



Agriculture Act 1967

1967 CHAPTER 22

PART III

HILL LAND

Special measures for certain areas

49 Control of sale of certain land.

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

Status: This is the original version (as it was originally enacted).

- (5) Within two months of receipt of a notice under the last foregoing subsection stating that the Board withhold consent the applicant may appeal to the appropriate Minister on the ground that the application for consent ought to be granted, and before determining the appeal the appropriate Minister shall, if either the appellant or the Board so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the appropriate Minister for the purpose; and in relation to appeals under this section—
- (a) where the appeal is to the Minister of Agriculture, Fisheries and Food, section 180 of the Town and Country Planning Act 1962 (appeals to High Court from decision of Minister) shall apply in relation to an appeal under this subsection as it applies in relation to an appeal under Part IV of that Act against an enforcement notice, and
 - (b) where the appeal is to the Secretary of State, the Secretary of State may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings, and an appeal shall lie to the Court of Session on any question of law from the decision of the Secretary of State.
- (6) Within three months from the date of receipt of a notice under subsection (4) of this section stating that the Board withhold consent or, if an appeal is brought under subsection (5) of this section which does not result in the granting of consent, from the final determination of the appeal, the applicant may serve on the Board a notice requiring the Board to purchase the estate or interest proposed to be transferred by him in the transaction to which the application relates, and the following provisions of this section (under which the Board can be compelled to purchase it) shall have effect.
- (7) Subject to the following provisions of this section, on service of a notice under the last foregoing subsection—
- (a) the Board shall be deemed to be authorised to acquire compulsorily the estate or interest to which the notice relates by a compulsory purchase order,
 - (b) the Board shall be deemed to have served a notice to treat in respect of that interest at that time,
- and in relation to this subsection—
- (i) " compulsory purchase order " means an order to which Part I of the Compulsory Purchase Act 1965 applies, or, as the case may be, an order which has become operative under the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
 - (ii) the power of withdrawal of a notice to treat conferred by section 31 of the Land Compensation Act 1961 or section 39 of the Land Compensation (Scotland) Act 1963, and the power of entry conferred by section 11(1) of the said Act of 1965 or by paragraph 3 of Part I of Schedule 2 to the said Act of 1947, shall not be exercisable in relation to a notice to treat deemed to be served by virtue of paragraph (b) of this subsection.
- (8) The applicant may withdraw the purchase notice—
- (a) where there has been a final determination by the Lands Tribunal on the question of compensation payable pursuant to the purchase notice, within six weeks from the date of the final determination, and
 - (b) in any other case, at any time before the acceptance in writing by the applicant of an unconditional offer in writing by the Board of a sum as such compensation,

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

For the purposes of this subsection a claim shall not be deemed to be finally determined so long as the time for requiring the Lands Tribunal to state a case with respect thereto, or for appealing from any decision on the points raised by a case so stated, has not expired.

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