M1}AGRICULTURE ACT 1967 AS AMENDED

Textual Amendments

F1 Schedule 2 repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, Sch.

Modifications etc. (not altering text)

C1 The text of ss. 32(2)(3)(5), 99(2)–(4) and Schedules 2 and 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1967 c. 22.

- 26 (1) The appropriate Minister in accordance with a scheme approve, and (subject to section 50 of the Agriculture Act 1970) make grants out of money provided by Parliament towards expenditure incurred in connection with the carrying out of—
- (a) transactions for securing that agricultural land which is or forms part of an uncommercial unit, but which together with some other agricultural land could form an intermediate unit or commercial unit, shall be owned and occupied with that other land, and
 - (b) transactions for securing that, where an intermediate unit or a commercial unit is not all in the same ownership, any part of it comes to be in the same ownership as the rest of that unit, or in the same ownership as some other part of that unit, but excluding transactions which bring into the same ownership and occupation two or more parts of the unit each of which could by itself form a commercial unit, and
 - (c) transfers or exchanges of agricultural land (or estates or interests in agricultural land) for the purpose of giving more satisfactory boundaries to one or more agricultural units;
- and for the purposes of paragraph (a) above, such assumptions as the appropriate Minister may consider reasonable may be made as to the works and facilities which will be carried out or provided for the benefit of the unit to be formed.
- Transactions within paragraphs (a) and (b) above are in this Part of this Act referred to as “amalgamations”, and transactions within paragraph (c) are in this Part of this Act referred to as “boundary adjustments”.
- (2) A scheme under this section may restrict the amalgamations and boundary adjustments to which it applies in any way, and may in particular exclude amalgamations of land which has reverted from being in single ownership or occupation.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, SCHEDULE 2. (See end of Document for details)

- (3) The expenditure towards which a grant may be made under this section in connection with an amalgamation or boundary adjustment shall be any costs of the amalgamation or boundary adjustment of any description specified in the scheme.
- (4) A scheme under this section may make different provision for different circumstances.
- (5) The amount of any grant payable under this section towards expenditure shall be determined in such manner as may be provided for by or under the scheme.
- (6) A scheme under this section shall provide for grant in respect of such of any expenditure such as is mentioned in subsection (3) above as is approved for the purposes of grant by the appropriate Minister in connection with an amalgamation or boundary adjustment approved by that Minister in pursuance of the scheme, and any such approval—
- (a) may be given either before or, in any case where the appropriate Minister thinks fit, after the expenditure has been incurred or the amalgamation or boundary adjustment has been carried out;
 - (b) may be given subject to such conditions as the appropriate Minister may specify, and in particular subject to any condition as to the time within which the amalgamation or boundary adjustment is to be carried out or as to the carrying out or provision within a specified period of specified works or facilities appearing to the appropriate Minister to be necessary as a consequence of the amalgamation or boundary adjustment;
 - (c) may be varied or withdrawn by the appropriate Minister with the written consent of the person on whose application the approval was given;
- and the appropriate Minister may, if he thinks fit, for the purposes of a claim for grant under section 29 of the Agriculture Act 1970 issue a certificate with respect to any work or facility that he considers it to be necessary or desirable as a consequence of an amalgamation, or to be necessary as a consequence of a boundary adjustment, approved by that Minister in pursuance of the scheme.
- (7) After the payment of any grant under this section, any grant under section 29 of the Agriculture Act 1970 in respect of any work or facility certified under subsection (6) above or any grant under subsection (1)(a) of the next following section in connection with an amalgamation the relevant unit shall be subject to the provisions of Schedule 3 to this Act and—
- (a) the appropriate Minister shall not approve the amalgamation unless satisfied that all persons having an estate or interest in the relevant unit have given their written consent to the application of that Schedule to the relevant unit,
 - (b) the relevant unit shall be, or be part of, the agricultural unit or units specified for the purposes of this subsection by the appropriate Minister in the document giving his approval to the amalgamation, and
 - (c) in the said Schedule 3 as applied by this subsection “relevant Exchequer payments” shall mean—
 - (i) any such grant as aforesaid in respect of such expenditure as the appropriate Minister may certify as being expenditure related to the relevant unit, and
 - (ii) 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 making the grant,

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and “the relevant date” shall, for any grant and the related administrative expenses, be the date when the grant was paid.

- (8) In the case of the payment of any grant under this section or any such grant under section 29 of the Agriculture Act 1970 as is referred to in the last foregoing subsection in connection with a boundary adjustment the appropriate Minister may, if he thinks fit, designate in the document giving his approval to the boundary adjustment any land appearing to him to benefit from the boundary adjustment as land which, after the payment of that grant, is to be a relevant unit subject to the provisions of Schedule 3 to this Act, and paragraphs (a) and (c) of the last foregoing subsection shall apply in relation to the boundary adjustment as they apply in relation to an amalgamation.
- (9) The duration of a scheme under this section shall be a period not exceeding seven years, but that period may from time to time be extended by further schemes under this section for periods not exceeding seven years.
- (10) A grant shall not be made under section 16 of the ^{M2}Agriculture Act 1957 (which relates to grants towards costs of amalgamation and is superseded by this section) in respect of a transaction proposed in an application made under that section after the coming into force of the first scheme made under this section, and so much of subsection (2) of the said section 16 as limits the time within which applications may be made under that section shall cease to have effect.
- (11) The following enactments—
- (a) section 6(c) of the ^{M3}Hill Farming Act 1946,
 - (b) section 5(3) of the ^{M4}Agriculture (Small Farmers) Act 1959, or
 - (c) section 2(3) of the ^{M5}Agriculture and Horticulture Act 1964,

(under which grant under those Acts may be recovered by the appropriate Minister if there is a failure to carry out proposals), and any provision to the like effect in regulations made under section 77(3) of the ^{M6}Agriculture (Scotland) Act 1948 or section 22(4) of the ^{M7}Crofters (Scotland) Act 1955, shall not apply where in the opinion of the appropriate Minister the carrying out of the proposals is, as a consequence of an amalgamation or boundary adjustment approved in pursuance of a scheme under this section or in consequence of the carrying out or provision of works or facilities certified under subsection (6) thereof, impracticable or to no purpose or unduly expensive.]

Marginal Citations

- M2** 1957 c. 57.
M3 1946 c. 73.
M4 1959 c. 12.
M5 1964 c. 28.
M6 1948 c. 45.
M7 1955 c. 21.

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