



# Agriculture (Miscellaneous Provisions) Act 1963

## 1963 CHAPTER 11

An Act to make further provision as to grants and contributions for agricultural and certain horticultural purposes and otherwise to amend the law relating to agriculture, agricultural produce and agricultural land; to provide for the purchase by the Sugar Board of sugar from the Republic of Ireland; to make new provision as to the charging of certain fees; and for purposes connected with those matters. [15th May 1963]

**Annotations:**

**Modifications etc. (not altering text)**

C1 Act extended by [S.I. 1972/971, art. 4, Sch. 1](#)

**Commencement Information**

II Act wholly in force at Royal Assent

1 ..... F1

**Annotations:**

**Amendments (Textual)**

F1 [S. 1](#) repealed by [Agriculture Act 1970 \(c. 40\), ss. 35\(1\), 113\(3\), Sch. 5 Pt. II](#)

2, 3. .... F2

**Annotations:**

**Amendments (Textual)**

F2 [Ss. 2, 3, 6, 7](#) repealed by [Agriculture Act 1967 \(c. 22\), s. 61\(8\), Sch. 7](#)

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**4, 5.** ..... F3

**Annotations:**

**Amendments (Textual)**

**F3** Ss. 4, 5, 9, 10, 12 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. II**

**6, 7.** ..... F4

**Annotations:**

**Amendments (Textual)**

**F4** Ss. 2, 3, 6, 7 repealed by Agriculture Act 1967 (c. 22), s. 61(8), **Sch. 7**

**8 Grants to bodies promoting co-operation in agriculture and horticulture.**

The Minister may, in such manner and subject to such conditions as he may determine, make grants to bodies of persons in England and Wales whose object or main object is the organisation, promotion or development of co-operation in agriculture or horticulture (including any activities carried on in connection therewith) or of co-operation in the marketing of agricultural or horticultural produce.

**9, 10** ..... F5

**Annotations:**

**Amendments (Textual)**

**F5** Ss. 4, 5, 9, 10, 12 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. II**

**11** ..... F6

**Annotations:**

**Amendments (Textual)**

**F6** S. 11 repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VIII**

**12 Supplementary provisions as to schemes under two preceding sections.**

..... F7

**Annotations:**

**Amendments (Textual)**

**F7** Ss. 4, 5, 9, 10, 12 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. II**

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13— ..... F8  
14.

**Annotations:**

**Amendments (Textual)**

F8 Ss. 13, 14 repealed by [Animal Health Act 1981 \(c. 22\)](#), [Sch. 6](#)

15 ..... F9

**Annotations:**

**Amendments (Textual)**

F9 S. 15 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. III](#)

**16 Fees**

(1) ..... F10

(2) So long as any powers under the Tithe Acts 1836 to 1925 are exercisable, by virtue of section 30 of the Tithe<sup>M1</sup> Act 1936 and an Order in Council under section 11 of the Tithe<sup>M2</sup> Act 1951, by the Commissioners of Inland Revenue, those Commissioners may by order made with the approval of the Treasury prescribe fees to be paid with respect to such business transacted or to be transacted by them under those powers as may be specified in the order.

(3) Where an order under [<sup>F11</sup>the preceding subsection] provides for the payment of a fee before the transaction of the business with respect to which it is payable and the business is not transacted or not wholly transacted, . . . . .<sup>F12</sup> the Commissioners of Inland Revenue, may, if . . . . . they think fit, repay the whole or part of the fee.

(4) ..... F13

(5) Any power conferred by this section to make an order shall be exercisable by statutory instrument and shall include power to vary or revoke any such order by a subsequent order; and any statutory instrument containing such an order. . . . .<sup>F14</sup> shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(6) Where an order under this section provides for any fee to be paid on the making of an application in a case where previously a fee was payable only if the application was granted, then, as respects anything done in pursuance of an application made before the coming into operation of the order, the same fee shall be payable as before the coming into operation of the order and shall be so payable at the time at which it would then have been payable.

(7) ..... F15

(8) Any fee payable by virtue of an enactment repealed by this Act with respect to any business with respect to which an order may be made under . . . . .<sup>F16</sup> subsection (2) of this section shall, until the coming into operation of such an order with respect to that business, be payable as if this Act had not been passed.

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**Annotations:**

**Amendments (Textual)**

- F10** S. 16(1) repealed by [Animal Health Act 1981 \(c. 22\)](#), **Sch. 6**
- F11** Words substituted by [Animal Health Act 1981 \(c. 22\)](#), **Sch. 5 para. 4**
- F12** Words repealed by [Animal Health Act 1981 \(c. 22\)](#), **Sch. 6**
- F13** S. 16(4) repealed by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), s. 16, **Sch. 2**
- F14** Words repealed by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), s. 16, **Sch. 2**
- F15** S. 16(7) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), **Sch. 1 Pt. VIII**
- F16** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), **Sch. 1 Pt. VIII**

**Modifications etc. (not altering text)**

- C2** Certain functions of Minister of Agriculture, Fisheries and Food under s. 16 now exercisable (W.) by Secretary of State: [S.I. 1978/272](#), art. 2, **Sch. 1**

**Marginal Citations**

- M1** 1936 c. 43.
- M2** 1951 c. 62.

17 ..... <sup>F17</sup>

**Annotations:**

**Amendments (Textual)**

- F17** S. 17 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), s. 8(2), **Sch. 6**

18 ..... <sup>F18</sup>

**Annotations:**

**Amendments (Textual)**

- F18** S. 18 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), **Sch. 1 Pt. VIII**

19 <sup>F19</sup> .....

**Annotations:**

**Amendments (Textual)**

- F19** S. 19 repealed with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, **Sch. 2**

**20 Extension of time limits in arbitration proceedings relating to agricultural holdings.**

The periods specified respectively by—

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- (a) [<sup>F20</sup> paragraph (6) of Schedule 6 to the <sup>M3</sup> Agricultural Holdings Act 1948 and] paragraph 5 of Schedule 6 to the <sup>M4</sup> Agricultural Holdings (Scotland) Act 1949;
  - (b) .....<sup>F21</sup>
- as the period within which the parties to an arbitration are to deliver statements of their cases. . . .<sup>F22</sup> shall each be extended by fourteen days; . . .

**Annotations:**

**Amendments (Textual)**

- F20** Words repealed (E.W.) by [Agricultural Holdings Act 1984 \(c. 41\)](#), s. 10(4), **Sch. 4**
- F21** [S. 20 \(b\)](#) repealed by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. I**
- F22** Words repealed by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. I**

**Marginal Citations**

- M3** [1948 c. 63](#).
- M4** [1949 c. 75](#).

<sup>F23</sup> **21** .....

**Annotations:**

**Amendments (Textual)**

- F23** [S. 21](#) repealed (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13 Pt. I** (with s. 45(3), Sch. 12 paras. 1, 3

<sup>F24</sup> **22 Allowances to persons displaced from agricultural land.**

- (1) Where any interest in land is compulsorily acquired in pursuance of a notice to treat served after 31st October 1962 or is sold by agreement, in pursuance of a contract made after that date, to an authority possessing compulsory purchase powers, and [<sup>F25</sup>(a) the land—
  - (i) is used for the purposes of agriculture (within the meaning of the [Agricultural Tenancies Act 1995](#)) and is so used by way of a trade or business, or
  - (ii) is not so used but is comprised in a farm business tenancy (within the meaning of the [Agricultural Tenancies Act 1995](#)) and used for the purposes of a trade or business,](b) the person carrying on the trade or business is displaced from the land; the acquiring authority may pay to him such reasonable allowance as they think fit towards his removal expenses and the loss which, in their opinion, he will sustain by reason of the resulting disturbance of his trade or business.
- (2) In estimating that loss the authority shall have regard to the period for which the land might reasonably have been expected to be available for the purpose of the trade or business, and to the availability of other land suitable for that purpose.

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- (3) The preceding provisions of this section shall have effect without prejudice to the operation of any other enactment authorising the making of payments to persons displaced from any land.
- (4) Section 39 of the <sup>M5</sup>Land Compensation Act 1961 (which makes provision as to the interpretation of that Act) shall apply in relation to the preceding provisions of this section as if they were contained in that Act.
- (5) . . . . . <sup>F26</sup>
- (6) In the application of this section to Northern Ireland—
- (a) “authority possessing compulsory purchase powers” means, in relation to any interest, any person or body of persons who, by or under any enactment of the Parliament of the United Kingdom, have been authorised to acquire the interest compulsorily or could have been so authorised for the purposes for which it was acquired, but with respect to whom the Parliament of Northern Ireland has no power to make laws corresponding to this section;
  - (b) “enactment” in subsection (3) includes any enactment of the Parliament of Northern Ireland; and
  - (c) subject to the preceding provisions of this subsection, subsections (1) to (4) of this section shall be construed as they are construed in their application to England and Wales, notwithstanding that [<sup>F27</sup>the Agricultural Tenancies Act 1995]) and the Land Compensation Act 1961 do not extend to Northern Ireland.]

**Annotations:**

**Amendments (Textual)**

- F24** S. 22 repealed (S.) by Land Compensation (Scotland) Act 1963 (c. 51), Sch. 4
- F25** S. 22(1)(a) substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), Sch. para. 21(2) (with s. 37).
- F26** S. 22(5) repealed by Land Compensation (Scotland) Act 1963 (c. 51), Sch. 4
- F27** Words in s. 22(6)(c) substituted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), Sch. para. 21(3) (with s. 37).

**Marginal Citations**

- M5** 1961 c. 33.

**23 Cold and chemical storage of eggs.**

- (1) For the purposes of section 4 of the <sup>M6</sup>Agricultural Produce (Grading and Marking) Act 1928 (which regulates the cold and chemical storage of eggs)—
- (a) eggs shall not be treated as being kept in cold storage in any premises unless the temperature at which they are kept there is artificially reduced to below fifty degrees Fahrenheit;
  - (b) premises shall not be treated as being used by way of trade or for purposes of gain for the cold storage of eggs by reason only that eggs intended to be sold in the course of a retail trade carried on there are kept there in cold storage in the ordinary course of that trade.
- (2) In subsection (2) of the said section 4 the following shall be substituted for paragraph (b):—

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- “(b) it shall not be lawful to cause British eggs to be placed in cold storage or chemical storage in any registered premises unless notice in writing containing the prescribed particulars is given at or before the time of the placing to the council by which the premises are registered, and either—
- (i) the eggs are marked in the prescribed manner; or
  - (ii) the eggs are not intended for sale by retail in shell and are kept in a container which is marked in the prescribed manner;
- and if any person contravenes or fails to comply with the provisions of this paragraph he shall be guilty of an offence under this section:
- (ba) where British eggs have been placed in cold storage or chemical storage in any registered premises without being marked in the prescribed manner it shall not be lawful to cause them to be removed from those premises unless not less than forty-eight hours’ notice in writing containing the prescribed particulars has been given to the council by which the premises are registered, and either—
- (i) the eggs are marked in the prescribed manner; or
  - (ii) the eggs are kept in a container marked in the prescribed manner and such evidence has been furnished to that council as is reasonably sufficient to satisfy the council that they are not intended for sale by retail in shell;
- and if any person contravenes or fails to comply with the provisions of this paragraph he shall be guilty of an offence under this section:
- (bb) the occupier of any registered premises and any person who causes British eggs to be placed in cold storage or chemical storage in such premises shall keep the prescribed records and permit any duly authorised officer of the council of the county or county borough to inspect those records at all reasonable times; and if any person fails to comply with the provisions of this paragraph he shall be guilty of an offence under this section”

(3) This section shall not come into operation until such day as the Ministers may by order made by statutory instrument appoint.

**Annotations:**

**Modifications etc. (not altering text)**

C3 1.6.1965 appointed under s. 23(3) by [S.I. 1965/999](#)

**Marginal Citations**

M6 1928 c. 19.

24

F28

**Annotations:**

**Amendments (Textual)**

F28 S. 24 repealed by [Plant Varieties and Seeds Act 1964 \(c. 14\)](#), s. 31, [Sch. 6](#) and [Seeds Act \(Northern Ireland\) 1965 \(c. 22\)](#), [Sch.](#)

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25 ..... F29

**Annotations:**

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**Amendments (Textual)**

**F29** S. 25 repealed by [European Communities Act 1972 \(c. 68\)](#), s. 4, **Sch. 3 Pt. II**

**26 Provisions as to schemes, and meaning of “the appropriate Minister” in relation to schemes.**

A scheme under this Act may be a separate scheme for England and Wales, or for Scotland, or for Northern Ireland, or a joint scheme for the United Kingdom, or for Great Britain, or for England and Wales and Northern Ireland or for Scotland and Northern Ireland; and in this Act “the appropriate Minister” means—

- (a) in relation to a separate scheme for England and Wales or for Northern Ireland or a joint scheme for those countries, the Minister of Agriculture, Fisheries and Food;
- (b) in relation to [<sup>F30</sup>any joint scheme for Great Britain or the United Kingdom, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland and the Secretary of State for Wales acting jointly, and in relation to a joint scheme for Northern Ireland and Scotland], the said Minister and the Secretary of State acting jointly; and
- (c) in relation to a separate scheme for Scotland, the Secretary of State.

**Annotations:**

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**Amendments (Textual)**

**F30** Words substituted by [S.I. 1978/272](#), **Sch. 5 para. 8(b)**

**27 Expenses.**

There shall be paid out of moneys provided by Parliament—

- (a) any grant, contribution, compensation or allowance payable by a Minister of the Crown by virtue of this Act . . . . .<sup>F31</sup>;
- (b) any expenses incurred by the Minister under section 15 of this Act;
- (c) any expenses of administration incurred by a Minister of the Crown by virtue of this Act; and
- (d) any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

**Annotations:**

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**Amendments (Textual)**

**F31** Words repealed by [Post Office Act 1969 \(c. 48\)](#), **Sch. 11 Pt. II**

28 ..... F32

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**Annotations:**

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**Amendments (Textual)**

**F32** S. 28, Sch. repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. VIII

**29 Short title, interpretation and extent.**

- (1) This Act may be cited as the Agriculture (Miscellaneous Provisions) Act 1963.
- (2) In this Act “the Minister”, except in section 5, means the Minister of Agriculture, Fisheries and Food, and “the Ministers” means the Minister and the Secretary of State acting jointly.
- (3) Sections 8, 16(2), . . . <sup>F33</sup> and 19 of this Act do not extend to Scotland, and section 21 of this Act extends to Scotland only.
- (4) The following provisions of this Act do not extend to Northern Ireland, that is to say, subsections (2) to (5) and (8) of section 5, and sections 8, 13 to 17, . . . . . 19, 20, 21 and 23.

**Annotations:**

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**Amendments (Textual)**

**F33** Words repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. VIII

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F34

SCHEDULE

**Annotations:**

**Amendments (Textual)**

**F34** S. 28, Sch. repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VIII**

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

- s. 16 repealed by 2004 c. 14 Sch. 1 Pt. 6 Group 3
- s. 23(3) repealed by 2004 c. 14 Sch. 1 Pt. 2 Group 1
- s. 26 repealed by 2004 c. 14 Sch. 1 Pt. 2 Group 1
- s. 27(b) repealed by 2004 c. 14 Sch. 1 Pt. 2 Group 1
- s. 29(2) words repealed by 2004 c. 14 Sch. 1 Pt. 2 Group 1
- s. 29(2) words repealed by 2004 c. 14 Sch. 1 Pt. 6 Group 3
- s. 29(3) words repealed by 2004 c. 14 Sch. 1 Pt. 2 Group 1
- s. 29(3) words repealed by 2004 c. 14 Sch. 1 Pt. 6 Group 3
- s. 29(4) words repealed by 2004 c. 14 Sch. 1 Pt. 6 Group 3