



Agriculture (Miscellaneous Provisions) Act 1944

1944 CHAPTER 28

An Act to provide for the establishment of a National Agricultural Advisory Service, and for increasing the resources of the Agricultural Mortgage Corporation and the Scottish Agricultural Securities Corporation, and otherwise to amend the law relating to agriculture and matters connected therewith. [27th July 1944]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 National Agricultural Advisory Service

- (1) The Minister of Agriculture and Fisheries (hereafter in this Act referred to as "the Minister ") shall, as from the appointed day, establish and maintain a National Agricultural Advisory Service for giving free of charge technical advice and instruction, whether practical or scientific, on agricultural matters, and may appoint for that purpose such officers and other staff as he may with the approval of the Treasury determine.
- (2) As from the day fixed for the purposes of this subsection, there shall be transferred and attached to the Ministry of Agriculture and Fisheries all such persons as have made an application in that behalf in such manner and within such time as may be prescribed by regulations made by the Minister, being persons who were on the twenty-third day of August, nineteen hundred and thirty-nine, employed in a whole-time capacity either—
 - (a) by the council of any county wholly or mainly on or in connection with the giving of advice or education on agricultural matters; or
 - (b) at any university or agricultural college on or in connection with the giving of specialist advice on agricultural matters other than agricultural economics ;and who between then and the date of their application have been continuously employed as aforesaid or, while not so employed, have been engaged in a whole-

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time capacity in war service or partly engaged in war service and partly employed as mentioned in paragraph (a) or (b) of this subsection :

Provided that, where the Minister receives an application under this subsection from an officer or servant of a county council, or a person engaged in war service who ceased to be such an officer or servant in order to undertake such service, he shall inform the council of the receipt of the application, and, if on representations made to him within one month thereafter he is satisfied that the applicant's services should be retained by the council in order to enable the council to discharge their functions in connection with agricultural education, the applicant shall not be transferred under this subsection.

The day fixed for the purposes of this subsection shall be the appointed day or such earlier day as the Minister may fix in any particular case or, in the case of persons engaged in war service on the appointed day, such later day as the Minister may fix in any particular case.

- (3) There shall be paid to persons appointed or transferred under this section such salaries or remuneration as the Minister may, with the approval of the Treasury, determine.
- (4) Part I of the Schedule to this Act shall have effect with respect to the compensation of officers and servants of county councils who are not entitled to be transferred to the Ministry of Agriculture and Fisheries on an application made for the purpose under subsection (2) of this section, and Part II of that Schedule shall have effect with respect to the superannuation benefits of persons transferred under that subsection who are or have been officers or servants of county councils.
- (5) The expenses of the Minister under this section (including the salaries and other remuneration payable to persons appointed or transferred under this section) shall be defrayed out of moneys provided by Parliament.
- (6) In this section the following expressions have the meanings hereby respectively assigned to them :—
 - " agriculture " includes dairy farming, livestock breeding, poultry farming, bee keeping, fruit growing, vegetable growing and horticulture ; and the expression " agricultural " shall be construed accordingly ;
 - " appointed day " means such day as may be appointed by order of the Minister ;
 - " war service " means service in His Majesty's forces and any employment which the Minister considers may properly be treated for the purposes of subsection (2) of this section in the same manner as service in those forces.

2 Increase of resources of Agricultural Mortgage Corporation

- (1) The Minister may agree with the Agricultural Mortgage Corporation formed for the purposes of Part I of the Agricultural Credits Act, 1928 (hereafter in this section referred to as " the Corporation ") that, if the Memorandum and Articles of the Corporation are altered so as to contain the provisions hereafter mentioned in this section, he will for the purpose of increasing the Corporation's guarantee fund make advances to the Corporation not exceeding in the aggregate, with the advances made by him to that fund under the said Part I, two million five hundred thousand pounds and on the same conditions as to repayment and as to payment of interest as the last-mentioned advances.

Any sums required for the purpose of making advances under this subsection shall be issued out of the Consolidated Fund or the growing produce thereof at such times and to such amounts as the Treasury think fit; and any sums paid by the Corporation by way of repayment of or interest on any such advances shall be paid into the Exchequer.

- (2) If the Memorandum and Articles of the Corporation are altered as aforesaid, the maximum amount of the payment which may be made out of moneys provided by Parliament by the Minister to the Corporation under section thirty-two of the Agricultural Development Act, 1939, in the year in which they are so altered or any subsequent year shall be one hundred and fifty thousand pounds instead of sixty thousand pounds.
- (3) The provisions to be contained in the Memorandum or Articles as above mentioned are provisions—
 - (a) for securing that, so long as any part of the advances made by the Minister to the guarantee fund (whether under the said Part I or under this section) remains outstanding, two of the directors shall be persons nominated by the Minister and that the number of directors shall not exceed five in addition to the two persons so nominated and the person nominated by the Treasury in accordance with the said Part I;
 - (b) for restricting the dividends on the share capital of the Corporation for any year at the beginning of which any part of the said advances remains outstanding to three and a half per cent. per annum, and for providing that the dividend for any such year shall not be cumulative so as to be payable in a later year ;
 - (c) for securing that in any year after the year nineteen hundred and fifty-eight in which the total reserves exceed twelve and a half per cent. of the liabilities of the Corporation there shall be allocated to the repayment of the guarantee fund one half of the profits remaining after payment of the maximum dividend on the share capital, and that for this purpose the reserves shall be taken to include, and the liabilities shall be taken to exclude, the guarantee fund and the share capital.
- (4) The provisions above referred to may be included in the Memorandum or Articles notwithstanding anything in subsection (3) of section two of the Agricultural Credits Act, 1928, or anything in the Companies Act, 1929 ; and any alterations of the Memorandum for the purpose of inserting any of those provisions, and any alterations thereof declared by the Minister in giving his approval under subsection (2) of the said section two to be incidental to or consequential on their insertion, may be made by special resolution without being confirmed by an order of the court under section five of the Companies Act, 1929, and shall take effect as soon as made and approved by the Minister: .

Provided that subsections (6) and (7) of the said section five (providing for delivery to the registrar of companies of copies of the order confirming an alteration in the Memorandum of a company and of a printed copy of the Memorandum as altered) shall apply as if any references to an office copy of the order confirming the alteration were a reference to a certified copy of the Minister's approval and the reference to the date of that order were a reference to the date of that approval.

3 Minimum time rates of wages for agricultural workers employed on piece work

- (1) The power conferred by subsection (1) of section two of the Agricultural Wages (Regulation) Act, 1924, as amended by or under any subsequent enactment (hereafter in this section referred to as " the Act of 1924 "), to fix minimum rates of wages for workers employed in agriculture for piece work shall include power to fix minimum time rates to apply in the case of workers employed on piece work for the purpose of securing to such workers a minimum rate of remuneration on a time work basis :

Provided that the minimum time rate for piece work shall not in any case be higher than the minimum rate which, if the work were time work, would be applicable thereto by virtue of the Act of 1924.

- (2) Any minimum time rate for piece work may (without prejudice to the powers of fixing special rates conferred by subsection (2) of the said section two) be fixed so as to provide for a differential rate for work done in such circumstances that, if it were time work, it would be treated as overtime for the purposes of the minimum rate applicable thereto by virtue of the Act of 1924.
- (3) In subsection (3) of the said section two (which empowers an agricultural Wages committee to fix an individual rate of wages lower than the minimum for a worker employed on time work who is affected by injury or other infirmity) after the words "employed on time work to which a minimum rate fixed under this Act is applicable " there shall be inserted the words " or on piece work to which a minimum time rate so fixed is applicable. "
- (4) Section four of the Act of 1924 (which empowers an agricultural wages committee to require the payment of extra wages to a worker who is employed on piece work for which no minimum piece rate has been fixed and who complains that his wages are too little by comparison with the minimum rate for time work) shall not apply in the case of a worker employed on piece work for which a minimum time rate has been fixed under this section.
- (5) In relation to any workers for whom a special minimum rate for time work is fixed under any Defence Regulation in substitution for the minimum rate fixed under the Act of 1924, the references in subsections (1) and (2) of this section to the minimum rate for time work applicable by virtue of the said Act shall be construed as references to the minimum rate applicable, by virtue of the Regulation.

4 Period for making Exchequer contributions towards purchases of lime

In subsection (1) of section one of the Agriculture (Miscellaneous Provisions) Act, 1941 (which extended until the thirty-first day of July, nineteen hundred and forty-four, the period in respect of which Exchequer contributions towards purchases of lime might be made under Part I of the Agriculture Act, 1937), for the reference to the said thirty-first day of July there shall be substituted a reference to the thirty-first day of July, nineteen hundred and forty-seven.

5 Supply of water to farm houses and cottages

- (1) Where water is supplied or proposed to be supplied to any agricultural land, whether under a scheme under subsection (1) of section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, or otherwise, and a scheme for extending the said supply so as to supply water for domestic purposes to dwelling houses

occupied or usually occupied in connection with, or by persons employed in connection with, that land or any other agricultural land—

(a) has been submitted by the owner or occupier of each of the houses to the War Agricultural Executive Committee for the county or county borough in which the houses are situated ; and

(b) has been approved for the purposes of this section by that Committee;

the Minister may out of moneys provided by Parliament make, towards expenditure incurred by any person in carrying out the scheme for extending the said supply, grants of such amounts and subject to such conditions as the Treasury may approve :

Provided that no grant shall be made under this section if the Minister is satisfied that the scheme is not likely to be of practical and lasting utility having regard in particular to the situation of the houses in relation to any water mains maintained by statutory water undertakers and any probable extension of those mains.

- (2) The reference in this subsection to subsection (1) of section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, shall be construed as a reference to that subsection as amended by section one of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940, and by section three of the Agriculture (Miscellaneous Provisions) Act, 1941.

6 Extension of 21 and 22 Geo. 5. c. 43 to pigs, and minor corrections of that Act

- (1) The Improvement of Live Stock (Licensing of Bulls) Act, 1931, shall—

(a) in England, as from such day as may be appointed by the Minister; and

(b) in Scotland, as from such day as may be appointed by the Secretary of State ;

apply to pigs as it applies to cattle, and for that purpose references therein to the appointed day, bulls, cows and cattle-breeding societies shall respectively have effect as references to the day appointed under this section, boars, sows (including gilts) and pig-breeding societies.

- (2) For the avoidance of doubt it is hereby declared that, as respects the period during which Regulation eighteen of the Defence (Agriculture and Fisheries) Regulations, 1939 (which suspends certain provisions of the said Act as to the procedure on a change of ownership of a bull, or a change of address of the owner of a bull), continues in force, the said Act shall by virtue of the foregoing subsection apply to pigs subject to the modifications made by that Regulation.

- (3) The powers of the Minister and the Secretary of State under subsection (2) of section two of the said Act to refuse to grant a licence to keep a bull or boar for breeding purposes shall include power to refuse to grant such a licence if he is not satisfied by the applicant that the bull or boar—

(a) is registered or eligible for registration as a pedigree bull or boar with an approved breeding society; or

(b) conforms to the standard of type laid down for pedigree bulls or boars of that type by an approved breeding society, and is unlikely to beget progeny which do not conform to that standard.

In this subsection the expression " approved breeding society " means a cattle breeding or pig breeding society prescribed by regulations made under the said Act as an approved breeding society for the purposes of this subsection.

- (4) Where a licence is refused by virtue of the last foregoing subsection, or by virtue of subsection (2) of the said section two on the ground that the bull or boar in question is of defective or inferior conformation and likely to beget defective or inferior progeny, and the applicant applies for a referee's inspection under section five of the said Act, the referee shall, in addition to inspecting the bull or boar, consider any information as to its breeding that may be given to him.
- (5) The said Act shall have effect as if—
- (a) in subsection (7) of section three thereof (which penalizes the holder of a licence or permit for failing to comply with certain requirements of that section as to the procedure on a change of ownership) for the words " subsection (5) of this section " 'there were substituted the words " subsection (6) of this section " ; and
 - (b) in paragraph (b) of subsection (1) of section five thereof (which allows the holder of a licence to appeal to a referee against the revocation of the licence on any ground other than that a condition of the licence has not been complied with) for the words "has not been complied with" there were substituted the words " has been contravened or not complied with. "
- (6) Any increase occasioned by the passing of this section in the expenses incurred' under the said Act by the Minister within the meaning of that Act shall be defrayed out of moneys provided by Parliament.

7 Extension of time for recovery of expenses of drainage works or of improving ways over fen-land

- (1) The following enactments (which enable expenses incurred under the authority of the Minister in the execution of drainage works or in the improvement of ways over fen-lands to be recovered from owners of land upon whom notice is served within one year from the-completion of the work), that is to say—
- (a) subsection (2) of section two of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940 ; and
 - (b) paragraph 1 of the Third Schedule to the Agriculture (Miscellaneous Provisions) Act, 1941 ;
- shall have effect as if for the words " one year " there were in each case substituted the words " two years ".
- (2) The foregoing provisions of this section shall apply in relation to expenses incurred before the date of the commencement of this Act notwithstanding that the work was completed more than one year before that date.

Provided that—

- (a) any notice served by virtue of this subsection, and any charge imposed by virtue of any such notice on the land specified therein, shall be void as against a purchaser of the land in pursuance of an agreement entered into more than one year after the completion of the work and before the first day of May, nineteen hundred and forty-four, or any person claiming through or under such a purchaser, or any agent for any such purchaser or person, unless the notice is served before the completion of the purchase ; and
- (b) subsection (2) of section seven of the Agriculture (Miscellaneous Provisions) Act, 1941, and, so far as it applies that subsection, subsection (2) of section eight of that Act (which authorise an owner of fen-land from whom any

sum is recoverable in respect of expenses incurred in connection with the improvement of a way over the land to recover interest on that sum from the tenant of the land) shall not authorise the recovery from a tenant of interest on any sum recoverable from the owner by reason of a notice served by virtue of this subsection, if the tenancy was created in pursuance of an agreement entered into more than one year after the completion of the work and before the first day of May, nineteen hundred and forty-four.

In this subsection the expression " purchaser" means, in relation to any land, any person (including a mortgagee or lessee) who, whether before or after the commencement of this Act, acquires for money or money's worth any interest in that land or in a charge on that land.

- (3) The provisions of the last foregoing subsection shall not be taken to affect the operation as to any charge imposed as aforesaid of the Land Charges Act, 1925 (which provides among other things that certain charges shall be void as against a purchaser unless registered in accordance with that Act).

8 Application to Scotland

This Act shall in its application to Scotland have effect subject to the following modifications—

- (a) section one shall not apply ;
- (b) in section two—
 - (i) for references to the Minister of Agriculture and Fisheries there shall be substituted references to the Secretary of State ;
 - (ii) for references to the Agricultural Credits Act, 1928, and the Agricultural Mortgage Corporation there shall be respectively substituted references to the Agricultural Credits (Scotland) Act, 1929, and the Scottish Agricultural Securities Corporation; and for the reference in subsection (1) to two million five hundred thousand pounds there shall be substituted a reference to four hundred and twenty-five thousand pounds;
 - (iii) for subsection (2) the following subsection shall be substituted :—

“(2) If the Memorandum and Articles of the Corporation are altered as aforesaid, the Secretary of State may, with the approval of the Treasury, make, out of moneys provided by Parliament to the Corporation in the year beginning on the first day of April nineteen hundred and forty-four and in each or any of the succeeding nineteen years, a payment not exceeding thirty thousand pounds, either by way of grant or by way of loan and on such terms as may be agreed between the Secretary of State and the Corporation with the approval of the Treasury.”
 - (iv) subsection (3) shall have effect as if paragraph (a) were omitted and as if in paragraph (c) for the reference to the year nineteen hundred and fifty-eight there were substituted a reference to the year nineteen hundred and sixty-three ;
- (c) in section three, for references to the Agricultural Wages (Regulation) Act, 1924, to the Act of 1924, and to subsection (3) of section two of that Act, there shall be substituted respectively references to the Agricultural Wages

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(Regulation) (Scotland) Act, 1937, to the Act of 1937, and to subsection (6) of section two of that Act;

(d) for section five the following section shall be substituted :—

Section sixteen of the Agriculture Act, 1937, as amended by section three of the Agriculture (Miscellaneous Provisions) Act, 1941, shall have effect as if after the words ' the supply of water thereto ' there were inserted the words ' or to owners or occupiers of dwelling houses occupied or usually occupied in connection with, or by persons employed in connection with, such land in respect of expenditure on the provision of a supply of water for domestic purposes to such dwelling houses ' .”

9 Application to Northern Ireland

This Act, except the section relating to Exchequer contributions towards purchases of lime shall not extend to Northern Ireland.

10 Short title

This Act may be cited as the Agriculture (Miscellaneous Provisions) Act, 1944.

SCHEDULE

Section 1.

COMPENSATION AND SUPERANNUATION BENEFITS OF OFFICERS

PART I

Compensation of displaced officers

1 If, in consequence of the passing of section one of this Act or of anything done in pursuance thereof, any person, not being a person entitled to be transferred to the Ministry of Agriculture and Fisheries under subsection (2) of that section on an application made for the purpose, but being a person who—

- (a) was on the appointed day an officer or servant of a county council employed by that council in a whole-time capacity wholly or mainly on or in connection with the giving of advice or education on agricultural matters ; and
- (b) had, between the twenty-third day of August, nineteen hundred and thirty-nine and the appointed day, been continuously employed in a whole-time capacity in local government service, or, while not so employed, been engaged in a whole-time capacity in war service or partly engaged in war service and partly employed in local government service ;

suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, he shall be entitled to recover compensation for his loss from that county council:

Provided that no person shall, by virtue of this Part of this Schedule, be entitled to recover compensation for any loss if provision is made for compensating him for that loss by or under any other enactment which is for the time being in force.

2 For the purpose of this Part of this Schedule, any such person as aforesaid—

- (a) who, at any time during the period of five years from the appointed day, relinquishes his office by reason of his having been required to perform duties which are not analogous, or which are an unreasonable addition to, those which he was required to perform immediately before that day ; or
- (b) whose appointment is determined or whose emoluments are reduced during the period aforesaid because his services are not required or his duties are diminished (no misconduct being established) ;

shall be deemed unless the contrary is shown to have suffered direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments in consequence of the passing of section one of this Act or of something done in pursuance thereof.

3 The provisions of the Fourth Schedule to the Local Government Act, 1933, shall have effect in relation to claims for compensation under this Part of this Schedule subject to the following modifications, that is to say :—

- (a) references in the said Fourth Schedule to a scheme or order shall be construed as references to this Act; and
- (b) any period during which a person has been engaged in war ' service shall be reckoned for the purposes of the said Fourth Schedule as a period of service in his office as therein defined and, where any such period is so reckoned, his emoluments during that period shall, for the purposes of sub-

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paragraph (2) of paragraph 4 of the said Schedule, be deemed to be such as he would have received if he had not been engaged in war service.

- 4 In this Part of this Schedule—
- (a) the expression " the appointed day " has the same meaning as in section one of this Act;
 - (b) the expression " emoluments " has the same meaning as in the Local Government Act, 1933 ;
 - (c) the expression " local government service" means service under a local authority within the meaning of the Local Government Act, 1933, or the London Government Act, 1939, or the Common Council of the City of London;
 - (d) the expression " war service " has the same meaning as in section one of this Act.

PART II

Superannuation

- 1 Where a pensionable officer of a county council becomes a civil servant in consequence of his transfer to the Ministry of Agriculture and Fisheries under subsection (2) of section one of this Act, then—
- (a) that council shall, within three months after his becoming a civil servant, give to the Minister full information as to his previous service, the amount of his emoluments which will be pensionable emoluments for the purpose of the rules made under section nine of the Superannuation Act, 1935 (which relates to the superannuation of transferred officers), and the amount of the superannuation allowance which he may become entitled to receive from the council; and
 - (b) if the said rules do not already apply to the council, those rules shall nevertheless apply in relation to him as if the Treasury, upon the application of the council, had directed that the rules should apply to the council.
- 2 Where a person, not being a pensionable officer of a county council, becomes a civil servant in consequence of his transfer to the Ministry of Agriculture and Fisheries under subsection (2) of section one of this Act, having been, within three months before he became a civil servant, a person in respect of whom a county council was required or authorised to pay contributions for superannuation purposes under section four of the Local Government Staffs (War Service) Act, 1939, then—
- (a) the rules made under the said section nine shall apply in relation to him as if he had been a pensionable officer of that council immediately before he became a civil servant; and
 - (b) sub-paragraphs (a) and (b) of paragraph 1 of this Part of this Schedule shall apply in relation to him and in relation to that council as they apply for the purposes of that paragraph.
- 3 In this Part of this Schedule—
- (a) the expression " pensionable officer ", in relation to a council, . means an officer or servant of that council who is a pensionable officer or servant of the council within the meaning of section nine of the Superannuation Act, 1935 ;

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- (b) the expression "civil servant" has the meaning assigned to it by section twelve of the Superannuation Act, 1887.