



Agriculture Act 1947

1947 CHAPTER 48 10 and 11 Geo 6

PART V

ADMINISTRATIVE AND GENERAL

Supplementary

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

*Changes to legislation: There are currently no known outstanding effects
for the Agriculture Act 1947, Section 109. (See end of Document for details)*

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 [^{F10}·10 hectare] 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;

“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.

Textual Amendments

F1 Words substituted by [S.I. 1978/446, reg. 2\(1\)](#)

Modifications etc. (not altering text)

C1 In s. 109 the definitions of "agriculture", "agricultural" and "agricultural land" are applied (30.11.1991) by [Coal Mining Subsidence Act 1991 \(c. 45, SIF 86\)](#), **s. 52(1)** (with s. 37(4), Sch. 7); [S.I. 1991/2508, art.2](#)

C2 In s. 109(3) the definition of "agriculture" is applied (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), **ss. 221(1), 225(2)** (with **ss. 16(6), 179, 222(3)** and **Sch. 22 para. 1**)

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In s. 109(3) the definitions of "agriculture" and "agricultural" are applied (27.7.1993) by 1993 c. 37, s. **58(3)**.

Changes to legislation:

There are currently no known outstanding effects for the Agriculture Act 1947, Section 109.