



Hill Farming Act 1946

1946 CHAPTER 73

Rehabilitation of Hill Farming Land

9 Operation of the Agricultural Holdings Act, 1923, etc., in relation to improvement schemes

- (1) Subject to the provisions of this section, the Agricultural Holdings Act, 1923, shall apply to improvements for which provision is made by an approved hill farming land improvement scheme as it applies to other improvements.
- (2) Where a tenant of a holding within the meaning of the said Act of 1923 has made thereon an improvement comprised in Part I or Part II of the First Schedule to that Act in accordance with provision in such a scheme for the making of the improvement and for the tenant's being responsible for doing the work, being provision included in the scheme at the instance or with the consent of the landlord, then,—
 - (a) in the case of an improvement comprised in the said Part I, the landlord shall be deemed to have consented as mentioned in section two of that Act in relation to the improvement ; or
 - (b) in the case of an improvement comprised in the said Part II, the tenant shall be deemed to have given notice to the landlord as mentioned in section three of that Act in relation to the improvement;

and any agreement as to compensation or otherwise made between the landlord and the tenant in relation to the improvement shall have effect as if it had been such an agreement on terms as is mentioned in the said section two, or the said section three, as the case may be :

Provided, as respects an improvement comprised in the said Part II, that subsection (3) of the said section three (which confers on a landlord power to execute an improvement as to which notice is given by a tenant, and to recover as rent from the tenant a sum in respect of outlay incurred) shall not apply.

- (3) Where such a scheme provides for the making of an improvement that is for the benefit of a holding within the meaning of the said Act of 1923 and for- the landlord's being responsible for doing work required for making the improvement, and that provision is included in the scheme at the instance or with the consent of the tenant, the landlord

Status: This is the original version (as it was originally enacted).

shall be entitled, in respect of the cost incurred by him of doing that work in accordance with the scheme, so far as approved by the appropriate Minister for the purposes of improvement grant as having been reasonably incurred, to recover from the tenant as rent a sum equal to such percentage per annum (not exceeding five per cent. per annum) of one-half of that cost as may be agreed between the landlord and the tenant, or, in default of agreement. between them, as may be determined by arbitration under the Agricultural Holdings Act, 1923 :

Provided that, if on the ground of the work's being badly done the appropriate Minister withholds or reduces the improvement grant in respect of that cost or takes steps to recover it or part of it, he may direct that the right conferred by this section in respect of that cost shall not be exercisable in respect thereof or of a specified part thereof, and any such direction given after that right has been exercised shall be retrospective and any excess rent paid shall be repaid accordingly.

- (4) Paragraph (b) of subsection (5) of section twelve of the said Act of 1923 (which provides that an arbitrator, in determining what rent is properly payable in respect of a holding, shall not take into account any increase in the rental value due to improvements so far as they were executed wholly or partly by and at the expense of the tenant and in the other circumstances therein mentioned, or fix that rent at a higher amount than would have been payable if those improvements had not been so executed) shall apply to improvements so far as the expense of the execution thereof is made good to the person by whom it was incurred by a payment by way of improvement grant.
- (5) For the purpose's of paragraph (b) of subsection (5) of section twelve of the said Act of 1923, expense of a tenant which is made good to him by a payment by way of improvement grant shall be treated as expense of his notwithstanding that it is so made good.
- (6) In assessing the amount of any compensation payable, whether under the said Act of 1923 or under custom or agreement, to a tenant of agricultural land, if it is shown to the satisfaction of the person assessing the compensation that the improvement or cultivations in respect of which the compensation is claimed was or were wholly or in part the result of or incidental to work in respect of the cost of which an improvement grant has been paid or will be payable, the amount of the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement or cultivations, and the compensation shall be reduced to such extent as that person considers appropriate.