



# Agricultural Land (Removal of Surface Soil) Act 1953

1953 CHAPTER 10 1 and 2 Eliz 2

An Act to make it an offence to remove surface soil from land in certain circumstances; and for purposes connected therewith. [6th May 1953]

## Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

## Commencement Information

I1 Act wholly in force at 20.5.1953 see [s. 5\(4\)](#)

## 1 Removal of surface soil without planning permission to be an offence against this Act.

(1) If—

- (a) a person removes surface soil from agricultural land with a view to the sale of that soil, and
- (b) the removal of that soil constitutes development within the meaning of [<sup>F1</sup>the Town and Country Planning Act 1990], and is carried out without the grant of permission required in that behalf under Part III of that Act, and
- (c) the quantity of soil so removed in any period of three months amounts to more than five cubic yards,

he shall be guilty of an offence against this Act.

(2) Subsection (1) of this section shall not apply to the cutting of peat or to the removal of so much surface soil as it is reasonably necessary to remove in the course of cutting turf.

(3) The reference in subsection (1) of this section to agricultural land shall include a reference to land the use of which for agriculture has been discontinued in consequence of the intention to remove surface soil from that land.

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### Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 3\(1\)](#)

## 2 Punishment of offences against this Act. **E+W**

- (1) A person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that where a person is convicted of an offence against this Act and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence, he shall be liable—

- (a) to imprisonment for a term not exceeding three months; or
- (b) to a fine not exceeding fifty pounds for every day on which the earlier offence has been so repeated or continued by him or two hundred pounds (whichever is the greater), or to both.

- (2) Where an offence against this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by members thereof, means a member of that body.

- (3) In proceedings under this Act it shall be a defence to show that, before the carrying out of the operations in respect of which the proceedings are brought, [<sup>F2</sup>a certificate was issued under section 192 of the Town and Country Planning Act 1990 that the operations would be lawful.]

### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

### Textual Amendments

- F2** Words in [s. 2\(3\)](#) substituted (E.W.)(27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para.1](#) (with [s. 84\(5\)](#)); [S.I. 1992/1630, art.2, Sch. 1](#) (with [art. 3\(3\)](#))

### Modifications etc. (not altering text)

- C2** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 35](#) (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

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## 2 Punishment of offences against this Act. **S**

- (1) A person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that where a person is convicted of an offence against this Act and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence, he shall be liable—

- (a) to imprisonment for a term not exceeding three months; or
- (b) to a fine not exceeding fifty pounds for every day on which the earlier offence has been so repeated or continued by him or two hundred pounds (whichever is the greater), or to both.

- (2) Where an offence against this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by members thereof, means a member of that body.

- (3) In proceedings under this Act it shall be a defence to show that, before the carrying out of the operations in respect of which the proceedings are brought, it was determined or decided under [F5section 64 of the Town and Country Planning Act 1990], that those particular operations would not fall within paragraph (b) of subsection (1) of the foregoing section; but a determination or decision under the said section seventeen shall not in other circumstances be treated as conclusive for the purposes of this Act.

### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

### Textual Amendments

- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 3\(2\)](#)

### Modifications etc. (not altering text)

- C3** [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289E](#) (in relation to liability on first and subsequent convictions), and s. 289G (substitution of references to levels on the standard scale) apply (S.)

## 3 Consent of Attorney General or Director of Public Prosecutions required before prosecution.

No prosecution under this Act shall be brought in England or Wales save by or with the consent of the Attorney General or the Director of Public Prosecutions.

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#### [4] <sup>F3</sup> **Application to Scotland.**

In the application of this Act to Scotland, for the references to the Town and Country Planning Act 1990, to Part III of that Act and to section 192 of that Act there shall be substituted references to the Town and Country Planning (Scotland) Act 1997, to Part III of that Act and to section 151 of that Act.]

##### **Textual Amendments**

**F3** S. 4 substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 3.**

#### **5 Short title, interpretation extent and commencement.**

- (1) This Act may be cited as the <sup>M1</sup>Agricultural Land (Removal of Surface Soil) Act, 1953.
- (2) In this Act the expressions “agriculture” and “agricultural” have the same meanings as in [<sup>F4</sup>the Town and Country Planning Act 1990].
- (3) This Act shall not extend to Northern Ireland.
- (4) This Act shall come into operation on the fourteenth day after the passing of this Act.

##### **Textual Amendments**

**F4** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123: 1, 2), s. 4, **Sch. 2 para. 3(4)**

##### **Marginal Citations**

**M1** 1953 c. 10

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 2(1) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)