



Agriculture Act (Northern Ireland) 1949

1949 CHAPTER 2

PART II ^{F1}

GOOD HUSBANDRY

F1 SI 1965/1536

14 Duties of good husbandry, etc.

The following provisions of this Part of this Act shall have effect for the purposes of securing that agricultural land is maintained in good condition and farmed in accordance with the rules of good husbandry and of safeguarding in the public interest the supply of food or other agricultural products.

RULES OF GOOD HUSBANDRY

15 Good husbandry.

For the purposes of this Act, agricultural land shall be deemed to be maintained in good condition and to be farmed in accordance with the rules of good husbandry if it is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) so as, having regard to its nature, situation and other relevant circumstances (including the methods of farming practised in the locality), to maintain a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while being kept in a condition to enable such a standard to be maintained in the future. In determining whether land is being farmed as aforesaid, regard shall be had not only to the extent to which the fertility of the soil is being maintained but also to the protection and treatment of crops and pasture and to the general care, upkeep and management of the farm as a whole for the purposes of the particular type of farming carried out on the farm.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act (Northern Ireland) 1949, PART II . (See end of Document for details)

16 Service of improvement notice in respect of badly farmed land.

(1) Where the Ministry is satisfied that any agricultural land is not being maintained in good condition or farmed in accordance with the rules of good husbandry, the Ministry may, after affording to the occupier of that land an opportunity of having representations made in writing or, if the occupier so desires, orally by the occupier in person or by some other occupier of agricultural land or other person nominated by the occupier for the purpose, to the Ministry or to a person or persons appointed by the Ministry to report to it on the condition of, and method of farming, the land, serve on the occupier a written notice (in this Act referred to as an “improvement notice”) to that effect.

^{F2}(2) Any improvement notice served under this Part of this Act shall be registered by the Ministry in accordance with the provisions of Part X of the Land Registration Act (Northern Ireland) 1970 and, so long as such notice continues in force, shall apply to the land to which the notice relates.]

(3) The Ministry shall, on the request of any person who—

- (a) claims by virtue of any conacre, agistment or other agreement any right to use any agricultural land as such; or
- (b) satisfies the Ministry that he is the owner of any agricultural land or of any estate or interest therein or that an estate or interest therein may vest in him on or at any time subsequent to the determination of the estate or interest of the occupier therein,

afford both to such person and to the occupier an opportunity of making representations to the Ministry under sub-section (1) of this section against the service of an improvement notice relating to that land.

(4) If while an improvement notice is in force in relation to any agricultural land additional land becomes occupied by the same occupier and is farmed in conjunction therewith the notice shall, if the Ministry so determines, extend by virtue of such determination to the additional land and shall be registered accordingly [^{F2} by the Ministry pursuant to the provisions of Part X of the Land Registration Act (Northern Ireland) 1970]:

Provided that nothing in this or the next succeeding sub-section shall be construed as imposing on any occupier any liability with respect to the additional land on a date before the commencement of his occupation thereof.

(5) For the purposes of giving effect to the last preceding sub-section references in this Act to the land to which an improvement notice relates shall be construed as including references to any additional land to which the notice extends by virtue of a determination of the Ministry under that sub-section; and references in this Act to the service of an improvement notice shall be construed as references to the date on which the notice was originally served as well in relation to such additional land as in relation to any other land to which the notice relates.

F2 1970 c.18 (NI)

17 Appeal against an improvement notice.

(1) Within one month from the service of an improvement notice, the person served with such notice and any person entitled to make representations against the service thereof may in accordance with such county court rules as may be made in that behalf appeal

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to the county court having jurisdiction for the area in which the land to which the notice relates is situate and that court, whose decision shall be final, shall have power to confirm, modify or cancel the notice.

- (2) For the purpose of hearing appeals under this section the county court judge shall be assisted by two assessors, one of whom shall be appointed by the Ministry and the other shall be appointed by such organisation as appears to the Ministry to represent the interests of the farmers in the area in which the land is situate:

Provided that where such organisation neglects or fails to appoint such other assessor within a period of ten days after being asked by the Ministry to do so, the Ministry may itself appoint such other assessor.

- (3) Where land lies partly in the area of one civil bill division and partly in the area of another, the Ministry may direct that for the purposes of any appeal under this section the whole of the land shall be deemed to be in such of those divisions as may be specified in the direction.

18 Duration of improvement notices.

- (1) Where an improvement notice is in force and the Ministry is satisfied that it is no longer necessary that such improvement notice should continue in force, the Ministry may cancel the notice either in whole or in part, but the cancellation of the notice or part thereof shall not affect any direction made thereunder in so far as such direction is in force immediately before such cancellation.
- (2)^{F3} any transfer of any interest in land to which an improvement notice relates other than a transfer by a testamentary disposition or by operation of law, whereby some other person becomes the occupier of that land, shall not affect the continued operation of the notice in relation to that land and accordingly the notice shall, subject to the provisions of this section, continue in force in so far as it relates to that land.
- (3) So long as an improvement notice continues in force the Ministry shall, from time to time, review the condition of the land to which the notice relates, and—
- (a) a review shall be held under this sub-section as soon as may be after the expiration of twelve months from the service of the notice and, where one or more than one review of the notice has already been held under this sub-section, a further review shall be held as soon as may be after the expiration of twelve months from the last such review;
- (b) the Ministry shall, on any review held under this sub-section, afford to any person, who, if an improvement notice were being served immediately before that review, would be entitled to make representations against the service thereof, a like opportunity of making representations for the cancellation or modification of the improvement notice under review.
- (4) Subject to the foregoing provisions of this section an improvement notice shall, to the extent to which it has not been cancelled by the Ministry or by a county court pursuant to the provisions of this Part of this Act, remain in force for the period of five years occurring next after the service thereof, so however that, without prejudice to the provisions of sub-section (1) of section thirty-two of the Interpretation Act, 1889, as applied to Acts of the Parliament of Northern Ireland by the Interpretation Act, 1921^{F4}, the Ministry, notwithstanding the foregoing provisions of this sub-section, may, where it is satisfied that the land to which the improvement notice relates should after the expiration of such period continue to be, or should at any subsequent time be, treated

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as unsatisfactorily farmed, serve, at any time during the two months immediately preceding such expiration or at any subsequent time, a further improvement notice or notices relating to the land or any part thereof. For the removal of doubt it is hereby declared that the provisions of this Part of this Act relating to the service, duration and effect of improvement notices and to appeals against such notices shall apply with respect to every further improvement notice served by the Ministry in accordance with this sub-section.

- (5) The provisions of this Part of this Act relating to the duration of improvement notices and to the operation of directions given thereunder shall have effect notwithstanding anything contained in section fifty-five of the Irish Land Act, 1903 , regarding the compulsory sale of certain holdings by the Ministry of Finance.

F3 1951 c.3 (NI)
F4 1954 c.33 (NI)

DIRECTIONS TO SECURE GOOD HUSBANDRY

19 Directions to secure good husbandry.

- (1) After one month from the service of an improvement notice or, if an appeal has been made to the county court on or after the confirmation or modification of such notice, the Ministry may, from time to time, while such notice continues in force, give to the person appearing to the Ministry to be the occupier of the land to which the notice relates such written directions as the Ministry may consider necessary to secure that the land to which the improvement notice relates is maintained in good condition and farmed in accordance with the rules of good husbandry.
- (2) The Ministry shall consider any representations made within reasonable time after the giving of any direction in accordance with the provisions of the preceding sub-section and may confirm, modify or cancel such direction.
- (3) Without prejudice to the generality of the provisions of sub-section (1) of this section, a direction under this section may impose requirements, restrictions or prohibitions as to the carrying out of work and may specify the purpose for which and the manner in which the land or any part thereof is to be farmed.
- (4) Without prejudice to the generality of the foregoing provisions of this section, directions given by the Ministry in accordance with the provisions of sub-section (1) of this section may relate to—
- (a) the manuring, cultivating, cropping, mowing and grazing of agricultural land, including the cutting or removal of weeds, whins, bracken and scrub;
 - (b) the protection of crops and livestock from disease and from infestation by pests;
 - (c) the harvesting of crops and the protection and preservation of crops harvested or lifted or in the course of being harvested or lifted;
 - (d) methods of handling and treatment of produce intended for sale off the land;
 - (e) the drainage and fencing of the land;
 - (f) the necessary work of repair and maintenance on the farm.

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- (5) A direction given under this Part of this Act shall not operate to impose on an occupier of land any obligation to discharge any liability of the Ministry arising under or by virtue of any provision contained in the Drainage Act (Northern Ireland), 1947 ^{F5}.
- (6) Where the Ministry gives to a person a direction under this Act requiring the ploughing-up of any land consisting of permanent pasture, compliance with the direction shall, notwithstanding the provisions of any lease or agreement affecting the land or any custom, not render the said person liable thereby to sow it again at his own expense, or to pay any sum by way of increased rent, damages or penalty, or to suffer any forfeiture by reason of the ploughing-up or of the failure to sow it again; and for the purposes of any provision of any such lease or agreement as aforesaid or any custom, the land shall thereafter be deemed to be arable land and to have been arable land at all material times.

F5 1973 NI 1

20 Non-compliance with directions.

- (1) If any person to whom a direction is given under the last preceding section or on whom a direction given under that section is served under sub-section (1) of section twenty-two of this Act, refuses or neglects to comply with or acts in contravention of the direction, he shall be liable on summary conviction to a fine not exceeding^{F6} level 3 on the standard scale].
- (2) Without prejudice to the bringing of proceedings under the preceding sub-section, where a direction to carry out any work is given under the last preceding section or is served under sub-section (1) of section twenty-two of this Act and such direction is not complied with, any person authorised by the Ministry in that behalf may enter upon the land to which the direction relates and carry out the work required by the direction, and the reasonable and proper cost of carrying out the work in the exercise of powers conferred by this sub-section shall be recoverable by the Ministry as a civil debt from the person to whom the direction is so given or served, as the case may be.
- (3) Any sum so recoverable by the Ministry may be deducted by it from any moneys payable by the Ministry to, or received by the Ministry for payment to, the person to whom the direction is given or on whom the direction is served, as the case may be.
- (4) Any person who obstructs a person acting in the exercise of powers conferred by sub-section (2) of this section shall be liable on summary conviction to a fine not exceeding^{F6} level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (5) Where a direction provides for the doing of anything within a specified time and (whether before or after the expiration of the said time) the Ministry is satisfied that it is reasonable that the said time should be extended, it may be extended accordingly.

F6 1984 NI 3

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EMERGENCY DIRECTIONS TO SECURE PRODUCTION

21 Emergency directions to secure production.

- (1) Where it appears to the Ministry necessary in order to safeguard in the public interest the supply of food or other agricultural products, the Ministry may by regulation prescribe that all or any of the powers conferred on it by the next succeeding sub-section shall be exercisable by it for a period of one year from the making of the regulation...^{F7}.
- (2) During the period for which the said powers are exercisable the Ministry may give such directions—
 - (a) as to the use of agricultural 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 necessary to enable agricultural land to be used as directed under paragraph (a) of this sub-section;
 - (c) as to any other matters as to which directions may be given to an occupier of agricultural land to which an improvement notice relates;
 - (d) without prejudice to the general powers conferred by the preceding paragraphs, as to the cultivation of agricultural land including directions requiring a minimum proportion of agricultural land to be cultivated and maintained in cultivation;

as appear to the Ministry expedient for the purpose aforesaid and reasonable having regard to the circumstances, and such directions may be given either—

 - (i) by order relating to all agricultural land or to land of any class or description specified in the order; or
 - (ii) by notice relating to the land specified therein served on the person who is to comply with the directions.
- (3) If any person refuses or neglects to comply with or acts in contravention of any direction given to him by virtue of this section or served on him under sub-section (2) of the next succeeding section, he shall be liable on summary conviction to a fine not exceeding^{F8} [level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (4) Sub-sections (2) to (5) of section twenty of this Act shall apply in relation to directions given by virtue of this section or served under sub-section (2) of the next succeeding section as they apply in relation to directions given under section nineteen of this Act.
- (5) The provisions of sub-section (6) of section nineteen of 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 maintain land in good condition or to farm it 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) Any period for which the powers conferred on the Ministry by sub-section (2) of this section are exercisable shall be extended by a further year if the Ministry by regulation made not earlier than one month before the date on which the said period would otherwise expire prescribes that the said period shall be so extended.

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- (8) The expiration of the said period shall not affect the operation of any direction or order previously given or made (as the case may be) under this section.
- (9) Regulations made under this section shall not come into operation unless and until a draft thereof has been laid before each House of Parliament and confirmed by a resolution of each such House.

F7 SLR 1976

F8 1984 NI 3

SUPPLEMENTARY

22 Provisions in respect of conacre and agistment.

- (1) Where under or by virtue of any provision contained in section nineteen of this Act the Ministry has given to an occupier of agricultural land a direction relating to any of the matters specified in paragraphs (*b*), (*c*) or (*d*) of sub-section (4) of section nineteen of this Act and that occupier satisfies the Ministry that any other person had, before such direction was given, acquired by virtue of any conacre or agistment agreement any right to crop or till the land or to graze or pasture livestock thereon, the Ministry shall serve the like direction on that other person and it shall, notwithstanding anything in that conacre or agistment agreement, be the duty of that other person to comply with the direction so far as it relates to the land over which he has acquired such right and if he refuses or neglects to do so or acts in contravention of the direction he shall, in lieu of the occupier, be liable on summary conviction under sub-section (1) of section twenty of this Act to a fine not exceeding^[F9] level 3 on the standard scale] and the occupier shall cease to be liable in respect of so much of the direction as relates to such last-mentioned land.
- (2) Where under or by virtue of any provision contained in section twenty-one of this Act or in any order made under that section the Ministry has given to an occupier of agricultural land a direction relating to any of the matters specified in paragraphs (*b*), (*c*) or (*d*) of sub-section (4) of section nineteen of this Act and that occupier satisfies the Ministry that any other person had, before such direction was given, acquired by virtue of any conacre or agistment agreement any right to crop or till the land or to graze or pasture livestock thereon, the Ministry shall serve the like direction on that other person and it shall, notwithstanding anything in that conacre or agistment agreement, be the duty of that other person to comply with the direction so far as it relates to the land over which he has acquired such right and if he refuses or neglects to do so or acts in contravention of the direction he shall, in lieu of the occupier, be liable on summary conviction under sub-section (3) of section twenty-one of this Act to a fine not exceeding^[F9] level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and the occupier shall cease to be liable in respect of so much of the direction as relates to such last-mentioned land.
- (3) Save as provided by the last two preceding sub-sections an occupier of any agricultural land shall be treated as such for the purposes of this Part of this Act notwithstanding that any right to crop or till that land or to graze or pasture livestock thereon is

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exercisable by any other person under or by virtue of any conacre or agistment agreement.

- (4) If the owner or occupier of any agricultural land enters into any conacre or agistment agreement authorising some other person to use that land for a purpose which is prohibited by or is inconsistent with any direction given under this Part of this Act prior to the making of that agreement, he shall, without prejudice to any civil liability in respect thereof, be liable on summary conviction to a fine not exceeding^[F9] level 3 on the standard scale].

F9 1984 NI 3

23 Service of notices on agents.

Without prejudice to the general provisions of Part V of this Act as to the service of notices, any notice, direction or copy thereof required or authorised by this Part of this Act to be given to or served on any person shall, where an agent or servant of that person is responsible for the direction of agricultural work on the land in question, be duly given or served if given to or served on that agent or servant.

S.24 rep. by 1951 c.3 (NI)

25 Interpretation of references in Part II to “occupier”.

- (1) Without prejudice to the provisions of section twenty-two of this Act, where, in relation to all or any of the provisions of this Part of this Act—
- (a) all persons appearing to the Ministry to be concerned agree, with the approval of the Ministry, that some person shall be treated as the occupier of the land other than the person who but for the agreement would be so treated; or
 - (b) on an application by the Ministry or any other person interested to the county court, the county court determines, having regard to the interests of the persons owning the land, that some person shall be treated as the occupier of the land other than the person who but for the determination would be so treated;
- that person shall be so treated, but without prejudice to a subsequent agreement or determination or to his ceasing to be so treated if the Ministry withdraws its approval under paragraph (a) of this sub-section.
- (2) Where two or more parcels of land are being farmed by the same person any question arising under this Part of this Act as to the occupier thereof shall be determined, if the farming of any of the parcels is under the control of an agent or servant, by reference to the person by whom the agent or servant is employed and not by reference to the agent or servant.

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