

Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1972, SCHEDULE 4 . (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 4

Section 9.

SECTIONS 26(1) TO (6) AND 28(1) OF ^{M1}AGRICULTURE ACT 1967 AS AMENDED

Textual Amendments

F1 [Sch. 4](#) repealed (N.I.) so far as it relates to s. 26(1) to (6) of the Agriculture Act 1967 by [S.I. 1987/166](#) (N.I. 1), art. 20, [Sch.](#)

Modifications etc. (not altering text)

C1 For subsequent amendments of ss. 26(1)–(6) and 28(1) of [Agriculture Act 1967](#) (c. 22, SIF 2:1) see the entries for that Act.

Marginal Citations

M1 [1967 c. 22.](#)

26 (1) The appropriate Minister may in accordance with a scheme and subject to section 50 of the ^{M2}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 the scheme, that is to say—

- (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
- (bb) transactions for securing 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 ^{M3}Agricultural Holdings Act 1948 (or, in Scotland, the ^{M4}Agricultural Holdings (Scotland) Act 1949), he comes to occupy that part or all those parts as owner or as such a tenant, 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), (b) and (bb) above are in this Part of this Act referred to as “amalgamations”, and transactions within

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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 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.
- (4) A scheme under this section may make different provision for different circumstances.
- (6) Any approval in pursuance of a scheme under this section of an amalgamation or boundary adjustment—
 - (a) may be given either before or, in any case where the appropriate Minister thinks fit, after 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 ^{M5}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.

Marginal Citations

- M2** 1970 c. 40.
- M3** 1948 c. 63.
- M4** 1949 c. 75.
- M5** 1970 c. 40.

- 28 (1) The appropriate Minister may with the approval of the Treasury make or guarantee loans to meet expenditure incurred in connection with an amalgamation or boundary adjustment approved by the appropriate Minister in pursuance of a scheme under section 26 of this Act, being—
 - (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 ^{M6}Agricultural Holdings Act 1948 or section 35 of the ^{M7}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

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- (b) any part of the purchase price of any land acquired as part of the amalgamation or as the case may be any part of the purchase price of land acquired, or of money given by way of equality of exchange, as part of the boundary adjustment,
- or expenditure under all or any two of paragraphs (a), (aa) and (b) above.]

Marginal Citations

M6 1948 c. 63.

M7 1949 c. 75.

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