



Agriculture Act 1947

1947 CHAPTER 48 10 and 11 Geo 6

U.K.

An Act to make further provision for agriculture.

[6th August 1947]

Modifications etc. (not altering text)

- C1** Certain functions of Minister of Agriculture, Fisheries and Food under this Act now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1969/388, art. 3, Sch. 2 Pt. I para. 2, Pt. II paras. 4, 5\(b\)\(f\)](#) and [1978/272, art. 2, Sch. 1](#)
- C2** The definition of "agriculture" in this Act is applied (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), [ss. 221\(1\), 225\(2\)](#) (with [ss. 16\(6\), 179, 222\(3\)](#) and [Sch. 22 para. 1](#))
- C3** Act (except s. 105): Functions of a Minister of the Crown (subject to [art.2\(b\)-\(f\)](#) of the amending S.I.) transferred (1.7.1999) to the National Assembly for Wales (W.) by [S.I. 1999/672, art. 2, Sch. 1](#)

Commencement Information

- I1** Act not in force at Royal Assent by s. 111(2) (now repealed); Act wholly in force as at 1.2.1991

^{F1}PART I U.K.

GUARANTEED PRICES AND ASSURED MARKETS

Textual Amendments

- F1** [Pt. I](#) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993 but 4.8.1993 so far as relating to potatoes) by [1993 c. 37, s. 64, Sch.5](#) (subject to provision at the end of [Sch. 8](#)); [S.I. 1993/2038, art.2.](#)

Modifications etc. (not altering text)

- C4** [Pt. I](#) amended by [Agriculture Act 1957 \(c. 57\), s. 36\(2\)](#)

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[^{F2}1 **Provisions for securing efficient agricultural production and proper agricultural conditions.** **U.K.**

(1) The following provisions of this Part of this Act shall have effect for the purpose of promoting and maintaining, by the provision of guaranteed prices and assured markets for the produce mentioned in the First Schedule to this Act, a stable and efficient agricultural industry capable of producing such part of the nation’s food and other agricultural produce as in the national interest it is desirable to produce in the United Kingdom, and of producing it at minimum prices consistently with proper remuneration and living conditions for farmers and workers in agriculture and an adequate return on capital invested in the industry.

(2) This Part of this Act shall extend to Scotland and Northern Ireland.]

Textual Amendments

F2 Pt. I (ss.1-8) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993, but 4.8.1993 so far as relating to potatoes) by 1993 c.37, s. 64, **Sch. 5** (with Sch.5, Note 2); [S.I. 1993/2038, art.2](#)

[^{F3}2 † **Annual and special reviews of condition of agricultural industry.** **U.K.**

(1) As at such date in each year as the Ministers may determine, they shall review the general economic condition and prospects of the agricultural industry.

(2) ^{F4}

(3) In holding any review under this section the Ministers shall consult with such bodies of persons as appear to them to represent the interests of producers in the agricultural industry.]

Textual Amendments

F3 Pt. I (ss.1-8) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993, but 4.8.1993 so far as relating to potatoes) by 1993 c.37, s. 64, **Sch. 5** (with Sch.5, Note 2); [S.I. 1993/2038, art.2](#)

F4 S. 2(2) repealed by [European Communities Act 1972 \(c. 68\)](#), s. 4, **Sch. 3 Pt. IV**

Modifications etc. (not altering text)

C5 Unreliable margin note

3—7. ^{F5} **U.K.**

Textual Amendments

F5 Ss. 3–7 repealed by [Agriculture Act 1957 \(c. 57\)](#), **Sch. 4 Pt. I**

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[^{F6}8 **Interpretation of Part I.** **U.K.**

- (1) In this Part of this Act the expression “the Ministers” means [^{F7}the Minister of Agriculture, Fisheries and Food] and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland, acting jointly . . . ^{F8}
- (2) Reference in this Part of this Act to the provision of guaranteed prices for producers shall include references to the provision of payments to them (whether by reference to acreage or otherwise) in respect of produce mentioned in the First Schedule to this Act, as an alternative to the provision of guaranteed prices.]

Textual Amendments

- F6** Pt. I (ss.1-8) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993, but 4.8.1993 so far as relating to potatoes) by 1993 c.37, s. 64, **Sch. 5** (with Sch.5, Note 2); **S.I. 1993/2038, art.2**
- F7** Words substituted by virtue of **S.I. 1955/554** (1955 I, p. 1200), art. 3
- F8** Words repealed by **Agriculture Act 1957** (c. 57), **Sch. 4 Pt. I**

PART II **E+W**

GOOD ESTATE MANAGEMENT AND GOOD HUSBANDRY

9 ^{F9} **E+W**

Textual Amendments

- F9** S. 9 repealed by **Agriculture Act 1958** (c. 71), **Sch. 2 Pt. I**

Rules of good estate management and good husbandry

10 **Good estate management.** **E+W**

- (1) For the purposes of this Act, an owner of agricultural land shall be deemed to fulfil his responsibilities to manage it in accordance with the rules of good estate management in so far as his management of the land and (so far as it affects the management of that land) of other land managed by him is such as to be reasonably adequate, having regard to the character and situation of the land and other relevant circumstances, to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as respects both the kind of produce and the quality and quantity thereof.
- (2) In determining whether the management of land is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which the owner is providing, improving, maintaining and repairing fixed equipment on the land in so far as is necessary to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as aforesaid.
- (3) The responsibilities under the rules of good estate management of an owner of land in the occupation of another person shall not in relation to the maintenance and repair of

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fixed equipment include an obligation to do anything which that other person is under an obligation to do by virtue of any agreement.

Modifications etc. (not altering text)

C6 Ss. 10, 11 applied by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 96(3)

11 Good husbandry. E+W

- (1) For the purposes of this Act, the occupier of an agricultural unit shall be deemed to fulfil his responsibilities to farm it in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the unit is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) is such that, having regard to the character and situation of the unit, the standard of management thereof by the owner and other relevant circumstances, the occupier is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while keeping the unit in a condition to enable such a standard to be maintained in the future.
- (2) In determining whether the manner in which a unit is being farmed is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which—
 - (a) permanent pasture is being properly mown or grazed and maintained in a good state of cultivation and fertility and in good condition;
 - (b) the manner in which arable land is being cropped is such as to maintain that land clean and in a good state of cultivation and fertility and in good condition;
 - (c) the unit is properly stocked where the system of farming practised requires the keeping of livestock, and an efficient standard of management of livestock is maintained where livestock are kept and of breeding where the breeding of livestock is carried out;
 - (d) the necessary steps are being taken to secure and maintain crops and livestock free from disease and from infestation by insects and other pests;
 - (e) the necessary steps are being taken for the protection and preservation of crops harvested or lifted, or in course of being harvested or lifted;
 - (f) the necessary work of maintenance and repair is being carried out.
- (3) The responsibilities under the rules of good husbandry of an occupier of an agricultural unit which is not owned by him shall not include an obligation to carry out any work of maintenance or repair which the owner of the unit or any part thereof is under an obligation to carry out in order to fulfil his responsibilities to manage in accordance with the rules of good estate management.

Modifications etc. (not altering text)

C7 Ss. 10, 11 applied by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 96(3)

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Textual Amendments

F10 Ss. 12–20 repealed by Agriculture Act 1958 (c. 71), **Sch. 2 Pt. I** without prejudice to the operation of s. 95 of this Act: **Agricultural Act 1958 (c. 71), s. 10(2)**

21 ^{F11} **E+W**

Textual Amendments

F11 S. 21 repealed by Agriculture Act 1958 (c. 71), **Sch. 2 Pt. I** without prejudice to the operation of Mineral Workings Act 1951 (c. 60), **s. 20(5)**: **Agricultural Act 1958 (c. 71), s. 10(3)**

PART III E+W

22— ^{F12} **E+W**
46.

Textual Amendments

F12 Ss. 22–46 repealed by Agricultural Holdings Act 1948 (c. 63), ss. 98-100, **Sch. 8**

PART IV E+W

SMALLHOLDINGS

47— ^{F13} **E+W**
52.

Textual Amendments

F13 Ss. 47–52 repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**

53 ^{F14} **E+W**

Textual Amendments

F14 S. 53 repealed by Agriculture Act 1958 (c. 71), **Sch. 2 Pt. I**

54— ^{F15} **E+W**
57.

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Textual Amendments

F15 Ss. 54–57, 60–66, 67(1) repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**

Financial provisions

F16 **58 Contributions by Minister to losses incurred by smallholdings authorities.** **E**

+W

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Textual Amendments

F16 S. 58 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 3**

F17 **59 Winding-up of Small Holdings and Allotments Account.** **E+W**

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Textual Amendments

F17 S. 59 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 3**

60 **F18 E+W**

Textual Amendments

F18 Ss. 54–57, 60–66, 67(1) repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**

Supplementary provisions

61— **F19 E+W**

66.

Textual Amendments

F19 Ss. 54–57, 60–66, 67(1) repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**

†67 Application and repeal of provisions of Small Holdings and Allotments Acts, 1908 to 1931. **E+W**

(1) **F20**

(2) Subject to the foregoing provisions of this Part of this Act, the said Acts, . . . **F21** are hereby repealed in so far as they relate to smallholdings:

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Provided that—

- (a) without prejudice to [^{F22}subsection (1) of section 16 of the ^{M1}Interpretation Act 1978] (which relates to the effect of repeals), the provisions of the said Acts specified in the first column of Part II of the Eighth Schedule to this Act, which relate to the matters specified in that column, shall continue in operation to the extent specified in the second column of the said Part II, but subject to any modification so specified;
- (b) nothing in this subsection shall affect the provisions of the said Acts relating to the acquisition, and to proceedings in relation to the acquisition, of land for the purposes of small holdings as those provisions apply, by virtue of section seventeen of the ^{M2}Land Settlement (Facilities) Act 1919, to the acquisition of land by county councils for allotments.

Textual Amendments

- F20** Ss. 54–57, 60–66, 67(1) repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**
- F21** Words repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**
- F22** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 25(2)

Modifications etc. (not altering text)

- C8** Unreliable margin note
- C9** “The said Acts” means Small Holdings and Allotments Acts 1908 to 1931

Marginal Citations

- M1** 1978 c. 30.
- M2** 1919 c. 59.

PART V U.K.

ADMINISTRATIVE AND GENERAL

68, 69. ^{F23} **E+W**

Textual Amendments

- F23** Ss. 68, 69 repealed by Agriculture (Miscellaneous Provisions) Act 1963 (c. 11), **Sch. Pt. I**

70 ^{F24} **E+W**

Textual Amendments

- F24** S. 70 repealed by Agriculture (Miscellaneous Provisions) Act 1963 (c. 11), **Sch. Pt. I** except as respects any financial year commencing before the dissolution of the Agricultural Land Commission

71, 72. ^{F25} **E+W**

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Textual Amendments

F25 Ss. 71, 72 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

Agricultural Land Tribunals

**73 Establishment, constitution and procedure of Agricultural Land
 [F26Tribunal]. E+W**

- [F27](1) For Wales, there shall continue to be an Agricultural Land Tribunal with the duty of hearing and determining references and applications made to the Agricultural Land Tribunal under any enactment.]
- (2) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of [F28the Agricultural Land Tribunal] and otherwise in relation thereto.
- (3) [F29The Lord Chancellor] may by order make provision for the procedure of [F30the Agricultural Land Tribunal], and in particular—
- [F31(aa) as to the manner in which applications are to be made to the [F32Agricultural Land Tribunal] and the time within which they are made;]
- (a) for the taking of evidence on oath, affirmation or otherwise, the cross-examination of witnesses, and for the summoning of witnesses in like manner as for the purposes of an arbitration under [F33the M3Agricultural Holdings Act 1986];
- (b) for the recording and proof of the decisions of the [F34Agricultural Land Tribunal], and for enabling the [F34Agricultural Land Tribunal] to decide by a majority;
- (c) F35
- [F36(d) for the transfer of proceedings for the purposes of section 42 of the Agricultural Holdings Act 1986 (procedure where deceased held more than one holding), where the determination of associated applications concerns one or more holdings in Wales and one or more holdings in England.]
- (4) An order under the last foregoing subsection may make different provision for the procedure on different classes of reference [F37or application] to [F38the Agricultural Land Tribunal] .
- [F39(5) [F40The Agricultural Land Tribunal] may, for the purpose of hearing and determining applications and references made to them under any enactment, sit in two or more divisions, and, in relation to the hearing and determination of any such application or reference by such a division, that division shall be deemed to be the Tribunal.]

Textual Amendments

- F26** Word in s. 73 substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 190(a)** (with Sch. 3)
- F27** S. 73(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 190(b)** (with Sch. 3)
- F28** Words in s. 73(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 190(c)** (with Sch. 3)
- F29** Words substituted by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 3(a)**

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- F30** Words in s. 73(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 190(d)(i)** (with Sch. 3)
- F31** S. 73(3)(aa) inserted by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 3(c)**
- F32** Words in s. 73(3)(aa) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 190(d)(ii)** (with Sch. 3)
- F33** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 18**
- F34** Words in s. 73(3)(b) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 190(d)(ii)** (with Sch. 3)
- F35** S. 73(3)(c) repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 2 Pt. I**
- F36** S. 73(3)(d) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 190(d)(iii)** (with Sch. 3)
- F37** Words inserted by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 3(d)**
- F38** Words in s. 73(4) substituted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 190(e)** (with Sch. 3)
- F39** S. 73(5) added by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 3(e)**
- F40** Words in s. 73(5) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 190(f)** (with Sch. 3)

Modifications etc. (not altering text)

- C10** S. 73(3) extended by [Agriculture \(Miscellaneous Provisions\) Act 1954 \(c. 39\)](#), s. 6(4)(6) and [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\)](#), s. 20(14)
- C11** S. 73(3) functions transferred (W.) (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), 4

Marginal Citations

- M3** [1986 c. 5 \(2:3\)](#)

74 Proceedings before Agricultural Land Tribunal on reference of Minister's proposals. E+W

- (1) In any case where by any of the provisions of this Act a person is empowered to require that a proposal of the Minister to take any action shall be referred to the Agricultural Land Tribunal, then if within the prescribed time and in the prescribed manner the said person so requires, the proposal shall be referred accordingly.
- (2) On any such reference the Tribunal shall determine—
- (a) whether the conditions as to which the Minister must be satisfied before taking the action are fulfilled, and
- (b) whether, having regard to their determination under the foregoing paragraph and to all the circumstances of the case, the Minister should or should not take the action proposed,
- and shall report to the Minister accordingly; and the Minister shall forward a copy of the report to any person who availed himself of an opportunity to make representations to the Minister afforded to him under the provisions in question of this Act.
- (3) In any such case as is mentioned in subsection (1) of this section the Minister shall not give effect to the proposal until the expiration of the period within which a reference to the Tribunal may be required.
- (4) Where such a reference is duly required the Minister shall act in accordance with the report of the Tribunal and not otherwise.

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- (5) Forthwith after taking action in any such case as is mentioned in subsection (1) of this section the Minister shall serve notice thereof in writing on any person who under the provisions in question of this Act was entitled to be afforded an opportunity to make representations to the Minister.

Supplementary administrative provisions.

[^{F41}75 Provisions where some land is in Wales and some is in England and transfer of proceedings E+W

- (1) Where any land lies partly in Wales and partly in England, for the purposes of anything required or authorised to be done by or before the appropriate tribunal in relation to that land, the land shall be deemed to be situated entirely in the place where the greater part of the land lies.
- (2) Tribunal Procedure Rules may make provision for the transfer of proceedings to or from the First-tier Tribunal where, after the making of the application, section 42 of the Agricultural Holdings Act 1986 (procedure where deceased held more than one holding) applies to the determination of associated applications.
- (3) For the purposes of subsection (1), “appropriate tribunal” means—
 - (a) where the land (or the greater part of the land) is in England, the First-tier Tribunal; and
 - (b) where the land (or the greater part of the land) is in Wales, the Agricultural Land Tribunal.]

Textual Amendments
F41 S. 75 substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 191](#) (with [Sch. 3](#))

Modifications etc. (not altering text)
C12 S. 75 modified (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 31](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 11\(d\)](#)

76 ^{F42} E+W

Textual Amendments
F42 S. 76 repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 3](#) and [Weeds Act 1959 \(c. 54\)](#), [Sch.](#)

Statistics of Agriculture in Great Britain

77 ^{F43} E+W

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Textual Amendments

F43 S. 77 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

^{F44F45}78 Power to obtain agricultural statistics. S

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Textual Amendments

F44 S. 78 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), **Sch. 2**
F45 Ss. 78-81 repealed (S.) (1.12.2020) by [Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020 \(asp 17\)](#), **ss. 20, 26(2)** (with s. 25); S.S.I. 2020/373, reg. 2(1)(h)

^{F46F45}79 Information as to dealings in land used for agriculture. S

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Textual Amendments

F45 Ss. 78-81 repealed (S.) (1.12.2020) by [Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020 \(asp 17\)](#), **ss. 20, 26(2)** (with s. 25); S.S.I. 2020/373, reg. 2(1)(h)
F46 S. 79 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), **Sch. 2**

^{F47F45}80 Restriction on disclosure of information. S

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Textual Amendments

F45 Ss. 78-81 repealed (S.) (1.12.2020) by [Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020 \(asp 17\)](#), **ss. 20, 26(2)** (with s. 25); S.S.I. 2020/373, reg. 2(1)(h)
F47 S. 80 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), **Sch. 2**

^{F45F48}81 Penalties. S

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Textual Amendments

F45 Ss. 78-81 repealed (S.) (1.12.2020) by [Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020 \(asp 17\)](#), **ss. 20, 26(2)** (with s. 25); S.S.I. 2020/373, reg. 2(1)(h)
F48 S. 81 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), **Sch. 2**

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General powers of acquisition and management of land by Minister

82 Powers of Minister to acquire land by agreement. E+W

- (1) The Minister may acquire by agreement—
- (a) any land used for agriculture;
 - (b) any other land falling within the definition in this Act of the expression agricultural land;
 - (c) where any such land as aforesaid is offered to the Minister for acquisition by him on the condition that he also acquires other land not falling within the two foregoing paragraphs, that other land;
 - (d) any other land as respects which power is conferred on the Minister by this Act to purchase the land compulsorily in accordance with the provisions of this Act in that behalf.

^{F49}(2)

Textual Amendments

F49 S. 82(2) repealed (E.) (1.7.2018) by [Statute Law \(Repeals\) Measure 2018 \(No. 1\)](#), s. 2(3), **Sch. Pt. 3**; [S.I. 2018/718](#), art. 2

Modifications etc. (not altering text)

C13 S. 82 extended by [Agriculture Act 1967 \(c. 22\)](#), s. 29 and [Agriculture Act 1970 \(c. 40\)](#), s. 55

^{F50}**83 Acquisition by Minister of land for research, experiment and demonstration. E+W**

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Textual Amendments

F50 S. 83 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

^{F51}**84 Acquisition of land by Minister to ensure full and efficient use thereof. E+W**

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Textual Amendments

F51 S. 84 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

85 ^{F52} E+W

Textual Amendments

F52 S. 85 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), **Sch. 1 Pt. VIII**

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^{F53} **86 Control of subdivision of agricultural units.** **E+W**

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Textual Amendments

F53 S. 86 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

87 ^{F54} **E+W**

Textual Amendments

F54 S. 87 repealed by Agriculture (Miscellaneous Provisions) Act 1963 (c. 11), Sch. Pt. I

^{F55} **88 Transfer to Minister of land vested in other Government departments.** **E+W**

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Textual Amendments

F55 S. 88 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

Modifications etc. (not altering text)

C14 Functions of Minister of Works now exercisable by Secretary of State: S.I. 1962/1549, art. 2 and 1970/1681, arts. 2, 3

^{F56} **89 Transfer of land from Land Settlement Associations to Minister.** **E+W**

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Textual Amendments

F56 S. 89 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

90 Powers of management, etc., of land acquired by Minister. **E+W**

- (1) The Minister may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him—
- (a) in such manner as appears to him expedient for the purpose for which the land was acquired; or
 - (b) if he is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to him expedient therefor:

Provided that—

- (i) the Minister shall not sell land acquired by him except where it appears to him that, having regard to the use proposed to be made of the land, it is expedient that it should be sold by him;

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(ii) this section shall have effect subject to any restrictions imposed by or under any enactment on the powers of the Minister.

(2) The powers of management conferred on the Minister by subsection (1) of this section shall include power to provide such facilities for the welfare of tenants of, or other persons employed in agriculture on, land managed by him as the Minister thinks expedient.

Modifications etc. (not altering text)

C15 S. 90 extended by [Agriculture Act 1967 \(c. 22\)](#), s. 29

C16 Functions of Minister of Agriculture, Fisheries and Food under s. 90 as it applies to land acquired for certain purposes now exercisable (W.) by Secretary of State: [S.I. 1965/319](#), art. 4(1) and 1967/156, art. 2(3)

91 ^{F57} **E+W**

Textual Amendments

F57 S. 91 repealed by [Agriculture Act 1958 \(c. 71\)](#), Sch. 3

Provisions as to compulsory acquisition of land

^{F58}**92** **Procedure for compulsory purchase of land.** **E+W**

.....

Textual Amendments

F58 Ss. 92-95 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), Sch. 1 Pt. 2 Group 1

Modifications etc. (not altering text)

C17 S. 92 extended (1.7.1999) by [S.I. 1999/672](#), art. 2, Sch. 1

^{F58}**93** **Compulsory hiring of land.** **E+W**

.....

Textual Amendments

F58 Ss. 92-95 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), Sch. 1 Pt. 2 Group 1

^{F58}**94** **Limitation of period of compulsory hiring.** **E+W**

.....

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Textual Amendments

F58 Ss. 92-95 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

Special directions to secure production

^{F58}**95** Special directions to secure production. **E+W**

.....

Textual Amendments

F58 Ss. 92-95 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

Continuation of contributions to cost of drainage, water supply and application of lime.

^{F59}**96** **E+W**

Textual Amendments

F59 S. 96 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. II.

97 ^{F60} **E+W**

Textual Amendments

F60 S. 97 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. II

Pest and weed control

98 Prevention of damage by pests. **E+W**

- (1) If it appears to the Minister that it is expedient so to do for the purpose of preventing damage to crops, pasture, animal or human foodstuffs, livestock, trees, hedges, banks or any works on land, he may by notice in writing served on any person having the right so to do require that person to take, within such time as may be specified in the notice, such steps (including such steps, if any, as may be so specified) as may be necessary for the killing, taking or destruction on land so specified of such animals or birds to which this section applies as may be so specified or the eggs of such birds.
- (2) A requirement shall not be imposed under the last foregoing subsection if apart from this subsection the killing, taking or destruction in question would be prohibited by law:
Provided that a requirement may be so imposed to kill or destroy game within the meaning of the ^{M4}Game Act 1831, at a time of year at which apart from this proviso

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the killing or destruction would be prohibited by section three of that Act; and for the purposes of the last foregoing subsection a person shall not be deemed not to have the right to comply with a requirement falling within this proviso by reason only that apart from this proviso compliance therewith would be prohibited as aforesaid.

- (3) Section four of the ^{M5}Prevention of Damage by Rabbits Act 1939 (which allows the use in rabbit holes of poisonous gas, and the placing in rabbit holes of substances generating poisonous gas by evaporation or in contact with moisture) shall apply to the use of such gas and the placing of such substances in any hole, burrow or earth for the purpose of killing animals to which this section applies.
- (4) The animals to which this section applies are rabbits, hares and other rodents, deer, foxes and moles, and the birds to which this section applies are, in relation to any area, wild birds other than those [^{F61}included in the ^{M6}First Schedule to the Protection of Birds Act 1954] as it applies in that area whether by virtue of the terms thereof . . . ^{F62} or by virtue of an order of the Secretary of State; and this section shall apply to such other animals as may be prescribed:
Provided that regulations under this subsection may provide that for the purposes of subsection (3) of this section any such other animals specified in the regulations shall not be treated as animals to which this section applies.

(5) ^{F63}

(6) ^{F64}

- [^{F65}(7) Where it appears to [^{F66}the Minister of Agriculture, Fisheries and Food] expedient for the purpose of preventing damage by rabbits to crops, pasture, trees, hedges, banks or any works on land, he may by notice in writing served on the occupier of any land (or, in the case of unoccupied land, the person entitled to occupy it) require him to take on the land, within the time specified in the notice, such steps as may be so specified to destroy or reduce the breeding places or cover for rabbits or to exclude rabbits therefrom, or to prevent the rabbits living in any place on the land from spreading to or doing damage in any other place; but every such notice shall specify a time within which the occupier or any person interested in the land may submit to the Minister written objections to the notice, and shall be provisional only and of no effect, unless confirmed after the expiration of that time by a further notice in writing served on the occupier of the land; and, where the occupier holds the land under a contract of tenancy, a copy of any notice under this subsection shall be served on any person to whom the occupier pays rent under the tenancy.

A provisional notice under this subsection may be confirmed either without modifications or with such modifications as appear to the Minister desirable having regard to any objections submitted to him.]

Textual Amendments

- F61** Words substituted by [Protection of Birds Act 1954 \(c. 30\)](#), [Sch. 5](#)
- F62** Words repealed by [Protection of Birds Act 1954 \(c. 30\)](#), [Sch. 5](#)
- F63** [S. 98\(5\)](#) repealed by [Pests Act 1954 \(c. 68\)](#), [Sch.](#)
- F64** [S. 98\(6\)](#) repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 3](#)
- F65** [S. 98\(7\)](#) added by [Pests Act 1954 \(c. 68\)](#), [s. 2\(1\)](#)
- F66** Words substituted by virtue of [S.I. 1955/554 \(1955 I, p. 1200\)](#), art. 3

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Modifications etc. (not altering text)

C18 S. 98 restricted by Prevention of Damage by Pests Act 1949 (c. 55), s. 20(1); extended by Pests Act 1954 (c. 68), ss. 1(6)(9), 3(1); amended by Pests Act 1954 (c. 68), ss. 4(1)(2), 9(4)

Marginal Citations

M4 1831 c. 32.
M5 1939 c. 43.
M6 1954 c. 30.

99 Prevention of escape of captive animals. E+W

If it appears to the Minister that, for the purpose of preventing such damage as is mentioned in the last foregoing section, it is expedient to prevent the escape of any animals from land on which they are kept in captivity, the Minister may by notice in writing served on the occupier of the land require him to take within such time as may be specified in the notice such steps as may be necessary to prevent the escape thereof, including such steps, if any, as may be specified in the notice.

100 Supplementary provisions relating to sections ninety-eight and ninety-nine. E+W

- (1) If any person fails to comply with a requirement imposed under either of the two last foregoing sections he shall be liable on summary conviction to a fine not exceeding [^{F67}level 2 on the standard scale], and to a further fine not exceeding five pounds for each day after conviction on which the failure continues.
- (2) Without prejudice to any proceedings under the last foregoing subsection, where a requirement imposed under either of the two last foregoing sections has not been complied with, any person authorised by the Minister to act for the purposes of this subsection may at any time enter on the land to which the requirement relates and take such steps as the Minister may direct to secure compliance with the requirement; and the reasonable cost of taking such steps shall be recoverable by the Minister from the person on whom the requirement was imposed.

Any dispute arising under this subsection as to what is the reasonable cost of taking any such steps as aforesaid shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.

- (3) The Minister may give such directions as appear to him to be expedient authorising the keeping of animals, birds, or eggs killed or taken in pursuance of the provisions of this or the last but one foregoing section and authorising the disposal of such animals, birds or eggs, whether for the purpose of being used as food or otherwise.

^{F68}(4)

- (5) Where a person incurs any expense reasonably necessary for the purpose of complying with any requirement imposed on him under either of the two last foregoing sections, or where any cost is recovered from a person under subsection (2) of this section, then if he alleges that the expense or cost ought to be borne wholly or in part by some other person having an interest in the land to which the requirement in question relates, he may apply to the county court in accordance with rules of court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such

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order for securing that the applicant is wholly or in part indemnified by that other person in respect of the said expense or cost as the court considers just and equitable in the circumstances of the case.

- (6) Any notice to be served under either of the two last foregoing sections on the occupier of land used for agriculture shall, where an agent or servant of the occupier is responsible for the control of the farming of the land, be duly served if served on the said agent or servant.

Textual Amendments

F67 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

F68 [S. 100\(4\)](#) repealed (1.8.2007) by [Regulatory Reform \(Game\) Order 2007 \(S.I. 2007/2007\)](#), art. 1(1), [Sch. para. 1\(i\)](#)

101 Provision by Minister of equipment and services for pest control. E+W

- (1) The Minister may, for the purpose of assisting in the killing, taking or destruction of animals or birds to which section ninety-eight of this Act applies, and the eggs of such birds, provide such services and equipment, appliances and other material as appear to the Minister to be requisite for that purpose.
- (2) The Minister may make such reasonable charges, if any, as he thinks fit in respect of any assistance rendered under the last foregoing subsection, and may recover the amount of any such charge from the person at whose request the assistance was rendered.

Modifications etc. (not altering text)

C19 [S. 101](#) extended by [Pests Act 1954 \(c. 68\)](#), s. 2(2)

102 ^{F69} E+W

Textual Amendments

F69 [S. 102](#) repealed by [Weeds Act 1959 \(c. 54\)](#), [Sch.](#)

Supplementary

103 ^{F70} E+W

Textual Amendments

F70 [S. 103](#) repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), s. 24(5), [Sch. 4](#) (the repeal being in force 25.9.1986 unless consequential on sections 8 to 10 of the 1986 Act as mentioned in s. 24 of that Act which latter repeals are (*prosp.*))

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104 Provisions as to representations. E+W

- (1) Any enactment in this Act providing, in relation to the taking of any action by the Minister, for his taking the action after affording a person an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, shall be construed as a provision that the Minister shall comply with the following requirements.
- (2) The Minister shall give notice to the said person specifying the action proposed to be taken and informing him of the effect of the three following subsections.
- (3) If within the prescribed time and in the prescribed manner the said person makes representations to the Minister in writing, the Minister shall not take the action in question until he has considered the representations.
- (4) If, whether or not representations are made to the Minister in writing, the said person within the prescribed time and in the prescribed manner requires that an opportunity be afforded to him of being heard by a person appointed by the Minister for the purpose, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) of this section the Minister is required to afford such an opportunity, and the Minister shall not take the action in question until he has considered any representations made at the hearing.
- (5)^{F71}
- (6) If for the purposes of any such hearing the person to whom the opportunity is afforded so desires, the like opportunity shall be afforded to a person chosen by him to represent his views to the Minister.

Textual Amendments

F71 S. 104(5) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)

105 Expenses and receipts. E+W

- (1) All expenses incurred by any Minister under this Act shall be defrayed out of moneys provided by Parliament.
- (2) All sums received by the Minister under this Act, including sums received on his behalf by . . .^{F72} any . . .^{F72} person or body of persons exercising functions on behalf of the Minister, shall be paid into the Exchequer.

Textual Amendments

F72 Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), [Sch. Pt. I](#)

106 Provisions as to entry and inspection. E+W

- (1) Any person authorised by the Minister 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 under any such power has been complied with.

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- (2) Any person authorised by the Minister . . . ^{F73} who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid—
- (a) if the power is being exercised for determining whether the land is to be acquired under Part IV of this Act or this Part thereof; or
 - (b) if the land is being used for residential purposes;
- unless twenty-four hours notice of the intended entry has been given to the occupier of the land.
- (4) Save as provided by the last foregoing subsection, admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid . . . ^{F74} unless notice has been given to the occupier of the land that it is proposed to enter during a period, specified in the notice, not exceeding fourteen days and beginning at least twenty-four hours after the giving of the notice, and the entry is made on the land during the period specified in the notice:
Provided that where the power of entry is being exercised for the purpose of taking measures to secure compliance with a direction or requirement under the foregoing provisions of this Part of this Act, and notice is given in accordance with this subsection on the first occasion on which the power is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with the taking of the measures.
- (5) Where notice is served in a case falling within the proviso to the last foregoing subsection, and the person to whom the direction therein referred to was given, or on whom the requirement therein referred to was imposed, is not the occupier of the land, a like notice shall be served on that person.
- (6) Any notice served in pursuance of the last foregoing subsection or the proviso therein referred to may be served in like manner as the notice giving the said direction or imposing the said requirement.
- (7) Any person who, in any case for which no penalty is provided by the foregoing provisions of this Act [^{F75}or under section 25 of the Tribunals, Courts and Enforcement Act 2007 (supplementary powers of the Upper Tribunal)] [^{F76}obstructs the exercise of any such power as aforesaid or of any other power conferred by subsection (2) of section one hundred of this Act] shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F77}£25] in the case of a first offence or [^{F77}£50] in the case of a second or any subsequent offence.

Textual Amendments

F73 Words repealed by [Agriculture Act 1970 \(c. 40\)](#), s. 113(3), [Sch. 5 Pt. III](#)

F74 Words repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)

F75 Words in s. 106(7) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 192](#) (with Sch. 3)

F76 Words substituted by [Pests Act 1954 \(c. 68\)](#), s. 5(1)

F77 Words substituted by virtue of [Criminal Law Act 1977 \(c. 45\)](#), s. 31(5)(6)(9)

Modifications etc. (not altering text)

C20 S. 106 explained by [Pests Act 1954 \(c. 68\)](#), s. 1(13)

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C21 S. 106(7): [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.)

107 Services of notices. **E+W**

- (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.
- (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 [^{F78}section 7 of the ^{M7}Interpretation Act 1978], 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 the 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.
- (5) Where any such document as aforesaid is to be given to or served on any person as being the owner of land and the land [^{F79}belongs to an ecclesiastical benefice, a copy thereof shall be served on [^{F80}the Church Commissioners]is vested in the incumbent of a benefice of the Church of England, a copy thereof shall be served on the Diocesan Board of Finance for the diocese in which the land is situated].

Textual Amendments

- F78** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)
- F79** Words in s. 107(5) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 2](#); S.I. 2006/2, Instrument made by Archbishops
- F80** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

Marginal Citations

- M7** [1978 c. 30.](#)

108 Regulations and orders. **E+W**

- (1) Any regulations made by the Minister under this Act, and any Order made ^{F81}... under section seventy-three thereof, shall be laid before Parliament forthwith after being made, and if either House of Parliament, within the period of forty days beginning with the day on which the regulations or order are or is laid before it, resolves that an Address be presented to His Majesty praying that the regulations or order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the regulations or order so, however,

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that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the regulations or order or to the making of new regulations or a new order.

F82

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- (2) In this Act the expression “prescribed” means prescribed by regulations made by the Minister.
- (3) Any power conferred by this Act to make an order shall include a power, exercisable in the like manner and subject to the like conditions, to revoke or vary the order.

Textual Amendments

- F81** Words in s. 108(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 32, Sch. 18 Pt. 2](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(d) Sch. 1 para. 30(b)
- F82** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

109 Interpretation. **E+W**

- (1) In this Act the expression “agricultural land” means land used for agriculture which is so used for the purposes of a trade or business, or which is designated by the Minister for the purposes of this subsection, and includes any land so designated as land which in the opinion of the Minister ought to be brought into use for agriculture:
Provided that no designation under this subsection shall extend—
- (a) to land used as pleasure grounds, private gardens or allotment gardens, or
 - (b) to land kept or preserved mainly or exclusively for the purposes of sport or recreation, except where the Minister is satisfied that its use for agriculture would not be inconsistent with its use for the said purposes and it is so stated in the designation.
- (2) In this Act the expression “agricultural unit” means land which is occupied as a unit for agricultural purposes, including—
- (a) any dwelling-house or other building occupied by the same person for the purpose of farming the land, and
 - (b) any other land falling within the definition in this Act of the expression “agricultural land” which is in the occupation of the same person, being land as to which the Minister is satisfied that having regard to the character and situation thereof and other relevant circumstances it ought in the interests of full and efficient production to be farmed in conjunction with the agricultural unit, and directs accordingly:

Provided that the Minister shall not give a direction under this subsection as respects any land unless it is for the time being not in use for any purpose which appears to him to be substantial having regard to the use to which it might be put for agriculture.

- (3) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of

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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 [^{F83}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;

“fixed equipment” includes any building or structure affixed to land and any works on, in, over or under land, and also includes anything grown on land for a purpose other than use after severance from the land, consumption of the thing grown or of produce thereof, or amenity, and references to fixed equipment on land shall be construed accordingly;

“functions” includes powers and duties;

“livestock” includes any creature 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;

“prescribed” has the meaning assigned to it by the last foregoing section;

“produce” includes anything (whether live or dead) produced in the course of agriculture;

“relevant circumstances,” in relation to an owner or occupier, includes all circumstances affecting management or farming other than the personal circumstances of the owner or occupier.

- (4) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any other enactment, including this Act.
- (5) References in this Act to the farming of land include references to the carrying on in relation to the land of any agricultural activity; and in relation to any agricultural activity the person having the right to carry it on shall be deemed to be the occupier of the land.
- (6) References in this Act to the use of land for agriculture include, in relation to land forming part of an agricultural unit, references to any use of the land in connection with the farming of the unit.

Textual Amendments

F83 Words substituted by [S.I. 1978/446, reg. 2\(1\)](#)

Modifications etc. (not altering text)

C22 In s. 109 the definitions of “agriculture”, “agricultural” and “agricultural land” are applied (30.11.1991) by [Coal Mining Subsidence Act 1991 \(c. 45, SIF 86\)](#), [s. 52\(1\)](#) (with [s. 37\(4\)](#), [Sch. 7](#)); [S.I. 1991/2508, art.2](#)

C23 In s. 109(3) the definition of “agriculture” is applied (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), [ss. 221\(1\), 225\(2\)](#) (with [ss. 16\(6\), 179, 222\(3\)](#) and [Sch. 22 para. 1](#))
In s. 109(3) the definitions of “agriculture” and “agricultural” are applied (27.7.1993) by [1993 c. 37, s. 58\(3\)](#).

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Textual Amendments

F84 Ss. 110, 111(2) repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 3](#)

111 †Short title, commencement and extent. E+W

- (1) This Act may be cited as the Agriculture Act 1947.
- (2) ^{F85}
- (3) This Act, except in so far as is expressly provided therein, shall not extend to Scotland or Northern Ireland.

Textual Amendments

F85 Ss. 110, 111(2) repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 3](#)

Modifications etc. (not altering text)

C24 Unreliable margin note

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SCHEDULES

^{F86}FIRST SCHEDULE **E+W**

Textual Amendments

F86 Sch. 1 repealed by [Agriculture Act 1957 \(c. 57\)](#), [Sch. 4 Pt. I](#)

.....
F86

^{F87}SECOND SCHEDULE **E+W**

Sections 15, 36, 95.

Textual Amendments

F87 Sch. SECOND repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1

^{F88}THIRD TO SEVENTH SCHEDULES **E+W**

Textual Amendments

F88 Schs. 3–7 repealed by [Agricultural Holdings Act 1948 \(c. 63\)](#), ss. 98–100, [Sch. 8](#)

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F88

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EIGHTH SCHEDULE **E+W**

Section 67.

PROVISIONS OF SMALL HOLDINGS AND ALLOTMENTS ACTS APPLIED OR SAVED

F89F89 PART I **E+W**

Textual Amendments

F89 Sch. 8 Pt. I repealed by Agriculture Act 1970 (c. 40), ss. 113(3), Sch. 5 Pt. III

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 . . .

PART II **E+W**

PROVISIONS SAVED

<i>Enactment saved</i>	<i>Extent of saving</i>
<p>In the Smallholdings and Allotments Act 1926 (16 & 17 Geo. 5. c. 52):—</p> <p>F90 . . .</p> <p>Sections five to seven (provisions as to payment for sales of holdings by terminable annuities, as to conditions binding on holdings sold or let, and as to recovery of possession where condition broken.)</p>	<p>F90 . . .</p> <p>(1) The sections shall, subject to the modification hereinafter provided, continue in operation in relation to smallholdings sold or let before the commencement of Part IV of this Act, except in so far as they provide for the sale of smallholdings or any other disposition thereof [^{F91}not authorised by Part III of the Agriculture Act 1970] and except in so far as subsection (1) of section six renders the consent of the Minister unnecessary where no contribution is payable by him.</p> <p>(2) The requirement in paragraph (c) of subsection (1) of section six that the holding shall be cultivated in accordance with the rules of good husbandry as defined in the ^{M8}</p> <p>Agricultural Holdings Act 1923, shall be construed as a requirement that the owner or occupier, as the case may be, shall fulfil his responsibilities to farm the holding in accordance with the rules of good husbandry, and section eleven of this Act shall apply accordingly.</p>
<p>Sections thirteen and fourteen (provisions as to loans for purchase and equipment of holdings).</p>	<p>The sections shall continue in operation in relation to loans made before the commencement of Part IV of this Act.</p>

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Textual Amendments

F90 Sch. EIGHTH Pt. II entry repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 3

F91 Words substituted by Agriculture Act 1970 (c. 40), Sch. 4

Marginal Citations

M8 1923 c. 9.

NINTH SCHEDULE **E+W**

Sections 68, 71, 73.

CONSTITUTION ETC. OF COMMISSION, SUB-COMMISSION, COMMITTEES AND TRIBUNALS

F92

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1—6.

Textual Amendments

F92 Sch. 9 paras. 1–6 repealed by Agriculture (Miscellaneous Provisions) Act 1963 (c. 11), Sch. Pt. I

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7—12.

Textual Amendments

F93 Sch. 9 paras.7–12 repealed by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), Sch. 6

Agricultural Land [F94Tribunal]

Textual Amendments

F94 Word in Sch. 9 para. 13 heading substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, Sch. 1 para. 193(2)(a) (with Sch. 3)

[F95]13 (1) The Lord Chancellor shall appoint a chairman for [F96the Agricultural Land Tribunal], who shall be a [F97person who satisfies the judicial-appointment eligibility condition on a 5-year basis].

(2) [F98Subject to sub-paragraph (2A) of this paragraph,] the chairman shall hold office for [F99such period as may be specified in the terms of his appointment], and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.

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[No appointment of a person to be the chairman shall be such as to extend beyond the ^{F100}(2A) day on which he attains the age of [^{F101}75].]

(3) The chairman may resign his office by notice in writing to the Lord Chancellor.

(4) If the Lord Chancellor [^{F102}and Lord Chief Justice are both] satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or if the chairman is [^{F103}made] bankrupt or makes a composition or arrangement with his creditors, the Lord Chancellor may^{F104}, with the concurrence of the Lord Chief Justice,] revoke the appointment of the chairman.]

Textual Amendments

- F95** Sch. 9 paras. 13–16, 16A substituted for paras. 13–16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)**
- F96** Words in Sch. 9 para. 13(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), **art. 1, Sch. 1 para. 193(2)(b)** (with Sch. 3)
- F97** Words in Sch. 9 para. 13(1) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 4**; [S.I. 2008/1653](#), **art. 2(d)** (with arts. 34)
- F98** Words in Sch. 9 para. 13(2) inserted (31.3.1995) by [1993 c. 8](#), s. 26, **Sch. 6 para. 46(2)(a)** (with Sch. 7 paras. 2(2), 3(2), 4); [S.I. 1995/631](#), **art. 2**.
- F99** Words in Sch. 9 para. 13(2) substituted (31.3.1995) by [1993 c. 8](#), s. 26, **Sch. 6 para. 46(2)(b)** (with Sch. 7 paras. 2(2), 3(2), 4); [S.I. 1995/631](#), **art. 2**.
- F100** Sch. 9 para. 13(2A) inserted (31.3.1995) by [1993 c. 8](#), s. 26, **Sch. 6 para. 46(3)** (with Sch. 7 paras. 2(2), 3(2), 4); [S.I. 1995/631](#), **art. 2**.
- F101** Word in Sch. 9 para. 13(2A) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), **Sch. 1 para. 2(2)** (with Sch. 1 para. 43)
- F102** Words in Sch. 9 para. 13(4) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 33(2)(a)**; [S.I. 2006/1014](#), **art. 2(a)**, Sch. 1 para. 11(d)
- F103** Word in Sch. 9 para. 13(4) substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\)](#), reg. 1, **Sch. 1 para. 18**
- F104** Words in Sch. 9 para. 13(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 33(2)(b)**; [S.I. 2006/1014](#), **art. 2(a)**, Sch. 1 para. 11(d)

^{F105}14 [^{F106}(1)]The Lord Chancellor shall draw up for [^{F107}the Agricultural Land Tribunal] and from time to time revise a panel of deputy-chairmen, who shall be [^{F108}persons eligible for appointment under paragraph 13(1).]]

^{F106}(2) A member of the panel of deputy-chairmen shall vacate his office on the day on which he attains the age of [^{F109}75].]

Textual Amendments

- F105** Sch. 9 paras. 13–16, 16A substituted for paras. 13–16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)**
- F106** Sch. 9 para. 14 renumbered as sub-paragraph (1) and sub-paragraph 14(2) added (31.3.1995) by [1993 c. 8](#), s. 26, **Sch. 6 para. 46(4)** (with Sch. 7 paras. 2(2), 3(2), 4); [S.I. 1995/631](#), **art. 2**.
- F107** Words in Sch. 9 para. 14(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), **art. 1, Sch. 1 para. 193(3)** (with Sch. 3)

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F108 Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 6(2)**

F109 Word in **Sch. 9 para. 14(2)** substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 2(3)** (with **Sch. 1 para. 43**)

[^{F110}15(1) The Lord Chancellor shall draw up for [^{F111}the Agricultural Land Tribunal] and from time to time revise a panel of persons appearing to him to represent the interests of farmers and a panel of persons appearing to him to represent the interests of owners of agricultural land.

[A member of either of the panels drawn up under sub-paragraph (1) of this paragraph ^{F112}(1A) shall vacate his office on the day on which he attains the age of [^{F113}75].]

(2) Subject to the following sub-paragraph, the persons to be placed on either panel shall be selected by the Lord Chancellor from nominations made at his request by persons appearing to him to represent the interests of farmers or of owners of agricultural land, as the case may be.

(3) The last foregoing sub-paragraph shall not prevent the Lord Chancellor from placing on either of the panels a person not nominated in accordance with that sub-paragraph, if the persons requested to make the nominations for that purpose do not make the required number of nominations, or the nominations they make do not include enough persons who appear to the Lord Chancellor to be suitable.]

Textual Amendments

F110 Sch. 9 paras. 13–16, 16A substituted for paras. 13–16 by Agriculture Act 1958 (c. 71), **Sch. 1 Pt. I para. 5(1)(2)**

F111 Words in Sch. 9 para. 15(1) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 193(4)** (with **Sch. 3**)

F112 Sch. 9 para. 15(1A) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 46(5)** (with **Sch. 7 paras. 2(2), 3(2), 4**); S.I. 1995/631, art. 2.

F113 Word in **Sch. 9 para. 15(1A)** substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 2(4)** (with **Sch. 1 para. 43**)

[^{F114}15(1) A member of the First-tier Tribunal may, at the request of the Chairman of the Agricultural Land Tribunal and with the approval of the Senior President of Tribunals, act as a member of the Agricultural Land Tribunal.

[A member of a tribunal listed in section 59 of the Wales Act 2017 (the Welsh ^{F115}(1A) tribunals) who is not a member of the Agricultural Land Tribunal may, at the request of the Chairman of the Agricultural Land Tribunal and with the approval of the President of Welsh Tribunals, act as a member of the Agricultural Land Tribunal.]

(2) Every person while acting under this paragraph may perform the functions of a member of the Agricultural Land Tribunal.]

Textual Amendments

F114 Sch. 9 para. 15A inserted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 193(5)** (with **Sch. 3**)

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F115 Sch. 9 para. 15A(1A) inserted (coming into force in accordance with reg. 2(1) of the commencing S.I.) by [Wales Act 2017 \(c. 4\), ss. 62\(1\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/351, reg. 2\(2\)](#) [Editorial note: S.I. 2017/1282 was made under 2017 c. 4, Sch. 5 para. 7(1) and comes into force on 12.12.2017]

- [^{F116}16(1)] Subject to paragraph 15A, for each hearing by the Agricultural Land Tribunal of an application or reference thereto, the members of the Agricultural Land Tribunal shall be—
- (a) the chairman, or a person nominated by the chairman from the panel of deputy-chairmen, and
 - (b) one person nominated by the chairman from each of the panels drawn up under paragraph 15.]
- (2) The chairman may, if it appears to him expedient so to do, nominate two assessors to be added to the Tribunal for the hearing of an application or reference thereto in order to assist the Tribunal in the hearing.
- (3) The assessors shall be selected by the chairman from a panel of persons nominated by the President of the Royal Institution of Chartered Surveyors.]

Textual Amendments

F116 Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\), Sch. 1 Pt. I para. 5\(1\)\(2\)](#)

F117 Sch. 9 para. 16(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 193\(6\)](#) (with [Sch. 3](#))

Modifications etc. (not altering text)

C25 Sch. 9 para. 16(1) modified by [Land Drainage Act 1976 \(c. 70\), s. 42\(1\)](#)

- [^{F118}16A] If the chairman of [^{F120}the Agricultural Land Tribunal] is prevented by sickness or [^{F119}(1)] any other reason from making nominations under sub-paragraphs (1) and (2) of the last foregoing paragraph or from otherwise discharging the duties of his office, those duties may be discharged by a person appointed from the panel of deputy-chairmen [^{F121}... by the chairman or, if the chairman is unable to make the appointment, by the [^{F122}Lord Chief Justice, after consulting the Lord Chancellor]]
- [^{F123}(2)] The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (1).]

Textual Amendments

F118 Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\), Sch. 1 Pt. I para. 5\(1\)\(2\)](#)

F119 Sch. 9 para. 16A(1): Sch. 9 para. 16A renumbered as Sch. 9 para. 16A(1) (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 33\(3\)\(a\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(d\)](#)

F120 Words in Sch. 9 para. 16A(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 193\(7\)\(a\)](#) (with [Sch. 3](#))

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F121 Words in Sch. 9 para. 16A(1) omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(7)(b)** (with Sch. 3)

F122 Words in Sch. 9 para. 16A(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 33(3)(b)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(d)

F123 Sch. 9 para. 16A(2) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 33(3)(c)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(d)

Modifications etc. (not altering text)

C26 Sch. 9 para. 16A extended by [Land Drainage Act 1976 \(c. 70\)](#), s. 42(2)

C27 Sch. 9 para. 16A applied (1.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), ss. 31(3), 76(2), (with ss. 67(3)(5)(8), 72(6), 74(3)(4))

17 (1) [^{F124}The Lord Chancellor] may by order direct that the foregoing provisions of this Schedule as to the nominated members of [^{F125}the Agricultural Land Tribunal] shall have effect subject to such modification of the number of such members, and such additions to the classes of persons referred to in paragraph 15 of this Schedule, as may be specified in the order.

(2) Any order under this paragraph shall be of no effect unless approved by resolution of each House of Parliament.

Textual Amendments

F124 Words substituted by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(3)**

F125 Words in Sch. 9 para. 17(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(8)** (with Sch. 3)

^{F126}

18

Textual Amendments

F126 Sch. 9 para. 18 repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 2 Pt. I**

Disqualifications for appointment

19 (1) ^{F127}

(2) A person shall be disqualified for being appointed or being a member of, or assessor to, [^{F128}the Agricultural Land Tribunal] so long as he is a member of any other body mentioned in the last foregoing sub-paragraph.

Textual Amendments

F127 Sch. 9 para. 19(1) repealed by [House of Commons Disqualification Act 1957 \(c. 20\)](#), **Sch. 4 Pt. I**

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F128 Words in Sch. 9 para. 19(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(9)** (with Sch. 3)

Validity of acts

- 20 (1) Any body mentioned in the last foregoing paragraph shall have power to act notwithstanding any vacancy among its members.
- (2) All acts done at any meeting of any such body shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment or disqualification of a person purporting to be a member thereof, be as valid as if that defect had not existed.
- (3) Nothing in sub-paragraph (1) of this paragraph shall affect any requirement as to the number of members necessary to constitute a meeting of any such body as aforesaid.

F129

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Textual Amendments

F129 Sch. 9 para. 21 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

Officers and Servants

- 22 (1) **F130**
- (2) The Minister shall attach to . . . ^{F131} [^{F132} the Agricultural Land Tribunal] such officers and servants of the Ministry as he may with the approval of [^{F133} the Minister for the Civil Service] determine to be required for providing the . . . ^{F131} tribunals with the necessary officers and servants.
- (3) **F130**

Textual Amendments

F130 Sch. 9 para. 22(1)(3) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

F131 Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

F132 Words in Sch. 9 para. 22(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(10)** (with Sch. 3)

F133 Words substituted by virtue of S.I. 1971/2099, **arts. 2, 3, 6(5)**

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Remuneration and Expenses

- 23 (1) The Minister may pay to members of . . . ^{F134}[^{F135}the Agricultural Land Tribunal] such remuneration (whether by way of salaries or of fees) as he may with the approval of [^{F136}the Minister for the Civil Service] determine.
- (2) The Minister may pay to the members of any body mentioned in paragraph 19 of this Schedule and to the assessors to [^{F137}the Agricultural Land Tribunal] such allowances as he may with the approval of [^{F136}the Minister for the Civil Service] determine.
- (3) The expenses of any body mentioned in paragraph 19 of this Schedule shall be defrayed by the Minister.

Textual Amendments

F134 Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

F135 Words in Sch. 9 para. 23(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(11)** (with Sch. 3)

F136 Words substituted by virtue of S.I. 1971/2099, **arts. 2, 3, 6(5)**

F137 Words in Sch. 9 para. 23(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(11)** (with Sch. 3)

Proof of Instruments

- 24 Any document purporting to be a document duly executed or issued . . . ^{F138} on behalf of any such body as aforesaid shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

Textual Amendments

F138 Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

^{F139}F139 TENTH
SCHEDULE **E+W**

Textual Amendments

F139 Sch. 10 repealed [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

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F139

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ELEVENTH
SCHEDULE **E+W**

Section 86.

APPLICATION IN RELATION TO MORTGAGES AND CHARGES OF SECTION 86 OF ACT

F140₁

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Textual Amendments
F140 Sch. 11 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

F140₂

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Textual Amendments
F140 Sch. 11 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

F141F141 TWELFTH
SCHEDULE **E+W**

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Textual Amendments
F141 Sch. 12 repealed by Agriculture (Miscellaneous Provisions) Act 1963 (c. 11), Sch. Pt. I

..... F141

F142F142 THIRTEENTH
SCHEDULE **E+W**

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Textual Amendments
F142 Sch. 13 repealed by Agriculture Act 1958 (c. 71), Sch. 3

..... F142

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 14(7) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- s. 95(3) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)