



# Rent (Agriculture) Act 1976

## 1976 CHAPTER 80

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTAL

#### **32 Rent allowances**

- (1) The Housing Finance Act 1972 shall have effect subject to the amendments set out in Schedule 7 to this Act.
- (2) On the prescribed date local authorities shall under Part II of the Housing Finance Act 1972 bring into operation schemes varying or replacing their existing rent allowance schemes so as to take account of the amendments set out in Schedule 7 to this Act.
- (3) Until the prescribed date nothing in this section or in that Schedule shall invalidate the existing allowance scheme of a local authority or cause the authority to be regarded as being in breach of section 20(1) of the Housing Finance Act 1972 (which requires allowance schemes to conform with Schedules 3 and 4 thereto), and that Act shall continue to apply in relation to the existing scheme as if this Act had not passed.
- (4) In this section " the prescribed date " means such date as the Secretary of State may by order contained in a statutory instrument appoint.
- (5) There shall be paid out of money provided by Parliament any increase in the sums payable out of money so provided under any Act other than this Act which is attributable to any provision of this section or Schedule 7 to this Act.
- (6) There shall be paid into the Consolidated Fund any increase in the payments to be made to, or to be recoverable by, the Secretary of State under any Act other than this Act which is attributable to any provision of this section or Schedule 7 to this Act.

#### **33 Suspension of condition attached to planning permission**

- (1) This section applies where planning permission as respects a dwelling-house is or has been granted subject to a condition that the occupation of the dwelling-house is limited to a person employed in agriculture or forestry.

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- (2) If and so long as the dwelling-house is subject to a protected occupancy or statutory tenancy, or is let on or subject to a tenancy to which subsection (3) below applies, the condition shall be suspended.
- (3) 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.
- (4) Suspension of the condition shall not affect the operation of section 32(1)(b) of the Town and Country Planning Act 1971 (application for continuance of planning permission without compliance with a condition subject to which permission was granted).
- (5) Subsection (1) applies irrespective of the degree to which the condition circumscribes the employment in agriculture or forestry, irrespective of the other persons covered by the condition, and irrespective of the way in which agriculture or forestry is defined.

### **34 Interpretation**

- (1) In this Act, unless the context otherwise requires—
  - " landlord " includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant who is, or but for Part II of this Act would be, entitled to possession of the dwelling-house,
  - " licence " means any contract whereby (whether or not the contract contains other terms) one person grants to another, whether or not for any consideration, the right to occupy a dwelling-house as a residence, and references to the granting of a licence shall be construed accordingly,
  - " rates " includes water rates and charges and an occupier's drainage rate,
  - " tenancy " includes sub-tenancy,
  - " tenancy at a low rent " means a tenancy under which either no rent is payable or the rent payable is less than two-thirds of the rateable value which is or was the rateable value of the dwelling-house on the appropriate day for the purposes of the Rent Act 1968,
  - " tenant " includes statutory tenant and also includes a sub tenant and any person deriving title under the original tenant or sub-tenant.
- (2) In this Act reference to tenancies include, unless the context otherwise requires, references to licences, and cognate expressions, including those in subsection (1) above, shall be construed accordingly.
- (3) For the purposes of this Act a dwelling-house may be a house or part of a house.
- (4) It is hereby declared that any power of giving directions conferred by this Act includes power to vary or revoke directions so given.
- (5) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Act.

### **35 Isles of Scilly**

- (1) The Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly may by order direct that any of the provisions of this Act shall, in their application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as may be specified in the order.
- (2) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order so made.

### **36 Application to Crown property**

- (1) Subject to section 5(1) of this Act, this Act shall apply in relation to premises in which there subsists, or at any material time subsisted, a Crown interest as it applies in relation to premises in which no such interest subsists or ever subsisted.
- (2) In this section " Crown interest" means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall or to a government department, or which is held in trust for Her Majesty for the purposes of a Government department.

### **37 Offences by bodies corporate**

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

### **38 Prosecution of offences**

Without prejudice to section 222 of the Local Government Act 1972 (power of local authorities to prosecute or defend legal proceedings), proceedings for an offence under any provision of this Act except section 31(6) may be instituted by the housing authority concerned.

### **39 Expenses**

There shall be paid out of moneys provided by Parliament—

- (a) any expenses incurred by a Minister, or Government department, in consequence of the provisions of this Act, and
- (b) any increase in sums so payable under any other Act which is attributable to the provisions of this Act.

### **40 Short title, etc.**

- (1) This Act may be cited as the Rent (Agriculture) Act 1976.

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- (2) Schedule 8 to this Act contains consequential and minor amendments of other Acts.
- (3) Schedule 9 to this Act contains transitional provisions.
- (4) In Schedule 15 to the Rent Act 1968, the entry relating to section 75(3) of the Housing Act 1964 (which is superseded by paragraph 11 of Schedule 8 to this Act) is hereby repealed.
- (5) This Act shall not extend to Scotland or Northern Ireland.