



# Agriculture Act (Northern Ireland) 1949

## 1949 CHAPTER 2

### PART V

#### MISCELLANEOUS AND GENERAL

*S.38 rep. by 1960 c.19 (NI)*

*S.39 rep. by 2004 NI 7*

#### **40 Provisions as to entry and inspection.**

- (1) Any person authorised by the Ministry in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given or served under any such power has been complied with.
- (2) Any person who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce a duly authenticated document showing that he has been either generally or specially authorised by the Ministry to do so and where an inspection of any land is made for the purpose of enabling the Ministry to determine whether or not an improvement notice should be served under section sixteen of this Act the person making the inspection shall give to the occupier of the land at least two days' notice of the intended inspection.
- (3 <sup>F1</sup> Any person who obstructs any person authorised by the Ministry to exercise any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding<sup>F2</sup> level 3 on the standard scale].

**F1** 1958 c.13 (NI)

**F2** 1984 NI 3

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Agriculture Act (Northern Ireland) 1949, PART V. (See end of Document for details)*

#### 41 Service of notices.

- (1) Any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter<sup>F3</sup>.
- (2) Any such document required or authorised to be given to or served on an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body.
- (3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of a secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.
- (4) Where any document is to be given to or served on a person as being the person having any interest in land, and it is not practicable after reasonable inquiry to ascertain his name or address, the document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

F3 1963 c.5 (NI)
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#### 42 Regulations.

- (1) The Ministry may make regulations for prescribing anything which under this Act is to be prescribed and generally for carrying into effect the provisions of this Act.
- (2) Any regulations made by the Ministry under this Act, other than regulations made under section twenty-one of this Act, shall, as soon as may be after they are made, be laid before each House of Parliament. If either House of Parliament, within the statutory period next after any such regulation has been laid before it, resolves that the regulation shall be annulled, the regulation shall, after the date of the resolution, be void, but without prejudice to the validity of anything done thereunder or to the making of a new regulation.

#### 43 Interpretation.

- (1) In this Act unless the contrary intention appears the following expressions have the meanings hereby assigned to them, that is to say:—
  - “Act of 1899” means the Agriculture and Technical Instruction (Ireland) Act, 1899 ;
  - “Act of 1919” means the Local Government (Ireland) Act, 1919 ;
  - “Act of 1939” means the Agriculture (Emergency Provisions) Act (Northern Ireland), 1939 ;
  - “agricultural land”<sup>F4</sup> means land used for agriculture, which is so used for the purposes of a trade or business, or which is designated by the Ministry for the purposes of this Act, and includes any land so designated as land which in the opinion of the Ministry ought to be brought into use for agriculture, but no such designation shall extend to any land—

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- (a) used as pleasure grounds, private gardens or allotment gardens; or
- (b) kept or preserved mainly or exclusively for the purposes of sport or recreation, except where the Ministry is satisfied that its use for agriculture would not be inconsistent with its use for the said purposes and so states in the designation;

<sup>F5</sup>“agriculture” includes, without prejudice to any other provision of this Act, horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“allotment garden” means an allotment not exceeding [<sup>F6</sup> 0.10 hectare] in extent which is wholly or mainly cultivated by the occupier for the production of vegetables or fruit for consumption by himself or his family;

“civil servant” and “civil service” have the same meanings as in the Superannuation Acts;

“county” shall not include a county borough; and references to the council of a county shall be construed accordingly;

“enactment” includes any provision in any Act (whether public general, local or private) of the Parliament of Northern Ireland or of the Parliament of the United Kingdom and a provision in any Order in Council, order, regulation, rule, bye-law, scheme or other instrument made under any such Act;

*Definition rep. by 1951 c.3 (NI)*

“estate or interest” includes the estate or interest of a mortgagee whether legal or equitable and a right secured by the deposit of a land certificate or other documents of title;

“functions” includes powers and duties;

“hill farming land” has the same meaning as in section one of the Hill Farming Act, 1946 ;

“livestock” includes any animal kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land;

“pasture” includes meadow;

“perform” includes exercise;

“plant” includes fungus;

“prescribed” means prescribed by regulations made by the Ministry;

“produced” means anything (whether alive or dead) produced in the course of agriculture; and “production” shall be construed accordingly;

“relevant circumstances” in relation to any land includes all circumstances affecting the farming thereof other than circumstances personal to the owner or occupier thereof;

“statutory period” means...

*definition in 1954 c.33 (NI) s.41(2) substituted by 1979 NI 12 art.10*

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“Superannuation Acts” means the Superannuation Acts (Northern Ireland), 1921 to 1947<sup>F7</sup>.

- (2) References in this Act to the farming of land include references to the carrying on in relation to the land of any agricultural activity.

*Subs.(3)(4) rep. by 1954 c.33 (NI)*

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| <b>F4</b> | 1951 c.65                  |
| <b>F5</b> | mod. by 1987 NI 1          |
| <b>F6</b> | SR 1978/133                |
| <b>F7</b> | 1967 c.24 (NI); 1972 NI 10 |

*S.44 with Third Schedule, effects repeals*

**45 Short title.**

This Act may be cited as the Agriculture Act (Northern Ireland), 1949.

**Status:**

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