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# Agriculture Act 1947

1947 CHAPTER 48 10 and 11 Geo 6

An Act to make further provision for agriculture.

[6th August 1947]

## Modifications etc. (not altering text)

- C1** Certain functions of Minister of Agriculture, Fisheries and Food under this Act now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1969/388, art. 3, Sch. 2 Pt. I para. 2, Pt. II paras. 4, 5\(b\)\(f\)](#) and [1978/272, art. 2, Sch. 1](#)

## PART I

### GUARANTEED PRICES AND ASSURED MARKETS

## Modifications etc. (not altering text)

- C2** [Pt. I](#) amended by [Agriculture Act 1957 \(c. 57\), s. 36\(2\)](#)

## [<sup>F1</sup>1 **Provisions for securing efficient agricultural production and proper agricultural conditions.**

- (1) The following provisions of this Part of this Act shall have effect for the purpose of promoting and maintaining, by the provision of guaranteed prices and assured markets for the produce mentioned in the First Schedule to this Act, a stable and efficient agricultural industry capable of producing such part of the nation's food and other agricultural produce as in the national interest it is desirable to produce in the United Kingdom, and of producing it at minimum prices consistently with proper remuneration and living conditions for farmers and workers in agriculture and an adequate return on capital invested in the industry.
- (2) This Part of this Act shall extend to Scotland and Northern Ireland.]

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**Textual Amendments**

**F1** Pt. I (ss.1-8) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993, but 4.8.1993 so far as relating to potatoes) by 1993 c.37, s. 64, **Sch. 5** (with Sch.5, Note 2); S.I. 1993/2038, art.2

[<sup>F2</sup> † **Annual and special reviews of condition of agricultural industry.**

- (1) As at such date in each year as the Ministers may determine, they shall review the general economic condition and prospects of the agricultural industry.
- (2) ..... <sup>F3</sup>
- (3) In holding any review under this section the Ministers shall consult with such bodies of persons as appear to them to represent the interests of producers in the agricultural industry.]

**Textual Amendments**

**F2** Pt. I (ss.1-8) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993, but 4.8.1993 so far as relating to potatoes) by 1993 c.37, s. 64, **Sch. 5** (with Sch.5, Note 2); S.I. 1993/2038, art.2

**F3** S. 2(2) repealed by European Communities Act 1972 (c. 68), s. 4, **Sch. 3 Pt. IV**

**Modifications etc. (not altering text)**

**C3** Unreliable margin note

3—7. .... <sup>F4</sup>

**Textual Amendments**

**F4** Ss. 3–7 repealed by Agriculture Act 1957 (c. 57), **Sch. 4 Pt. I**

[<sup>F5</sup> **Interpretation of Part I.**

- (1) In this Part of this Act the expression “the Ministers” means [<sup>F6</sup>the Minister of Agriculture, Fisheries and Food] and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland, acting jointly . . . <sup>F7</sup>
- (2) Reference in this Part of this Act to the provision of guaranteed prices for producers shall include references to the provision of payments to them (whether by reference to acreage or otherwise) in respect of produce mentioned in the First Schedule to this Act, as an alternative to the provision of guaranteed prices. ]

**Textual Amendments**

**F5** Pt. I (ss.1-8) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993, but 4.8.1993 so far as relating to potatoes) by 1993 c.37, s. 64, **Sch. 5** (with Sch.5, Note 2); S.I. 1993/2038, art.2

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- F6** Words substituted by virtue of [S.I. 1955/554](#) (1955 I, p. 1200), art. 3  
**F7** Words repealed by [Agriculture Act 1957](#) (c. 57), [Sch. 4 Pt. I](#)

## PART II

### GOOD ESTATE MANAGEMENT AND GOOD HUSBANDRY

9 ..... <sup>F8</sup>

#### Textual Amendments

- F8** S. 9 repealed by [Agriculture Act 1958](#) (c. 71), [Sch. 2 Pt. I](#)

#### *Rules of good estate management and good husbandry*

### 10 Good estate management.

- (1) For the purposes of this Act, an owner of agricultural land shall be deemed to fulfil his responsibilities to manage it in accordance with the rules of good estate management in so far as his management of the land and (so far as it affects the management of that land) of other land managed by him is such as to be reasonably adequate, having regard to the character and situation of the land and other relevant circumstances, to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as respects both the kind of produce and the quality and quantity thereof.
- (2) In determining whether the management of land is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which the owner is providing, improving, maintaining and repairing fixed equipment on the land in so far as is necessary to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as aforesaid.
- (3) The responsibilities under the rules of good estate management of an owner of land in the occupation of another person shall not in relation to the maintenance and repair of fixed equipment include an obligation to do anything which that other person is under an obligation to do by virtue of any agreement.

#### Modifications etc. (not altering text)

- C4** Ss. 10, 11 applied by [Agricultural Holdings Act 1986](#) (c. 5, SIF 2:3), [s. 96\(3\)](#)

### 11 Good husbandry.

- (1) For the purposes of this Act, the occupier of an agricultural unit shall be deemed to fulfil his responsibilities to farm it in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the unit is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) is such that, having regard to the character and situation of the unit, the standard of management thereof by the owner and other relevant circumstances, the occupier

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is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while keeping the unit in a condition to enable such a standard to be maintained in the future.

- (2) In determining whether the manner in which a unit is being farmed is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which—
  - (a) permanent pasture is being properly mown or grazed and maintained in a good state of cultivation and fertility and in good condition;
  - (b) the manner in which arable land is being cropped is such as to maintain that land clean and in a good state of cultivation and fertility and in good condition;
  - (c) the unit is properly stocked where the system of farming practised requires the keeping of livestock, and an efficient standard of management of livestock is maintained where livestock are kept and of breeding where the breeding of livestock is carried out;
  - (d) the necessary steps are being taken to secure and maintain crops and livestock free from disease and from infestation by insects and other pests;
  - (e) the necessary steps are being taken for the protection and preservation of crops harvested or lifted, or in course of being harvested or lifted;
  - (f) the necessary work of maintenance and repair is being carried out.
- (3) The responsibilities under the rules of good husbandry of an occupier of an agricultural unit which is not owned by him shall not include an obligation to carry out any work of maintenance or repair which the owner of the unit or any part thereof is under an obligation to carry out in order to fulfil his responsibilities to manage in accordance with the rules of good estate management.

.....

**Modifications etc. (not altering text)**

C5 Ss. 10, 11 applied by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 96(3)

12— ..... F9

20.

.....

**Textual Amendments**

F9 Ss. 12–20 repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#) without prejudice to the operation of s. 95 of this Act: [Agricultural Act 1958 \(c. 71\)](#), s. 10(2)

21 ..... F10

.....

**Textual Amendments**

F10 S. 21 repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#) without prejudice to the operation of [Mineral Workings Act 1951 \(c. 60\)](#), s. 20(5): [Agricultural Act 1958 \(c. 71\)](#), s. 10(3)

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### PART III

22— ..... F11  
46.

#### Textual Amendments

F11 Ss. 22–46 repealed by [Agricultural Holdings Act 1948 \(c. 63\)](#), ss. 98-100, [Sch. 8](#)

### PART IV

#### SMALLHOLDINGS

47— ..... F12  
52.

#### Textual Amendments

F12 Ss. 47–52 repealed by [Agriculture Act 1970 \(c. 40\)](#), s. 113(3), [Sch. 5 Pt. III](#)

53 ..... F13

#### Textual Amendments

F13 S. 53 repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)

54— ..... F14  
57.

#### Textual Amendments

F14 Ss. 54–57, 60–66, 67(1) repealed by [Agriculture Act 1970 \(c. 40\)](#), s. 113(3), [Sch. 5 Pt. III](#)

#### *Financial provisions*

### 58 Contributions by Minister to losses incurred by smallholdings authorities.

(1) Where a smallholdings authority have after the commencement of this Part of this Act formulated proposals for the provision of smallholdings or for the laying out, alteration or equipment of smallholdings provided by the authority, and it appears to the authority that the proposals are likely to involve them in a loss, they may [<sup>F15</sup>at any time before the passing of the <sup>M1</sup>Agriculture Act 1970] submit to the Minister estimates, in such form and containing such particulars as the Minister may prescribe, of the expenditure which the proposals will involve, whether on capital or revenue account, and of the receipts which will accrue from the proposals, whether by way of rent or otherwise.

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- (2) Where estimates are submitted to the Minister under the last foregoing subsection, the Minister may approve the proposals and estimates either with or without modifications, and if the proposals are carried out as approved by the Minister, the Minister may, subject to such conditions as to records, certificates, audit and otherwise as he may with the approval of the Treasury prescribe, make or undertake to make contributions towards losses incurred by the smallholdings authority in the carrying out of the proposals.
- (3) Subject to the provisions of the next following subsection, contributions made by the Minister under this section to any authority shall be annual contributions not exceeding three-quarters of the amount by which in carrying out the proposals in question the authority's receipts in respect of the year for which each contribution is made, as estimated in the estimates approved under subsection (2) of this section, fall short of their expenditure in respect of the said year, as estimated as aforesaid:  
 Provided that in so far as the said expenditure consists of the payment of interest or sinking fund charges on moneys borrowed for the purpose of carrying out the proposals, the amount thereof shall be calculated for the purposes of this subsection by reference to the actual amount of the moneys so borrowed.
- (4) The Minister shall not make an annual contribution under this section for any year earlier than the first year in which in his opinion the proposals of the smallholdings authority have been brought into full operation; but in respect of all such earlier years taken together the Minister may make to the authority a contribution not exceeding three-quarters of the amount by which the actual receipts of the authority in respect of those years in carrying out the proposals fall short of their actual expenditure in respect of those years in the carrying out thereof, the said expenditure being calculated, in so far as it consists of expenses of management, in such manner as the authority may with the approval of the Minister determine.
- (5) Where a smallholdings authority have submitted estimates under subsection (1) of this section in connection with any proposals, and the authority subsequently vary their proposals, the authority shall submit to the Minister such estimates in relation to the proposals as varied as are specified in subsection (1) of this section; and—
- (a) the foregoing provisions of this section shall apply, in relation to the making of contributions in respect of any period after the submission of the last-mentioned estimates, as if those estimates and the proposals as varied had been the original estimates and proposals of the authority;
  - (b) the Minister may vary any agreement to make contributions made by him under this section accordingly.
- (6) Where the Minister is satisfied that a smallholdings authority has reasonably incurred expenses in connection with the preparation of such proposals and estimates as aforesaid, or in connection with preparations for the acquisition of land for the purposes of any such proposals, and the proposals are not carried out, the Minister may make to the authority a contribution towards the expenses of an amount not exceeding three-quarters thereof.
- (7) The Minister may with the approval of the Treasury make regulations for the purposes of the foregoing provisions of this section, and in particular such regulations—
- (a) may make provision for treating the submission of a scheme which is approved under section fifty of this Act as if it were the submission of estimates under subsection (1) or subsection (5) of this section . . . <sup>F16</sup>

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**Textual Amendments**

- F15 Words inserted by [Agriculture Act 1970 \(c. 40\), s. 52\(1\), Sch. 4](#)
- F16 Words repealed by [Agriculture Act 1970 \(c. 40\), s. 113\(3\), Sch. 5 Pt. III](#)

**Modifications etc. (not altering text)**

- C6 [S. 58\(3\)](#) amended by [Agriculture \(Miscellaneous Provisions\) Act 1954 \(c. 39\), s. 3\(3\)](#)

**Marginal Citations**

- M1 [1970 c. 40.](#)

**59 Winding-up of Small Holdings and Allotments Account.**

The Small Holdings and Allotments Account shall, in accordance with directions of the Treasury, be wound up as at such date as the Treasury may direct, being a date not later than the end of the financial year next after that in which this Part of this Act comes into operation, and—

- (a) any payments which apart from this section would be authorised to be paid out of that Account shall, if falling due after that date, be defrayed out of moneys provided by Parliament;
- (b) any balance in the said Account at that date, and any receipts of the Minister after that date, being receipts which apart from this section would be authorised to be paid into that Account, shall be paid into the Exchequer.

60 ..... F17

**Textual Amendments**

- F17 [Ss. 54–57, 60–66, 67\(1\)](#) repealed by [Agriculture Act 1970 \(c. 40\), s. 113\(3\), Sch. 5 Pt. III](#)

*Supplementary provisions*

61— ..... F18

66.

**Textual Amendments**

- F18 [Ss. 54–57, 60–66, 67\(1\)](#) repealed by [Agriculture Act 1970 \(c. 40\), s. 113\(3\), Sch. 5 Pt. III](#)

**†67 Application and repeal of provisions of Small Holdings and Allotments Acts, 1908 to 1931.**

- (1) ..... F19
- (2) Subject to the foregoing provisions of this Part of this Act, the said Acts, . . . F20 are hereby repealed in so far as they relate to smallholdings:  
Provided that—

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- (a) without prejudice to [<sup>F21</sup>subsection (1) of section 16 of the <sup>M2</sup>Interpretation Act 1978] (which relates to the effect of repeals), the provisions of the said Acts specified in the first column of Part II of the Eighth Schedule to this Act, which relate to the matters specified in that column, shall continue in operation to the extent specified in the second column of the said Part II, but subject to any modification so specified;
- (b) nothing in this subsection shall affect the provisions of the said Acts relating to the acquisition, and to proceedings in relation to the acquisition, of land for the purposes of small holdings as those provisions apply, by virtue of section seventeen of the <sup>M3</sup>Land Settlement (Facilities) Act 1919, to the acquisition of land by county councils for allotments.

**Textual Amendments**

**F19** Ss. 54–57, 60–66, 67(1) repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**

**F20** Words repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**

**F21** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 25(2)

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**Modifications etc. (not altering text)**

**C7** Unreliable margin note

**C8** “The said Acts” means Small Holdings and Allotments Acts 1908 to 1931

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**Marginal Citations**

**M2** 1978 c. 30.

**M3** 1919 c. 59.

**PART V**

ADMINISTRATIVE AND GENERAL

68, 69. .... <sup>F22</sup>

**Textual Amendments**

**F22** Ss. 68, 69 repealed by Agriculture (Miscellaneous Provisions) Act 1963 (c. 11), **Sch. Pt. I**

70 ..... <sup>F23</sup>

**Textual Amendments**

**F23** S. 70 repealed by Agriculture (Miscellaneous Provisions) Act 1963 (c. 11), **Sch. Pt. I** except as respects any financial year commencing before the dissolution of the Agricultural Land Commission

71, 72. .... <sup>F24</sup>



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#### Textual Amendments

**F24** Ss. 71, 72 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)

### *Agricultural Land Tribunals*

#### **73 Establishment, constitution and procedure of Agricultural Land Tribunals.**

- (1) For the purposes of this section, [<sup>F25</sup>the Lord Chancellor] shall by order constitute such number of areas, together comprising the whole of England and Wales, as he may consider expedient, and for each area so constituted there shall be established an Agricultural Land Tribunal which shall be charged with the duty of [<sup>F26</sup>hearing and determining references and applications made to them under any enactment]
- (2) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of Agricultural Land Tribunals and otherwise in relation thereto.
- (3) [<sup>F27</sup>The Lord Chancellor] may by order make provision for the procedure of Agricultural Land Tribunals, and in particular—
  - [<sup>F28</sup>(aa) as to the manner in which applications are to be made to the Tribunals and the time within which they are made;]
    - (a) for the taking of evidence on oath, affirmation or otherwise, the cross-examination of witnesses, and for the summoning of witnesses in like manner as for the purposes of an arbitration under [<sup>F29</sup>the <sup>M4</sup>Agricultural Holdings Act 1986];
    - (b) for the recording and proof of the decisions of the Tribunals, and for enabling the Tribunals to decide by a majority;
    - (c) ..... <sup>F30</sup>
- (4) An order under the last foregoing subsection may make different provision for the procedure on different classes of reference [<sup>F31</sup>or application] to the Tribunals.
- [<sup>F32</sup>(5) An Agricultural Land Tribunal may, for the purpose of hearing and determining applications and references made to them under any enactment, sit in two or more divisions, and, in relation to the hearing and determination of any such application or reference by such a division, that division shall be deemed to be the Tribunal.]

#### Textual Amendments

- F25** Words substituted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(a\)](#)
- F26** Words substituted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(b\)](#)
- F27** Words substituted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(a\)](#)
- F28** S. 73(3)(aa) inserted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(c\)](#)
- F29** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 18](#)
- F30** S. 73(3)(c) repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)
- F31** Words inserted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(d\)](#)
- F32** S. 73(5) added by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(e\)](#)

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#### Modifications etc. (not altering text)

- C9** S. 73(3) extended by [Agriculture \(Miscellaneous Provisions\) Act 1954 \(c. 39\), s. 6\(4\)\(6\)](#) and [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\), s. 20\(14\)](#)

#### Marginal Citations

- M4** [1986 c. 5 \(2:3\)](#)

## 74 Proceedings before Agricultural Land Tribunal on reference of Minister's proposals.

- (1) In any case where by any of the provisions of this Act a person is empowered to require that a proposal of the Minister to take any action shall be referred to the Agricultural Land Tribunal, 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 Tribunal shall determine—
  - (a) whether the conditions as to which the Minister 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 Minister should or should not take the action proposed,
 and shall report to the Minister accordingly; and the Minister shall forward a copy of the report to any person who availed himself of an opportunity to make representations to the Minister afforded to him under the provisions in question of this Act.
- (3) In any such case as is mentioned in subsection (1) of this section the Minister shall not give effect to the proposal until the expiration of the period within which a reference to the Tribunal may be required.
- (4) Where such a reference is duly required the Minister shall act in accordance with the report of the Tribunal and not otherwise.
- (5) Forthwith after taking action in any such case as is mentioned in subsection (1) of this section the Minister 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 Minister.

*Supplementary administrative provisions.*

## 75 Provisions as to land lying partly in one area and partly in another.

Where any land lies . . . <sup>F33</sup> partly in the area of one Agricultural Land Tribunal and partly in the area of another, the Minister may direct that for the purposes of anything required or authorised to be done . . . <sup>F34</sup> by or before such a . . . <sup>F35</sup> tribunal, . . . <sup>F34</sup> in relation to that land the whole of the land shall be deemed to be comprised in the area comprising such part of the land as may be specified in the direction.

#### Textual Amendments

- F33** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\), Sch. Pt. I](#) and [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\), Sch. 6](#)

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**F34** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

**F35** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

**Modifications etc. (not altering text)**

**C10** [S. 75](#) modified by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 4**

**76** ..... **F36**

**Textual Amendments**

**F36** [S. 76](#) repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 3** and [Weeds Act 1959 \(c. 54\)](#), **Sch.**

*Statistics of Agriculture in Great Britain*

**77** ..... **F37**

**Textual Amendments**

**F37** [S. 77](#) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

**[<sup>F38</sup>78 Power to obtain agricultural statistics.**

[ Where it appears to the Minister expedient so to do for the purpose of obtaining <sup>F39</sup>(1) statistical information relating to agriculture, he may serve on any owners or occupiers of land used for agriculture, or of land which the Minister has reason to believe may be so used, notices requiring them to furnish in writing, in such form and manner and to such person as may be specified in the notice, and within such time and with respect to such date or dates or such period or periods as may be specified in the notice, the information referred to in the notice (including, as respects paragraphs (c) to (e) of this subsection, the information referred to in the notice as to quantities, values, expenditure and receipts) relating to—

- (a) The situation, area and description of relevant land owned or occupied by them, the date of acquisition of the land, and the date at which so much thereof as is comprised in any agricultural unit became comprised therein, and the rates payable in respect of the land,
- (b) the names and addresses of the owners and occupiers of the land, whether the land or any, and if so what, part thereof is let and at what rent,
- (c) the character and use of different parts of the land, the time at which any use thereof was begun or will become fully effective, and their produce at any time during the period beginning one year before, and ending one year after, the time at which the information is required to be furnished,
- (d) fixed and other equipment, livestock, and the stocks of agricultural produce and requisites held in respect of the land, and the provision and maintenance of such equipment, livestock and requisites and the provision of agricultural services for the benefit of the land,
- (e) the methods and operations used on the land, the marketing or other disposal of the produce thereof, any payments received under any enactment in respect

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- of such produce, and the provision of agricultural services otherwise than for the benefit of the land,
- (f) the number and description of persons employed on, or employed by the occupier in disposing of the produce of, the land, and the remuneration paid to, and hours worked by, persons so employed or such persons of different descriptions.
- (1A) In the foregoing subsection—
- “livestock” includes any animal;
- “relevant land” in the case of any owner or occupier of land used for agriculture, means the aggregate of—
- (a) the land owned or occupied by him which is comprised in any agricultural unit; and
- (b) any other land owned or occupied by him which is either—
- (i) used for forestry; or
- (ii) not used for any purpose, but capable of use for agriculture or forestry, but which, if used as agricultural land by the occupier of that agricultural unit, would be comprised in that unit.]
- (2) For the purpose of obtaining statistical information relating to agriculture, any person authorised by the Minister in that behalf may, after giving not less than twenty-four hours notice and on producing if so required evidence of his authority to act for the purposes of this subsection, orally require the owner or occupier of land to furnish to him within a reasonable time, and either orally or in writing as the said owner or occupier may elect, such information, whether or not specified in the said notice, as the said person authorised by the Minister may require, being information which the owner or occupier, as the case may be, could have been required to furnish under the last foregoing subsection.
- (3) References in the two last foregoing subsections to the owner of land include references to a person exercising, as servant or agent of the owner, functions of estate management in relation to the land, and references in those subsections to the occupier of land include references to a person responsible for the control of the farming of the land as servant or agent of the occupier thereof.
- (4) No person shall be required under the foregoing provisions of this section to furnish any balance sheet or profit and loss account, but this subsection shall not prevent the requiring of information by reason only that it is or might be contained as an item in such a balance sheet or account.
- (5) Without prejudice to the general provisions of this Part of this Act as to the service of notices, any notice authorised or required by subsection (1) or (2) of this section to be served on an occupier shall be deemed to be duly served if it is addressed to him by the description of “the occupier” of the land in question and sent by post to, or delivered to some person on, the land.
- (6) For the purposes of this and the three next following sections the expression “owner” means, in relation to land, a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement.
- (7) The provisions of this and the three next following sections shall extend to Scotland with the substitution for references to the Minister of references to the Secretary of

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State, and with the substitution for the definition of the expression “owner” in the last foregoing subsection of the following definition—

“The expression “owner,” in relation to land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking, and includes also a lessee under a lease.”

[ The <sup>M5</sup>Agricultural Returns Act 1925, shall cease to have effect, and the reference to <sup>F40</sup>(8) that Act in subsection (2) of section thirty-four of the <sup>M6</sup>Agricultural Development Act 1939, shall be construed as a reference to this section.]]

#### Textual Amendments

**F38** S. 78 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), [Sch. 2](#)

**F39** S. 78(1)(1A) substituted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\)](#), s. 6, [Sch. 2](#)

**F40** S. 78(8) repealed as it applies to Scotland by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. II](#)

#### Marginal Citations

**M5** 1925 c. 39.

**M6** 1939 c. 48.

#### [<sup>F41</sup>79 Information as to dealings in land used for agriculture.

The Minister may by regulation require the parties to any sale of land which immediately before the completion of the transaction was being used for agriculture, or to any grant, assignment or surrender of a tenancy of such land for an interest not less than that of a tenant for a year, shall within the prescribed period from the completion of the transaction furnish to the Minister, in such manner as may be prescribed, information as to the names and addresses of the parties to the transaction and the situation and extent of the land thereby affected.]

#### Textual Amendments

**F41** S. 79 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), [Sch. 2](#)

#### [<sup>F42</sup>80 Restriction on disclosure of information.

No information relating to any particular land or business, being information which has been obtained under section seventy-eight or seventy-nine of this Act, shall be published or otherwise disclosed without the previous consent in writing of the person by whom the information was furnished and every other person whose interests may in the opinion of the Minister be affected by the disclosure, being an owner or the occupier of the land:

Provided that nothing in this section shall restrict the disclosure of information—

- (a) to the Minister in charge of any Government department, to any authority acting under an enactment for regulating the marketing of any agricultural produce, or to any person exercising functions on behalf of any such Minister or authority for the purpose of the exercise of those functions;
- (b) to an authority having power under any enactment to give permission for the development of land, for the purpose of assisting that authority in the

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preparation of proposals relating to such development or in considering whether or not to give such permission;

- (c) if the disclosure is confined to situation, extent, number and kind of livestock, character of land, and name and address of owner and occupier, to any person to whom the Minister considers that the disclosure thereof is required in the public interest;
- (d) to any person for the purposes of any criminal proceedings under the next following section or for the purposes of any report of such proceedings, or the use of information in any manner which the Minister thinks necessary or expedient in connection with the maintenance of the supply of food in the United Kingdom.]

**Textual Amendments**

**F42** S. 80 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), [Sch. 2](#)

**[<sup>F43</sup>81 Penalties.**

- (1) Any person who without reasonable excuse fails to furnish information in compliance with a requirement under section seventy-eight or seventy-nine of this Act shall be liable on summary conviction to a fine not exceeding fifty pounds.
- (2) If any person—
  - (a) in purported compliance with a requirement imposed under section seventy-eight or seventy-nine of this Act knowingly or recklessly furnishes any information which is false in any material particular, or
  - (b) publishes or otherwise discloses any information in contravention of the last foregoing section,

he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.]

**Textual Amendments**

**F43** S. 81 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), [Sch. 2](#)

*General powers of acquisition and management of land by Minister*

**82 Powers of Minister to acquire land by agreement.**

- (1) The Minister may acquire by agreement—
  - (a) any land used for agriculture;
  - (b) any other land falling within the definition in this Act of the expression agricultural land;
  - (c) where any such land as aforesaid is offered to the Minister for acquisition by him on the condition that he also acquires other land not falling within the two foregoing paragraphs, that other land;

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- (d) any other land as respects which power is conferred on the Minister by this Act to purchase the land compulsorily in accordance with the provisions of this Act in that behalf.
- (2) Where in pursuance of this section the Minister purchases land under the Ecclesiastical Leasing Acts, the consent of the patron to the sale shall not be necessary.

**Modifications etc. (not altering text)**

**C11** S. 82 extended by [Agriculture Act 1967 \(c. 22\), s. 29](#) and [Agriculture Act 1970 \(c. 40\), s. 55](#)

**83 Acquisition by Minister of land for research, experiment and demonstration.**

The Minister may acquire by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf any land for the purposes of agricultural research or experiment or of demonstrating agricultural methods.

**84 Acquisition of land by Minister to ensure full and efficient use thereof.**

(1) Where—

- (a) F44  
.....
- (c) agricultural land has been severed from other such land in the exercise of powers conferred, for purposes other than agricultural purposes, by or under any enactment, or has been otherwise injuriously affected in the exercise of such powers, or such powers have been conferred and the Minister is satisfied that they will be exercised so that agricultural land will be severed or otherwise injuriously affected as aforesaid, and (in any case) the Minister is satisfied that the full and efficient use of the land for agriculture cannot be achieved unless the land is used therefor in conjunction with other land and that it cannot reasonably be expected to be so used unless the Minister exercises his powers under this subsection,

then, if the Minister proposes to secure . . . <sup>F45</sup> the use of the land in conjunction with other land, . . . <sup>F45</sup> he may acquire the land, or any part thereof, by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf.

(2) F46  
.....

(7) The Minister may acquire by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf any land as to which he is satisfied that its acquisition by him is necessary in order to put to full and efficient use for agriculture land acquired by him under subsection (1) of this section.

**Textual Amendments**

**F44** S. 84(1)(a)(b) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\), Sch. Pt. I](#)

**F45** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\), Sch. Pt. I](#)

**F46** S. 84(2)–(6) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\), Sch. Pt. I](#)

**85** ..... F47

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### Textual Amendments

**F47** S. 85 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. I Pt. VIII](#)

## 86 Control of subdivision of agricultural units.

- (1) If while this section is in force a major disposition to which this section applies is made of land forming part only of an agricultural unit, and the consent of the Minister to the disposition is not obtained either before or after the making thereof, then subject to the provisions of this section the Minister may within three years from the making of the disposition purchase compulsorily in accordance with the provisions of this Act in that behalf the said land and any other land which when the disposition was made formed part of the agricultural unit:

Provided that the Minister shall not have power under this subsection to purchase any such other land which since the disposition was made has been the subject of a disposition to which the consent of the Minister has been obtained or a major disposition to which when it was made this section did not apply.

- (2) If while this section is in force any minor disposition to which this section applies is made of land forming part only of an agricultural unit, and the consent of the Minister to the disposition is not obtained either before or after the making thereof, the land shall be treated for the purposes of this section as continuing to form part of the unit notwithstanding the disposition or anything done in pursuance thereof:

Provided that where at any time it is shown that land has throughout the last preceding three years been farmed as part of the same agricultural unit as other land, nothing in this subsection shall require the first-mentioned land to be treated at the said time as being outside the agricultural unit comprising that other land.

- (3) Subject to the provisions of the Eleventh Schedule to this Act as to mortgages and charges, in this section the expression “disposition” means a conveyance, assignment, surrender, grant, or agreement for the grant of an interest in land; the expression “major disposition” means a conveyance of the fee simple, a grant or agreement for the grant of a tenancy for an interest greater than from year to year, or an assignment or surrender of a tenancy granted for any such interest; and the expression “minor disposition” means any other disposition; and subject to the provisions of the said Eleventh Schedule the dispositions to which this section applies are all dispositions except—

- (a) a conveyance, assignment or surrender of an interest where the disposition comprises the whole of the land in an agricultural unit to which that interest extends, or a grant or agreement for the grant of an interest out of another interest if the disposition comprises the whole of the land in an agricultural unit to which the said other interest extends;
- (b) a conveyance of the fee simple, or an assignment, grant or agreement for the grant of a tenancy, made in pursuance of a specific devise, bequest or direction in that behalf contained in any testamentary instrument;
- (c) any disposition made in pursuance of a contract in writing entered into at a time when this section is not in force.

- (4) The Minister shall not refuse his consent under this section to any disposition, or exercise any power of compulsory purchase under subsection (1) of this section, unless, after affording—



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- (a) in the case of an application for the Minister’s consent to a disposition, to the parties thereto;
  - (b) in the case of a compulsory purchase of land, to every person on whom under [<sup>F48</sup>section 12 of the Acquisition of Land Act 1981.], a notice would be required to be served of a proposed compulsory purchase order under that Act, authorising the compulsory purchase of the land,
- an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, the Minister is satisfied that it is expedient so to do in order to avoid a less efficient use for agriculture of the land in question, and certifies accordingly.
- (5) Before giving a certificate in a case falling within paragraph (b) of the last foregoing subsection the Minister shall give notice in writing to every such person as is specified in that paragraph of his proposal to give the certificate.
  - (6) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal, and the provisions of this Part of this Act in that behalf shall apply accordingly.
  - (7) This section shall be in force during any such period as the Minister may by order determine, and any order under this subsection may have effect either generally or in relation to such area as may be specified therein.
  - (8) Any order under the last foregoing subsection shall be of no effect unless approved by resolution of each House of Parliament.

**Textual Amendments**

**F48** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 3\(2\)](#)

**87** ..... <sup>F49</sup>

**Textual Amendments**

**F49** [S. 87](#) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), [Sch. Pt. I](#)

**88 Transfer to Minister of land vested in other Government departments.**

- (1) The appropriate Ministers may by order provide for the transfer to the Minister, by virtue of the order and without further assurance,—
  - (a) of any interest in land vested in the Minister of Works which was acquired by that Minister for the purposes of any functions of the Minister,
  - (b) of any interest in other land, being an interest held on behalf of His Majesty for the purposes of any Government department, in any case where it appears to the appropriate Ministers to be expedient that the interest should be transferred to the Minister either on the ground that it is no longer required to be held for the purpose for which it was acquired or otherwise,and any order under this section may contain such incidental and supplementary provisions as appear to the appropriate Ministers necessary or expedient for giving effect to the order.

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- (2) In this section the expression “the appropriate Ministers” means the Minister and—
- (a) in relation to paragraph (a) of the last foregoing subsection, the Minister of Works;
  - (b) in relation to paragraph (b) thereof, the Minister in charge of the Government department in question.

**Modifications etc. (not altering text)**

- C12** Functions of Minister of Works now exercisable by Secretary of State: [S.I. 1962/1549](#), [art. 2](#) and 1970/1681, arts. 2, 3

**89 Transfer of land from Land Settlement Associations to Minister.**

Where any body of persons having as its object or one of its objects the promotion of land settlement agrees with the Minister for the transfer to him of land owned by the said body, the Minister shall have power to acquire the land notwithstanding that not all of it is agricultural land; and the agreement may with the approval of the Treasury provide for the remission by the Minister, in consideration of the acquisition by him of the land or of the land and other property, of debts due to the Minister from the said body.

**90 Powers of management, etc., of land acquired by Minister.**

- (1) The Minister may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him—
- (a) in such manner as appears to him expedient for the purpose for which the land was acquired; or
  - (b) if he is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to him expedient therefor:

Provided that—

- (i) the Minister shall not sell land acquired by him except where it appears to him that, having regard to the use proposed to be made of the land, it is expedient that it should be sold by him;
  - (ii) this section shall have effect subject to any restrictions imposed by or under any enactment on the powers of the Minister.
- (2) The powers of management conferred on the Minister by subsection (1) of this section shall include power to provide such facilities for the welfare of tenants of, or other persons employed in agriculture on, land managed by him as the Minister thinks expedient.

**Modifications etc. (not altering text)**

- C13** [S. 90](#) extended by [Agriculture Act 1967 \(c. 22\)](#), [s. 29](#)
- C14** Functions of Minister of Agriculture, Fisheries and Food under s. 90 as it applies to land acquired for certain purposes now exercisable (W.) by Secretary of State: [S.I. 1965/319](#), [art. 4\(1\)](#) and 1967/156, art. 2(3)

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91 ..... F50

**Textual Amendments**

F50 S. 91 repealed by Agriculture Act 1958 (c. 71), Sch. 3

*Provisions as to compulsory acquisition of land*

**92 Procedure for compulsory purchase of land.**

- (1) Subject to the provisions of this section, where under any provision of this Act power is conferred on the Minister . . . <sup>F51</sup> to purchase land compulsorily, the power shall be exercisable for the purchase of any particular land on the Minister . . . <sup>F51</sup> being authorised so to purchase the land in accordance with the provisions of the [<sup>F52</sup>Acquisition of Land Act 1981], . . . <sup>F53</sup> . . . <sup>F54</sup>
- (2) Where under any provision of this Act power is conferred on the Minister to purchase any particular land compulsorily on the giving of a certificate by him, the certificate shall have effect as if it were a compulsory purchase order made under [<sup>F55</sup>Acquisition of Land Act 1981], and—
  - <sup>F56</sup>(a) where the certificate relates to land falling within Part III of the Acquisition of Land Act 1981 the certificate shall be embodied in an order of the Minister, and the said Part III shall apply accordingly;
  - (b) Part I of the Compulsory Purchase Act 1965 and sections 3 and 4 of, and Schedule 2 to, the said Act of 1981 shall have effect in relation to the purchase, and anything which under those provisions may be provided by a compulsory purchase order may be provided by the said certificate;
  - (c) in the application of Part IV of the said Act of 1981 to the certificate, for references to first publication of notice of the making of an order there shall be substituted references to the service of notice of the giving of the certificate, and the relevant requirements mentioned in section 23(3) of the said Act of 1981 shall include the requirements of this Act as to the proceedings to be taken before the giving of the certificate]
- (3) . . . . . <sup>F57</sup>

**Textual Amendments**

- F51 Words repealed by Agriculture Act 1970 (c. 40), s. 113(3), Sch. 5 Pt. III
- F52 Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 4 para. 1, Table
- F53 Words and s. 92(1)(a)(b) repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 6 Pt. I
- F54 Proviso repealed by Statute Law Revision Act 1953 (c. 5)
- F55 Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 4 para. 3(3)
- F56 S. 92(2)(a)–(c) substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 4 para. 3(4)
- F57 S. 92(3) repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. VIII

**Modifications etc. (not altering text)**

C15 S. 92 extended (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

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### 93 Compulsory hiring of land.

- (1) The Minister may with the approval of the Treasury make regulations for giving effect to the provisions of this Act as to the compulsory hiring of land, and regulations under this section may provide—
- (a) for prescribing the procedure for the compulsory hiring of land under this Act, being such procedure as appears to the Minister to correspond as nearly as may be with the procedure for the compulsory purchase of land under this Act;
  - (b) for applying to the compulsory hiring of land, with such adaptations, exceptions or modifications as appear to the Minister requisite, provisions of the Lands Clauses Acts, sections seventy-seven to eighty-five of the <sup>M7</sup>Railways Clauses Consolidation Act 1845, [<sup>F58</sup>the <sup>M8</sup>Land Compensation Act 1961], the [<sup>F59</sup>Acquisition of Land Act 1981], . . . <sup>F60</sup> and any other provision which had effect in relation to the compulsory hiring of land under any enactment repealed by this Act;
  - (c) for determining the terms and conditions of a compulsory hiring other than the rent;
  - (d) for requiring questions arising on the determination of a compulsory hiring to be determined by arbitration.
- (2) Regulations under this section may apply generally to all compulsory hirings under this Act or may make different provisions for different classes of such hirings.

#### Textual Amendments

**F58** Words substituted by virtue of [Land Compensation Act 1961 \(c. 33\), s. 40\(1\)](#)

**F59** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 4 para. 1](#), Table

**F60** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

#### Marginal Citations

**M7** [1845 c. 20](#).

**M8** [1961 c. 33](#).

### 94 Limitation of period of compulsory hiring.

- (1) Subject to the provisions of this section, no compulsory hiring of land under this Act shall be for a term longer than thirty-five years.
- (2) For the avoidance of doubt it is hereby declared that the fact that the Minister . . . <sup>F61</sup> is in possession of land by virtue of a compulsory hiring thereof does not prevent the Minister . . . <sup>F61</sup> purchasing the land compulsorily.
- (3) Where land has been compulsorily hired under this Act or any enactment thereby repealed and the person who but for the hiring would be entitled to possession of the land requires the land or part thereof for any purpose for which it appears to the Minister expedient that the said person should resume possession thereof, the said person may with the consent of the Minister resume possession of the land or part thereof in question—
- (a) in the case of land hired by the Minister, within such period after the granting of the Minister's consent as the Minister may specify;
  - (b) in the case of land hired by a smallholdings authority, upon giving to the authority twelve months' previous notice in writing of his intention so to do

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or such shorter notice as may have been specified for the purposes of this subsection in the order authorising the compulsory hiring of the land;  
and if possession is resumed by the said person of part only of the land, the rent payable as from the date of resumption in respect of the hiring of the remainder of the land shall be reduced in such proportion as in default of agreement may be determined in the like manner as under the last foregoing section rent is determined for the compulsory hiring of land under this Act.

#### Textual Amendments

**F61** Words repealed by [Agriculture Act 1970 \(c. 40\)](#), s. 113(3), [Sch. 5 Pt. III](#)

### *Special directions to secure production*

#### **95 Special directions to secure production.**

- (1) Where it appears to the Minister necessary so to do in the interest of the national supply of food or other agricultural products, he may by order direct that all or any of the powers conferred on him by the next following subsection shall be exercisable by him for a period of one year from the coming into operation of the order . . . <sup>F62</sup>
- (2) During the period for which the said powers are exercisable the Minister may by notice in writing served on the person occupying or entitled to occupy any agricultural land give such directions—
  - (a) as to the use of the 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 required to enable the land to be used as directed under paragraph (a) of this subsection.
  - (c) as to any other matters as to which directions may be given to an occupier of an agricultural unit where a supervision order under Part II of this Act is in force for the supervision of his farming of the unit,
  - (d) without prejudice to the general powers conferred by the foregoing paragraphs, as to the maximum area of land which may be maintained on an agricultural unit under pasture laid down with clover, grass, lucerne, sainfoin or other seeds or under herbage crops grown for commercial seed production,as appear to the Minister expedient in the interest aforesaid and reasonable having regard to the character and situation of the land and other relevant circumstances.
- (3) If any person to whom a direction is given under this section contravenes or fails to comply with the direction he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.
- (4) Subsections (5) to (8) of section fourteen of this Act shall apply in relation to directions under this section as they apply in relation to directions under the said section fourteen.
- (5) The provisions of the Second Schedule to 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 fulfil his responsibilities to farm land in accordance with

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the rules of good husbandry so long as the act or omission was reasonably necessary in consequence of the giving of the direction.

- (7) Without prejudice to the general provisions of this Part of this Act as to the service of notices, any notice to be served under this section on an occupier of land used for agriculture shall, where an agent or servant of the occupier is responsible for the control of the farming of the land, be duly served if served on that agent or servant.
- (8) Any period for which the powers conferred on the Minister by subsection (2) of this section are exercisable shall be extended by a further year if the Minister by order made not earlier than one month before the date on which the said period would otherwise expire directs that the said period shall be so extended.
- (9) The expiration of the said period shall not affect the operation of any direction under this section previously given.
- (10) An order made under this section shall be of no effect unless approved by resolution of each House of Parliament:  
Provided that if at the time when such an order is made Parliament is dissolved or prorogued or both Houses are adjourned for more than four days, the foregoing provisions of this subsection shall not apply but the order shall be laid before Parliament as soon as may be and shall cease to have effect unless approved by resolution of each House of Parliament before the expiration of the twenty-eighth day on which that House has sat after the order is laid before it.

#### Textual Amendments

**F62** Words repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 3](#)

*Continuation of contributions to cost of drainage, water supply and application of lime.*

#### [<sup>F63</sup>96 **Continuation of grants for drainage of, and supply of water to, agricultural land.**

- (1) So much of the <sup>M9</sup>Agriculture (Miscellaneous War Provisions) Act 1940, as limits the period during which schemes may be approved under section fifteen thereof (under which grants may be made by the Minister towards the cost of approved schemes for field drainage and the improvement of ditches and for the supply of water to agricultural land) shall cease to have effect, but no scheme shall be approved under that section unless application for the approval thereof has been made, in such form and manner as the Minister may with the approval of the Treasury determine . . . <sup>F64</sup>
- (2) An order made under this section shall be of no effect unless approved by resolution of each House of Parliament.]

#### Textual Amendments

**F63** [S. 96](#) repealed, except for the purposes of grants to statutory water undertakers, by [Agriculture Act 1970 \(c. 40\)](#), ss. 29(6)(7), 113(3), [Sch. 5 Pt. I](#)

**F64** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1954 \(c. 39\)](#), [Sch. 3](#)

#### Marginal Citations

**M9** [1940 c. 14.](#)

*Status: Point in time view as at 01/02/1991.*

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97 ..... F65

**Textual Amendments**

**F65** S. 97 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. II

*Pest and weed control*

**98 Prevention of damage by pests.**

(1) If it appears to the Minister that it is expedient so to do for the purpose of preventing damage to crops, pasture, animal or human foodstuffs, livestock, trees, hedges, banks or any works on land, he may by notice in writing served on any person having the right so to do require that person to take, within such time as may be specified in the notice, such steps (including such steps, if any, as may be so specified) as may be necessary for the killing, taking or destruction on land so specified of such animals or birds to which this section applies as may be so specified or the eggs of such birds.

(2) A requirement shall not be imposed under the last foregoing subsection if apart from this subsection the killing, taking or destruction in question would be prohibited by law:

Provided that a requirement may be so imposed to kill or destroy game within the meaning of the <sup>M10</sup>Game Act 1831, at a time of year at which apart from this proviso the killing or destruction would be prohibited by section three of that Act; and for the purposes of the last foregoing subsection a person shall not be deemed not to have the right to comply with a requirement falling within this proviso by reason only that apart from this proviso compliance therewith would be prohibited as aforesaid.

(3) Section four of the <sup>M11</sup>Prevention of Damage by Rabbits Act 1939 (which allows the use in rabbit holes of poisonous gas, and the placing in rabbit holes of substances generating poisonous gas by evaporation or in contact with moisture) shall apply to the use of such gas and the placing of such substances in any hole, burrow or earth for the purpose of killing animals to which this section applies.

(4) The animals to which this section applies are rabbits, hares and other rodents, deer, foxes and moles, and the birds to which this section applies are, in relation to any area, wild birds other than those [<sup>F66</sup>included in the <sup>M12</sup>First Schedule to the Protection of Birds Act 1954] as it applies in that area whether by virtue of the terms thereof . . . <sup>F67</sup> or by virtue of an order of the Secretary of State; and this section shall apply to such other animals as may be prescribed:

Provided that regulations under this subsection may provide that for the purposes of subsection (3) of this section any such other animals specified in the regulations shall not be treated as animals to which this section applies.

(5) ..... F68

(6) ..... F69

[<sup>F70</sup>(7) Where it appears to [<sup>F71</sup>the Minister of Agriculture, Fisheries and Food] expedient for the purpose of preventing damage by rabbits to crops, pasture, trees, hedges, banks or any works on land, he may by notice in writing served on the occupier of any land (or, in the case of unoccupied land, the person entitled to occupy it) require him to take on the land, within the time specified in the notice, such steps as may be so specified

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to destroy or reduce the breeding places or cover for rabbits or to exclude rabbits therefrom, or to prevent the rabbits living in any place on the land from spreading to or doing damage in any other place; but every such notice shall specify a time within which the occupier or any person interested in the land may submit to the Minister written objections to the notice, and shall be provisional only and of no effect, unless confirmed after the expiration of that time by a further notice in writing served on the occupier of the land; and, where the occupier holds the land under a contract of tenancy, a copy of any notice under this subsection shall be served on any person to whom the occupier pays rent under the tenancy.

A provisional notice under this subsection may be confirmed either without modifications or with such modifications as appear to the Minister desirable having regard to any objections submitted to him.]

#### Textual Amendments

- F66** Words substituted by [Protection of Birds Act 1954 \(c. 30\)](#), [Sch. 5](#)  
**F67** Words repealed by [Protection of Birds Act 1954 \(c. 30\)](#), [Sch. 5](#)  
**F68** [S. 98\(5\)](#) repealed by [Pests Act 1954 \(c. 68\)](#), [Sch.](#)  
**F69** [S. 98\(6\)](#) repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 3](#)  
**F70** [S. 98\(7\)](#) added by [Pests Act 1954 \(c. 68\)](#), [s. 2\(1\)](#)  
**F71** Words substituted by virtue of [S.I. 1955/554 \(1955 I, p. 1200\)](#), art. 3

#### Modifications etc. (not altering text)

- C16** [S. 98](#) restricted by [Prevention of Damage by Pests Act 1949 \(c. 55\)](#), [s. 20\(1\)](#); extended by [Pests Act 1954 \(c. 68\)](#), [ss. 1\(6\)\(9\)](#), 3(1); amended by [Pests Act 1954 \(c. 68\)](#), [ss. 4\(1\)\(2\)](#), 9(4)

#### Marginal Citations

- M10** 1831 c. 32.  
**M11** 1939 c. 43.  
**M12** 1954 c. 30.

## 99 Prevention of escape of captive animals.

If it appears to the Minister that, for the purpose of preventing such damage as is mentioned in the last foregoing section, it is expedient to prevent the escape of any animals from land on which they are kept in captivity, the Minister may by notice in writing served on the occupier of the land require him to take within such time as may be specified in the notice such steps as may be necessary to prevent the escape thereof, including such steps, if any, as may be specified in the notice.

## 100 Supplementary provisions relating to sections ninety-eight and ninety-nine.

- (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 [<sup>F72</sup>level 2 on the standard scale], 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 Minister to act for the purposes of this subsection may at any time enter on the land to which the requirement relates and take



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such steps as the Minister may direct to secure compliance with the requirement; and the reasonable cost of taking such steps shall be recoverable by the Minister from the person on whom the requirement was imposed.

Any dispute arising under this subsection as to what is the reasonable cost of taking any such steps as aforesaid shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.

- (3) The Minister 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 the provisions of this or the last but one foregoing section and authorising the disposal of such animals, birds or eggs, whether for the purpose of being used as food or otherwise.
- (4) Any person authorised or required to kill or take any animal or bird in pursuance of the provisions of this or the last but one foregoing section shall not be required to obtain for that purpose a licence to kill game, and shall have the same power of selling any such animal or bird in pursuance of any such authorisation or requirement as if he had such a licence . . . <sup>F73</sup>
- (5) 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 may apply to the county court in accordance with rules of court, and the court, after hearing the parties and any witnesses whom they may desire to call, 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 the court considers just and equitable in the circumstances of the case.
- (6) Any notice to be served under either of the two last foregoing sections on the occupier of land used for agriculture shall, where an agent or servant of the occupier is responsible for the control of the farming of the land, be duly served if served on the said agent or servant.

#### Textual Amendments

**F72** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

**F73** Words repealed by [Local Government Act 1966 \(c. 42\)](#), [Sch. 6 Pt. I](#)

### 101 Provision by Minister of equipment and services for pest control.

- (1) The Minister may, for the purpose of assisting in the killing, taking or destruction of animals or birds to which section ninety-eight of this Act applies, and the eggs of such birds, provide such services and equipment, appliances and other material as appear to the Minister to be requisite for that purpose.
- (2) The Minister may make such reasonable charges, if any, as he thinks fit in respect of any assistance rendered under the last foregoing subsection, and may recover the amount of any such charge from the person at whose request the assistance was rendered.

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**Modifications etc. (not altering text)**

C17 S. 101 extended by [Pests Act 1954 \(c. 68\)](#), s. 2(2)

**102** ..... F74

**Textual Amendments**

F74 S. 102 repealed by [Weeds Act 1959 \(c. 54\)](#), Sch.

*Supplementary*

**103** ..... F75

**Textual Amendments**

F75 S. 103 repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), s. 24(5), Sch. 4 (the repeal being in force 25.9.1986 unless consequential on sections 8 to 10 of the 1986 Act as mentioned in s. 24 of that Act which latter repeals are (*prosp.*))

**104 Provisions as to representations.**

- (1) Any enactment in this Act providing, in relation to the taking of any action by the Minister, for his taking the action after affording a person an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, shall be construed as a provision that the Minister shall comply with the following requirements.
- (2) The Minister shall give notice to the said person specifying the action proposed to be taken and informing him of the effect of the three following subsections.
- (3) If within the prescribed time and in the prescribed manner the said person makes representations to the Minister in writing, the Minister shall not take the action in question until he has considered the representations.
- (4) If, whether or not representations are made to the Minister in writing, the said person within the prescribed time and in the prescribed manner requires that an opportunity be afforded to him of being heard by a person appointed by the Minister for the purpose, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) of this section the Minister is required to afford such an opportunity, and the Minister shall not take the action in question until he has considered any representations made at the hearing.
- (5) ..... F76
- (6) If for the purposes of any such hearing the person to whom the opportunity is afforded so desires, the like opportunity shall be afforded to a person chosen by him to represent his views to the Minister.

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#### Textual Amendments

**F76** S. 104(5) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

### 105 Expenses and receipts.

- (1) All expenses incurred by any Minister under this Act shall be defrayed out of moneys provided by Parliament.
- (2) All sums received by the Minister under this Act, including sums received on his behalf by . . . <sup>F77</sup> any . . . <sup>F77</sup> person or body of persons exercising functions on behalf of the Minister, shall be paid into the Exchequer.

#### Textual Amendments

**F77** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

### 106 Provisions as to entry and inspection.

- (1) Any person authorised by the Minister in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.
- (2) Any person authorised by the Minister . . . <sup>F78</sup> who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid—
  - (a) if the power is being exercised for determining whether the land is to be acquired under Part IV of this Act or this Part thereof; or
  - (b) if the land is being used for residential purposes;unless twenty-four hours notice of the intended entry has been given to the occupier of the land.
- (4) Save as provided by the last foregoing subsection, admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid . . . <sup>F79</sup> unless notice has been given to the occupier of the land that it is proposed to enter during a period, specified in the notice, not exceeding fourteen days and beginning at least twenty-four hours after the giving of the notice, and the entry is made on the land during the period specified in the notice:  
Provided that where the power of entry is being exercised for the purpose of taking measures to secure compliance with a direction or requirement under the foregoing provisions of this Part of this Act, and notice is given in accordance with this subsection on the first occasion on which the power is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with the taking of the measures.
- (5) Where notice is served in a case falling within the proviso to the last foregoing subsection, and the person to whom the direction therein referred to was given, or on

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whom the requirement therein referred to was imposed, is not the occupier of the land, a like notice shall be served on that person.

- (6) Any notice served in pursuance of the last foregoing subsection or the proviso therein referred to may be served in like manner as the notice giving the said direction or imposing the said requirement.
- (7) Any person who, in any case for which no penalty is provided by the foregoing provisions of this Act [<sup>F80</sup>obstructs the exercise of any such power as aforesaid or of any other power conferred by subsection (2) of section one hundred of this Act] shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F81</sup>£25] in the case of a first offence or [<sup>F81</sup>£50] in the case of a second or any subsequent offence.

#### Textual Amendments

- F78** Words repealed by [Agriculture Act 1970 \(c. 40\), s. 113\(3\), Sch. 5 Pt. III](#)
- F79** Words repealed by [Agriculture Act 1958 \(c. 71\), Sch. 2 Pt. I](#)
- F80** Words substituted by [Pests Act 1954 \(c. 68\), s. 5\(1\)](#)
- F81** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45\), s. 31\(5\)\(6\)\(9\)](#)

#### Modifications etc. (not altering text)

- C18** [S. 106](#) explained by [Pests Act 1954 \(c. 68\), s. 1\(13\)](#)
- C19** [S. 106\(7\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 35](#) (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

### 107 Services of notices.

- (1) Any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter.
- (2) Any such document required or authorised to be given to or served on an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body.
- (3) For the purposes of this section and of [<sup>F82</sup>section 7 of the <sup>M13</sup>Interpretation Act 1978], the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.
- (4) Where any document is to be given to or served on a person as being the person having any interest in land, and it is not practicable after reasonable inquiry to ascertain his name or address, the document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.
- (5) Where any such document as aforesaid is to be given to or served on any person as being the owner of land and the land belongs to an ecclesiastical benefice, a copy thereof shall be served on [<sup>F83</sup>the Church Commissioners].

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#### Textual Amendments

**F82** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

**F83** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

#### Marginal Citations

**M13** [1978 c. 30.](#)

### 108 Regulations and orders.

- (1) Any regulations made by the Minister under this Act, and any Order made by the Minister under section seventy-three thereof, shall be laid before Parliament forthwith after being made, and if either House of Parliament, within the period of forty days beginning with the day on which the regulations or order are or is laid before it, resolves that an Address be presented to His Majesty praying that the regulations or order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the regulations or order so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the regulations or order or to the making of new regulations or a new order.

F84

- (2) In this Act the expression “prescribed” means prescribed by regulations made by the Minister.
- (3) Any power conferred by this Act to make an order shall include a power, exercisable in the like manner and subject to the like conditions, to revoke or vary the order.

#### Textual Amendments

**F84** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

### 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

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- (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 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 [<sup>F850</sup>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.

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**Textual Amendments**

**F85** Words substituted by [S.I. 1978/446, reg. 2\(1\)](#)

**110** ..... **F86**

**Textual Amendments**

**F86** [Ss. 110, 111\(2\)](#) repealed by [Agriculture Act 1958 \(c. 71\), Sch. 3](#)

**111** †**Short title, commencement and extent.**

(1) This Act may be cited as the Agriculture Act 1947.

(2) ..... **F87**

(3) This Act, except in so far as is expressly provided therein, shall not extend to Scotland or Northern Ireland.

**Textual Amendments**

**F87** [Ss. 110, 111\(2\)](#) repealed by [Agriculture Act 1958 \(c. 71\), Sch. 3](#)

**Modifications etc. (not altering text)**

**C20** Unreliable margin note

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## SCHEDULES

### <sup>F88</sup>FIRST SCHEDULE

#### Textual Amendments

**F88** Sch. 1 repealed by [Agriculture Act 1957 \(c. 57\)](#), [Sch. 4 Pt. I](#)

<sup>F88</sup>

### SECOND SCHEDULE

Sections 15, 36, 95.

#### PROVISIONS WHERE PERMANENT PASTURE DIRECTED TO BE PLOUGHED UP OR OTHER CULTIVATIONS TO BE CARRIED OUT

- 1 Where the Minister gives to a person a direction under section . . . <sup>F89</sup> ninety-five of this Act requiring the ploughing-up of any land consisting of permanent pasture, compliance with the direction shall, notwithstanding the provisions of any contract of tenancy or instrument affecting the land, any custom or any rule of law relating to waste, 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 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 contract of tenancy or instrument as aforesaid, any custom, or [<sup>F90</sup>section 14 of the Agricultural Holdings Act 1986], the land shall thereafter be deemed to be arable land and to have been arable land at all material times.

#### Textual Amendments

**F89** Words repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)

**F90** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 100, [Sch. 13 para. 3](#), [Sch. 14 para. 19\(a\)](#)

- 2 Where, in the case of an occupier who is a tenant, the Minister gives such a direction as aforesaid, . . . <sup>F91</sup> he may, after affording to the landlord and to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, order that the contract of tenancy shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave—
- (a) as permanent pasture, or
  - (b) as temporary pasture sown with a seeds mixture of such kind as may be specified in the order,



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such area of land (in addition to the land required by the contract of tenancy, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the contract of tenancy to be maintained as permanent pasture has been reduced by virtue of the direction.

#### Textual Amendments

**F91** Words repealed by [Agricultural Holdings Act 1948 \(c. 63\)](#), ss. 98-100, [Sch. 8](#)

- 3 (1) Notwithstanding anything in the provisions of [<sup>F92</sup>the <sup>M14</sup>Agricultural Holdings Act 1986] or any custom or agreement—
- (a) no compensation shall be payable to the tenant in respect of anything done in pursuance of an order under the last foregoing paragraph;
  - (b) in assessing compensation to an outgoing tenant of [<sup>F92</sup>an agricultural holding within the meaning of the <sup>M15</sup>Agricultural Holdings Act 1986] where land has been ploughed up in pursuance of any such direction as aforesaid, the value per [<sup>F93</sup>hectare] of any tenant's pasture comprised in the holding shall be taken not to exceed the average value per [<sup>F93</sup>hectare] of the whole of the tenant's pasture comprised in the holding on the termination of the tenancy.
- (2) In this paragraph the expression “tenant's pasture” means pasture laid down at the expense of the tenant or paid for by the tenant on entering on the holding.

#### Textual Amendments

**F92** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 19\(b\)](#)

**F93** Word substituted by [S.I. 1978/446](#), [reg. 2\(2\)](#)

#### Marginal Citations

**M14** [1986 c.5. \(2:3\)](#).

**M15** [1986 c.5. \(2:3\)](#).

- 4 ..... <sup>F94</sup> paragraph 1 of this Schedule shall have effect as if references to the ploughing-up of permanent pasture included references to the carrying out, on land which apart from the direction the occupier is under an obligation to cultivate in a particular way, of any other act of cultivation specified in the direction, and references to the sowing of land again and to arable land shall be construed accordingly.

#### Textual Amendments

**F94** Words repealed by [Agricultural Holdings Act 1948 \(c. 63\)](#), ss. 98-100, [Sch. 8](#)

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- 5           Where the ploughing-up of permanent pasture or the carrying out of any other act of cultivation is reasonably necessary in consequence of the giving of a direction, this Schedule shall apply as if the ploughing-up or other act of cultivation were required by the direction and specified therein . . . <sup>F95</sup> and subsection (5) of section ninety-five of this Act shall be construed accordingly.

**Textual Amendments**

**F95** Words repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 2 Pt. I**

<sup>F96</sup>THIRD TO  
SEVENTH SCHEDULES

**Textual Amendments**

**F96** [Schs. 3–7](#) repealed by [Agricultural Holdings Act 1948 \(c. 63\)](#), ss. 98–100, **Sch. 8**

.....  
<sup>F96</sup>

EIGHTH SCHEDULE

Section 67.

PROVISIONS OF SMALL HOLDINGS AND ALLOTMENTS ACTS APPLIED OR SAVED

<sup>F97</sup>**PART I**

**Textual Amendments**

**F97** [Sch. 8 Pt. I](#) repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 113(3), **Sch. 5 Pt. III**

.....  
<sup>F97</sup>

**PART II**

PROVISIONS SAVED

***Enactment saved***

***Extent of saving***

In the Smallholdings and Allotments Act 1926 (16 & 17 Geo. 5. c. 52):—

Section two (power of Minister to contribute towards losses).

The section shall continue in operation in relation to proposals submitted before the commencement of Part IV of this Act, but

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Sections five to seven (provisions as to payment for sales of holdings by terminable annuities, as to conditions binding on holdings sold or let, and as to recovery of possession where condition broken.)

subject to <sup>F98</sup>any regulations made under section 52(2) of the Agriculture Act 1970].

(1) The sections shall, subject to the modification hereinafter provided, continue in operation in relation to smallholdings sold or let before the commencement of Part IV of this Act, except in so far as they provide for the sale of smallholdings or any other disposition thereof <sup>F98</sup>not authorised by Part III of the Agriculture Act 1970] and except in so far as subsection (1) of section six renders the consent of the Minister unnecessary where no contribution is payable by him.

(2) The requirement in paragraph (c) of subsection (1) of section six that the holding shall be cultivated in accordance with the rules of good husbandry as defined in the <sup>M16</sup>

Agricultural Holdings Act 1923, shall be construed as a requirement that the owner or occupier, as the case may be, shall fulfil his responsibilities to farm the holding in accordance with the rules of good husbandry, and section eleven of this Act shall apply accordingly.

Sections thirteen and fourteen (provisions as to loans for purchase and equipment of holdings).

The sections shall continue in operation in relation to loans made before the commencement of Part IV of this Act.

**Textual Amendments**

**F98** Words substituted by [Agriculture Act 1970 \(c. 40\)](#), [Sch. 4](#)

**Marginal Citations**

**M16** [1923 c. 9](#).

<sup>F99</sup> .....

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**Textual Amendments**

**F99** Sch. 9 paras. 1–6 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

**F100** .....

7—12.

**Textual Amendments**

**F100** Sch. 9 paras. 7–12 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

*Agricultural Land Tribunals*

[<sup>F101</sup>13(1) The Lord Chancellor shall appoint a chairman for each Agricultural Land Tribunal, who shall be a [<sup>F102</sup>person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.]

- (2) The chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.
- (3) The chairman may resign his office by notice in writing to the Lord Chancellor.
- (4) If the Lord Chancellor is satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or if the chairman is adjudged bankrupt or makes a composition or arrangement with his creditors, the Lord Chancellor may revoke the appointment of the chairman.]

**Textual Amendments**

**F101** Sch. 9 paras. 13–16, 16A substituted for paras. 13–16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)**

**F102** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 6(1)**

[<sup>F103</sup>14 The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of deputy-chairmen, who shall be [<sup>F104</sup>persons eligible for appointment under paragraph 13(1).]]

**Textual Amendments**

**F103** Sch. 9 paras. 13–16, 16A substituted for paras. 13–16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)**

**F104** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 6(2)**

[<sup>F105</sup>15(1) The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of persons appearing to him to represent the interests of

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farmers and a panel of persons appearing to him to represent the interests of owners of agricultural land.

- (2) Subject to the following sub-paragraph, the persons to be placed on either panel shall be selected by the Lord Chancellor from nominations made at his request by persons appearing to him to represent the interests of farmers or of owners of agricultural land, as the case may be.
- (3) The last foregoing sub-paragraph shall not prevent the Lord Chancellor from placing on either of the panels a person not nominated in accordance with that sub-paragraph, if the persons requested to make the nominations for that purpose do not make the required number of nominations, or the nominations they make do not include enough persons who appear to the Lord Chancellor to be suitable.]

#### Textual Amendments

**F105** Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 5\(1\)\(2\)](#)

[<sup>F106</sup>16(1) For each hearing by an Agricultural Land Tribunal of an application or reference thereto the members of the Tribunal shall be—

- (a) the chairman, or a person nominated by the chairman either from the panel of deputy-chairmen (whether for that Tribunal or for any other Agricultural Land Tribunal) or from among the chairmen of other Agricultural Land Tribunals, and
- (b) one person nominated by the chairmen from each of the panels for that Tribunal drawn up under the last foregoing paragraph or from a corresponding panel for any other Agricultural Land Tribunal.

- (2) The chairman may, if it appears to him expedient so to do, nominate two assessors to be added to the Tribunal for the hearing of an application or reference thereto in order to assist the Tribunal in the hearing.
- (3) The assessors shall be selected by the chairman from a panel of persons nominated by the President of the Royal Institution of Chartered Surveyors.]

#### Textual Amendments

**F106** Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 5\(1\)\(2\)](#)

#### Modifications etc. (not altering text)

**C21** Sch. 9 para. 16(1) modified by [Land Drainage Act 1976 \(c. 70\)](#), [s. 42\(1\)](#)

[<sup>F107</sup>16A If the chairman of an Agricultural Land Tribunal is prevented by sickness or any other reason from making nominations under sub-paragraphs (1) and (2) of the last foregoing paragraph or from otherwise discharging the duties of his office, those duties may be discharged by a person appointed from the panel of deputy-chairmen for that Tribunal by the chairman or, if the chairman is unable to make the appointment, by the Lord Chancellor]

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**Textual Amendments**

**F107** Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)**

**Modifications etc. (not altering text)**

**C22** Sch. 9 para. 16A extended by [Land Drainage Act 1976 \(c. 70\)](#), **s. 42(2)**

17 (1) [<sup>F108</sup>The Lord Chancellor] may by order direct that the foregoing provisions of this Schedule as to the nominated members of Agricultural Land Tribunals shall have effect subject to such modification of the number of such members, and such additions to the classes of persons referred to in paragraph 15 of this Schedule, as may be specified in the order.

(2) Any order under this paragraph shall be of no effect unless approved by resolution of each House of Parliament.

**Textual Amendments**

**F108** Words substituted by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(3)**

*F109* .....

18

**Textual Amendments**

**F109** Sch. 9 para. 18 repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 2 Pt. I**

*Disqualifications for appointment*

19 (1) ..... <sup>F110</sup>

(2) A person shall be disqualified for being appointed or being a member of, or assessor to, an Agricultural Land Tribunal so long as he is a member of any other body mentioned in the last foregoing sub-paragraph.

**Textual Amendments**

**F110** Sch. 9 para. 19(1) repealed by [House of Commons Disqualification Act 1957 \(c. 20\)](#), **Sch. 4 Pt. I**

*Validity of acts*

20 (1) Any body mentioned in the last foregoing paragraph shall have power to act notwithstanding any vacancy among its members.

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- (2) All acts done at any meeting of any such body shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment or disqualification of a person purporting to be a member thereof, be as valid as if that defect had not existed.
- (3) Nothing in sub-paragraph (1) of this paragraph shall affect any requirement as to the number of members necessary to constitute a meeting of any such body as aforesaid.

F111 .....

21

#### Textual Amendments

F111 Sch. 9 para. 21 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)

### *Officers and Servants*

- 22 (1) ..... F112
- (2) The Minister shall attach to . . . F113 Agricultural Land Tribunals such officers and servants of the Ministry as he may with the approval of [F114the Minister for the Civil Service] determine to be required for providing the . . . F113 tribunals with the necessary officers and servants.
- (3) ..... F112

#### Textual Amendments

F112 Sch. 9 para. 22(1)(3) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), [Sch. Pt. I](#)

F113 Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)

F114 Words substituted by virtue of [S.I. 1971/2099](#), [arts. 2, 3, 6\(5\)](#)

### *Remuneration and Expenses*

- 23 (1) The Minister may pay to members of . . . F115 Agricultural Land Tribunals such remuneration (whether by way of salaries or of fees) as he may with the approval of [F116the Minister for the Civil Service] determine.
- (2) The Minister may pay to the members of any body mentioned in paragraph 19 of this Schedule and to the assessors to Agricultural Land Tribunals such allowances as he may with the approval of [F116the Minister for the Civil Service] determine.
- (3) The expenses of any body mentioned in paragraph 19 of this Schedule shall be defrayed by the Minister.

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**Textual Amendments**

**F115** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

**F116** Words substituted by virtue of [S.I. 1971/2099](#), **arts. 2, 3, 6(5)**

*Proof of Instruments*

24 Any document purporting to be a document duly executed or issued . . . <sup>F117</sup> on behalf of any such body as aforesaid shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

**Textual Amendments**

**F117** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

<sup>F118</sup>~~F118~~TENTH SCHEDULE

**Textual Amendments**

**F118** [Sch. 10](#) repealed [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

<sup>F118</sup>

ELEVENTH SCHEDULE

Section 86.

APPLICATION IN RELATION TO MORTGAGES AND CHARGES OF SECTION 86 OF ACT

- 1 Notwithstanding anything in subsection (3) of section eighty-six of this Act—
  - (a) the creation of a mortgage of or charge on land shall not be treated as a disposition thereof; but
  - (b) the exercise by a mortgagee or chargee of any right to take possession or to foreclose shall be treated as a major disposition of the land.
  
- 2 (1) Paragraph (a) of the said subsection (3) shall not apply to any disposition made in the exercise of the powers of a mortgagee or chargee.
- (2) No exercise of any such powers as aforesaid shall be a disposition to which the said section eighty-six applies if the mortgage or charge was made at a time when that section was not in force, or when the land to which the exercise relates was not comprised in an agricultural unit.



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~~F119~~F119 TWELFTH  
SCHEDULE

**Textual Amendments**

**F119** Sch. 12 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

.....  
F119  
.....

~~F120~~F120 THIRTEENTH  
SCHEDULE

**Textual Amendments**

**F120** Sch. 13 repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 3**

.....  
F120  
.....

**Status:**

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**Changes to legislation:**

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