

Agriculture Act (Northern Ireland) 1949

1949 CHAPTER 2

PART II ^{F1}

GOOD HUSBANDRY

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^{F1} 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,

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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^{F1} 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 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^{F1} level 3 on the standard scale].

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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

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to the person by whom the agent or servant is employed and not by reference to the agent or servant.

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