



Agricultural Land (Utilisation) Act 1931

1931 CHAPTER 41

PART I

PROMOTION OF BETTER UTILISATION OF AGRICULTURAL LAND IN GREAT BRITAIN

1 Power of Minister to acquire and hold land for use as demonstration farms

- (1) The Minister shall have power to purchase land or to take land on lease by agreement and to equip and hold land for the purpose of utilising the land as demonstration farms conducted on an economic basis under the management and control, as agents for the Minister, of local authorities, universities, agricultural colleges, or other bodies, or of any persons who, in the opinion of the Minister, are qualified to manage and control such farms and to give instruction in agricultural subjects:

Provided that no farm conducted under the powers conferred by this section shall exceed two hundred and fifty acres in extent unless the annual value thereof was at the date of the acquisition of the land by the Minister assessed for the purposes of income tax under Schedule A of the Income Tax Act, 1918, at an amount which did not exceed two hundred and fifty pounds.

- (2) The Minister shall make to Parliament not later than the first day of May an annual report as to the operations conducted under this section, including the annual accounts of each demonstration farm carried on thereunder, and such accounts shall include a profit-and-loss account for each farm and a valuation made at the end of each financial year.

2 Power of Minister to acquire land for purposes of re-conditioning

- (1) If the Minister is of opinion, with respect to any piece of land, that the execution thereon of reclamation, drainage, or other work is necessary in order to enable the piece of land to be satisfactorily and economically used for agricultural purposes, he may purchase and hold the piece of land and execute thereon such work as aforesaid for the purposes of letting, selling or otherwise disposing of, the piece of land when the said work has been executed :

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Provided that the Minister shall not acquire any land under this section otherwise than by agreement, save as hereinafter in this section expressly provided.

- (2) If it appears to the Minister that any piece of land suitable for use for agricultural purposes cannot be satisfactorily and economically used for those purposes by reason of its being in a seriously neglected condition, the Minister may, after consultation with the council of the county or county borough, as the case may be, and after giving notice to the owner and the occupier of the piece of land, authorise any person to enter on and inspect the piece of land and report to him thereon.
- (3) If after receiving a report under the last foregoing subsection with respect to any piece of land the Minister is satisfied that the piece of land is in a seriously neglected condition and that the condition thereof has been caused by the failure of the owner thereof to execute thereon any necessary works of maintenance, or in the case of land not in the occupation of the owner, by the failure of the owner to take reasonable steps to reserve or enforce any right for securing the execution on the piece of land of any necessary works of maintenance, then, subject to the provisions of this section, the Minister may cause to be served upon the owner a notice requiring the execution on the piece of land within such period as may be specified in the notice (not being less than six months after the service of the notice upon the owner) of such works as may be specified therein, and may, if at the expiration of that period the Minister determines that the requirements of the notice (not being requirements determined by arbitration to be unreasonable) have not been complied with, purchase the piece of land otherwise than by agreement, and hold the piece of land and execute works thereon as if it had been acquired under subsection (1) of this section :

Provided that, if, after the determination of the amount of the compensation to be paid to any person in respect of his interest in any piece of land proposed to be compulsorily acquired under this subsection, it appears to the Minister that, having regard to the determination, the total expenditure involved in proceeding further under this section would not be justified, the Minister may, at any time within six weeks after the determination, by notice in writing withdraw any notice to treat served on that person or on any other person interested in the piece of land, and in such case any person on whom such a notice of withdrawal has been served shall be entitled to obtain from the Minister compensation for any loss or expenses which he may have sustained or incurred by reason or in consequence of the notice to treat and of the notice of withdrawal, and the amount of such compensation shall, in the event of a dispute with respect thereto, be determined by a single arbitrator appointed by agreement between the parties to the dispute or, in default of such agreement, by the President of the Chartered Surveyors' Institution.

- (4) Where any such notice as aforesaid requiring the execution of works is served upon the owner of a piece of land, a copy of the notice shall be served as soon as may be upon every person upon whom the Minister would, if he proposed to acquire the land compulsorily, be required to serve notice to treat under section eighteen of the Lands Clauses (Consolidation) Act, 1845; and all such notices and copies of notices may be served in like manner as such a notice to treat as aforesaid, and may require the persons served to give such particulars of their estate and interest in the piece of land to which the notice or copy relates as might be demanded by such a notice to treat as aforesaid:
- Provided that, without prejudice to the duty of the Minister under this subsection to serve copies of notices upon such of the persons mentioned in the said section eighteen as, after diligent enquiry, are known to him, no person shall be entitled to have such a copy served upon him unless he notifies the Minister in writing of his claim to receive

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such a copy not less than three months before the expiration of the time limited by the notice for compliance with the requirements thereof.

- (5) In the event of any dispute between the Minister and any person upon whom a notice or a copy of a notice has been served in accordance with the provisions of the two last foregoing subsections as to whether—
- (a) the piece of land to which the notice relates is in a seriously neglected condition; or
 - (b) the condition of the piece of land has been caused by the failure of the owner thereof to execute thereon any necessary works of maintenance, or, in the case of land not in the occupation of the owner, by the failure of the owner to take reasonable steps to reserve or enforce any right for securing the execution on the piece of land of any necessary works of maintenance; or
 - (c) any requirements of the notice would involve unreasonable expense or are otherwise unreasonable; or
 - (d) the time limited by the notice for compliance with the requirements thereof ought to be extended; or
 - (e) any requirements of the notice have not been complied with,

that person may, subject as hereinafter provided, refer the dispute to a single arbitrator appointed by agreement between the parties to the dispute, or in default of such agreement by the President of the Chartered Surveyors' Institution, and, where any such dispute is so referred, the Minister shall not take any further proceedings under this section except in accordance with the award of the arbitrator:

Provided that—

- (a) the arbitrator shall not award that the time limited by any notice for compliance with the requirements thereof ought to be extended unless he is satisfied that all practicable steps are being taken for complying with the requirements of the notice other than any requirements which he holds to have been unreasonable, and where the arbitrator awards that the time aforesaid ought to be extended his award shall specify the period of the extension; and
 - (b) a person shall not be entitled to refer to arbitration a dispute under this subsection, in the case of a dispute as to the matters mentioned in paragraphs (a) or (b) thereof, after the expiration of two months from the date on which the notice or a copy of the notice was served upon him, in the case of a dispute as to the matters mentioned in paragraph (c) thereof, after the expiration of the time limited by the notice for compliance with the requirements thereof, in the case of a dispute as to the matters mentioned in paragraph (d) thereof, after the expiration of seven days from the expiration of the time limited by the notice for compliance with the requirements thereof, or in the case of a dispute as to the matters mentioned in paragraph (e) thereof, after the expiration of fourteen days from the date on which notice to treat is served upon him under section eighteen of the Lands Clauses (Consolidation) Act, 1845.
- (6) Any person upon whom a notice requiring the execution of work or a copy of such a notice has been served under this section shall have power, notwithstanding anything to the contrary in any lease or other instrument, but after giving reasonable notice in writing to the occupier, to enter on the piece of land to which the notice or copy relates and execute the work specified in the notice, and if any person other than the person executing the work is, under any lease or other instrument, liable (whether to him or otherwise) to execute the work or any part thereof, any expenses incurred by the person executing the work in the execution thereof or of that part thereof, as the case may be, may be recovered as a debt due to the person executing the work.

- (7) Any person authorised by the Minister to exercise any powers or duties under this section shall be so authorised in writing and shall, if required by the owner or occupier of the land to which the authority relates, produce his authority to him, and if any person prevents or obstructs any person so authorised in the exercise of his powers or duties under this section, or prevents or obstructs any person entitled under the last foregoing subsection to enter on a piece of land and execute work thereon, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or, on a second or subsequent conviction, to imprisonment for a term not exceeding three months.
- (8) Any of the powers and duties conferred on the Minister by this section with respect to any piece of land, except the power of acquiring or selling it, may, by arrangement between him and the council of the county or county borough, as the case may be, be exercised and performed by that council as agents for the Minister.
- (9) An account, to be known as the Land Reconditioning Account, shall be drawn up annually by the Minister in such form and containing such particulars as the Treasury may direct, showing all expenditure incurred by him and the application of all moneys received by him for the purposes of this section, and that account shall be audited by the Comptroller and Auditor-General and shall be laid before Parliament together with his report thereon.
- (10) For the purposes of this section—
- (a) every parcel of land in separate occupation shall be deemed to be a piece of land, and a piece of land shall be deemed to include any buildings usually occupied therewith and any easements or rights appurtenant thereto;
 - (b) the expression " agricultural purposes" includes all purposes directly connected with the use of land as arable, meadow or pasture land, or orchard, or for market gardens or osier-beds;
 - (c) the expression " owner," in relation to any land, means the person (other than a mortgagee not in possession) entitled, either with or without the consent of any other person, to dispose of the fee simple of the land;
 - (d) the expression " works of maintenance " means the repair or reconditioning of farmhouses, cottages, agricultural buildings, drains, embankments, ditches, bridges, fences, walls, hedges, gates, roads, and water supply; and
 - (e) the expression " agricultural buildings " has the same meaning as in the Rating and Valuation (Apportionment) Act, 1928.

3 Provisions as to acquisition of and dealing with land by Minister

- (1) In relation to the acquisition of land by the Minister under this Part of this Act, the Lands Clauses Acts, as amended by the Acquisition of Land (Assessment of Compensation) Act, 1919 (except sections sixteen, seventeen, ninety-two, one hundred and twenty-three, one hundred and twenty-seven to one hundred and thirty-three, one hundred and fifty and one hundred and fifty-one of the Lands Clauses (Consolidation) Act, 1845) are hereby incorporated with this Act, subject to the modifications mentioned in Part I of the First Schedule to this Act:

Provided that—

- (a) before giving notice in accordance with section eighteen of the Lands Clauses (Consolidation) Act, 1845, of his intention to acquire any land otherwise than by agreement, the Minister shall, except in the case of land which he is empowered so to acquire by the last foregoing section, comply with the provisions of Part II of the said Schedule; and

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- (b) nothing in this Part of this Act shall authorize the compulsory acquisition of any land which is the property of any local authority or has been acquired for the purposes of a railway, dock, canal, water, or other public undertaking, or which is, or forms part of, any common or any town or village green, or any area dedicated or appropriated as a public park, garden, or pleasure ground, or used for the purposes of public recreation, or which forms part of the trust property to which the National Trust Act, 1907, applies.
- (2) Any land held by the Minister under this Part of this Act shall be held on behalf of His Majesty, and the Minister shall, subject to such conditions as may be determined by the Treasury, have power, for any purpose, to manage, sell, let, or exchange any such land, and to pay or receive money in respect of equality of exchange.

4 Definition of " land."

In this Part of this Act and, for the purposes of their incorporation therewith, in the Lands Clauses Acts, and in the Acquisition of Land (Assessment of Compensation) Act, 1919, the expression " land," except where the context otherwise requires, includes any interest in, or right or easement in or over, land.