



Agriculture Act 1967

1967 CHAPTER 22

PART III

HILL LAND

General

41 Grants for improvements benefiting hill land.

- (1) The appropriate Minister may in accordance with a scheme make grants towards the cost of improvements for the benefit of hill land (defining " hill land " in the scheme).
- (2) The descriptions of improvements in respect of which grant may be paid shall be such as the appropriate Minister may prescribe in the scheme as being in his opinion improvements which will improve the productivity of hill land used for agriculture.
- (3) A grant under this section may be by way of supplement to any grant or contribution payable in respect of the improvement in question under any enactment other than this section, and a scheme under this section may provide for the grant by way of supplement being subject to all or any of the restrictions, conditions and other incidental and supplemental provisions (including penalties) applying to the other grant or contribution.
- (4) The duration of a scheme under this section shall be a period not exceeding five years, but that period may from time to time be extended by subsequent schemes for periods not exceeding five years.
- (5) A scheme under this section shall provide for grant in respect of any expenditure being payable by reference to proposals which have been submitted to and approved by the appropriate Minister, and the approval—
 - (a) may be given before or, in such classes of cases as the appropriate Minister may direct, after the carrying out of the proposals,
 - (b) may be made subject to such conditions as the appropriate Minister may specify, and in particular subject to any condition as to the time within which the proposals are to be carried out,

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- (c) may be varied or withdrawn by the appropriate Minister with the applicant's written consent.
- (6) Grants under this section shall be paid out of money provided by Parliament.
- (7) Sections 35, 36 and 37 of this Act shall apply in relation to this section as they apply in relation to section 26 of this Act.
- (8) This section extends to Northern Ireland.

42 Improvement of hill farming land subject to rights of common.

- (1) The improvements referred to in section 12 of the Hill Farming Act 1946 (which authorises the Minister to carry out improvements for the benefit of hill farming land subject to rights of common) shall include (in addition to improvements within the meaning of that Act) any improvements specified in a scheme under the foregoing provisions of this Part of this Act.
- (2) Section 12(13) of the Hill Farming Act 1946 (under which the net cost of work done under that section is to be brought into account for the purposes of the limit on grants in that Act) shall not apply in relation to any improvement carried out after the coming into force of this section but any sum which, but for this subsection, would have been so brought into account shall be brought into account as if it were a grant made under the last foregoing section.

43 Subsidies for hill sheep and cattle.

- (1) Section 13 of the Hill Farming Act 1946 (which authorises payments year by year for hill sheep and cattle but which, as amended by the Livestock Rearing Act 1951, the Hill Farming Act 1956 and section 2 of the Agriculture (Miscellaneous Provisions) Act 1963, is restricted to a period of years ending in 1967) shall apply without any such restriction and accordingly—
 - (a) " relevant days " in the said section 13(1)(a) and in related contexts in the same Act shall mean such day of December in any year as may be specified in the relevant scheme under that section, and
 - (b) in the said section 13(1)(b) for the words from " the year 1947 " to the words " succeeding years " there shall be substituted the words " any year ".
- (2) Schemes made under the said section 13 after the coming into force of this section shall restrict payments under subsection (1)(a) and payments under subsection (1)(b) of that section to periods not exceeding five years, but any such period may from time to time be extended by further schemes for periods not exceeding five years.
- (3) This section extends to Northern Ireland.

44 Winter keep grants.

- (1) Section 10(1) of the Agriculture (Miscellaneous Provisions) Act 1963 (which authorises payment of winter keep grants in respect of certain livestock rearing land) shall be amended by substituting 5 years for 3 years as the maximum period which may be specified in a scheme made under that subsection.
- (2) This section extends to Northern Ireland.

Special measures for certain areas

45 Rural Development Boards.

- (1) With a view to applying the provisions of this Part of this Act for meeting the special problems of the development as rural areas of hills and uplands, and the special needs of such areas, the appropriate Minister may, in accordance with this Part of this Act, establish a Board, to be known as a Rural Development Board, for any area appearing to be one where those problems or needs exist.
- (2) Those special problems and needs include the special difficulties in the formation of commercial units of agricultural land in such areas, the need for an overall programme for guidance in making decisions as to the use of land in such areas for agriculture and forestry, so that those two uses are complementary, the need for improved public services in such areas in step with their development for agricultural and forestry purposes, and the need for preserving and taking full advantage of the amenities and scenery in those areas in the course of their development for those purposes.
- (3) The overall programme referred to in the preceding subsection is one having regard, among other things, to the special economic considerations and the long-term nature of forestry.
- (4) The amenities to which consideration is to be given under subsection (2) above shall include any feature of scientific or historic interest in those areas, and in particular, but without prejudice to the generality of the foregoing, their flora and fauna and geographical features, and any buildings of special interest.
- (5) Schedule 5 to this Act shall have effect as respects the procedure for establishing a Rural Development Board, and its constitution.
- (6) On the establishment of a Rural Development Board a notice referring to the provisions of this Part of this Act controlling sales of land and controlling afforestation shall be registered in the register of local land charges by the proper officer of every local authority (not being a county council) in the area of which any part of the Board's area lies, and shall be so registered in the prescribed manner.
- (7) In relation to any land in the area of the Board the provisions of section 15(1) of the Land Charges Act 1925 (which make an unregistered charge void in certain circumstances) shall apply as if the said provisions of this Part of this Act were a charge required to be registered under that subsection, and the other provisions of that Act, including in particular section 17(3) (which relates to the conclusive effect of a certificate of search) shall have effect accordingly.
- (8) It shall be the duty of the appropriate Minister to give to the local authority's officer the information necessary to enable him to comply with subsection (6) of this section.
- (9) The provisions of subsections (6), (7) and (8) of this section shall not apply to Scotland, and on the establishment of a Rural Development Board in Scotland, the Secretary of State shall cause a notice referring to the provisions of this Part of this Act controlling sales of land and controlling afforestation to be lodged at the principal office of the county council of every county in the area of which any part of the Board's area lies, and the notice shall be available for inspection free of charge at all reasonable hours.
- (10) In the foregoing provisions of this section and the said Schedule 5 " the appropriate Minister " means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

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- (11) The appropriate Minister shall to such extent as may be approved by the Treasury pay out of money provided by Parliament any expenditure incurred, or to be incurred, by a Board in the performance of their functions.

46 Functions of Rural Development Boards.

- (1) It shall be the function of a Rural Development Board—
- (a) to keep under review all means of meeting the problems and needs described in the last foregoing section in their area,
 - (b) in consultation with such local authorities and other bodies as appear to the Board to have an interest, to draw up a programme for action to meet those problems and needs and, so far as the programme will entail expenditure by the Board, to submit to the appropriate Minister for his approval proposals for that expenditure,
 - (c) to concert, promote, assist or undertake measures to implement the programme subject, so far as those measures involve expenditure by the Board, to approval by the appropriate Minister.
- (2) The appropriate Minister may approve in whole or in part any proposals submitted to him under subsection (1)(b) above, or may refuse to approve them.
- (3) It shall be the duty of a Rural Development Board and of the Forestry Commission to co-ordinate the preparation and implementation of their proposals and programmes for the Board's area, and for that purpose to consult together at all stages and, where necessary, to act in concert.

Any dispute between them shall be referred to and determined by the appropriate Minister, and, in relation to Wales, " the appropriate Minister " in this subsection has the meaning given by subsection (10) of the last foregoing section.

- (4) In the discharge of their functions a Rural Development Board may—
- (a) acquire by agreement any land in their area,
 - (b) manage, improve, farm, sell, let or otherwise deal with any of their land, and may in particular sell or let any land subject to any depreciatory conditions imposed in the interests of the community or for any purpose connected with the discharge of their functions,
 - (c) acquire by agreement any farming business or any dead or live farm stock,
 - (d) build on and otherwise develop any of their land, and in particular provide dwellings for their tenants and employees,
 - (e) provide equipment and services for persons who are their tenants and who are engaged or employed in agriculture or forestry,
 - (f) carry out or commission the carrying out of inquiries, investigations or researches in connection with the discharge of their functions.

47 Boards' powers of giving financial assistance.

- (1) In the discharge of their functions a Rural Development Board may, in accordance with arrangements approved by the appropriate Minister and the Treasury, give financial assistance, whether by way of grant or loan or partly grant and partly loan, towards the undertaking of measures to implement any programme drawn up under section 46 of this Act, and in particular (subject to its being so approved)—

- (a) financial assistance for providing or improving communications and public services in the Board's area,
 - (b) financial assistance towards expenditure incurred in installing or connecting a supply of electricity, gas or water to a dwelling-house or other premises used in connection with agriculture or forestry or for the improvement of accommodation on such premises for tourists, being expenditure incurred by an owner or occupier of the premises,
 - (c) financial assistance towards expenditure incurred in providing or improving a site on an agricultural or forestry unit for tourists' caravans or as a tourists' camping site, being expenditure incurred by the occupier of the agricultural or forestry unit.
- (2) On making a grant or loan under the foregoing subsection the Board may impose such conditions as they think fit, including, in the case of a grant, conditions for repayment in specified circumstances.

48 Promotion of amalgamations and boundary adjustments by Rural Development Boards.

- (1) Without prejudice to the generality of section 46 of this Act, a Rural Development Board shall have power to acquire by agreement, hold and dispose of land in their area for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, and power for the said purposes to enter into transactions involving loss, including—
- (a) amalgamating holdings of land in a way which renders less valuable, or useless, any buildings or equipment on any of the land,
 - (b) allowing the occupier of an uncommercial unit to retain occupation of a dwelling-house on the land when the remainder of the unit is acquired by the Board for the purposes of amalgamation,
 - (c) selling land resulting from an amalgamation effected by the Board subject to depreciatory conditions imposed for the purpose of ensuring that the land continues to be held in single ownership and single occupation for agricultural purposes.
- (2) A deed by which a Rural Development Board conveys land, or an estate or interest in land, may apply Schedule 3 to this Act to any of that land, and to any other land, but only if all the persons who will have an estate or interest in the land to which Schedule 3 is so applied are parties to the deed; and in that Schedule as so applied "relevant Exchequer payments" shall mean such amounts as are specified in the deed for the purposes of this subsection under the heads of:—
- (a) the incidental costs incurred by the Board in acquiring and disposing of the land, estate or interest conveyed by the deed, being costs consisting of surveyor's fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security and any compensation for disturbance under section 34 of the Agricultural Holdings Act 1948 or section 35 of the Agricultural Holdings (Scotland) Act 1949,
 - (b) any such loss as is described in subsection (1) of this section incurred by the Board in dealing with the land, estate or interest so conveyed, including any reduction in the purchase price obtained by them on the transaction effected by the deed in consequence of the depreciatory conditions contained in the deed,
 - (c) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead

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expenses and other fixed or general expenses) incurred in connection with the transaction to which the deed gives effect,
 and " relevant date " means the date on which the transaction to which the deed relates takes effect.

- (3) Where under section 27(1)(b) or (c) of this Act a scheme under that section authorises the making of grant by reference to arrangements made or approved by a Rural Development Board, the Rural Development Board shall repay to the appropriate Minister the amount of any grant paid by the appropriate Minister under the scheme by reference to any such arrangements.
- (4) Section 29(4) and (5) of this Act shall apply in relation to a Rural Development Board as they apply in relation to the appropriate Minister.
- (5) In relation to any tenancy certified by a Rural Development Board in the instrument by which the tenancy is granted as being a tenancy granted in connection with transactions entered into by the Board for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, section 33 of the Housing Repairs and Rents Act 1954 and section 25 of the Housing (Repairs and Rents) (Scotland) Act 1954 Exclusion of local authority houses from Rent Acts) shall apply to the Rural Development Board as they apply to the council of a county or other local authority.

49 Control of sale of certain land.

- (1) Subject to this and the next following section, any transfer of land in the area of a Rural Development Board shall require the Board's written consent.
- (2) An application for consent under this section shall be in such form as the Board direct, and on the application the Board may refuse or grant the consent applied for.
- (3) The Board shall not refuse consent unless they are satisfied that the land to which the application relates, if acquired by them in accordance with this section—
 - (a) can suitably be used or disposed of by them for the purpose of effecting amalgamations of agricultural land or reshaping agricultural units, or
 - (b) can suitably be used or disposed of by them in a way which will promote the co-ordination of the use of land for forestry and agriculture, or
 - (c) is land which, in the opinion of the Board and the Forestry Commission, ought to be planted by the Forestry Commission, or
 - (d) can suitably be used or disposed of by them for some purpose ancillary to the use of other land for agriculture or forestry,
 or unless the Board are satisfied that refusal of their consent will prevent the creation of an uncommercial unit of agricultural land.
- (4) The Board shall, within two months of receipt of an application duly made for consent under this section, serve on the applicant notice of the manner in which the application has been dealt with; and, except where their decision is to grant their consent, the notice shall give the reasons for their decision.
- (5) Within two months of receipt of a notice under the last foregoing subsection stating that the Board withhold consent the applicant may appeal to the appropriate Minister on the ground that the application for consent ought to be granted, and before determining the appeal the appropriate Minister shall, if either the appellant or the Board so desire, afford to each of them an opportunity of appearing before, and being heard by, a person

appointed by the appropriate Minister for the purpose; and in relation to appeals under this section—

- (a) where the appeal is to the Minister of Agriculture, Fisheries and Food, section 180 of the Town and Country Planning Act 1962 (appeals to High Court from decision of Minister) shall apply in relation to an appeal under this subsection as it applies in relation to an appeal under Part IV of that Act against an enforcement notice, and
 - (b) where the appeal is to the Secretary of State, the Secretary of State may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings, and an appeal shall lie to the Court of Session on any question of law from the decision of the Secretary of State.
- (6) Within three months from the date of receipt of a notice under subsection (4) of this section stating that the Board withhold consent or, if an appeal is brought under subsection (5) of this section which does not result in the granting of consent, from the final determination of the appeal, the applicant may serve on the Board a notice requiring the Board to purchase the estate or interest proposed to be transferred by him in the transaction to which the application relates, and the following provisions of this section (under which the Board can be compelled to purchase it) shall have effect.
- (7) Subject to the following provisions of this section, on service of a notice under the last foregoing subsection—
- (a) the Board shall be deemed to be authorised to acquire compulsorily the estate or interest to which the notice relates by a compulsory purchase order,
 - (b) the Board shall be deemed to have served a notice to treat in respect of that interest at that time,

and in relation to this subsection—

- (i) " compulsory purchase order " means an order to which Part I of the Compulsory Purchase Act 1965 applies, or, as the case may be, an order which has become operative under the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
 - (ii) the power of withdrawal of a notice to treat conferred by section 31 of the Land Compensation Act 1961 or section 39 of the Land Compensation (Scotland) Act 1963, and the power of entry conferred by section 11(1) of the said Act of 1965 or by paragraph 3 of Part I of Schedule 2 to the said Act of 1947, shall not be exercisable in relation to a notice to treat deemed to be served by virtue of paragraph (b) of this subsection.
- (8) The applicant may withdraw the purchase notice—
- (a) where there has been a final determination by the Lands Tribunal on the question of compensation payable pursuant to the purchase notice, within six weeks from the date of the final determination, and
 - (b) in any other case, at any time before the acceptance in writing by the applicant of an unconditional offer in writing by the Board of a sum as such compensation,

but the applicant shall be liable to pay compensation to the Board for any loss or expense occasioned to the Board by the giving and withdrawal of the purchase notice.

For the purposes of this subsection a claim shall not be deemed to be finally determined so long as the time for requiring the Lands Tribunal to state a case with respect thereto,

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or for appealing from any decision on the points raised by a case so stated, has not expired.

- (9) If the applicant's estate or interest in the land to which the application relates is greater than what is proposed to be transferred by the transaction to which the application relates, the Board may by notice given to the applicant within two months of receipt of the purchase notice require that the purchase notice shall apply to all the estate or interest of the applicant in the land.
- (10) An application for consent under this section must be sent to the Board by registered post or recorded delivery service, or delivered to the secretary or chief officer of the Board, and if within the period specified in the next following subsection the Board do not notify the applicant of their decision on the application, this section shall have effect as if at the expiration of that period the Board had granted the consent; and it shall be the duty of the Board to give a written consent to the applicant accordingly.
- (11) Any applicant who has not received a notice as required by subsection (4) of this section may by notice (to be served on the Board in the way required for service of his application) require the Board to make good their default and the period at the end of which subsection (10) above shall operate shall be the period of fourteen days from the service of that notice.
- (12) In relation to Scotland, any reference in this section to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland, but until sections 1 to 3 of the Lands Tribunal Act 1949 come into force as regards Scotland, such reference in subsection (8)(a) of this section shall be construed as referring to an official arbiter appointed under Part I of the Land Compensation (Scotland) Act 1963.
- (13) References in this and the next following section to the transfer of land include references to the granting of a lease of land for a term exceeding 10 years, and to assigning a lease of land with an unexpired term exceeding 10 years, but in relation to the grant of a lease references in this section to the estate and interest of the person transferring or proposing to transfer the land shall be taken as references to his estate and interest both in the reversion and the lease.
- (14) In the application of this section to Scotland, for the last foregoing subsection there shall be substituted the following subsection—
 - “(13) For the purposes of this and the next following section, any grant of a lease for a period exceeding 10 years and any assignation of a lease with an unexpired period exceeding 10 years shall be a transfer of land, and in relation to the grant of a lease any references in this section to the estate and interest of the person transferring or proposing to transfer the land shall be taken as references to his estate and interest in the lease and in the land subject thereto”.

50 Control of sale of certain land: exceptions and supplemental provisions.

- (1) The last foregoing section shall only apply to land which at the time when it is or is to be transferred is agricultural land or woodland or unenclosed mountain, hill or heath land, or common land or waste land.
- (2) Where one of the grounds on which an appeal is brought under subsection (5) of the last foregoing section is that the proposed transfer is part of a proposed transaction involving land in the Board's area which is not within subsection (1) of this section, or involving land which is not within the Board's area, the appropriate Minister may,

if he decides not to allow the appeal but is of opinion that the appellant would be substantially prejudiced if he is unable to dispose in one transaction of all the land comprised in the proposed transaction, with the consent of the appellant direct that any purchase notice served under the last foregoing section by the appellant shall relate both to the land to which the application relates and also to the other land, or such part of it as the appropriate Minister may direct.

- (3) The last foregoing section shall not apply to a transfer to or from—
- (a) a local authority,
 - (b) statutory undertakers as defined in section 221(1) of the Town and Country Planning Act 1962 or section 113(1) of the Town and Country Planning (Scotland) Act 1947,
 - (c) any body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof,
 - (d) the National Trust,
 - (e) a National Parks planning authority,
 - (f) the Natural Environment Research Council.

In this subsection the " National Trust " means in relation to Scotland the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the National Trust for Scotland Order Confirmation Act 1935; and " National Parks planning authority " means a local planning authority whose area consists of or includes the whole or part of a National Park.

- (4) The last foregoing section shall not apply to a transfer by an individual to a member of his family or to the trustees of a settlement exclusively for the benefit of members of his family, and in this subsection " family " means the individual's husband or wife, any lineal descendant or ancestor of his, and his brother and sister and any child of a brother or sister, and in deducing any such relationship an adopted child shall be treated as a child and any relationship of the half blood shall be treated as a relationship of the whole blood.
- (5) The last foregoing section shall not apply to a transfer of land effected in pursuance of a contract of sale concluded before the land came to be in the area of the Board or, if the order establishing the Board so provides, before the expiry of such period not exceeding three months from the date on which it is established as may be specified in the order.
- (6) The last foregoing section shall not apply—
- (a) to a transfer to give effect to the devolution of land on death or bankruptcy or sequestration or under the terms of a settlement, or
 - (b) to a transfer in exercise of the rights conferred on a mortgagee heritable creditor or chargee by a mortgage heritable security or charge created before the relevant land came to be in the area of the Board.
- (7) If land is transferred in contravention of subsection (1) of the last foregoing section the Board shall be deemed to be authorised to acquire all the estate and interest of the transferor in the land transferred (whether in his hands, or in the hands of persons deriving title under him) by a compulsory purchase order, but any notice to treat given in pursuance of this subsection shall be served within six years from the date of transfer.

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" Compulsory purchase order " has the same meaning as in section 49(7) of this Act, and Part IV of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 and Part IV of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (validity of compulsory purchase orders) shall apply in relation to any notice to treat served in pursuance of this subsection as they apply in relation to a compulsory purchase order.

- (8) In assessing compensation in accordance with section 5 of the Land Compensation Act 1961 or section 12 of the Land Compensation (Scotland) Act 1963 (which relate to compulsory purchases of land) no account shall be taken of any depreciation of the value of the relevant interest which is attributable to the provisions of the last foregoing section and this section.
- (9) Failure to obtain consent under subsection (1) of the last foregoing section to any transaction shall not invalidate that transaction.

51 Schemes for co-ordinated amalgamations and reshaping of agricultural units.

- (1) If it appears to a Rural Development Board that in any part of their area there is a need, for the benefit of the community and for the mutual advantage of those owning and occupying the agricultural land, of a co-ordinated scheme of amalgamations of agricultural land, reshaping of agricultural units and afforestation to be effected by transfers and exchanges of land and grants, surrenders, renunciations and variations of tenancies, the Rural Development Board may proceed to make a scheme under this section.
- (2) The scheme—
- (a) shall be based on a comprehensive plan for the uses of the land, including afforestation, and
 - (b) shall be published and made available for inspection in such manner, and with such maps, plans and notes, as the Board consider appropriate,
- and the Board shall, in publishing notice of the scheme and in such other ways as appear to them appropriate, invite submissions to the Board on any aspect of the scheme.
- (3) The Board shall report to the appropriate Minister on the substance of the submissions made to them on the scheme and the appropriate Minister, after taking that report into consideration, may if he thinks fit direct a public inquiry to be held as regards the scheme.
- (4) After taking the Board's report into consideration, together with the report of the person holding the public inquiry, if any, the appropriate Minister shall either reject the scheme or approve it with or without modifications.
- (5) If the appropriate Minister approves the scheme, with or without modifications, he shall publish notice of his approval in such manner as appears to him appropriate, and shall direct the Board to seek to negotiate with those concerned for the carrying into effect of the transactions required to implement the scheme.
- (6) The Board shall endeavour to arrive at proposals for a scheme which all concerned will be willing to implement, and for that purpose the Board may carry out all or any of the necessary negotiations for particular transactions, prepare or commission draft agreements, conveyances and other instruments and, by settling terms for inclusion in agreements for sale and other instruments or by drawing up a programme for the

carrying out of the transactions, make arrangements for ensuring that the scheme, or any interdependent transactions, cannot be partly fulfilled and partly unfulfilled; and may carry out that and any other preliminary work notwithstanding that, if the scheme is unfulfilled, their expenses may be irrecoverable.

- (7) If the appropriate Minister is satisfied—
- (a) that, except for transactions which in all involve the transfer of, or of estates or interests in, land (in this subsection called " the outstanding land") of an acreage small in comparison with the total acreage of the land affected by the scheme, agreements, enforceable in law, have been made to enter into all the transactions required to implement, or complete the implementation of, the scheme,
 - (b) that the Board have entered into agreements, enforceable in law, such that, if they acquired the outstanding land, there would be agreements, enforceable in law, to carry out all the transactions required to implement, or complete the implementation of, the scheme,
 - (c) that the terms of the scheme on which the transactions transferring the outstanding land were to be carried out were equitable,

the Board may be authorised by the appropriate Minister to acquire the outstanding land compulsorily, and the Acquisition of Land (Authorisation Procedure) Act 1946 or, as the case may be, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply as if the Board were a local authority within the meaning of the relevant Act and as if this section were comprised in an Act in force immediately before the commencement of the relevant Act.

- (8) In this section " the appropriate Minister " means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

52 Control of afforestation.

- (1) Subject to this section, no person shall plant land in the area of a Rural Development Board with trees except under the authority of a licence granted by the Board.
- (2) Subsection (1) above shall not apply—
- (a) to planting by the Forestry Commission,
 - (b) so long as the covenant, agreement or scheme in question continues in force, but without prejudice to the enforceability of any condition contained in a licence granted before it was entered into or, as the case may be, took effect, to land which is subject to a forestry dedication covenant or agreement as defined in section 5 of the Forestry Act 1967, or the subject of an approved woodlands scheme made under the powers contained in that Act or any enactment repealed by that Act,
 - (c) to land which is, or at some time in the period of ten years before the planting has been, woodland,
 - (d) to the planting of land of an area not exceeding ten acres, but not so as to permit more than ten acres of land in the ownership of any one person or, where two or more agricultural units are in the same ownership, more than ten acres in each unit, to be planted in any period of twelve months,
 - (e) to the planting of fruit trees or to land forming part of an orchard,
 - (f) to land forming part of a public open space, or to land which it is not reasonably practicable to put to any beneficial use in its existing state,

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- (g) to planting required as a condition imposed on the granting of planning permission under the Town and Country Planning (Scotland) Act 1947 or the Town and Country Planning Act 1962, or as a condition attached to a felling licence granted, or having effect as if granted, under the Forestry Act 1967,
 - (h) if the order establishing the Board so provides, to planting carried out during such period not exceeding three months from the date on which it is established as may be specified in the order.
- (3) An application for a licence under this section shall be in such form as the Board direct, and on the application the Board may refuse or grant it either with or without conditions; and the Board shall exercise their powers under this section as a means of meeting the problems and needs described in section 45 of this Act in their area.
- (4) The Board may in particular grant a licence subject to any condition—
 - (a) governing the kinds of trees planted,
 - (b) where the licence authorises the planting of a short-term crop, requiring the use of the land for growing trees to be discontinued by the end of a specified period, and requiring before the end of that period the carrying out of such works for the clearing of the land as will make it suitable for agricultural purposes,
 - (c) limiting the period within which the planting authorised by the licence is to be carried out,
 - (d) requiring the planting, and any fencing in connection therewith, to be carried out in such a way that access to other land will not be blocked.
- (5) A licence under this section shall name the person to whom it is granted, and shall authorise planting by that person only unless it is endorsed by the Board in favour of another; and—
 - (a) the Board shall not endorse a licence in favour of any person except with the consent in writing of the person for the time being entitled to its benefit,
 - (b) subject to the foregoing paragraph, it shall be the duty of the Board to endorse a licence on the application in writing of a person owning for the time being the same estate or interest in the land to which the licence relates as that owned by the grantee of the licence at the time when it was granted or (by virtue of subsection (12) below) is deemed to have been granted,
 - (c) subject to that paragraph, in any other case the Board may grant or refuse an application for endorsement as they think fit.
- (6) The Board shall, within two months of receipt of an application duly made for a licence under this section, serve on the applicant, and on all persons other than the applicant who have an estate or interest in the land to which the application relates, other than a minor tenancy, notice of the manner in which the application has been dealt with; and, except where their decision is to grant a licence without any conditions other than a condition requiring the planting which is authorised to be carried out within a period of five years from the grant of the licence, the notice shall give the reasons for their decision.
- (7) Within two months of receipt of a notice under subsection (6) of this section, the applicant and any person other than the applicant who has an estate or interest, other than a minor tenancy, in the land to which the notice relates, may appeal to the appropriate Minister against the decision and—
 - (a) before determining the appeal the appropriate Minister shall, if either the appellant or the Board so desire, afford to each of them an opportunity of

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- appearing before, and being heard by, a person appointed by the appropriate Minister for the purpose,
- (b) the appropriate Minister may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Board on the application, whether the appeal relates to that part or not, and
 - (c) the appropriate Minister shall serve notice of his decision on the appeal on the appellant and on every person other than the appellant who has an estate or interest, other than a minor tenancy, in the land to which the appeal relates.
- (8) A person who contravenes subsection (1) of this section, or any condition subject to which a licence is granted under this section, shall be liable on summary conviction to a fine not exceeding one hundred pounds.
- (9) Where a person is convicted of an offence under the last foregoing subsection the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may on application enlarge the time so specified ; and if the order is not complied with that person shall be liable on summary conviction to a fine not exceeding ten pounds for each day on which the non-compliance continues.
- (10) Proceedings in respect of an offence under subsection (8) of this section may be instituted within six months of the first discovery of the offence by the person taking the proceedings, so, however, that no proceedings shall be instituted in respect of such an offence more than two years after the date of the offence.
- (11) A Rural Development Board in granting consent under section 49 of this Act to the transfer of land which in their opinion is land in respect of which an offence has been committed under subsection (8) of this section may impose a condition that the consent shall not take effect until such steps as may be specified by the Board in granting their consent have been taken to remedy the matters in respect of which the alleged contravention occurred, and the conditions so imposed may be varied by the court in exercising its jurisdiction under subsection (9) of this section.
- (12) An application for a licence under this section must be sent to the Board by registered post or recorded delivery service, or delivered to the secretary or chief officer of the Board, and if within the period specified in the next following subsection the Board do not notify the applicant of their decision on the application, this section shall have effect as if at the expiration of that period the Board had granted the licence applied for without any conditions other than a condition requiring the authorised planting to be carried out within five years from that date; and it shall be the duty of the Board to grant a licence to the applicant in those terms.
- (13) An applicant who has not received a notice as required by subsection (6) of this section may by notice (to be served on the Board in the way required for service of his application) require the Board to make good their default and the period at the end of which subsection (12) above shall operate shall be the period of fourteen days from the service of that notice.
- (14) For the purpose of this section the period of twelve months mentioned in subsection (2) (d) of this section shall, in relation to any land, include a period beginning before the land is within the Board's area.
- (15) In this section, unless the context otherwise requires—
" minor tenancy " means a tenancy of less than twelve months;

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" public open space " means land laid out as a public garden or used (otherwise than in pursuance of section 193 of the Law of Property Act 1925 or of Part V of the National Parks and Access to the Countryside Act 1949) for the purpose of public recreation, or land being a disused burial ground.

- (16) In this section " the appropriate Minister " means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

53 Boards' annual reports and accounts.

- (1) A Rural Development Board shall prepare and transmit to the appropriate Minister annually a report setting out what has been done in the discharge of their functions under this Act during their financial year last completed, and the appropriate Minister shall lay a copy of the report before each House of Parliament.
- (2) A Rural Development Board shall keep proper accounts and other records in such form as the appropriate Minister may, with the approval of the Treasury, determine.
- (3) A Rural Development Board shall prepare and transmit to the appropriate Minister in respect of each of their financial years statements of account in such form as the appropriate Minister may, with the approval of the Treasury, determine, and the appropriate Minister shall transmit them on or before 30th September following the financial year to the Comptroller and Auditor General, who shall examine and certify them and lay copies of them together with his reports thereon before each House of Parliament.

54 Directions to Boards by appropriate Minister.

- (1) The appropriate Minister, after consultation with a Rural Development Board, may give to the Board such directions of a general character with respect to the performance of any functions of the Board as appear to him to be requisite in the public interest.
- (2) The Minister of Agriculture, Fisheries and Food or, as the case may be, the Secretary of State may, as respects such of a Board's books, records and accounts as appear to him to be ones in respect of which, having regard to his relationship with the Board, it is reasonable to give such a direction, direct that they shall be kept available by the Board at all reasonable times for inspection by him or on his behalf or by or on behalf of the Comptroller and Auditor General.
- (3) A Board's report for any year under the last foregoing section shall set out any directions given by the appropriate Minister under subsection (1) of this section to the Board during that year, unless the appropriate Minister has notified the Board his opinion that it is against the interests of national security to do so.
- (4) It shall be the duty of the Board to comply with any directions given by the appropriate Minister under this section.
- (5) In this section " the appropriate Minister " means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

55 Powers of entry and of obtaining information.

- (1) A person duly authorised in writing by a Rural Development Board may, on producing if so required a duly authenticated document showing his authority, enter on any land

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in the Board's area for the purpose of determining whether, and in what way, any of the functions of the Board should be exercised in relation to the land.

The right of entry under this subsection may be exercised at any reasonable time, but a person shall not demand admission as of right to any land which is occupied unless at least forty-eight hours' notice, or in the case of land occupied for residential purposes at least seven days' notice, of the intended entry has been given to the

A person who wilfully obstructs any person acting in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds.

- (2) A person leaving any land which he has entered by virtue of the foregoing subsection shall, if the land is unoccupied or the occupier is temporarily absent, leave it as effectively secured against trespassers as he found it.
- (3) A Board may by notice served on the owner or occupier of any land in their area, require him to furnish them with such information as may be specified in the notice with regard to the land as the Board may reasonably require for the discharge of such of their functions in relation to the land as may be specified in the notice.

A person who fails without reasonable cause, or neglects, to furnish to the Board within three months after service of the notice the information specified in the notice shall be liable on summary conviction to a fine not exceeding fifty pounds.

- (4) Information obtained under this section shall not be disclosed except—
 - (a) with the consent of the person by whom the information was furnished, or
 - (b) to a member, officer or servant of the Board or to any person exercising functions on behalf of the Board, or
 - (c) to any Minister or to an officer or servant or other person appointed by or exercising functions on behalf of any Minister, or
 - (d) for the purpose of any proceedings pursuant to this Part of this Act, or of any criminal proceedings which may be taken whether pursuant to this Act or otherwise, or for the purpose of a report of any such proceedings,

and a person who discloses information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or imprisonment for a term not exceeding two years, or both.

56 Application of Part III to Highlands and Islands of Scotland.

- (1) Sections 45 to 55 of this Act shall not apply in relation to the application of this Part of this Act to the Highlands and Islands, except as provided in this section.
- (2) Where the Secretary of State is satisfied that the special problems and needs referred to in the said section 45 exist in any area of the Highlands and Islands (including the whole area thereof), he may by order made (so far as applicable) in accordance with the provisions of that section and Part I of Schedule 5 to this Act apply to that area such of the provisions of section 27(1)(c) of this Act and the said sections 45 to 55 as he may think necessary for the purposes of this Part of this Act, and any powers and functions exercisable by a Rural Development Board by virtue of those provisions shall for the said purposes be conferred on the Highlands and Islands Development Board, but without prejudice to their existing powers and functions, and any reference in this Act to a Rural Development Board and to its area shall be construed accordingly.

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- (3) On the making of an order under this section which applies any of the provisions of sections 49, 50 and 52 of this Act the Secretary of State shall cause such a notice as is mentioned in section 45(9) of this Act to be lodged and made available in accordance with that subsection.
- (4) " Highlands and Islands " in this section has the same meaning as in the Highlands and Islands Development (Scotland) Act 1965.

Supplemental

57 Interpretation of Part III.

- (1) In this Part of this Act, except where the context otherwise requires—
 - " amalgamation ", " boundary adjustment ", " commercial unit ", " intermediate unit " and " uncommercial unit " have the same meanings as in Part II of this Act;
 - " prescribed ", in relation to the contents of a scheme, means prescribed by the scheme ;
 - " woodland " includes all land used primarily for the growing of trees.
- (2) For the purposes of this Part of this Act land in the area of a Rural Development Board shall be regarded as having been within that area from the date when the Board is established except that, if included by an order varying the Board's area, it shall be regarded as being within that area from the date when that order takes effect.
- (3) Section 107 of the Agriculture Act 1947 or, as the case may be, section 83 of the Agriculture (Scotland) Act 1948 (manner of service of notice) shall apply to notices required or authorised to be served by a Minister or a Rural Development Board under this Part of this Act.