



Agriculture Act 1947

1947 CHAPTER 48 10 and 11 Geo 6

PART V

ADMINISTRATIVE AND GENERAL

Supplementary

103^{F1}

Textual Amendments

F1 S. 103 repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), s. 24(5), [Sch. 4](#) (the repeal being in force 25.9.1986 unless consequential on sections 8 to 10 of the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.*))

104 Provisions as to representations.

- (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

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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)^{F2}
- (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

F2 S. 104(5) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

105 Expenses and receipts.

- (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 . . .^{F3} any . . .^{F3} person or body of persons exercising functions on behalf of the Minister, shall be paid into the Exchequer.

Textual Amendments

F3 Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

106 Provisions as to entry and inspection.

- (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.
- (2) Any person authorised by the Minister . . .^{F4} 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 . . .^{F5} unless notice has been given to the occupier of the land that it is proposed to enter during a period,

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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 [^{F6}or under section 25 of the Tribunals, Courts and Enforcement Act 2007 (supplementary powers of the Upper Tribunal)] [^{F7}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 [^{F8}£25] in the case of a first offence or [^{F8}£50] in the case of a second or any subsequent offence.

Textual Amendments

- F4** Words repealed by [Agriculture Act 1970 \(c. 40\)](#), s. 113(3), **Sch. 5 Pt. III**
- F5** Words repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 2 Pt. I**
- F6** 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)
- F7** Words substituted by [Pests Act 1954 \(c. 68\)](#), s. 5(1)
- F8** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45\)](#), s. 31(5)(6)(9)

Modifications etc. (not altering text)

- C1** S. 106 explained by [Pests Act 1954 \(c. 68\)](#), s. 1(13)
- C2** 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.

- (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.

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- (3) For the purposes of this section and of [^{F9}section 7 of the ^{M1}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 .

Textual Amendments

- F9** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)
- F10** 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
- F11** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

Marginal Citations

- M1** [1978 c. 30.](#)

108 Regulations and orders.

- (1) Any regulations made by the Minister under this Act, and any Order made ^{F12}... 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, 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.

..... ^{F13}

- (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

- F12** 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)
- F13** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

109 Interpretation.

- (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 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 [^{F140}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;

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“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

F14 Words substituted by [S.I. 1978/446, reg. 2\(1\)](#)

Modifications etc. (not altering text)

- C3** 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](#)
- C4** 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\(3\)](#).

110 **F15**

Textual Amendments

F15 [Ss. 110, 111\(2\)](#) repealed by [Agriculture Act 1958 \(c. 71\), Sch. 3](#)

111 †**Short title, commencement and extent.**

- (1) This Act may be cited as the Agriculture Act 1947.
- (2) **F16**
- (3) This Act, except in so far as is expressly provided therein, shall not extend to Scotland or Northern Ireland.

Textual Amendments

F16 [Ss. 110, 111\(2\)](#) repealed by [Agriculture Act 1958 \(c. 71\), Sch. 3](#)

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Modifications etc. (not altering text)

C5 Unreliable margin note

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