



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART II

#### CAPITAL AND OTHER GRANTS

#### **33 Miscellaneous amendments relating to amalgamations.**

<sup>XI</sup>(1) In Schedule 3 to the <sup>M1</sup>Agriculture Act 1967 (which relates to the conditions applying to amalgamated agricultural units)—

- (a) paragraph 1 (which relates to the duration of the application of that Schedule to a unit of land) shall have effect, and be deemed always to have had effect, with the substitution for the words “forty years” of the words “fifteen years”;
- (b) for sub-paragraph (4) of paragraph 2 (which relates to registration of conditions in Scotland) there shall be substituted the following sub-paragraph—

“(4) In the case of a unit of land in Scotland—

- (a) where the conditions specified in this Schedule first come to apply to the unit, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice of that fact;
- (b) the said conditions shall not be enforceable against any third party who shall have in good faith and for value acquired right (whether completed by infestment or not) to his estate or interest in the unit prior to the said notice being recorded as aforesaid, or against any person deriving title from such a third party;
- (c) where the conditions or any of them cease to apply to the unit or part of the unit in pursuance of paragraph 6(1) or 7(8) of this Schedule, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice stating that the conditions or condition no longer apply, or applies, to that unit of land or that part”

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- (c) in paragraph 5 (which requires the owner of a unit of land in certain circumstances to furnish certain information) after the word “land” in the first place where it occurs there shall be inserted the words “or any such other person having an estate or interest in the unit of land as may be agreed between the appropriate Minister, the owner and that other person” and for the words “furnish to him” there shall be substituted the words “or, if the tenant has been informed of such an agreement as aforesaid, by the other person in question, furnish to the owner or, as the case may be, to that other person”;
- (d) in paragraph 7(2) (which relates to the maximum additional amount to be payable under paragraph 7(1)(b) where certain conditions are breached) for the words from “not exceed” onwards there shall be substituted the words “not exceed £1500”.
- (2) In section 29(3) and in section 48(2) of the <sup>M2</sup>Agriculture Act 1967 (which require certain persons to be parties to certain deeds) for the words “are parties to” there shall in each case be substituted the words “have executed”; but—
- (a) in the case of any land in England, Wales or Northern Ireland which is comprised in a settlement or is [<sup>F1</sup>subject to a trust of land], or
- (b) in the case of any land in Scotland [<sup>F2</sup>which is held by a liferenter ], the person having the powers of a tenant for life, [<sup>F3</sup>the trustees of land], [<sup>F4</sup>or the liferenter], as the case may be, may execute the deed referred to in the said section 29(3) or 48(2), or give the consent referred to in section 26(7)(a) or 28(6)(a) of that Act, or make the application for ministerial consent referred to in paragraph 6(1) of Schedule 3 to that Act, on behalf of all other persons who are or may become entitled to benefit under the settlement or trust in question or, as the case may be, to a right in [<sup>F4</sup>the land] as well as on his own behalf, and in that case the deed, consent or application shall not be required to be executed, given or made by any of those other persons.
- (3) The <sup>M3</sup>Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 thereof (which relates to the general powers of trustees) there were included a power to execute such a deed, give such a consent or make such an application as is referred to in subsection (2) of this section relating to the trust estate or any part thereof.

<sup>F5</sup>(4) .....

<sup>F6</sup>(5) .....

#### Editorial Information

- X1** The text of ss. 30(5), 31(1)(2), 32(4)(a), 33(1), 34(3), 87(3)(4) and 106(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F1** Words in s. 33(2) substituted (1.1.1997) (E.W.) by 1996 c. 47, s. 25(1), **Sch. 3 para. 11(a)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F2** Words in s. 33(2)(b) substituted (S.) (28.11.2004) by **Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)**, ss. 71, 77(2), **Sch. 12 paras. 31(2)(a)** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
- F3** Words in s. 33(2) substituted (1.1.1997) (E.W.) by 1996 c. 47, s. 25(1), **Sch. 3 para. 11(b)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**

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- F4** Words in s. 33(2) substituted (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), Sch. 12 paras. 31(2)(b)(c), (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F5** S. 33(4) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), s. 26(4), **Sch. 6**
- F6** S. 33(5) repealed (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), Sch. 12 paras. 31(3), **Sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
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#### **Marginal Citations**

- M1** 1967 c. 22.
- M2** 1967 c. 22.
- M3** 1921 c. 58.

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

- s. 33(3) words substituted by [2024 asp 2 Sch. 1 para. 10\(a\)](#)
- s. 33(3) words substituted by [2024 asp 2 Sch. 1 para. 10\(b\)](#)