



# Agriculture (Scotland) Act 1948

1948 CHAPTER 45 11 and 12 Geo 6

## PART III CONTROL OF INJURIOUS ANIMALS, BIRDS AND WEEDS

### *Prevention of damage by injurious animals and birds*

#### **41 Supplementary Provisions as to s. 39 and s. 40.**

- (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 Secretary of State in that behalf may at any time enter on the land to which the requirement relates and take such steps as the Secretary of State may direct to secure compliance with the requirement; and the reasonable cost of taking such steps shall be recoverable by the Secretary of State from the person on whom the requirement was imposed.

Any question arising under this subsection as to what is the reasonable cost of taking any such steps as aforesaid shall be determined, in default of agreement, by the Land Court.

- (3) The Secretary of State 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 section thirty-nine of this Act or this section and requiring or authorising the disposal of such animals, birds or eggs, whether for the purpose of being used as food or otherwise.
- (4) 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

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*Changes to legislation: There are currently no known outstanding effects for the  
Agriculture (Scotland) Act 1948, Section 41. (See end of Document for details)*

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may apply to the Land Court who 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 they consider just and equitable in the circumstances of the case.

- (5) Without prejudice to the general provisions of Part VII of this Act as to the service of notices, any notice to be served under either of the two last foregoing sections on the owner or the occupier of land used for agriculture shall, where an agent or servant of the owner or the occupier is responsible for the [<sup>F1</sup>control of the management or farming, as the case may be, of the land in question] be duly served if served on the said agent or servant.

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**Textual Amendments**

**F1** Words substituted by [Pests Act 1954 \(c. 68\), s. 4\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture (Scotland) Act 1948, Section 41.