



# Agricultural Land (Removal of Surface Soil) Act 1953

## 1953 CHAPTER 10

### 2 Punishment of offences against this Act.

- (1) A person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that where a person is convicted of an offence against this Act and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence, he shall be liable—

- (a) to imprisonment for a term not exceeding three months; or
- (b) to a fine not exceeding fifty pounds for every day on which the earlier offence has been so repeated or continued by him or two hundred pounds (whichever is the greater),

or to both.

- (2) Where an offence against this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection the expression "director", in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by members thereof, means a member of that body.

- (3) In proceedings under this Act it shall be a defence to show that, before the carrying out of the operations in respect of which the proceedings are brought, it was determined or decided under section seventeen of the Town and Country Planning Act, 1947, that those particular operations would not fall within paragraph (b) of subsection (1) of the

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*Status: This is the original version (as it was originally enacted).*

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foregoing section; but a determination or decision under the said section seventeen shall not in other circumstances be treated as conclusive for the purposes of this Act.