



# Agriculture (Miscellaneous Provisions) Act 1972

## 1972 CHAPTER 62

### 9 Amendments as to grants and loans in connection with alterations of farm structure. **U.K.**

(1) Part II of the <sup>M1</sup>Agriculture Act 1967 (grants and loans in connection with alterations in farm structure) shall have effect with the amendments specified in subsections (2) to (6) of this section.

[<sup>F1</sup>(2) In section 26—

(a) in subsection (1)—

(i) for the words preceding paragraph (a) there shall be substituted the words “The appropriate Minister may in accordance with a scheme and subject to section 50 of the <sup>M2</sup>Agriculture Act 1970 make, out of money provided by Parliament, grants of amounts determined in such manner as may be provided by or under the scheme in connection with the carrying out of any of the following transactions approved by him in pursuance of that scheme, that is to say—” ;

(ii) after paragraph (b) there shall be inserted—

“(bb) transactions securinf that, where the person occupying an intermediate unit or a commercial unit occupies any part or parts of it otherwise than as owner or as a tenant as defined in the Agricultural Holdings Act 1948 (or, in Scotland, the Agricultural Holdings (Scotland) Act 1949), he comes to occupy that part or all those parts as owner or as such a tenant, and” ;

(iii) at the end of subsection (2) there shall be inserted the words “or, as respects transactions within subsection (1)(bb) of this section, cases where after the transaction has been effected the unit is not in single ownership” ;

(c) subsections (3) and (5) shall be omitted ;

(d) in subsection (6)—

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*Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1972, Section 9. (See end of Document for details)*

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- (i) for the words preceding paragraph (a) there shall be substituted the words “Any approval in pursuance of a scheme under this section of an amalgamation or boundary adjustment—” ;
- (ii) in paragraph (a) the words “the expenditure has been incurred or” shall be omitted.

(3) In section 27—

- (a) in subsection (1) in the words preceding paragraph (a) for the words “relinquishes his occupation of an uncommercial unit” there shall be substituted the words “relinquishes his occupation of, or of part of, an uncommercial unit” ;
- (b) after subsection (5A) there shall be inserted—

“(5B) A scheme made by virtue of subsection (1)(a) or (b) of this section may make provision whereby a person is treated for the purposes of the scheme, to such extent and in such cases as may be prescribed—

- (a) as the occupier of any land in respect of which he has granted, or agreed to grant, to another person a licence or tenancy of a kind not making that other person a tenant as defined in the Agricultural Holdings Act 1948 (or, in Scotland, the Agricultural Holdings (Scotland) Act 1949) ;
- (b) as relinquishing his occupation of that land if he relinquishes his remaining estate or interest in the land ;
- (c) as relinquishing his occupation of, or of part of, an uncommercial unit of agricultural land if the land was, or was part of, such a unit immediately before he first granted or agreed to grant such a licence or tenancy as aforesaid ;

and, in relation to any provision made by virtue of this subsection, subsections (2), (4) and (5A) of this section shall not apply but provision may be made in this scheme for corresponding purposes.”]

(4) In section 28(1) for paragraph (a) there shall be substituted—

- “(a) the costs of the amalgamation or boundary adjustment 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, or
- (aa) expenditure incurred in the carrying out or provision of works or facilities which the appropriate Minister considers to be necessary or desirable as a consequence of the amalgamation, or to be necessary as a consequence of the boundary adjustment, or” ; and for the words “or expenditure under both paragraphs (a) and (b) above” there shall be substituted the words “or expenditure under all or any two of paragraphs (a), (aa) and (b) above”.

[<sup>F1</sup>(5) In section 39 (application to Northern Ireland) after subsection (5) there shall be inserted—

“(5A) Sections 26(1)(bb) and 27(5B) of this Act shall, in their application to Northern Ireland, have effect as if references to a tenant as defined in the Acts there mentioned were references to a tenant who holds under a contract of tenancy for a life or lives for a term of years.”]

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- (6) In section 40(3) (uncommercial unit not to include dwelling houses) after the words “exclusive of any one dwelling house of the unit” there shall be inserted the words “or of an area sufficient to provide a site for one dwelling house”.
- (7) In section 50 of the <sup>M3</sup>Agriculture Act 1970 (which among other things precludes the making of certain grants to smallholdings authorities under schemes made under section 26 of the said Act of 1967 unless an application for the grant has been made within five years from the date when the scheme comes into operation) for the words “within five years from the date when the scheme comes into operation” there shall be substituted the words “before the end of 1975”.
- [<sup>F1</sup>(8) Any scheme made by virtue of section 26 of the said Act of 1967 as that section had effect before the passing of this Act shall (without prejudice to its variation or revocation by a subsequent scheme) continue to have effect as if this Act had not been passed.]
- (9) Sections [<sup>F2</sup>26(1) to (6) and] 28(1) of the said Act of 1967 as amended by this section are set out in Schedule 4 to this Act.

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**Textual Amendments**

- F1** Ss. 9(2)(3)(5)(8), 10(1)(2)(4) repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**
- F2** Words repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**

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**Modifications etc. (not altering text)**

- C1** The text of ss. 3, 8(5), 9(4)(6)(7), 10(5), 11, 12(2),(3) (b)(c), 17(1), Sch. 5, Sch. 6 (in part) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

- M1** 1967 c. 22.
- M2** 1970 c. 40.
- M3** 1970 c. 40.

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1972, Section 9.