
STATUTORY INSTRUMENTS

1995 No. 904

The Moorland (Livestock Extensification) Regulations 1995

Change of occupation

7.—(1) Where there is a change of occupation, during the extensification period, of the whole or any part of a beneficiary's holding by reason of the devolution of that holding or part on the death of that beneficiary, or otherwise—

- (a) the beneficiary (or, if he has died, his personal representative) shall within 3 months (or, where the beneficiary has died and a personal representative is not appointed within three months, as soon as is practicable) notify the Minister in writing of the change of occupation, and shall supply to the Minister such information relating to that change of occupation in such form and within such period as the Minister reasonably may determine;
- (b) subject to the provisions of this regulation, the new occupier of that holding or part may give an undertaking to the Minister to comply, for the remainder of the extensification period, with the extensification obligations assumed by the original occupier relating to that holding or part.

(2) The Minister shall not accept an undertaking from a new occupier of a holding or part of a holding to comply with extensification obligations assumed by the original occupier relating to that holding or part where any original participating production unit comprised in that holding has been divided into parts or has ceased to be farmed as a separate unit.

(3) Where there is a change of occupation of part of a holding, or a holding is divided into parts on the death of the beneficiary, the Minister may—

- (a) determine the undertakings which he reasonably believes should be given in respect of each part of the holding so as to ensure the environmental benefit for which undertakings were given by the original occupier is achieved; and
- (b) apportion the entitlement to payments under these Regulations between the occupiers of the parts of the holding.

(4) A new occupier who gives an undertaking to comply with the extensification obligations assumed by the original occupier shall supply to the Minister such information in such form and within such period following the change of occupation as the Minister reasonably may require.

(5) Where the Minister has accepted an undertaking from a new occupier to comply with the extensification obligations undertaken by the original occupier—

- (a) the new occupier shall be deemed to be a beneficiary; and
- (b) his undertaking to comply with those extensification obligations shall be deemed to take effect on the date of the acceptance by the Minister of that undertaking.

(6) Where within 3 months from the date of change of occupation of the whole or any part of a beneficiary's holding an undertaking has not been given under this regulation to comply with the extensification obligations assumed by the original occupier in relation to each original participating production unit comprised in that holding (including any undertaking from the original occupier revised to take account of a determination by the Minister under paragraph (3)), the Minister may—

- (a) withhold the whole or any part of any payments due to the original occupier in so far as they relate to any such unit in respect of which an undertaking has not been given; and

- (b) recover from the original occupier or his personal representatives the whole or any part of any payments of aid already made to him in so far as they related to any such unit in respect of which an undertaking has not been given.
- (7) Paragraph (6) shall not apply where the change of occupation of a holding or part of a holding is the result of—
- (a) the death of the original occupier, and
 - (i) that original occupier occupied that holding or part as a tenant; and
 - (ii) following the death of that original occupier the tenancy or lease under which he occupied that holding or part was terminated by the landlord;
 - (b) the compulsory purchase of that holding or part; or
 - (c) the termination of a tenancy following the operation of a notice to quit to which the Agricultural Land Tribunal has consented under section 26(1) of the Agricultural Holdings Act 1986⁽¹⁾, having been satisfied as to any of the matters specified in section 27(3) of that Act, or the termination of a tenancy following the service of a notice to quit stating that the circumstances in Case A, B, G or H of Schedule 3 to that Act apply.
- (8) Where all or part of the land which has been compulsorily purchased was used for grazing or forage on a participating production unit, the area so used shall be subtracted, at the request of the beneficiary in writing, from the total area required to be used for the purposes of grazing or forage by the beneficiary.
- (9) In this regulation, in relation to any change of occupation, “original occupier” means the occupier immediately before such change.

(1) 1986 c. 5.