



# Agriculture Act 1947

## 1947 CHAPTER 48

### PART V

#### ADMINISTRATIVE AND GENERAL.

##### *The Agricultural Land Commission.*

#### **68 Establishment of Agricultural Land Commission and Welsh Agricultural Land Sub-Commission.**

(1) There shall be established a Commission to be called the Agricultural Land Commission which, subject to the provisions of this section, shall be charged with the functions—

- (a) of managing and farming land vested in the Minister, or for the management or farming of which he has become responsible, being land which is placed by him under the control of the Commission;
- (b) of advising and assisting the Minister in matters relating to the management of agricultural land,

and with such other functions as may be entrusted to the Commission by or under the provisions of this Act.

(2) The Commission shall be a body corporate by the name of "the Agricultural Land Commission" with perpetual succession and a common seal, and shall consist of a chairman and not less than three nor more than six other members appointed by the Minister.

One of the said other members shall be appointed by the Minister to act as deputy chairman.

(3) The functions of the Commission shall not include the acquisition or the disposal of land, except that where land is placed under the control of the Commission for the purposes of paragraph (a) of subsection (1) of this section the Commission may in the name and on behalf of the Minister grant any tenancy of the land which could have been granted by the Minister :

---

*Status: This is the original version (as it was originally enacted).*

---

Provided that the Commission shall not grant any such tenancy for a greater interest than from year to year except with the approval of the Minister.

- (4) Subject as aforesaid, the Commission shall have power to enter into such transactions and do all such things (whether or not involving the expenditure of money) as in their opinion are expedient for the proper discharge of their functions.
- (5) Such of the functions of the Commission relating to Wales and Monmouthshire as may be determined by the Commission shall be delegated by the Commission, subject to such conditions or restrictions as may be so determined, to a Sub-Commission to be called the Welsh Agricultural Land Sub-Commission, which shall consist of a chairman appointed by the Minister, being a member of the Commission, and three other persons appointed by the Minister.
- (6) The persons appointed to be members of the Commission and the Sub-Commission shall be persons appearing to the Minister to be qualified as having appropriate technical, commercial or administrative qualifications, and one of the persons appointed to be a member of the Commission shall be a person appearing to the Minister to be qualified as having special knowledge and experience of agriculture in Wales.
- (7) The Commission in the exercise of their functions, and the Sub-Commission in the exercise of functions delegated to them, shall comply with such directions of a general character as may be given to them by the Minister.
- (8) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of the Commission and the Sub-Commission and otherwise in relation to them.

## **69 Powers of Commission and Sub-Commission to hold inquiries.**

- (1) The Agricultural Land Commission may hold such inquiries as they consider necessary or desirable for the discharge of their functions.
- (2) If the Minister is satisfied that, for the purposes of any inquiry on the part of the Commission into a particular matter, it is necessary so to do, the Minister may by order specifying the matter to be inquired into direct that in respect of any meeting of the Commission held for the purpose of inquiring into that matter, being a meeting at which not less than three members of the Commission are present, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Commission as if they were a tribunal established in accordance with that Act and as if that Act had been applied to the Commission in the manner thereby required.
- (3) In relation to any functions delegated to the Welsh Agricultural Land Sub-Commission the foregoing provisions of this section shall have effect with the substitution of references to the Sub-Commission for references to the Commission and of a reference to two members for the reference to three members.
- (4) Any order under this section shall be laid before Parliament forthwith after being made, and if either House of Parliament, within a period of forty days beginning with the day on which any such order is laid before it, resolves that an Address be presented to His Majesty praying that the order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the order, so, however, that any such resolution and revocation shall be without

prejudice to the validity of anything previously done under the order or to the making of a new order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

## **70 Annual report of Commission.**

- (1) The Agricultural Land Commission shall as respects each financial year prepare and submit to the Minister a report on the discharge, whether by the Commission or the Welsh Agricultural Land Sub-Commission, of the functions of the Commission and accounts showing separately the results of the discharge of the said functions in relation to farming and in relation to the management of land.
- (2) The report for any year shall set out any direction given by the Minister to the Commission or the Welsh Agricultural Land Sub-Commission during that year, unless the Minister has notified to the Commission his opinion that it is against the national interest to do so.
- (3) The accounts for each year shall be in such form as the Minister may with the approval of the Treasury direct.
- (4) The report and accounts for any year shall be submitted to the Minister at such time as he may with the approval of the Treasury direct.
- (5) The Minister shall, on or before the thirtieth day of November in any year, transmit to the Comptroller and Auditor General the accounts prepared by the Commission under this section for the financial year last ended.
- (6) The Minister shall lay before Parliament the reports of the Commission submitted to him under this section; and the Comptroller and Auditor General shall examine and certify the accounts of the Commission transmitted to him under this section and lay before Parliament copies of the accounts, together with his report thereon.

### *County Agricultural Executive Committees.*

## **71 Establishment and functions of County Agricultural Executive Committees.**

- (1) For each administrative county, except the County of London, the Minister shall establish a County Agricultural Executive Committee which shall be charged, in relation to the county for which the Committee are established, with the duty of promoting agricultural development and efficiency by such means as the Minister may direct and of exercising such functions as the Minister may delegate to the Committee under the next following section.
- (2) The Minister may by order direct that any two or more administrative counties shall be treated for the purposes of this section and the Schedules therein referred to as if those counties taken together were a single administrative county; and the provisions of the Tenth Schedule to this Act shall have effect in relation to any order under this subsection.
- (3) A County Agricultural Executive Committee may with the approval of the Minister, and shall if the Minister so requires, appoint one or more sub-committees, and the County Agricultural Executive Committee shall refer to a subcommittee for report

---

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

---

and recommendation such matters as may be determined by the Committee with the approval of the Minister or as may be required by the Minister, and shall delegate to a sub-committee such of the functions of the Committee, to such extent and subject to such conditions or restrictions, as may be so determined or required.

- (4) A County Agricultural Executive Committee may with the approval of the Minister, and shall if the Minister so requires, appoint one or more district committees for such part or parts of the county as may be determined by the County Agricultural Executive Committee with the approval of the Minister or as may be required by the Minister, and the County Agricultural Executive Committee shall refer to a district committee for report and recommendation such matters relating to the part of the county for which the district committee are appointed as may be so determined or required.
- (5) In the exercise of their functions a County Agricultural Executive Committee shall comply with any directions given by the Minister, and a sub-committee or district committee shall comply with any directions given by the Minister or by the County Agricultural Executive Committee by which the sub-committee or district committee were established.
- (6) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of County Agricultural Executive Committees, sub-committees and district committees and otherwise in relation thereto.
- (7) Without prejudice to the provisions of the next following section, the functions under any enactment of any War Agricultural Executive Committee therein referred to shall in such cases as may be prescribed be transferred to the Minister.
- (8) For the purposes of this section and of the Schedules therein referred to—
  - (a) a county borough which is surrounded by a single administrative county shall be treated as if it were included in that county,
  - (b) any other county borough shall be treated as if it were included in such adjoining administrative county as the Minister may direct, or, if the Minister so directs, as if it were included partly in one such country and partly in another,
  - (c) the county of London shall be treated as if any such part thereof as the Minister may direct were included in such adjoining administrative county as he may direct, and
  - (d) the Isles of Stilly shall be treated as if those Isles were an administrative county.

## **72 Delegation of functions of Minister to County Agricultural Executive Committees.**

The Minister may make regulations providing for delegating to a County Agricultural Executive Committee, to such extent and subject to such conditions or restrictions as may be specified by or under the regulations, such of his functions—

- (a) under this Act;
- (b) under any other enactment (whether passed before or after the passing of this Act), being functions relating to agriculture,

as may be so specified.

*Agricultural Land Tribunals.*

**73 Establishment, constitution and procedure of Agricultural Land Tribunals.**

- (1) For the purposes of this section, the Minister shall by order constitute such number of areas, together comprising the whole of England and Wales, as he may consider expedient, and for each area so constituted there shall be established an Agricultural Land Tribunal, which shall be charged with the duty of determining matters referred to them under this Act
- (2) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of Agricultural Land Tribunals and otherwise in relation thereto.
- (3) The Minister may by order make provision for the procedure of Agricultural Land Tribunals, and in particular—
  - (a) for the taking of evidence on oath, affirmation or otherwise, the cross-examination of witnesses, and for the summoning of witnesses in like manner as for the purposes of an arbitration under the Agricultural Holdings Act, 1923;
  - (b) for the recording and proof of the decisions of the Tribunals, and for enabling the Tribunals to decide by a majority;
  - (c) for the sitting of Tribunals in two or more divisions, and for the assignment of the work of a Tribunal among the divisions thereof.
- (4) An order under the last foregoing subsection may make different provision for the procedure on different classes of reference to the Tribunals.

**74 Proceedings before Agricultural Land Tribunal on reference of Minister's proposals.**

- (1) In any case where by any of the provisions of this Act a person is empowered to require that a proposal of the Minister to take any action shall be referred to the Agricultural Land Tribunal, then if within the prescribed time and in the prescribed manner the said person so requires, the proposal shall be referred accordingly.
- (2) On any such reference the Tribunal shall determine—
  - (a) whether the conditions as to which the Minister must be satisfied before taking the action are fulfilled, and
  - (b) whether, having regard to their determination under the foregoing paragraph and to all the circumstances of the case, the Minister should or should not take the action proposed,and shall report to the Minister accordingly; and the Minister shall forward a copy of the report to any person who availed himself of an opportunity to make representations to the Minister afforded to him under the provisions in question of this Act.
- (3) In any such case as is mentioned in subsection (1) of this section the Minister shall not give effect to the proposal until the expiration of the period within which a reference to the Tribunal may be required.
- (4) Where such a reference is duly required the Minister shall act in accordance with the report of the Tribunal and not otherwise.
- (5) Forthwith after taking action in any such case as is mentioned in subsection (1) of this section the Minister shall serve notice thereof in writing on any person who under the

---

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

---

provisions in question of this Act was entitled to be afforded an opportunity to make representations to the Minister.

*Supplementary administrative provisions.*

**75 Provisions as to land lying partly in one area and partly in another.**

Where any land lies partly in the area of the Welsh Agricultural Land Sub-Commission and partly outside that area, or partly in the area of one County Agricultural Executive Committee and partly in the area of another, or partly in the area of one Agricultural Land Tribunal and partly in the area of another, the Minister may direct that for the purposes of anything required or authorised to be done by or before the Sub-Commission or the Agricultural Land Commission, or by or before such a committee or tribunal, as the case may be, in relation to that land the whole of the land shall be deemed to be comprised in the area comprising such part of the land as may be specified in the direction.

**76 Dissolution of Councils of Agriculture, the Agricultural Advisory Committee and county agricultural committees established under 9 and 10 Geo. 5. c. 91.**

- (1) The Councils of Agriculture and the Agricultural Advisory Committee established under Part II of the Ministry of Agriculture and Fisheries Act, 1919, and the agricultural committees established under Part III of that Act, are hereby dissolved.
- (2) In paragraph (b) of the Schedule to the Corn Production Acts (Repeal) Act, 1921 (which empowers the Minister to delegate his functions under that Schedule to the agricultural committee of a county or borough) for the words " the Agricultural Committee of " there shall be substituted the words " the Council of ".
- (3) In subsection (2) of section fifteen of the Agriculture Act, 1937 (which provides for the payment of grants for land drainage expenses to the councils of county boroughs, except a county borough which has not established an agricultural committee) the words from "and except the council" to the end of the subsection shall cease to have effect.

*Statistics of Agriculture in Great Britain.*

**77 Agricultural Statistics Advisory Committees.**

- (1) The Minister and the Secretary of State shall establish committees, to be known respectively as the Agricultural Statistics Advisory Committee and the Scottish Agricultural Statistics Advisory Committee, to advise the said Ministers respectively in the making of regulations under the next following section.
- (2) Each Committee shall consist of such number of persons appointed by the Minister or the Secretary of State, as the case may be, on such terms as to tenure of office, as he may determine, and in the appointment of members of the Committee he shall secure that the Committee includes persons appearing to him to represent the interests of owners and farmers of land used for agriculture and of persons employed in agriculture.

- (3) The Minister or the Secretary of State may pay to the members of the Committee appointed by him such travelling and other allowances as he may with the approval of the Treasury determine.

## **78 Power to obtain agricultural statistics.**

- (1) Where it appears to the Minister expedient so to do for the purpose of obtaining statistical information relating to agriculture, he may, after consultation with the Committee established by him under the last foregoing section, make regulations providing for the service upon owners and occupiers of land used for agriculture, or of land which the Minister has reason to believe may be so used, of notices requiring them to furnish in writing, in such form and manner and to such person as may be prescribed, and within such time and with respect to such date or dates or such period or periods as may be specified in the notice, the prescribed information (including, as respects paragraphs (c) to (e) of this subsection, the prescribed information as to quantities, values, expenditure and receipts) relating to—
- (a) the situation, area, description and extent of land used for agriculture and owned or farmed by them, the date of acquisition of the land and the date at which so much thereof as is comprised in any agricultural unit became comprised therein, the rates payable in respect of the land and the assessment of the land for the purposes of Schedule A of the Income Tax Act, 1918,
  - (b) the names and addresses of the owners and occupiers of the land, whether the land or any, and if so what, part thereof is let and at what rent,
  - (c) the character and use of different parts of the land, the time at which any use thereof was begun or will become fully effective, and their produce at any time during the period beginning one year before, and ending one year after, the time at which the information is required to be furnished,
  - (d) fixed and other equipment, livestock, and the stocks of agricultural produce and requisites held in respect of the land, and the provision and maintenance of such equipment, livestock and requisites and the provision of agricultural services for the benefit of the land,
  - (e) the methods and operations used on the land, the marketing or other disposal of the produce thereof, any payments received under any enactment in respect of such produce, and the provision of agricultural services otherwise than for the benefit of the land,
  - (f) the number and description of persons employed on, or employed by the occupier in disposing of the produce of, the land, and the remuneration paid to, and hours worked by, persons so employed or such persons of different descriptions,

and regulations under this section may apply either to owners or occupiers generally or to such descriptions of owners or occupiers as may be

In this subsection the expression "livestock" includes any animal.

- (2) For the purpose of obtaining statistical information relating to agriculture, any person authorised by the Minister in that behalf may, after giving not less than twenty-four hours notice and on producing if so required evidence of his authority to act for the purposes of this subsection, orally require the owner or occupier of land to furnish to him within a reasonable time, and either orally or in writing as the said owner or occupier may elect, such information, whether or not specified in the said notice, as the said person authorised by the Minister may require, being information which the

---

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

---

owner or occupier, as the case may be, could have been required to furnish under the last foregoing subsection.

- (3) References in the two last foregoing subsections to the owner of land include references to a person exercising, as servant or agent of the owner, functions of estate management in relation to the land, and references in those subsections to the occupier of land include references to a person responsible for the control of the farming of the land as servant or agent of the occupier thereof.
- (4) No person shall be required under the foregoing provisions of this section to furnish any balance sheet or profit and loss account, but this subsection shall not prevent the requiring of information by reason only that it is or might be contained as an item in such a balance sheet or account.
- (5) Without prejudice to the general provisions of this Part of this Act as to the service of notices, any notice authorised or required by subsection (1) or (2) of this section to be served on an occupier shall be deemed to be duly served if it is addressed to him by the description of " the occupier " of the land in question and sent by post to, or delivered to some person on, the land.
- (6) For the purposes of this and the three next following sections the expression " owner " means, in relation to land, a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement.
- (7) The provisions of this and the three next following sections shall extend to Scotland with the substitution for references to the Minister of references to the Secretary of State, and with the substitution for the definition of the expression " owner " in the last foregoing subsection of the following definition—
 

“The expression ' owner, ' in relation to land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking, and includes also a lessee under a lease.”
- (8) The Agricultural Returns Act, 1925, shall cease to have effect, and the reference to that Act in subsection (2) of section thirty-four of the Agricultural Development Act, 1939, shall be construed as a reference to this section.

## **79 Information as to dealings in land used for agriculture.**

The Minister may by regulation require that parties to any sale of land which immediately before the completion of the transaction was being used for agriculture, or to any grant, assignment or surrender of a tenancy of such land for an interest not less than that of a tenant for a year, shall within the prescribed period from the completion of the transaction furnish to the Minister, in such manner as may be prescribed, information as to the names and addresses of the parties to the transaction and the situation and extent of the land thereby affected.

## **80 Restriction on disclosure of information.**

No information relating to any particular land or business, being information which has been obtained under section seventy-eight or seventy-nine of this Act, shall be published or otherwise disclosed without the previous consent in writing of the person by whom the information was furnished and every other person whose interests may



in the opinion of the Minister be affected by the disclosure, being an owner or the occupier of the land :

Provided that nothing in this section shall restrict the disclosure of information—

- (a) to the Minister in charge of any Government department, to any authority acting under an enactment for regulating the marketing of any agricultural produce, or to any person exercising functions on behalf of any such Minister or authority for the purpose of the exercise of those functions;
- (b) to an authority having power under any enactment to give permission for the development of land, for the purpose of assisting that authority in the preparation of proposals relating to such development or in considering whether or not to give such permission;
- (c) if the disclosure is confined to situation, extent, number and kind of livestock, character of land, and name and address of owner and occupier, to any person to whom the Minister considers that the disclosure thereof is required in the public interest;
- (d) to any person for the purposes of any criminal proceedings under the next following section or for the purposes of any report of such proceedings,

or the use of information in any manner which the Minister thinks necessary or expedient in connection with the maintenance of the supply of food in the United Kingdom.

## **81 Penalties.**

- (1) Any person who without reasonable excuse fails to furnish information in compliance with a requirement under section seventy-eight or seventy-nine of this Act shall be liable on summary conviction to a fine not exceeding fifty pounds.
- (2) If any person—
  - (a) in purported compliance with a requirement imposed under section seventy-eight or seventy-nine of this Act knowingly or recklessly furnishes any information which is false in any material particular, or
  - (b) publishes or otherwise discloses any information in contravention of the last foregoing section,

he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

*General powers of acquisition and management of land by Minister.*

## **82 Powers of Minister to acquire land by agreement.**

- (1) The Minister may acquire by agreement—
  - (a) any land used for agriculture;
  - (b) any other land falling within the definition in this Act of the expression agricultural land;
  - (c) where any such land as aforesaid is offered to the Minister for acquisition by him on the condition that he also acquires other land not falling within the two foregoing paragraphs, that other land;

---

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

---

- (d) any other land as respects which power is conferred on the Minister by this Act to purchase the land compulsorily in accordance with the provisions of this Act in that behalf.
- (2) Where in pursuance of this section the Minister purchases land under the Ecclesiastical Leasing Acts, the consent of the patron to the sale shall not be necessary.

**83 Acquisition by Minister of land for research, experiment and demonstration.**

The Minister may acquire by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf any land for the purposes of agricultural research or experiment or of demonstrating agricultural methods.

**84 Acquisition of land by Minister to ensure full and efficient use thereof.**

- (1) Where—
  - (a) the Minister is satisfied in the case of any agricultural land that the full and efficient use of the land for agriculture is being prevented by reason of work not being carried out or fixed equipment not being provided, and that having regard to the nature of the work or equipment required for such use of the land as aforesaid it cannot reasonably be expected to be carried out or provided unless the Minister exercises his powers under this subsection; or
  - (b) the Minister is satisfied in the case of any agricultural land that the full and efficient use of the land for agriculture will be prevented if existing fixed equipment thereon is not maintained, and that having regard to the nature of the equipment it cannot reasonably be expected to be maintained unless the Minister exercises his powers under this subsection; or
  - (c) agricultural land has been severed from other such land in the exercise of powers conferred, for purposes other than agricultural purposes, by or under any enactment, or has been otherwise injuriously affected in the exercise of such powers, or such powers have been conferred and the Minister is satisfied that they will be exercised so that agricultural land will be severed or otherwise injuriously affected as aforesaid, and (in any case) the Minister is satisfied that the full and efficient use of the land for agriculture cannot be achieved unless the land is used therefor in conjunction with other land and that it cannot reasonably be expected to be so used unless the Minister exercises his powers under this subsection,

then, if the Minister proposes to secure the carrying out of the work, the provision or maintenance of the equipment, or the use of the land in conjunction with other land, as the case may be, he may acquire the land, or any part thereof, by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf.

- (2) Before proceeding with the acquisition of land under paragraph (a) or paragraph (b) of the last foregoing subsection, the Minister shall refer to the Agricultural Land Commission for their report thereon the question whether the conditions are fulfilled as to which under the said paragraph (a) or (b), as the case may be, the Minister must be satisfied before acquiring the land, and shall take into consideration the report of the Commission.
- (3) On any such reference the Commission, after inspecting the land in question and making such other enquiries as appear to them requisite, shall prepare a draft report to the Minister on the question referred to them, containing such information as to work to be carried out, or fixed equipment to be provided or maintained, as mentioned in

the said paragraph (a) or (b), as appears to the Commission necessary for indicating whether such work or equipment can reasonably be expected to be carried out, provided or maintained without the exercise by the Minister of his powers under subsection (1) of this section.

- (4) The Commission shall publish, in such manner as appears to them best suited for informing owners, lessees and occupiers of land to which a draft report under the last foregoing subsection relates, a notice stating a place where copies of the draft report may be obtained by owners, lessees or occupiers of any of the said land, and the time within which representations may be made to the Commission by any such owners, lessees or occupiers, either orally or in writing, as to the question referred to the Commission.
- (5) The Commission shall consider any such representations as aforesaid duly made, and any technical or other evidence adduced on the making of the representations, and shall then submit a report to the Minister, either in the terms of the draft or subject to such modifications as appear to the Commission expedient in the light of the said representations and evidence.
- (6) The Minister shall cause any report of the Commission under this section to be published.
- (7) The Minister may acquire by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf any land as to which he is satisfied that its acquisition by him is necessary in order to put to full and efficient use for agriculture land acquired by him under subsection (1) of this section.

## **85 Power of Minister to retain possession of land in interests of agricultural production.**

- (1) The following provisions of this section shall have effect for the purpose of enabling the Minister to secure or maintain the full and efficient use for agriculture—
  - (a) of agricultural land of which the Minister or a person acting under his authority is in possession, or
  - (b) of other such agricultural land in conjunction with which in the opinion of the Minister the land mentioned in paragraph (a) of this subsection ought to be farmed.
- (2) Where the Minister or any person acting under his authority is in possession of the land mentioned in paragraph (a) of the last foregoing subsection under powers conferred by regulations made under the Emergency Powers (Defence) Acts, 1939 to 1945, or is in possession thereof under section twenty-three of the Agriculture (Miscellaneous War Provisions) Act, 1940, and the Minister is satisfied that it is necessary for the purpose mentioned in the last foregoing subsection that possession of the land should be retained by him or on his behalf, and certifies accordingly, the Minister may purchase the land compulsorily in accordance with the provisions of this Act in that behalf.
- (3) Where the Minister or any person acting under his authority is in possession of the land mentioned in paragraph (a) of subsection (1) of this section by virtue of having acquired the land under section nine of the Agriculture (Miscellaneous Provisions) Act, 1941, or section sixteen of the Agriculture (Miscellaneous Provisions) Act, 1943 (which empower the Minister in certain circumstances to acquire land, but subject to an obligation to offer it for re-sale as provided in section ten of the said Act of 1941) and the Minister is satisfied that it is necessary for the purposes mentioned in

---

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

---

the said subsection (1) that the said obligation shall not apply to the land, and certifies accordingly, the said obligation shall not apply in relation to the land.

- (4) The Minister shall not give a certificate under this section until, after affording—
- (a) in the case of a proposed certificate under subsection (2) of this section, to every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any direction under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land to which the proposed certificate is to relate,
  - (b) in the case of a proposed certificate under subsection (3) of this section, to any person to whom apart from the certificate the Minister would be under an obligation to offer to re-sell the land under section ten of the said Act of 1941, an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, he has given notice in writing to every such person as is mentioned in paragraph (a) or paragraph (b) of this subsection, as the case may be, of the Minister's proposal to give the certificate.
- (5) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under this Part of this Act, and the provisions in that behalf of this Part of this Act shall apply accordingly.
- (6) Nothing in section nine or ten of the said Act of 1941 or section sixteen of the said Act of 1943 shall require the Minister, in the case of land acquired by him under the said section nine or sixteen, to re-sell the land except in pursuance of an offer made and duly accepted under subsections (1) to (4) of the said section ten.

## **86 Control of subdivision of agricultural units.**

- (1) If while this section is in force a major disposition to which this section applies is made of land forming part only of an agricultural unit, and the consent of the Minister to the disposition is not obtained either before or after the making thereof, then subject to the provisions of this section the Minister may within three years from the making of the disposition purchase compulsorily in accordance with the provisions of this Act in that behalf the said land and any other land which when the disposition was made formed part of the agricultural unit:

Provided that the Minister shall not have power under this subsection to purchase any such other land which since the disposition was made has been the subject of a disposition to which the consent of the Minister has been obtained or a major disposition to which when it was made this section did not apply.

- (2) If while this section is in force any minor disposition to which this section applies is made of land forming part only of an agricultural unit, and the consent of the Minister to the disposition is not obtained either before or after the making thereof, the land shall be treated for the purposes of this section as continuing to form part of the unit notwithstanding the disposition or anything done in pursuance thereof:

Provided that where at any time it is shown that land has throughout the last preceding three years been farmed as part of the same agricultural unit as other land, nothing in this subsection shall require the first-mentioned land to be treated at the said time as being outside the agricultural unit comprising that other land.

---

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

---

- (3) Subject to the provisions of the Eleventh Schedule to this Act as to mortgages and charges, in this section the expression "disposition" means a conveyance, assignment, surrender, grant, or agreement for the grant of an interest in land; the expression "major disposition" means a conveyance of the fee simple, a grant or agreement for the grant of a tenancy for an interest greater than from year to year, or an assignment or surrender of a tenancy granted for any such interest; and the expression "minor disposition" means any other disposition; and subject to the provisions of the said Eleventh Schedule the dispositions to which this section applies are all dispositions except—
- (a) a conveyance, assignment or surrender of an interest where the disposition comprises the whole of the land in an agricultural unit to which that interest extends, or a grant or agreement for the grant of an interest out of another interest if the disposition comprises the whole of the land in an agricultural unit to which the said other interest extends;
  - (b) a conveyance of the fee simple, or an assignment, grant or agreement for the grant of a tenancy, made in pursuance of a specific devise, bequest or direction in that behalf contained in any testamentary instrument;
  - (c) any disposition made in pursuance of a contract in writing entered into at a time when this section is not in force.
- (4) The Minister shall not refuse his consent under this section to any disposition, or exercise any power of compulsory purchase under subsection (1) of this section, unless, after affording—
- (a) in the case of an application for the Minister's consent to a disposition, to the parties thereto;
  - (b) in the case of a compulsory purchase of land, to every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any directions under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land,
- an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, the Minister is satisfied that it is expedient so to do in order to avoid a less efficient use for agriculture of the land in question, and certifies accordingly.
- (5) Before giving a certificate in a case falling within paragraph (b) of the last foregoing subsection the Minister shall give notice in writing to every such person as is specified in that paragraph of his proposal to give the certificate.
- (6) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal, and the provisions of this Part of this Act in that behalf shall apply accordingly.
- (7) This section shall be in force during any such period as the Minister may by order determine, and any order under this subsection may have effect either generally or in relation to such area as may be specified therein.
- (8) Any order under the last foregoing subsection shall be of no effect unless approved by resolution of each House of Parliament.

---

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

---

## 87 Experimental schemes for readjustment of farm boundaries.

- (1) Where it appears to the Minister, in the case of any area, that it is for consideration whether in the interests of the full and efficient use of land for agriculture adjustments should be made in the boundaries between agricultural units in the area, or whether any such agricultural units or parts thereof should be amalgamated with other such agricultural units or parts thereof, the Minister may refer the matter for consideration to the Agricultural Land Commission (hereafter in this section referred to as " the Commission ").
- (2) On any such reference the Commission shall, after causing the area to which the reference relates to be inspected and affording an opportunity to persons appearing to them to be likely to be affected by any such adjustment or amalgamation to make representations to the Commission, submit a report to the Minister—
  - (a) stating whether in the opinion of the Commission it is desirable to promote a scheme for securing such adjustments or amalgamations as are mentioned in subsection (1) of this section, and
  - (b) if they report that it is desirable so to do, setting out a provisional scheme for that purpose;

and if after considering the report of the Commission the Minister is of opinion that it is desirable to promote such a scheme as aforesaid, he shall, subject to the provisions of the next following subsection, direct the Commission to proceed with the preparation of a final scheme for submission to the Minister and confirmation by him.

- (3) The Minister shall not, save as hereinafter provided, direct the Commission to proceed with the preparation of a final scheme under this section in the case of more than three areas:

Provided that the Minister may by order direct that the foregoing provisions of this subsection shall have effect with the substitution therein of such greater number of areas as may be specified in the order, but any order made under this proviso shall be of no effect unless approved by resolution of each House of Parliament.

- (4) The provisions of the Twelfth Schedule to this Act shall have effect in relation to references to the Commission under this section and to the form, confirmation, variation, validity and coming into operation of schemes thereunder.
- (5) The Commission may by notice in writing served on any person require him to furnish to them any such information as to the owners of interests in, and occupiers of, land specified in the notice as appears to the Commission requisite for the purposes of their functions under this section and the said Twelfth Schedule, and if without reasonable excuse any person on whom such a notice is served fails within a reasonable time to furnish to the Commission the information required, he shall be liable on summary conviction to a fine not exceeding ten pounds, and to a further fine not exceeding five pounds for each day after conviction on which the failure continues.
- (6) It shall be the duty of the Commission to secure the carrying out of any final scheme which has come into operation under this section, either as confirmed or, with the consent of persons appearing to the Commission to be affected and the approval of the Minister, subject to such modifications as appear to the Commission expedient for the purposes of the scheme.
- (7) Where—
  - (a) the Commission report to the Minister at any time after the coming into operation of a final scheme that the carrying out of the scheme is being

---

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

---

hindered by failure to reach agreement in relation to the disposal of, or of any interest in, any land in the area to which the scheme relates, and

- (b) the Minister is satisfied that it is necessary in order to carry out the scheme that he should exercise his powers under this subsection,

the Minister may purchase that land compulsorily in accordance with the provisions of this Act in that behalf.

- (8) The owner of any land to which a final scheme under this section relates may at any time after the expiration of seven years from the coming into operation of the scheme, if the purchase under the last foregoing subsection of his interest in the land has not then become obligatory, give notice in writing to the Minister that he desires to avail himself of the provisions of this subsection, and where such a notice is given then unless within three months from the giving of the notice either—

- (a) the purchase of the interest under the last foregoing subsection has become obligatory, or
- (b) the Minister has made to the owner an offer to purchase his interest at a price to be agreed, or, in default of agreement, at the like price, determined in the like manner, as if the purchase were compulsory,

his interest shall be treated as excepted from compulsory purchase under the last foregoing

In this subsection the expression " owner ", in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired period whereof exceeds three years.

- (9) On the completion of the carrying out of any final scheme under this section the Commission shall submit to the Minister a report on the carrying out of the scheme and the Minister shall, as soon as may be, lay copies of the report before Parliament.
- (10) Where for the purposes of a final scheme under this section the landlord of a holding gives notice to quit part of the holding, then unless—
  - (a) under section twenty-seven of the Agricultural Holdings Act, 1923, the tenant accepts the notice to quit as a notice to quit the entire holding, and
  - (b) in consequence of the tenant so doing he becomes entitled under section thirty of this Act to compensation for disturbance in respect of the entire holding,

the tenant shall notwithstanding proviso (a) of subsection (2) of the said section thirty not be entitled to any compensation under that section in excess of the loss or expense referred to in the said subsection (2) proved to have been suffered or incurred by him.

## **88 Transfer to Minister of land vested in other Government departments.**

- (1) The appropriate Ministers may by order provide for the transfer to the Minister, by virtue of the order and without further assurance.—
  - (a) of any interest in land vested in the Minister of Works which was acquired by that Minister for the purposes of any functions of the Minister,
  - (b) of any interest in other land, being an interest held on behalf of His Majesty for the purposes of any Government department, in any case where it appears to the appropriate Ministers to be expedient that the interest should be transferred to the Minister either on the ground that it is no longer required to be held for the purpose for which it was acquired or otherwise,

---

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

---

and any order under this section may contain such incidental and supplementary provisions as appear to the appropriate Ministers necessary or expedient for giving effect to the order.

- (2) In this section the expression " the appropriate Ministers " means the Minister and—
- (a) in relation to paragraph (a) of the last foregoing subsection, the Minister of Works;
  - (b) in relation to paragraph (b) thereof, the Minister in charge of the Government department in question.

**89 Transfer of land from Land Settlement Associations to Minister.**

Where any body of persons having as its object or one of its objects the promotion of land settlement agrees with the Minister for the transfer to him of land owned by the said body, the Minister shall have power to acquire the land notwithstanding that not all of it is agricultural land; and the agreement may with the approval of the Treasury provide for the remission by the Minister, in consideration of the acquisition by him of the land or of the land and other property, of debts due to the Minister from the said body.

**90 Powers of management, etc., of land acquired by Minister.**

- (1) The Minister may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him—
- (a) in such manner as appears to him expedient for the purpose for which the land was acquired; or
  - (b) if he is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to him expedient therefor:

Provided that—

- (i) the Minister shall not sell land acquired by him except where it appears to him that, having regard to the use proposed to be made of the land, it is expedient that it should be sold by him
  - (ii) this section shall have effect subject to any restrictions imposed by or under any enactment on the powers of the Minister.
- (2) The powers of management conferred on the Minister by subsection (1) of this section shall include power to provide such facilities for the welfare of tenants of, or other persons employed in agriculture on, land managed by him as the Minister thinks expedient.

**91 Repeal of sections 1 to 4 of 21 and 22 Geo. 5. c. 41.**

Sections one to four of the Agricultural Land (Utilisation) Act, 1931 (which enable the Minister to acquire land for demonstration farms and for reclamation) shall cease to have effect.



*Provisions as to compulsory acquisition of land.*

**92 Procedure for compulsory purchase of land.**

- (1) Subject to the provisions of this section, where under any provision of this Act power is conferred on the Minister or a smallholdings authority to purchase land compulsorily, the power shall be exercisable for the purchase of any particular land on the Minister or the authority, as the case may be, being authorised so to purchase the land in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, and that Act shall apply accordingly—
- (a) as if paragraph (b) of subsection (1) of section one thereof (which refers to the compulsory purchase of land by the Minister of Transport under certain enactments) included a reference to any compulsory purchase of land by the Minister under this Act, and
  - (b) as if this Act had been in force immediately before the commencement of the said Act of 1946:

Provided that section two of that Act (which confers temporary powers for speedy acquisition of land in urgent cases) shall not apply to any compulsory purchase of land under this Act.

- (2) Where under any provision of this Act power is conferred on the Minister to purchase any particular land compulsorily on the giving of a certificate by him, the certificate shall have effect as if it were a compulsory purchase order made under section one of the said Act of 1946, and—
- (a) where the certificate relates to land falling within subsection (2) of the said section one (which applies, to purchases of local authorities' and statutory undertakers' land, commons, open spaces and inalienable National Trust land, and ancient monuments and other objects of archaeological interest, the special procedure set out in Part III of the First Schedule to that Act) the certificate shall be embodied in an order of the Minister and the said Part III shall apply accordingly;
  - (b) subsection (3) of the said section one and the Second Schedule to the said Act of 1946 (which provide for incorporation of the Lands Clauses Acts and other enactments) shall have effect in relation to the purchase, and anything which under that Schedule may be provided by a compulsory purchase order may be provided by the said certificate;
  - (c) in the application to the certificate of Part IV of the First Schedule to the said Act of 1946 (which relates to the validity and coming into operation of compulsory purchase orders) for references to the first publication of notice of the making of an order there shall be substituted references to the service of notice of the giving of the certificate, and for references to the requirements of the said First Schedule and of regulations made thereunder there shall be substituted references to the requirements of this Act as to the proceedings to be taken before the giving of the certificate.
- (3) In relation to a compulsory purchase under section eighty-seven of this Act the said Act of 1946 shall have effect subject to the following modifications:—
- (a) head (a) of sub-paragraph (1) of paragraph 3 of the First Schedule (which provides for advertisement in local newspapers) shall not apply;

---

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

---

- (b) the Minister may disregard any objection to the compulsory purchase order if he is satisfied that the objection is made on the ground that the purchase is unnecessary or inexpedient.

### **93 Compulsory hiring of land.**

- (1) The Minister may with the approval of the Treasury make regulations for giving effect to the provisions of this Act as to the compulsory hiring of land, and regulations under this section may provide—
  - (a) for prescribing the procedure for the compulsory hiring of land under this Act, being such procedure as appears to the Minister to correspond as nearly as may be with the procedure for the compulsory purchase of land under this Act;
  - (b) for applying to the compulsory hiring of land, with such adaptations, exceptions or modifications as appear to the Minister requisite, provisions of the Lands Clauses Acts, sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, the Acquisition of Land (Assessment of Compensation) Act, 1919, the Acquisition of Land (Authorisation Procedure) Act, 1946, except section two of the last mentioned Act, and any other provision which had effect in relation to the compulsory hiring of land under any enactment repealed by this Act;
  - (c) for determining the terms and conditions of a compulsory hiring other than the rent;
  - (d) for requiring questions arising on the determination of a compulsory hiring to be determined by arbitration.
- (2) Regulations under this section may apply generally to all compulsory hirings under this Act or may make different provisions for different classes of such hirings.

### **94 Limitation of period of compulsory hiring.**

- (1) Subject to the provisions of this section, no compulsory hiring of land under this Act shall be for a term longer than thirty-five years.
- (2) For the avoidance of doubt it is hereby declared that the fact that the Minister or smallholdings authority is in possession of land by virtue of a compulsory hiring thereof does not prevent the Minister or authority, as the case may be, purchasing the land compulsorily.
- (3) Where land has been compulsorily hired under this Act or any enactment thereby repealed and the person who but for the hiring would be entitled to possession of the land requires the land or part thereof for any purpose for which it appears to the Minister expedient that the said person should resume possession thereof, the said person may with the consent of the Minister resume possession of the land or part thereof in question—
  - (a) in the case of land hired by the Minister, within such period after the granting of the Minister's consent as the Minister may specify;
  - (b) in the case of land hired by a smallholdings authority, upon giving to the authority twelve months' previous notice in writing of his intention so to do or such shorter notice as may have been specified for the purposes of this subsection in the order authorising the compulsory hiring of the land;
 and if possession is resumed by the said person of part only of the land, the rent payable as from the date of resumption in respect of the hiring of the remainder of the land shall

be reduced in such proportion as in default of agreement may be determined in the like manner as under the last foregoing section rent is determined for the compulsory hiring of land under this Act.

*Special directions to secure production.*

**95 Special directions to secure production.**

- (1) Where it appears to the Minister necessary so to do in the interest of the national supply of food or other agricultural products, he may by order direct that all or any of the powers conferred on him by the next following subsection shall be exercisable by him for a period of one year from the coming into operation of the order, or, in the case of an order made before the first day of January, nineteen hundred and fifty and confined to the powers conferred by paragraph (d) of the next following subsection, for the period ending with the thirty-first day of December in that year.
- (2) During the period for which the said powers are exercisable the Minister may by notice in writing served on the person occupying or entitled to occupy any agricultural land give such directions—
  - (a) as to the use of the land for any of the purposes of agriculture and the manner in which and the produce for which it is to be so used,
  - (b) as to the carrying out of any work required to enable the land to be used as directed under paragraph (a) of this subsection,
  - (c) as to any other matters as to which directions may be given to an occupier of an agricultural unit where a supervision order under Part II of this Act is in force for the supervision of his farming of the unit,
  - (d) without prejudice to the general powers conferred by the foregoing paragraphs, as to the maximum area of land which may be maintained on an agricultural unit under pasture laid down with clover, grass, lucerne, sainfoin or other seeds or under herbage crops grown for commercial seed production,as appear to the Minister expedient in the interest aforesaid and reasonable having regard to the character and situation of the land and other relevant circumstances.
- (3) If any person to whom a direction is given under this section contravenes or fails to comply with the direction he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.
- (4) Subsections (5) to (8) of section fourteen of this Act shall apply in relation to directions under this section as they apply in relation to directions under the said section fourteen.
- (5) The provisions of the Second Schedule to this Act shall have effect where a direction is given under this section requiring the ploughing-up of permanent pasture or the performing of other acts of cultivation.
- (6) Nothing done or omitted by an occupier in pursuance of a direction under this section shall be treated as a failure to fulfil his responsibilities to farm land in accordance with the rules of good husbandry so long as the act or omission was reasonably necessary in consequence of the giving of the direction.
- (7) Without prejudice to the general provisions of this Part of this Act as to the service of notices, any notice to be served under this section on an occupier of land used

---

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

---

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 that agent or servant.

- (8) Any period for which the powers conferred on the Minister by subsection (2) of this section are exercisable shall be extended by a further year if the Minister by order made not earlier than one month before the date on which the said period would otherwise expire directs that the said period shall be so extended.
- (9) The expiration of the said period shall not affect the operation of any direction under this section previously given.
- (10) An order made under this section shall be of no effect unless approved by resolution of each House of Parliament:

Provided that if at the time when such an order is made Parliament is dissolved or prorogued or both Houses are adjourned for more than four days, the foregoing provisions of this subsection shall not apply but the order shall be laid before Parliament as soon as may be and shall cease to have effect unless approved by resolution of each House of Parliament before the expiration of the twenty-eighth day on which that House has sat after the order is laid before it.

*Continuation of contributions to cost of drainage, water supply and application of lime.*

**96 Continuation of grants for drainage of, and supply of water to, agricultural land.**

- (1) So much of the Agriculture (Miscellaneous War Provisions) Act, 1940, as limits the period during which schemes may be approved under section fifteen thereof (under which grants may be made by the Minister towards the cost of approved schemes for field drainage and the improvement of ditches and for the supply of water to agricultural land) shall cease to have effect, but no scheme shall be approved under that section unless application for the approval thereof has been made, in such form and manner as the Minister may with the approval of the Treasury determine, before the expiration of five years from the passing of this Act, or if the Minister by order made with the approval of the Treasury so directs, before the expiration of seven years from the passing of this Act.
- (2) An order made under this section shall be of no effect unless approved by resolution of each House of Parliament.

**97 Contributions towards cost of liming agricultural land.**

- (1) The Ministers referred to in section one of the Agriculture Act, 1937 (which provides for contributions, in accordance with a scheme known as the Land Fertility Scheme, towards the cost incurred by any occupier of agricultural land in acquiring and transporting lime for adding to the land to improve the fertility of the soil) may substitute for the Land Fertility Scheme a scheme, to be known as the Agricultural Lime Scheme, made by the said Ministers with the approval of the Treasury, and may in accordance with that scheme make contributions under the said section one—
  - (a) towards the cost incurred not only by an occupier of land but also by any other person having an interest in the land;
  - (b) not only towards cost incurred in acquiring and transporting lime but also towards any cost incurred or to be incurred in bringing lime from the place to

which it is delivered by the supplier of the lime to the land to which it is to be added and in spreading it on that land,

and as from the coming into operation of the Agricultural Lime Scheme, for references in the said Act of 1937 and in any enactment amending that Act to the Land Fertility Scheme there shall be substituted references to the Agricultural Lime Scheme, references in Part I of that Act to the occupier of land shall include references to any such other person as is mentioned in paragraph (a) of this subsection, the reference in subsection (1) of the said section one to cost incurred in acquiring and transporting shall include a reference to any cost incurred as mentioned in paragraph (b) of this subsection, and paragraph (d) of subsection (1) of section three of the said Act of 1937 (which empowers a scheme to make provision as to the method of computing cost incurred in transporting lime) shall apply to cost incurred or to be incurred as mentioned in paragraph (b) of this subsection as it applies to cost incurred in transporting.

- (2) The period during which any cost must have been incurred in order that contributions may be payable under the said section one in respect thereof shall be extended until the expiration of five years from the earlier of the following dates, that is to say the date on which the Agricultural Lime Scheme comes into operation and the first day of August, nineteen hundred and forty-seven:

Provided that if the said Ministers by order made by them with the approval of the Treasury so direct, the said period shall be extended until the expiration of seven years from the earlier of the said dates.

An order made under this section shall be of no effect unless approved by resolution of each House of Parliament.

- (3) Subject to the proviso to subsection (1) of the said section one (which limits contributions under that section to three-quarters of the cost incurred) the Agricultural Lime Scheme may make provision for contributions at different rates for different classes of cases specified in the scheme.
- (4) This section shall extend to Scotland and to Northern Ireland.

#### *Pest and weed control.*

### **98 Prevention of damage by pests.**

- (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 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

---

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

---

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 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 area, wild birds other than those specified in the Schedule to the Wild Birds Protection Act, 1880, as it applies in that area whether by virtue of the terms thereof or of any subsequent enactment 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) The Minister may with the approval of the Treasury make contributions towards the expenses incurred by any body of persons in killing, taking or destroying animals or birds to which this section applies or the eggs of such birds.
- (6) Part I of the Prevention of Damage by Rabbits Act, 1939, shall cease to have effect.

## **99 Prevention of escape of captive animals.**

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 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.**

- (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 twenty-five pounds, 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, but nothing in this section shall exempt any person from the provisions of the Gun Licence Act, 1870.
- (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.

#### **101 Provision by Minister of equipment and services for pest control.**

- (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.

#### **102 Destruction of injurious weeds.**

The Schedule to the Corn Production Acts (Repeal) Act, 1921 (which contains provisions for securing the destruction of injurious weeds specified in paragraph (8) thereof) shall have effect, in its application to England and Wales, as if there were specified in the said paragraph (8) such additional injurious weeds as the Minister may by regulations under this section prescribe, and such regulations may make different provisions in different cases specified in the regulations.

---

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

---

*Supplementary.*

**103 Schemes for provision of agricultural goods and services.**

- (1) For the purpose of promoting efficiency in agriculture or facilitating food production the Minister may with the approval of the Treasury make schemes for providing goods and services to persons managing or farming agricultural

Any scheme under this section shall be embodied in an order which shall be laid before Parliament forthwith after being made.

- (2) A scheme under this section shall not authorise the provision of goods after the expiration of five years from the coming into operation of this section or such longer period as may be prescribed.
- (3) The Minister may make such reasonable charges, if any, as he thinks fit in respect of goods and services provided in pursuance of a scheme under this section.
- (4) The Minister may acquire by agreement any land which he requires for the purposes of a scheme under this section.
- (5) This section shall extend to Scotland, with the substitution for references to the Minister of references to the Secretary of State.

**104 Provisions as to representations.**

- (1) Any enactment in this Act providing, in relation to the taking of any action by the Minister, for his taking the action after affording a person an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, shall be construed as a provision that the Minister shall comply with the following requirements.
- (2) The Minister shall give notice to the said person specifying the action proposed to be taken and informing him of the effect of the three following subsections.
- (3) If within the prescribed time and in the prescribed manner the said person makes representations to the Minister in writing, the Minister shall not take the action in question until he has considered the representations.
- (4) If, whether or not representations are made to the Minister in writing, the said person within the prescribed time and in the prescribed manner requires that an opportunity be afforded to him of being heard by a person appointed by the Minister for the purpose, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) of this section the Minister is required to afford such an opportunity, and the Minister shall not take the action in question until he has considered any representations made at the hearing.
- (5) No officer or servant of a County Agricultural Executive Committee, or any sub-committee or district committee thereof, shall be appointed under the last foregoing subsection to receive representations relating to land in the area of the Committee.
- (6) If for the purposes of any such hearing the person to whom the opportunity is afforded so desires, the like opportunity shall be afforded to a person chosen by him to represent his views to the Minister.



### **105 Expenses and receipts.**

- (1) All expenses incurred by any Minister under this Act shall be defrayed out of moneys provided by Parliament.
- (2) All sums received by the Minister under this Act, including sums received on his behalf by the Agricultural Land Commission or any other person or body of persons exercising functions on behalf of the Minister, shall be paid into the Exchequer.

### **106 Provisions as to entry and inspection.**

- (1) Any person authorised by the Minister in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.
- (2) Any person authorised by the Minister or a smallholdings authority who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid—
  - (a) if the power is being exercised for determining whether the land is to be acquired under Part IV of this Act or this Part thereof; or
  - (b) if the land is being used for residential purposes;unless twenty-four hours notice of the intended entry has been given to the occupier of the land.
- (4) Save as provided by the last foregoing subsection, admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid, other than the power conferred by paragraph (a) of subsection (1) of section twelve of this Act, unless notice has been given to the occupier of the land that it is proposed to enter during a period, specified in the notice, not exceeding fourteen days and beginning at least twenty-four hours after the giving of the notice, and the entry is made on the land during the period specified in the notice:

Provided that where the power of entry is being exercised for the purpose of taking measures to secure compliance with a direction or requirement under the foregoing provisions of this Part of this Act, and notice is given in accordance with this subsection on the first occasion on which the power is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with the taking of the measures.

- (5) Where notice is served in a case falling within the proviso to the last foregoing subsection, and the person to whom the direction therein referred to was given, or on whom the requirement therein referred to was imposed, is not the occupier of the land, a like notice shall be served on that person.
- (6) Any notice served in pursuance of the last foregoing subsection or the proviso therein referred to may be served in like manner as the notice giving the said direction or imposing the said requirement.

---

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

---

- (7) Any person who, in any case for which no penalty is provided by the foregoing provisions of this Act, obstructs any person authorised by the Minister or a smallholdings authority exercising any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

#### **107 Service of notices.**

- (1) Any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter.
- (2) Any such document required or authorised to be given to or served on an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body.
- (3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.
- (4) Where any document is to be given to or served on a person as being the person having any interest in land, and it is not practicable after reasonable inquiry to ascertain his name or address, the document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.
- (5) Where any such document as aforesaid is to be given to or served on any person as being the owner of land and the land belongs to an ecclesiastical benefice, a copy thereof shall be served on the Ecclesiastical Commissioners.

#### **108 Regulations and orders.**

- (1) Any regulations made by the Minister under this Act, and any Order made by the Minister under section seventy-three thereof, shall be laid before Parliament forthwith after being made, and if either House of Parliament, within the period of forty days beginning with the day on which the regulations or order are or is laid before it, resolves that an Address be presented to His Majesty praying that the regulations or order be annulled, no further proceedings shall be taken the render after the date of the resolution, and His Majesty may by Order in Council revoke the regulations or order so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the regulations or order or to the making of new regulations or a new order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (2) In this Act the expression " prescribed " means prescribed by regulations made by the Minister.

- (3) Any power conferred by this Act to make an order shall include a power, exercisable in the like manner and subject to the like conditions, to revoke or vary the order.

### **109 Interpretation.**

- (1) In this Act the expression " agricultural land " means land used for agriculture which is so used for the purposes of a trade or business, or which is designated by the Minister for the purposes of this subsection, and includes any land so designated as land which in the opinion of the Minister ought to be brought into use for agriculture:

Provided that no designation under this subsection shall extend—

- (a) to land used as pleasure grounds, private gardens or allotment gardens, or
  - (b) to land kept or preserved mainly or exclusively for the purposes of sport or recreation, except where the Minister is satisfied that its use for agriculture would not be inconsistent with its use for the said purposes and it is so stated in the designation.
- (2) In this Act the expression " agricultural unit " means land which is occupied as a unit for agricultural purposes, including—
- (a) any dwelling-house or other building occupied by the same person for the purpose of farming the land, and
  - (b) any other land falling within the definition in this Act of the expression " agricultural land " which is in the occupation of the same person, being land as to which the Minister is satisfied that having regard to the character and situation thereof and other relevant circumstances it ought in the interests of full and efficient production to be farmed in conjunction with the agricultural unit, and directs accordingly:

Provided that the Minister shall not give a direction under this subsection as respects any land unless it is for the time being not in use for any purpose which appears to him to be substantial having regard to the use to which it might be put for agriculture.

- (3) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" agriculture " includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and " agricultural " shall be construed accordingly;

" allotment garden " means an allotment not exceeding forty poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetables or fruit for consumption by himself or his family;

" fixed equipment " includes any building or structure affixed to land and any works on, in, over or under land, and also includes anything grown on land for a purpose other than use after severance from the land, consumption of the thing grown or of produce thereof, or amenity, and references to fixed equipment on land shall be construed accordingly;

" functions " includes powers and duties;

" livestock " includes any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land;

" pasture " includes meadow;

---

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

---

" prescribed " has the meaning assigned to it by the last foregoing section;  
" produce " includes anything (whether live or dead) produced in the course of agriculture;  
" relevant circumstances ", in relation to an owner or occupier, includes all circumstances affecting management or farming other than the personal circumstances of the owner or occupier.

- (4) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any other enactment, including this Act.
- (5) References in this Act to the farming of land include references to the carrying on in relation to the land of any agricultural activity; and in relation to any agricultural activity the person having the right to carry it on shall be deemed to be the occupier of the land.
- (6) References in this Act to the use of land for agriculture include, in relation to land forming part of an agricultural unit, references to any use of the land in connection with the farming of the unit.

#### **110 Repeals.**

The enactments specified in the Thirteenth Schedule to this Act are, save as provided in Part III of this Act, hereby repealed to the extent specified in the third column of that Schedule.

#### **111 Short title, commencement and extent.**

- (1) This Act may be cited as the Agriculture Act, 1947.
- (2) This Act shall come into operation on such date as His Majesty may by Order in Council appoint; and an Order under this subsection may appoint different dates in relation to different provisions of this Act.
- (3) This Act, except in so far as is expressly provided therein, shall not extend to Scotland or Northern Ireland.