



Rent (Agriculture) Act 1976

1976 CHAPTER 80

PART IV

REHOUSING

27 Applications to housing authority concerned

- (1) An application may be made by the occupier of land used for agriculture to the housing authority concerned (" the authority ") on the ground that—
 - (a) vacant possession is or will be needed of a dwelling-house which is subject to a protected occupancy or statutory tenancy, or which is let on or subject to a tenancy to which subsection (2) below applies, in order to house a person who is or is to be employed in agriculture by the applicant, and that person's family,
 - (b) the applicant is unable to provide, by any reasonable means, suitable alternative accommodation for the occupier of the dwelling-house, and
 - (c) the authority ought, in the interests of efficient agriculture, to provide the suitable alternative accommodation.
- (2) This subsection applies to any tenancy which is a protected or statutory tenancy for the purposes of the Rent Act 1968 and which—
 - (a) if it were a tenancy at a low rent, and
 - (b) if (where relevant) any earlier tenancy granted to the tenant, or to a member of his family, had been a tenancy at a low rent,would be a protected occupancy or statutory tenancy.
- (3) In this Act" the housing authority concerned " means—
 - (a) where the dwelling-house of which vacant possession is required is in a London borough, the council of that borough or the Greater London Council if they have agreed with them to discharge their functions under this Act,
 - (b) in the Isles of Stilly, the Council of those Isles,
 - (c) in any other area, the local authority having functions under Part V of the Housing Act 1957 in relation to that area.

28 Duty of housing authority concerned

- (1) An application to the authority shall be in writing and, if the authority so direct, shall be in such form as the authority direct; and there shall be a sufficient compliance with a direction under this subsection if the application is in a form substantially to that same effect as the form specified in the direction.
- (2) The authority shall, within seven days of their receiving the application, notify the occupier of the dwelling-house of which possession is sought ("the dwelling-house") that the application has been made.
- (3) The authority, or the applicant, or the occupier of the dwelling-house, may obtain advice on the case made by the applicant concerning the interests of efficient agriculture, and regarding the urgency of the application, by applying for the services of a committee under section 29 of this Act.
- (4) The committee shall tender its advice in writing to the authority, and make copies of it available for the applicant and the occupier of the dwelling-house.
- (5) In assessing the case made by the applicant and in particular the importance and degree of urgency of the applicant's need, the authority shall take full account of any advice tendered to them by the committee in accordance with section 29 of this Act, and in any legal proceedings relating to the duty imposed on the authority by this section evidence shall be admissible of the advice so given.
- (6) The authority shall notify their decision on the application in writing to the applicant, and to the occupier of the dwelling-house, stating—
 - (a) if they are satisfied that the applicant's case is substantiated in accordance with section 27 above, what action they propose to take on the application;
 - (b) if they are not so satisfied, the reasons for their decision.
- (7) If the authority are satisfied that the applicant's case is substantiated in accordance with section 27 above, they shall use their best endeavours to provide the suitable alternative accommodation; and in assessing under this subsection the priority to be given to meet the applicant's case, the authority shall take into account the urgency of the case, the competing claims on the accommodation which they can provide and the resources at their disposal.
- (8) Without prejudice to any other means of enforcing the duty imposed by subsection (7) above, that duty shall be enforceable, at the suit of the applicant, by an action against the authority for damages for breach of statutory duty.
- (9) The authority shall not be obliged to provide suitable alternative accommodation if, at the time when the accommodation becomes available, the person for whom it is to be provided is employed by the applicant in the same capacity as that in which he was employed by the applicant at the time when the application was made, and he will continue to be so employed if provided with the alternative accommodation.
- (10) The continuance of the obligation imposed on the authority by this section shall depend on compliance by the applicant with any reasonable request made by the authority for information about any change in circumstances which takes place after the making of the application, and which might affect the merits of the applicant's case.
- (11) Any material change of facts which have been stated to the authority, or to the committee, by the applicant or, in relation to the application, by the occupier of the dwelling-house, shall be notified to the authority as soon as practicable by the person

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making the statement unless before the change accommodation has been provided in accordance with the application, or the authority have decided that the applicant's case is not substantiated.

A person who without reasonable excuse fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding £400.

- (12) An application under this section shall lapse if the applicant ceases to be the occupier of the land used for agriculture, but without prejudice to the making of an application by any other person who is or becomes the occupier.
- (13) In this section and section 27 of this Act references to the authority providing housing accommodation are references to its provision by any means open to the authority, whether direct or indirect.
- (14) If in or in connection with an application under this section the applicant or any other person knowingly or recklessly makes a false statement for the purpose of inducing the authority to provide housing accommodation, he shall be liable on summary conviction to a fine not exceeding £400.

29 Agricultural dwelling-house advisory committees

- (1) In the area of each agricultural wages committee established under the Agricultural Wages Act 1948 there shall be one or more agricultural dwelling-house advisory committees (in this section called " committees ") to perform the functions given them under section 28 of this Act.
- (2) An application under section 28 of this Act for advice may be made to the chairman of the agricultural wages committee for the area in question for the appointment or designation of a committee to give the advice.
- (3) Each committee shall be appointed by the chairman of the agricultural wages committee, and he may include persons who are not members of the agricultural wages committee.
- (4) If there is no chairman, or if the chairman is unable to act, a vice-chairman of the agricultural wages committee may act in his place under this section.
- (5) Each committee shall be composed of an independent member, who is the chairman, a member representing employers and a member representing workers in agriculture.
- (6) The chairman of the committee shall be appointed from a panel of persons approved by the Minister.
- (7) All three members of a committee must be present at any meeting of the committee, and no meeting shall be held during a vacancy in the membership.
- (8) In carrying out their functions under section 28 of this Act committees shall act in accordance with any directions, whether general or specific, given to them by the Minister.
- (9) The Minister may, if he thinks fit, make regulations contained in a statutory instrument regulating the procedure and meetings of committees, and may from time to time give directions, whether specific or general, regarding their procedure.
- (10) Subject to regulations, or any direction, under subsection (9) above the procedure of any committee shall be such as the chairman of that committee may direct.

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- (11) The Minister may appoint a secretary for a committee, and there shall be paid to the members of a committee, and to the person who appoints or designates a committee, such fees and allowances by way of compensation for expenses incurred and time lost by them in the performance of their duties as the Minister may sanction with the consent of the Minister for the Civil Service.
- (12) The Minister may with the consent of the Minister for the Civil Service make payments to persons other than members of a committee by way of fees or compensation for expenses incurred and time lost by them in or in connection with their giving, at the request of the committee, any advice or information.
- (13) Payments made by the Minister under this section shall be defrayed out of money provided by Parliament.
- (14) In this section "the Minister" means the Minister of Agriculture, Fisheries and Food.