



Agriculture Act 1947

1947 CHAPTER 48 10 and 11 Geo 6

PART V U.K.

ADMINISTRATIVE AND GENERAL

Pest and weed control

98 Prevention of damage by pests. E+W

- (1) If it appears to the Minister that it is expedient so to do for the purpose of preventing damage to crops, pasture, animal or human foodstuffs, livestock, trees, hedges, banks or any works on land, he may by notice in writing served on any person having the right so to do require that person to take, within such time as may be specified in the notice, such steps (including such steps, if any, as may be so specified) as may be necessary for the killing, taking or destruction on land so specified of such animals or birds to which this section applies as may be so specified or the eggs of such birds.
- (2) A requirement shall not be imposed under the last foregoing subsection if apart from this subsection the killing, taking or destruction in question would be prohibited by law:
Provided that a requirement may be so imposed to kill or destroy game within the meaning of the ^{M1}Game Act 1831, at a time of year at which apart from this proviso the killing or destruction would be prohibited by section three of that Act; and for the purposes of the last foregoing subsection a person shall not be deemed not to have the right to comply with a requirement falling within this proviso by reason only that apart from this proviso compliance therewith would be prohibited as aforesaid.
- (3) Section four of the ^{M2}Prevention of Damage by Rabbits Act 1939 (which allows the use in rabbit holes of poisonous gas, and the placing in rabbit holes of substances generating poisonous gas by evaporation or in contact with moisture) shall apply to the use of such gas and the placing of such substances in any hole, burrow or earth for the purpose of killing animals to which this section applies.
- (4) The animals to which this section applies are rabbits, hares and other rodents, deer, foxes and moles, and the birds to which this section applies are, in relation to any

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area, wild birds other than those [^{F1}included in the ^{M3}First Schedule to the Protection of Birds Act 1954] as it applies in that area whether by virtue of the terms thereof . . . ^{F2} or by virtue of an order of the Secretary of State; and this section shall apply to such other animals as may be prescribed:

Provided that regulations under this subsection may provide that for the purposes of subsection (3) of this section any such other animals specified in the regulations shall not be treated as animals to which this section applies.

(5) ^{F3}

(6) ^{F4}

[^{F5}(7) Where it appears to [^{F6}the Minister of Agriculture, Fisheries and Food] expedient for the purpose of preventing damage by rabbits to crops, pasture, trees, hedges, banks or any works on land, he may by notice in writing served on the occupier of any land (or, in the case of unoccupied land, the person entitled to occupy it) require him to take on the land, within the time specified in the notice, such steps as may be so specified to destroy or reduce the breeding places or cover for rabbits or to exclude rabbits therefrom, or to prevent the rabbits living in any place on the land from spreading to or doing damage in any other place; but every such notice shall specify a time within which the occupier or any person interested in the land may submit to the Minister written objections to the notice, and shall be provisional only and of no effect, unless confirmed after the expiration of that time by a further notice in writing served on the occupier of the land; and, where the occupier holds the land under a contract of tenancy, a copy of any notice under this subsection shall be served on any person to whom the occupier pays rent under the tenancy.

A provisional notice under this subsection may be confirmed either without modifications or with such modifications as appear to the Minister desirable having regard to any objections submitted to him.]

Textual Amendments

- F1** Words substituted by [Protection of Birds Act 1954 \(c. 30\), Sch. 5](#)
F2 Words repealed by [Protection of Birds Act 1954 \(c. 30\), Sch. 5](#)
F3 [S. 98\(5\)](#) repealed by [Pests Act 1954 \(c. 68\), Sch.](#)
F4 [S. 98\(6\)](#) repealed by [Agriculture Act 1958 \(c. 71\), Sch. 3](#)
F5 [S. 98\(7\)](#) added by [Pests Act 1954 \(c. 68\), s. 2\(1\)](#)
F6 Words substituted by virtue of [S.I. 1955/554 \(1955 I, p. 1200\), art. 3](#)

Modifications etc. (not altering text)

- C1** [S. 98](#) restricted by [Prevention of Damage by Pests Act 1949 \(c. 55\), s. 20\(1\)](#); extended by [Pests Act 1954 \(c. 68\), ss. 1\(6\)\(9\), 3\(1\)](#); amended by [Pests Act 1954 \(c. 68\), ss. 4\(1\)\(2\), 9\(4\)](#)

Marginal Citations

- M1** [1831 c. 32.](#)
M2 [1939 c. 43.](#)
M3 [1954 c. 30.](#)

99 Prevention of escape of captive animals. **E+W**

If it appears to the Minister that, for the purpose of preventing such damage as is mentioned in the last foregoing section, it is expedient to prevent the escape of any

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animals from land on which they are kept in captivity, the Minister may by notice in writing served on the occupier of the land require him to take within such time as may be specified in the notice such steps as may be necessary to prevent the escape thereof, including such steps, if any, as may be specified in the notice.

100 **Supplementary provisions relating to sections ninety-eight and ninety-nine.** **E**
+W

- (1) If any person fails to comply with a requirement imposed under either of the two last foregoing sections he shall be liable on summary conviction to a fine not exceeding [^{F7}level 2 on the standard scale], and to a further fine not exceeding five pounds for each day after conviction on which the failure continues.
- (2) Without prejudice to any proceedings under the last foregoing subsection, where a requirement imposed under either of the two last foregoing sections has not been complied with, any person authorised by the Minister to act for the purposes of this subsection may at any time enter on the land to which the requirement relates and take such steps as the Minister may direct to secure compliance with the requirement; and the reasonable cost of taking such steps shall be recoverable by the Minister from the person on whom the requirement was imposed.

Any dispute arising under this subsection as to what is the reasonable cost of taking any such steps as aforesaid shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.

- (3) The Minister may give such directions as appear to him to be expedient authorising the keeping of animals, birds, or eggs killed or taken in pursuance of the provisions of this or the last but one foregoing section and authorising the disposal of such animals, birds or eggs, whether for the purpose of being used as food or otherwise.
- (4) Any person authorised or required to kill or take any animal or bird in pursuance of the provisions of this or the last but one foregoing section shall not be required to obtain for that purpose a licence to kill game, and shall have the same power of selling any such animal or bird in pursuance of any such authorisation or requirement as if he had such a licence . . . ^{F8}
- (5) Where a person incurs any expense reasonably necessary for the purpose of complying with any requirement imposed on him under either of the two last foregoing sections, or where any cost is recovered from a person under subsection (2) of this section, then if he alleges that the expense or cost ought to be borne wholly or in part by some other person having an interest in the land to which the requirement in question relates, he may apply to the county court in accordance with rules of court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such order for securing that the applicant is wholly or in part indemnified by that other person in respect of the said expense or cost as the court considers just and equitable in the circumstances of the case.
- (6) Any notice to be served under either of the two last foregoing sections on the occupier of land used for agriculture shall, where an agent or servant of the occupier is responsible for the control of the farming of the land, be duly served if served on the said agent or servant.

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Textual Amendments

- F7 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**
- F8 Words repealed by [Local Government Act 1966 \(c. 42\)](#), **Sch. 6 Pt. I**

101 Provision by Minister of equipment and services for pest control. E+W

- (1) The Minister may, for the purpose of assisting in the killing, taking or destruction of animals or birds to which section ninety-eight of this Act applies, and the eggs of such birds, provide such services and equipment, appliances and other material as appear to the Minister to be requisite for that purpose.
- (2) The Minister may make such reasonable charges, if any, as he thinks fit in respect of any assistance rendered under the last foregoing subsection, and may recover the amount of any such charge from the person at whose request the assistance was rendered.

Modifications etc. (not altering text)

- C2 [S. 101](#) extended by [Pests Act 1954 \(c. 68\)](#), **s. 2(2)**

102^{F9} E+W

Textual Amendments

- F9 [S. 102](#) repealed by [Weeds Act 1959 \(c. 54\)](#), **Sch.**

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