3. NORTHERN IRELAND

HILL FARMING

(1) *Cottages.*
(2) *Hill Cattle Schemes*, p. 113.
(3) *Hill Sheep Schemes*, p. 115.

(1) COTTAGES

The Hill Farming (Cottages) (Northern Ireland) Regulations, 1948

1948 No. 1605

Made - - - -	6*th July*, 1948
Laid before Parliament	12*th July*, 1948
Coming into Operation	15*th July*, 1948

The Minister of Agriculture and Fisheries in exercise of the powers conferred upon him by Section 10 of the Hill Farming Act, 1946(a), hereby makes the following Regulations:—

Citation and Application

1. These Regulations may be cited as the Hill Farming (Cottages) (Northern Ireland) Regulations, 1948, and shall apply to Northern Ireland.

Interpretation

2. The Interpretation Act, 1889(b), as applied to Northern Ireland by the Interpretation Act, 1921(c), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Definitions

3. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

" The Minister " means the Minister of Agriculture and Fisheries.

" Cottage " means a cottage in relation to which an improvement grant or any part thereof has been, or falls to be, made in respect of the cost of work done for the erection, improvement, or reconditioning thereof in accordance with an approved hill farming land improvement scheme.

" Owner " means the person who is for the time being receiving or who, if the cottage were let at a rent, would receive the rent of the cottage, provided that if in any case the person, who by virtue of this definition would be the owner of the cottage, is a person himself liable to pay a rack rent in respect of the cottage, or a rack rent in respect of any property comprising the cottage, to a superior landlord, that superior landlord and not the person aforesaid shall be deemed to be the owner of the cottage for the purposes of these Regulations.

" Tenant " means a worker employed under a contract of service in agriculture or employed under a contract of service in an industry mainly dependent on agriculture to whom a cottage is let on a contract of tenancy, or any person to whom a cottage is so let with the consent of the Minister.

Conditions applicable to a cottage in respect of which an improvement grant is payable

4. Subject to the provisions of these Regulations, where an improvement grant has been made by the Minister in accordance with the provisions of the Hill Farming Act, 1946, in respect of cost of work done for the erection, improvement, or reconditioning of a cottage, the following conditions shall

(a) 9 & 10 Geo. 6. c. 73. (b) 52 & 53 Vict. c. 63.
(c) 12 Geo. 5. c. 4 (N.I.).

apply to that cottage with respect to the occupation and maintenance thereof for a period of twenty years from the date on which it first becomes fit for occupation after the completion of the work.

(i) The cottage shall not be occupied except by the owner or by a tenant.

(ii) The cottage shall be maintained by the owner so as to be in all respects fit for human habitation.

(iii) The owner of the cottage shall from time to time, on being so required by the Minister, furnish to the Minister a certificate that the foregoing conditions are being complied with in respect of the cottage.

Recovery and withholding of payments on any breach of the conditions

5. In the event of a breach of any of the conditions applied to a cottage by these Regulations the Minister may recover as a debt due from the owner of the cottage for the time being all sums paid (whether before or after the breach) on account of the improvement grant together with interest thereon as from the respective dates on which the payments were made at the rate of three per cent. per annum, and may withhold any sums which, apart from the breach, would be payable to such owner. From the date on which such sums are recovered by the Minister the conditions shall cease to apply to the cottage.

Cessation of application of conditions on voluntary repayment

6. Except where there has been a breach of the conditions applied to a cottage by these Regulations, such Regulations shall cease to apply on payment by the owner to the Minister at any time during the period of 20 years within which such conditions may be applicable of an amount bearing the same proportion to the payment made by way of grant as the period between the date on which payment is to be made to the Minister and the expiration of the said period of 20 years bears to the said period of 20 years, together with interest thereon calculated at the rate of three per cent. per annum as from the date on which payment by way of grant was made; provided that if the grant in respect of the cottage was paid by instalments, the amount shall be computed as if each instalment had been a separate grant and the amount payable together with the interest thereon were calculated as aforesaid. For the purpose of calculating the unexpired portion of the period of 20 years any fractional part of a year shall be treated as a full year.

7. These Regulations shall come into operation on the 15th day of July, 1948.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 6th day of July, nineteen hundred and forty-eight.

(L.S.) *T. Williams.*

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The purposes for which improvement grants may be made under the Hill Farming Act, 1946, include the erection, improvement, and reconditioning of cottages attached, or to be attached, to a hill farm. These Regulations prescribe conditions which shall attach to the occupation and maintenance of such cottages in Northern Ireland, and provide for the recovery of a grant with interest by the Minister in the event of a breach of the conditions, and for the conditions ceasing to apply to a cottage on voluntary payment of a sum representing a proportion of any grant paid.