

Application for re-housing of occupier of a dwelling house

Notes

1. When you have completed the form, please send it to your local housing authority at the address given opposite.
2. The housing authority will notify the occupier that an application for re-housing has been made.
3. If the services of an Advisory Committee are requested, the housing authority will send a copy of this application to the Committee.
4. If you are a tenant, you may if you choose, send your landlord a copy of this application.
5. If the occupier has requested an Employment Tribunal on a matter of unfair dismissal, please note that your application cannot be considered until the case is settled.
6. **Information contained in this application may be disclosed to other parties, e.g. the occupier.**
7. If you find it necessary to continue any question on a separate sheet, please indicate you have done so by ticking this box. ☐

Please use **BLOCK LETTERS**

Section 1 – Applicant's details

1. Name and full postal address

Postcode:

Telephone No:

2. Holding reference number

3. Are you a tenant farmer?

Tick appropriate box

YES

☐

NO

☐

If 'YES' please give
your landlord's
name and address

Postcode:

Telephone No:

Section 2 – Details of occupier and dwelling-house

(The housing authority will contact the occupier for detailed personal information)

4. Occupier's name

5. Address of dwelling-house

Postcode:

Telephone No:

6. Are you the immediate landlord of the dwelling-house?

Tick appropriate box

YES

☐

NO

☐

7. If 'NO' please give
the address of the
immediate landlord
(if different to 3
above)

Postcode:

Telephone No:

Qualification Period

The answers to questions 7 – 9 will help establish whether the occupier is protected under the Rent (Agriculture) Act 1976

Employment in Agriculture

To be protected by the Act, the occupier must be / have been employed in agriculture or be the surviving relative of such a person. If you have any doubts on this, contact the appropriate RDS office, a solicitor or other adviser. Forestry workers are considered as agricultural workers.

Qualifying Period

1. The occupier qualifies for protection under the Act if he / she or his / her deceased relative:
(a) spent at least *two years working whole time (see note 5 below) in agriculture anywhere in the EU before their whole time employment ended;
(b) are in the same dwelling-house as occupied when whole-time employment ended (or have moved to another provided in lieu)
2. A worker due for retirement shortly will normally be protected if he / she has worked *two years whole time in agriculture prior to the application.
3. A whole time worker is protected under the Act without having to meet the *two year qualification if he / she has a prescribed injury or disease as defined by Social Security legislation or because of an injury received at work

*** Two years whole time is considered to be 91 weeks out of the past 104 weeks (13 weeks are allowed for unemployment or work outside agriculture)**

Whole time work

4. A week in whole time agriculture work must equate to # 35 hours (at least) in agriculture or related activities. If, by agreement with his / her employer, he / she works less than 35 hours in any week, this will count as whole time. Part-time workers are those contracted to work less than 35 hours a week.

35 hours may be altered by order.

5. If a whole time worker takes an entitled holiday or is absent with the agreement of his / her employer or due to sickness / injury, this will count towards whole time.

6. Permit worker

Permits issued by Agricultural Wages Committees (AWCs) were withdrawn due to the implementation of the European Employment Discrimination Directive (200/78/EC) in the UK.

Succession

7. When an agricultural worker (or ex-worker protected by the Act) dies, their protection passes to their widow (er) if they were living together at the time. If there is no widow (er) protection passed to any surviving family member who has lived with the deceased for 2 years prior to death. For these purposes, a 'widow' or 'widower' includes a person who, immediately before the death of the deceased was living with him / her as his /her wife / husband

Section 2 continued - Qualification tests

Please read the explanatory notes opposite before you complete this section.

- | 7. | Is the occupier named at question 4: | Tick appropriate box if YES | No. of years in agriculture |
|----|---|-----------------------------|-----------------------------|
| | (a) a whole time agricultural employee? | <input type="checkbox"/> | <input type="checkbox"/> |
| | OR | | |
| | (b) a part-time agricultural employee? | <input type="checkbox"/> | <input type="checkbox"/> |

Number of hours worked per week

OR

- (c) a former agricultural employee?

Number of hours worked per week

OR

- (d) other (e.g. widow (er) or other relative of former employee

Please give all relevant details:

8. In what capacity is / was the occupier employed?
9. Please describe the duties involved, giving an idea of the proportion of time spent on each task per week on average

10. If the occupier is currently employed by you, do you intend to keep him / her in your employ in the event of his / her being suitably re-housed?
Tick appropriate box
YES ☐ NO ☐

If 'YES' will the occupier be employed in the same capacity
YES ☐ NO ☐

If 'NO' give details of new capacity. (If you intend to keep the occupier in your employ, but in a different capacity, the housing authority is still obliged to consider re-housing. The change in duties must take place between the application date and when suitable alternative accommodation becomes available.)

Section 2 continued

Tick appropriate box

11. Is the dwelling-house required for the use of an incoming agricultural worker?

YES ☐ NO ☐

If 'YES', in what capacity will the incoming agricultural worker be employed?

Please describe the duties involved with estimated proportion of time spent on each per week (if different from that entered at question 9)

Section 3 – Details of the dwelling-house and estate

Tick appropriate box

12. Is there any agricultural planning condition restricting occupation of the dwelling-house entered at question 5?

YES ☐ NO ☐

If 'YES' please give:

(a) details (i.e. that it will be used solely for occupation by a serving or retired agricultural worker and their dependants (or widow(er)):

(b) planning authority's reference number (if known)

13. Please describe the dwelling-house entered at question 5 (e.g. size, number of rooms, state of repair etc)

14. The housing authority needs to know, if you are unable to provide alternative accommodation, whether you have any accommodation likely to become available. This does not mean that it would be suitable for the occupier in question for various reasons but the housing authority may wish to investigate further.

Do you or your partner own or have access to, accommodation other than the dwelling-house entered at question 5?

YES ☐ NO ☐

If 'YES' please give details of all accommodation (including dwellings sold within the last 3 years) and explain for each, why it should not be / have been used to re-house the occupier entered at question 4.

Section 3 continued

15. You should state fully why you need to regain possession of the dwelling-house. As a minimum you should state:
- a) why the need has arisen i.e. expansion, change of enterprise, retirement etc
 - b) the duties of the incoming worker – are there other workers already employed in this capacity? If so, how many?
 - c) why it is particularly necessary to provide housing for the new worker
 - d) the housing authority will need to know of any timing considerations i.e. seasonal work pressures, changes or pending retirements in the work force – are interim arrangements required?
- The above is only a guideline – you should include any details which would clarify the agricultural need and urgency of the re-possession of the dwelling-house.

Section 4 – Agricultural Dwelling-House Advisory Committees (ADHACs)

You, the housing authority or the occupier can request an ADHAC for advice on re-housing so far as it concerns the interests of efficient agriculture and regarding the urgency of the application. On receiving a request, the Chair of your local Agricultural Wages Committee (AWC) will appoint an ADHAC. This will consist of an Independent Chair and two members representing employer and employee with interests in agriculture. Each ADHAC deals with one case. The ADHAC will commission a specialist appraisal from Acorus Rural Property Services Ltd (or Forestry Commission as appropriate). Copies of this appraisal will be sent to you and the occupier along with an invitation to discuss the case with the ADHAC, if you so wish. Complaints and queries on ADHACs should be addressed to the AWC Chair.

Grounds on which an application may be made are:

- a) vacant possession is or will be needed of a dwelling-house which is under a protected or statutory tenancy or an assured agricultural occupancy or is let on or subject to a tenancy in order to house a person (and his / her family) who is to be employed in agriculture;
- b) you are unable to provide suitable alternative accommodation;
- c) The housing authority ought, in the interests of efficient agriculture, provide suitable alternative accommodation

Tick appropriate box

16. Do you want an ADHAC to assess the agricultural need and urgency aspects of this application? YES ☐ NO ☐

If 'YES' do you wish the housing authority to apply on your behalf (by forwarding a copy of this application? YES ☐ NO ☐

The housing authority needs to accept your application as valid before doing so. **If you do not wish them to do so, you will need to make an application yourself.**

WARNING: It is an offence under Section 28 of the Rent (Agriculture) Act 1976 for you or any other person knowingly or recklessly to make a false statement in, or in connection with this application. It is also an offence if you fail without reasonable excuse to notify the authority, as soon as is practicable, of any material change in the fact which you stated to the authority (or ADHAC).

Section 5 – Declaration

I apply on the grounds in Section 27 of the Rent (Agriculture) Act 1976 for the re-housing of the occupier entered at question 4. I have read and understood the warning and declare that the information given in this application is correct. I undertake to inform the housing authority without delay of any change in this information. I understand that if possession is granted the dwelling-house must only be used to house an agricultural worker employed on the holding and not for any other business.

Signature

Date

I am * the applicant / authorised agent

** Delete as appropriate*

If authorised agent has signed, please give full postal address and telephone number.

Tel No: