



FALKLAND ISLANDS

Agricultural Incentives and Subsidies (Land Charges) Ordinance 1998

(ORDINANCE No. 28 OF 1998)

ARRANGEMENT OF PROVISIONS

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Agricultural Incentives and Subsidies (Land Charges) Ordinance 1998

AN ORDINANCE To provide for the registration as a land charge of the liability of a landowner to repay any sum paid to him by way of subsidy under the Agricultural Incentives and Subsidies Programme 1998 and the circumstances in which and the extent to which he is liable to repay any subsidy or incentive paid to him under that Programme and for connected purposes.

[DATE OF COMMENCEMENT: 9TH DECEMBER 1998]

1 Short title

This Ordinance may be cited as the Agricultural Incentives and Subsidies (Land Charges) Ordinance 1998.

2 Interpretation

In this Ordinance-

"the Programme" means the Agricultural Incentives and Subsidies Programme approved by the Governor on the advice of the Executive Council on 25th June 1998, as amended from time to time;

"incentive payment" means an incentive paid pursuant to the Programme;

"subsidy payment" means a subsidy paid pursuant to the Programme;

"owner" includes a lessee and successor in title of the owner other than by way of arm's length sale;

"surplus" means such sum as the owner of that land is entitled to receive upon its sale after discharge of all sums payable in respect of any matter or thing registrable (other than by reason of section 6 of this Ordinance) as a charge under the Land Charges Ordinance 1996 or which would have been in registrable if it had been created or arisen after the commencement of that Ordinance.

3 Repayment of incentives

(1) Any sum paid to the owner of any land by way of incentive payment shall be repayable to the Crown in the circumstances and to the extent provided by this section.

(2) Except as provided by subsection (2A), no sum shall be repayable under this section unless a surplus is realised on the sale of the whole or part of the land within five years of the receipt by the owner of the incentive payment.

[S. 3(1)/Ord. 12/2000/w.e.f. 9/12/1998.]

(2A) Where on the disposal of the whole or any part of the land otherwise than by will or on intestacy any sum by way of incentive payment to the owner of the land has not been fully expended for the purposes of the Programme, that sum, to the extent that it remains not so expended, shall, if the Crown so requires, be forthwith repayable by the owner to the Crown.

[S. 3(2)/Ord. 12/2000/w.e.f. 9/12/1998.]

(3) Where a surplus arises on the sale of the land or part of the land, the amount, subject to subsection (4), repayable shall be the aggregate of the incentive payments received by the owner from the Crown in any of the previous five years abated in respect of each payment by twenty per cent a year from the date of its receipt. The amount repayable shall be payable at the time of the sale.

[S. 3(3)/Ord. 12/2000/w.e.f. 9/12/1998.]

(4) Where part of the land and not the whole of the land in respect of which an incentive payment has been made is sold by the owner's liability on that occasion to repay may be waived altogether or reduced by the Governor, but without extinguishing the owner's liability in the event of any further sale to make a payment or further payment under this section.

(5) For the purposes of subsection (2A), the owner of the land is deemed to have disposed of it if he ceases to carry on business in agriculture upon that land.

[S. 3(4)/Ord. 12/2000/w.e.f. 9/12/1998.]

4 ...

[S. 4/Ord. 12/2000/w.e.f. 9/12/1998.]

5 ...

[Revision w.e.f. 31/07/2017]

6 Notice to be given to the Registrar General

(1) Whenever an incentive payment or subsidy payment is made under the Scheme to the owner of any land the Director of Natural Resources shall notify the Registrar General in writing specifying that such a payment has been made-

- (a) the name of the person to whom the payment was made;
- (b) the date of that payment;

(d) the land in respect of which that payment was made.

(2) On receipt of a notice under subsection (1) the Registrar General shall register a Class III land charge under section 3, of which the following shall be the particulars to be entered in the register-

(a) Name of owner (to be completed appropriately);

(b) Class III land charge

(c) Description of land affected (to be completed appropriately)

(d) Particulars: The above-named is liable in circumstances to repay sums under the Agricultural Incentives and Subsidies (Land Charges) Ordinance 1998, particulars of which may be obtained from the Director of Natural Resources by any person showing sufficient reason to be supplied with that information.

7 Limit on obligations to repay

If a person's obligation to repay a sum under section 3 would otherwise exceed in aggregate the amount of the surplus, his obligation is limited to the amount of the surplus.

[Revision w.e.f. 31/07/2017]

8 Waiver of obligations to repay

(1) The Governor may waive or reduce in whole or in part the regulation of an owner to make a payment under section 3 of this Ordinance, either unconditionally or subject to conditions to be performed or observed by the owner.

[Revision w.e.f. 31/07/2017]

(2) The Governor's powers under subsection (1) may be exercised in respect of a particular case or a class or classes of cases.

(3) Section 3 has effect subject to this section.

[Revision w.e.f. 31/07/2017]