



# Agriculture (Scotland) Act 1948

## 1948 CHAPTER 45

### PART VI

#### ADMINISTRATIVE.

##### *Agricultural Executive Committees.*

#### **68 Establishment and functions of Agricultural Executive Committees.**

- (1) For each of such areas as may be prescribed the Secretary of State shall establish an Agricultural Executive Committee which shall be charged, in relation to the area for which the Committee are established, with the duty of exercising such functions as the Secretary of State may delegate to the Committee under the next following section.
- (2) An Agricultural Executive Committee may with the approval of the Secretary of State, and shall if the Secretary of State so requires, appoint one or more sub-committees, and the Agricultural Executive Committee shall refer to a subcommittee for report and recommendation such matters as may be determined by the Committee or as may be required by the Secretary of State, and shall delegate to a sub-committee such of the functions delegated to the Committee, to such extent and subject to such conditions or restrictions, as may with the approval of the Secretary of State be so determined or as may be so required.
- (3) In the exercise of the functions delegated to them an Agricultural Executive Committee shall comply with any directions given by the Secretary of State, and a sub-committee shall comply with any directions given (whether on the requirement of the Secretary of State or not) by the Agricultural Executive Committee by whom the sub-committee were established.
- (4) The provisions in that behalf of Part I of the Eighth Schedule to this Act shall have effect as to the constitution of Agricultural Executive Committees and sub-committees and otherwise in relation thereto.

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- (5) Without prejudice to the provisions of the next following section, the functions under any enactment of any Agricultural Executive Committee therein referred to shall in such cases as may be prescribed be transferred to the Secretary of State.

**69 Delegation of functions of Secretary of State to Agricultural Executive Committees.**

The Secretary of State may make regulations providing for delegating to an 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.

*The Land Court.*

**70 Provisions as to appointment of additional members of the Land Court.**

- (1) The number of persons who may be appointed by His Majesty by virtue of section three of the Small Landholders (Scotland) Act, 1911, to be members of the Scottish Land Court (in this Act referred to as " the Land Court ") shall be increased from five to seven; and accordingly the said section three shall have effect as if in subsection (1) for the word " five " there were substituted the word " seven. "
- (2) Any increase arising by reason of the provisions of this section in the sums charged on the Consolidated Fund of the United Kingdom under the said section three, and in the expenditure incurred under the Scottish Land Court Act, 1938, shall respectively be charged on and paid out of that Fund and defrayed out of moneys provided by Parliament.

**71 References to the Land Court.**

- (1) In any case where by any of the provisions of this Act a person is empowered to require that a proposal of the Secretary of State to take any action shall be referred to the Land Court, 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 Land Court shall determine
- (a) whether the conditions as to which the Secretary of State 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 Secretary of State should or should not take the action proposed,

and shall report to the Secretary of State accordingly; and the Secretary of State shall forward a copy of the report to any person who availed himself of an opportunity to make representations to the Secretary of State afforded to him under the provisions in question of this Act.

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- (3) In any such case as is mentioned in subsection (1) of this section the Secretary of State shall not give effect to the proposal until the expiration of the period within which a reference to the Land Court may be required.
- (4) Where such a reference is duly required, the Secretary of State shall act in accordance with the report of the Land Court and not otherwise.
- (5) Forthwith after taking action in any such case as is mentioned in subsection (1) of this section, the Secretary of State shall serve notice thereof in writing on any person who under the provisions in question of this Act was entitled to be afforded an opportunity to make representations to the Secretary of State.

## **72 Proceedings of the Land Court.**

The provisions of the Small Landholders (Scotland) Acts, 1886 to 1931, with regard to the Land Court shall, with any necessary modifications, apply for the purpose of the determination of any matter which they are required by or under this Act to determine, in like manner as those provisions apply for the purpose of the determination by the Land Court of matters referred to them under those Acts.

### *Agricultural Advisory Committees.*

## **73 Establishment and functions of Agricultural Advisory Committees.**

- (1) The Secretary of State may, for each of such districts as he may determine, establish an Agricultural Advisory Committee for the purpose of advising him or any agricultural college or other body concerned with agricultural education or agricultural advisory services in Scotland, on matters relating to—
  - (a) technical education and development in agriculture,
  - (b) the improvement of farming practice or of estate management, whether generally or in relation to any particular agricultural land,
  - (c) agricultural development and improvement schemes administered by him.
- (2) The provisions in that behalf of Part II of the Eighth Schedule to this Act shall have effect as to the constitution of Agricultural Advisory Committees and otherwise in relation thereto.