

Agriculture (Miscellaneous Provisions) Act, 1943.

6 & 7 GEO. 6. CH. 16.



ARRANGEMENT OF SECTIONS.

Section.

1. Increase of Exchequer contributions towards purchases of lime.
2. Repeal of time limit for Exchequer grants towards land drainage expenditure.
3. Extension of definition of agricultural land for certain drainage purposes.
4. Extension of powers as to drainage schemes.
5. Recovery of expenses of certain drainage works from Catchment Boards.
6. Acquisition of land for drainage works.
7. Travelling expenses of members of drainage boards.
8. Increase of drainage rates on land where land has been improved.
9. Recovery from tenants of interest on expenditure incurred in executing works for supply of water.
10. Amendment of provisions relating to dams and sluices.
11. Improvement of common lands.
12. Extension of time for recovering certain expenses.
13. Extension of s. 23 of Agriculture (Miscellaneous War Provisions) Act, 1940.
14. Extension of s. 26 of Agriculture (Miscellaneous War Provisions) Act, 1940.
15. Relief to tenants from liabilities and loss of compensation resulting from directions under Defence Regulations.
16. Power of Minister to buy certain land by agreement.
17. Control of artificial insemination.
18. Amendment of Corn Returns Act, 1882.
19. Application to Scotland.
20. Definition of agricultural land in Scotland for certain purposes.
21. Compensation for drainage work by tenants in Scotland in pursuance of Defence Regulations.

Section.

22. Application to Northern Ireland.
23. Interpretation.
24. Short title.

SCHEDULES.

First Schedule.—Recovery from Catchment Boards of Expenses of Certain Drainage Works.

Second Schedule.—Adaptations and Modifications of the Lands Clauses Acts.

Third Schedule.—Amendments of Corn Returns Act, 1882.



CHAPTER 16.

An Act to amend the law relating to agriculture, agricultural land and the drainage of land, and to amend the Corn Returns Act, 1882. [22nd April 1943.]

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.—(1) Subsection (1) of section one of the Agriculture Act, 1937 (which authorises Exchequer contributions towards purchases of lime of an amount not exceeding one half of the cost), shall have effect as if for the words "one half" there were substituted the words "three quarters":

Increase of Exchequer contributions towards purchases of lime.

Provided that a contribution of an amount exceeding the amount which would have been payable apart from this section shall not be made except in such classes of case as may be approved by the Treasury.

1 Edw. 8 & 1 Geo. 6. c. 70.

(2) This section shall be deemed to have come into operation on the seventeenth day of May, nineteen hundred and forty-two.

2. Subsection (3) of section fifteen of the Agriculture Act, 1937, as amended by section two of the Agriculture (Miscellaneous Provisions) Act, 1941 (which prohibits the making of grants towards any expenditure incurred by a drainage authority after the thirty-first day of July, nineteen hundred and forty-four), is hereby repealed.

Repeal of time limit for Exchequer grants towards land drainage expenditure.

4 & 5 Geo. 6. c. 50.

3.—(1) For the purposes of Part III of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which relates to land drainage), any land as respects which directions have been given under Defence Regulations with respect to the cultivation,

Extension of definition of agricultural land for

certain
drainage
purposes.

3 & 4 Geo. 6.
c. 14.

20 & 21 Geo. 5.
c. 44.

Extension of
powers as to
drainage
schemes.

management or use of the land for agricultural purposes, shall be deemed to be agricultural land.

(2) There shall be paid out of moneys provided by Parliament any increase attributable to the passing of this section in the grants that are authorised to be made by the Minister under section fourteen or section fifteen of the said Act, as amended by any subsequent enactment, or under section fifty-five of the Land Drainage Act, 1930, or section fifteen of the Agriculture Act, 1937, as those sections apply for the purposes of section sixteen of the said Agriculture (Miscellaneous War Provisions) Act, 1940.

4.—(1) Where a scheme for the drainage of any land has been approved under section fourteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by or under any enactment, or under the said section fourteen as set out in the First Schedule to the Agriculture (Miscellaneous Provisions) Act, 1941, the Catchment Board or other drainage board by whom the scheme was prepared (hereafter in this section referred to as “the board”) may, without any further request from the Committee, vary the scheme so as to provide for all or any of the following matters—

- (a) the execution of additional works, and the alteration of works already executed under the scheme prior to the variation thereof ;
- (b) the alteration of the area of the scheme ;
- (c) the re-apportionment among the owners of land comprised in the area as altered of the net cost (within the meaning of the said section) of the scheme :

Provided that the board shall not vary any such scheme—

- (i) unless they are of opinion that the cost of preparing the variation and carrying out the scheme as varied, together with the cost of preparing the original scheme and carrying it out (so far as it has been or will be carried out before the variation takes effect) will not exceed an amount equal to ten pounds for each acre of land comprised in the area of the scheme as varied ; or
- (ii) so as to provide for the execution of additional works or comprise additional land, unless the works or land could have been provided for or comprised in the scheme as originally approved and any necessary consent has been obtained.

(2) The following provisions shall have effect in relation to the variation of any such scheme as aforesaid under the last foregoing subsection :—

- (a) the board shall submit the proposed variation of the scheme to the Minister for his approval, and he may

approve it either without modification or with any modifications which he considers expedient ;

- (b) if the variation of the scheme is not approved by the Minister, no further proceedings shall be taken thereon by the board ;
- (c) if the variation of the scheme is approved by the Minister, the board shall as soon as may be serve on the owners of land comprised in the area of the scheme as varied a notice stating that the variation has been approved, and every such notice shall contain a copy of the scheme as varied.

(3) Where any such scheme as aforesaid has been varied under the foregoing provisions of this section, the scheme as so varied shall have effect in substitution for the scheme as originally approved and the provisions of the said section fourteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by or under any enactment and of the said section fourteen as set out in the First Schedule to the Agriculture (Miscellaneous Provisions) Act, 1941, shall apply accordingly :

Provided that—

- (a) any works executed under the scheme as originally approved shall be deemed for the purposes of the said provisions to have been executed under the scheme as varied, and any expenditure incurred in executing those works shall be deemed to be expenditure in carrying out the scheme as varied ;
- (b) any reference in the said provisions to expenditure incurred in preparing the scheme shall be construed as including a reference to the expenditure incurred in preparing the original scheme and the variation thereof, and the expression “ net cost ” shall be construed accordingly.

(4) Any increase which is ascribable to the foregoing provisions of this section in any grant payable under subsection (7) of the said section fourteen as so amended, or under section fifteen of the Agriculture Act, 1937, shall be paid out of moneys provided by Parliament.

(5) The power of the Minister under subsection (7) of the said section fourteen as so amended, to make grants towards expenditure incurred by Catchment Boards in preparing and carrying out schemes approved by him under that section shall include power to make out of moneys provided by Parliament grants, of such amounts and subject to such conditions as may be approved by the Treasury, towards expenditure incurred by Catchment Boards in preparing under that section schemes or variations thereof which are not submitted to the Minister or are not approved by him.

(6) The power of the Minister under section fifteen of the Agriculture Act, 1937, to make grants towards expenditure incurred by certain drainage authorities in carrying out drainage schemes shall include power to make out of moneys provided by Parliament grants, of such amounts and subject to such conditions as may be approved by the Treasury, towards expenditure incurred by drainage boards other than Catchment Boards in preparing schemes under section fourteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as set out in the First Schedule to the Agriculture (Miscellaneous Provisions) Act, 1941, or in preparing variations under this section of any such schemes, including schemes and variations which are not submitted to the Minister or are not approved by him.

(7) Where any scheme has been approved under section fourteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by or under any enactment, or under the said section fourteen as set out in the First Schedule to the Agriculture (Miscellaneous Provisions) Act, 1941, the board may make a contribution towards the expenditure incurred in preparing and carrying out the scheme.

(8) At the end of paragraph (b) of subsection (9) of the said section fourteen as so amended and at the end of the corresponding provision of the said section fourteen as set out in the said First Schedule there shall be added the words "and the amount of any contribution made by the board or any other person towards that expenditure."

(9) Where any sum is payable to a Catchment Board under subsection (4) of the said section fourteen as so amended or to any other drainage board under the corresponding provision of the said section fourteen as set out in the said First Schedule, a complaint made for the purpose of recovering that sum summarily as a civil debt under subsection (5) of the said section fourteen as so amended or under the corresponding provision of the said section as so set out may, notwithstanding anything to the contrary in the Summary Jurisdiction Acts, be made at any time within twelve months from the date when the sum became recoverable.

(10) A demand made in writing on any owner of land by a Catchment Board under subsection (4) of the said section fourteen as so amended or by any other drainage board under the corresponding provision of the said section as so set out may be served in any manner specified in section seventy-five of the Land Drainage Act, 1930, in relation to notices required or authorised to be served under or by virtue of that Act, and, if it is served by delivering the demand or a copy thereof to some person on the land or by fixing the demand or a copy thereof on some conspicuous part of the land, the demand may be addressed to the owner of the land by the description of "owner."

(11) Where the landlord of an agricultural holding has become liable to pay any sum in respect of the holding, either to a Catchment Board under subsection (4) of the said section fourteen as so amended, or to any other drainage board under the corresponding provision of the said section as so set out, or to the Minister under the Third Schedule of the Agriculture (Miscellaneous Provisions) Act, 1941, as applied by section six of that Act, the following provisions shall have effect, that is to say :—

- (a) if the landlord and tenant agree, or in default of such an agreement the landlord proves to the satisfaction of an arbitrator appointed under the Agricultural Holdings ^{13 & 14 Geo. 5.} Act, 1923, that any works in respect of which the said ^{c. 9.} sum is payable were rendered necessary by the neglect of the tenant to comply with any obligation relating to the maintenance or repair of a water course imposed on him by virtue of the contract of tenancy, the landlord shall be entitled to recover from the tenant or any assignee or successor of the tenant interest on such amount as may be agreed between the landlord and the tenant or, in default of such agreement, determined by the said arbitrator, to be such part of the said sum as was attributable to the execution of those works ;
- (b) the interest shall be payable at such rate as may, in default of such agreement, be fixed by the Treasury, and shall be payable as from the date on which the landlord became liable in respect of the said sum, and shall be payable at the same times and be recoverable in the same manner as the rent payable under the tenancy ;
- (c) where the landlord has elected to pay any such sum as aforesaid by instalments, the whole of that sum shall, for the purposes of this subsection, be deemed to have become payable at the date when it would have been payable but for the election ;
- (d) for the purposes of any arbitration under this subsection, a certificate by the Catchment Board or other drainage board or the Minister, as the case may be, that such part of the said sum as may be specified in the certificate was attributable to the execution of works so specified shall be conclusive evidence of that fact.

This subsection shall not apply in any case where the arbitrator has made an award, or an agreement has been made between the landlord and tenant, before the passing of this Act under subsection (6) of the said section fourteen as so amended, or under the corresponding provision of the said section as so set out, or under subsection (2) of the said section six, as the case may be, but save as aforesaid shall apply, in substitution for the said provisions, in all cases where any such sum has become payable

by the landlord of an agricultural holding whether before or after the passing of this Act.

5. Subsection (1) of section six of the Agriculture (Miscellaneous Provisions) Act, 1941 (which enables the expenses of certain drainage works to be recovered from drainage boards other than Catchment Boards or from the owners of the land improved by the works), shall not apply to any work executed on or in connection with the main river of any catchment area, but expenses reasonably incurred in connection with any such work may be recovered from the Catchment Board of the said catchment area, and in that case the provisions of the First Schedule to this Act shall apply.

6.—(1) Where it appears to the Minister that it is necessary for him to acquire any land for the purpose of executing drainage works thereon, he may acquire the land either by agreement or compulsorily and, for the purposes of the acquisition thereof, the Lands Clauses Acts shall be incorporated with this Act, subject, however, to the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the adaptations and modifications set out in the Second Schedule to this Act :

Provided that no land shall be acquired under this section unless the contract for the acquisition thereof is made, or, as the case may be, the notice to treat is served, while the Emergency Powers (Defence) Act, 1939, is in force.

(2) Nothing in this section shall authorise the acquisition of any land which is, or forms part of, a metropolitan common within the meaning of the Metropolitan Commons Act, 1866, or which is subject, or might be made subject, to regulation, under an order or scheme made in pursuance of the Inclosure Acts, 1845 to 1882, or under any local Act or otherwise, or which is or forms part of any town or village green, or of any area dedicated or appropriated as a public park, garden or pleasure ground, or for use for the purpose of public recreation, or of any land the fee simple absolute in possession of which belongs to, and is held inalienably by, the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907, whether subject to any tenancy or not.

(3) The expenses of the Minister in acquiring land under this section shall be defrayed out of moneys provided by Parliament.

7. Sub-paragraph (b) of paragraph 12 of Part II of the First Schedule to the Land Drainage Act, 1930, and sub-paragraph (b) of paragraph 12 of Part II of the Third Schedule to the said Act (which relate to the repayment of travelling expenses incurred by members of a Catchment Board and of a drainage board other than a Catchment Board respectively in attending meetings of the board) shall each have effect as if at the end thereof there

Recovery of expenses of certain drainage works from Catchment Boards.

Acquisition of land for drainage works.

9 & 10 Geo. 5.
c. 57.

2 & 3 Geo. 6.
c. 62.

29 & 30 Vict.
c. 122.

7 Edw. 7.
c. cxxxvi.

Travelling expenses of members of drainage boards.

were added the words " or a committee or sub-committee thereof, or in travelling by the directions of the board or a committee or sub-committee thereof for the purpose of carrying out any inspection necessary for the discharge of the functions of the board, committee or sub-committee."

8.—(1) Where the annual value of any hereditament for the purpose of drainage rates under the Land Drainage Act, 1930, would apart from this provision be the gross annual value as determined for the purpose of income tax under Schedule A of the Income Tax Act, 1918, and the Minister, on the advice of the Committee, certifies that the annual value of the hereditament has, since the last determination of the said gross annual value, increased by reason of—

Increase of drainage rates on land where land has been improved.

8 & 9 Geo. 5.
c. 40.

- (a) any drainage works, improvements of roads and ways or works of reclamation executed by the Committee in the exercise of powers conferred by Defence Regulations ;
- (b) any drainage works executed in pursuance of a scheme submitted to the Minister by a drainage authority and approved by him ; or
- (c) the execution of any scheme in respect of which the Minister has made a grant under section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940 ;

3 & 4 Geo. 6.
c. 50.

then, for the purpose of any such drainage rate in respect of any period commencing after the issue of the certificate, the annual value of the hereditament shall, instead of being the gross annual value aforesaid, be such value as may be determined by the drainage board for the drainage district in which the hereditament is situated :

Provided that if, after a certificate has been issued under this section in respect of any hereditament, a fresh determination of the gross annual value of the hereditament is made for the purpose of income tax under Schedule A, this section shall, for the purpose of any drainage rate in respect of any period commencing after that determination, cease to apply to that hereditament.

(2) Where a drainage board have determined the annual value of any hereditament under this section, they shall serve (in accordance with section seventy-five of the Land Drainage Act, 1930) a notice of their determination upon both the owner and the occupier of the hereditament, and the owner and the occupier, or either of them, may within twenty-eight days after the service of the notice, appeal against the determination to a court of summary jurisdiction, whose decision shall be final.

Recovery from tenants of interest on expenditure incurred in executing works for supply of water.

9.—(1) Where the landlord of any agricultural holding has, in pursuance of directions given by the Committee under Defence Regulations or of a scheme approved by the Committee for the purposes of section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by any subsequent enactment, executed any works for the supply of water to the holding, he may recover from the tenant of the holding, or any assignee or successor of the tenant, interest on the net cost of the works at such rate as, in default of agreement by the landlord and the tenant, may be fixed by the Treasury; and the interest shall be payable as from the date on which a demand in writing specifying the net cost of the works has been served by the landlord on the tenant after the completion of the works, and shall be payable at the same time and be recoverable in the same manner as the rent payable under the tenancy:

Provided that, in the case of works for the supply of water to the holding and to other land, the tenant of the holding shall only be liable to pay interest on such part of the net cost of the works as may be apportioned to his holding by agreement between the landlord and the tenant or, in default of such agreement, by arbitration, and the interest shall in that case be payable as from the date on which the share of the net cost was so apportioned.

(2) For the purposes of this section, the expression "net cost" means, in relation to any works, such expenditure as is certified by the Minister to have been reasonably incurred by the landlord in executing the works and in preparing any scheme or plan therefor less the amount of any grant made by the Minister towards that expenditure.

Amendment of provisions relating to dams and sluices.

10.—(1) Subsection (2) of section sixteen of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which requires drainage boards to pay compensation in respect of the exercise of certain powers relating to dams) shall not apply to the exercise of any power to repair or maintain a dam, and accordingly for the words "by reason of the exercise by the board of any powers conferred on them under this section" there shall be substituted the words "by reason of the alteration or removal of any dam by the board in the exercise of any powers conferred on them under this section."

(2) Where any dam is repaired or maintained by a drainage board in the exercise of any powers conferred on them under the said section, the expenses thereby reasonably incurred may, if a notice in writing requiring payment thereof and specifying the sum claimed is served on the owner of the dam by the board within one year from the completion of the work, be recovered by the board from that owner at the expiration of three months from the date of the service of the notice and shall, without

prejudice to any other mode of recovery, be recoverable by the board summarily as a civil debt :

Provided that an owner from whom any sum is so recoverable may, by notice in writing served on the board within the said three months, elect to pay the said sum together with the interest thereon from the said date by such number of equal annual instalments, not exceeding five, as may be specified in the notice, so however that—

(a) the first instalment shall be payable within one year from the said date ; and

(b) the rate of interest shall, in default of agreement between the owner and the board, be fixed by the Treasury.

(3) Where the landlord of an agricultural holding has become liable to pay any sum under the last foregoing subsection in respect of the repair or maintenance of a dam, the following provisions shall have effect, that is to say :—

(a) if the landlord and tenant agree, or in default of such agreement the landlord proves to the satisfaction of an arbitrator appointed under the Agricultural Holdings Act, 1923, that any of the works in respect of which the sum is payable were rendered necessary by the neglect of the tenant to comply with any obligation relating to the maintenance or repair of the dam imposed on him by virtue of the contract of tenancy, the landlord shall be entitled to recover from the tenant or any assignee or successor of the tenant interest on such amount as may be agreed between the landlord and the tenant, or in default of such agreement determined by the said arbitrator, to be such part of the said sum as was attributable to the execution of those works ;

(b) the interest shall be payable at such rate as may, in default of such agreement, be fixed by the Treasury, and shall be payable as from the date on which the landlord became liable in respect of the said sum, and shall be payable at the same times and be recoverable in the same manner as the rent payable under the tenancy ;

(c) where the landlord has elected to pay any such sum as aforesaid by instalments, the whole of that sum shall, for the purposes of this subsection, be deemed to have become payable at the date when it would have been payable but for the election ;

(d) for the purposes of any arbitration under this subsection, a certificate by the drainage board that such part of the said sum as may be specified in the certificate was attributable to the execution of works so specified shall be conclusive evidence of that fact.

(4) Section seventeen of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which empowers drainage boards to control the use of sluices) shall have effect subject to the following amendments:—

- (a) in subsection (1) after the words “ by notice in writing served on the occupier or person in control of any dam within their district ” there shall be inserted the words “ or, if in the opinion of the board immediate action is necessary to meet an emergency, by direction given to that occupier or person ”, after the words “ as may be specified in the notice ” there shall be inserted the words “ or as may be so directed ” and the words in proviso (a) to that subsection “ unless it is stated in the notice that in the opinion of the board immediate action is necessary to meet an emergency ” shall be omitted ;
- (b) in subsection (2) after the words “ notice served ” there shall be inserted the words “ or direction given,” and after the words “ the person on whom it is served ” there shall be inserted the words “ or to whom it is given”.

Improvement
of common
lands.

11.—(1) Where work for the improvement of any land subject to common rights of pasture has been done by the Minister or the Committee in the exercise of powers conferred by or under Defence Regulations, whether or not possession of the land has been taken in the exercise of the said powers, the expenses reasonably incurred in connection with the work may, in accordance with the provisions of this section, be recovered from the persons who are enjoying (subject to any restriction imposed on the exercise of the said powers) any rights of pasture over the land, whether common rights or other rights, and those expenses may be recovered from the said persons in such proportions as appear to the Minister to be just having regard to the extent to which the said rights are respectively enjoyed by them.

(2) No sum shall be recoverable from any such person under this section unless a notice in writing requiring payment thereof is served on that person by the Minister within one year from the completion of the work in question, and the notice shall specify the sum which the person on whom it is served is required to pay, and the said sum shall be recoverable at the expiration of three months from the date of the service thereof, and shall, without prejudice to any other mode of recovery, be recoverable by the Minister summarily as a civil debt.

(3) Nothing in this section shall apply to land of which possession has been taken by the Minister or the Committee in the exercise of the powers aforesaid for the purpose of cultivating the land as arable land.

12. A complaint made for the purpose of recovering any sum under section six of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940 (which provides for the recovery of expenses incurred in making good certain defaults under Defence Regulations) may, notwithstanding anything to the contrary in the Summary Jurisdiction Acts, be made at any time within twelve months from the time when the matter of the complaint arose.

Extension of time for recovering certain expenses.

13. The power conferred by subsection (2) of section twenty-three of the Agriculture (Miscellaneous War Provisions) Act, 1940, on the Minister or the Committee to continue in possession of land either by himself or themselves or by any person with whom such contracts have been made as are mentioned in that section, shall include power to do or authorise the doing of any work on that land incidental to the occupation thereof for agricultural purposes.

Extension of s. 23 of Agriculture (Miscellaneous War Provisions) Act, 1940.

14.—(1) Where subsection (1) of section twenty-six of the Agriculture (Miscellaneous War Provisions) Act, 1940, applies to any contract of tenancy, the said subsection shall continue to apply to that contract, notwithstanding that the term thereof has been extended, whether before or after the passing of this Act, so as to exceed a period of four years but not a period of eight years.

Extension of s. 26 of Agriculture (Miscellaneous War Provisions) Act, 1940.

(2) Where any contract of tenancy to which the said subsection (1) applied has terminated, whether before or after the passing of this Act but before the end of the war period, and a new contract of tenancy of that land has been made for a term not exceeding four years beginning immediately after the termination of the first mentioned contract of tenancy, the said subsection (1) shall apply to the new contract of tenancy as if the references in paragraphs (a) and (b) thereof to the term created by the contract were construed as references to the term created by the first contract to which the said subsection applied.

(3) The reference in subsection (2) of the said section twenty-six to subsection (1) of that section shall be construed as a reference to that subsection as extended by the foregoing provisions of this section.

15.—(1) Where the occupier of any agricultural land has, in pursuance of directions given under Defence Regulations, ploughed up any land consisting of permanent pasture, and is thereby under any obligation or liability arising by virtue of any contract of tenancy or instrument affecting the land, any custom of the country or any rule of law relating to waste, to sow it again at his own expense or pay any sum by way of increased rent, damages or penalty or suffer any forfeiture by reason of the ploughing up of the land or of the failure to sow it again,

Relief to tenants from liabilities and loss of compensation resulting from directions under Defence Regulations.

the said obligation or liability and any guarantee given with respect thereto shall be extinguished; and for the purposes of any provision of any contract of tenancy or instrument aforesaid, any custom of the country or any provision of the Agricultural Holdings Act, 1923, the land shall thereafter be deemed to be arable land and to have been arable land at all material times:

Provided that no tenant of agricultural land shall be entitled to claim an away-going crop, or compensation from the landlord assessed on the basis of an away-going crop, in respect of a greater acreage of land than that which would have been permissible under the contract of tenancy or custom of the country if this subsection had not passed.

(2) Where any directions under Defence Regulations have been given to the tenant of an agricultural holding affecting the cultivation, management or use of the holding during the last twelve months of the tenancy, the tenant shall, on the termination of his tenancy, be entitled, in respect of any growing crops sown, or tillages or manuring carried out, for the purpose of complying with the directions, otherwise than in accordance with the contract of tenancy or custom of the country, or to an extent exceeding that provided by the contract of tenancy or custom, to compensation from the landlord assessed in like manner as in the case of crops sown (other than away-going crops) or tillages or manuring carried out in accordance with the said contract or custom.

(3) Where, for the purpose of complying with any directions under Defence Regulations, a tenant of an agricultural holding has made thereon any improvement consisting of the removal of bracken, gorse, tree roots, boulders or other like obstructions to cultivation, the following provisions shall have effect:—

- (a) any such improvement shall be deemed to be an improvement comprised in Part I of the First Schedule to the Agricultural Holdings Act, 1923, whether made in respect of arable land or otherwise;
- (b) compensation shall be payable under the said Act in respect of any such improvement, notwithstanding that the tenant has not obtained the consent of the landlord in accordance with section two of the said Act or that the improvement was begun within such a period or at such a time as is mentioned in section eight of the said Act;
- (c) in assessing the amount of any compensation payable in respect of any such improvement, if it is shown to the satisfaction of the person assessing the compensation that the improvement consisted of, or was wholly or in part the result of, or incidental to, operations in respect of which any grant has been or is to be made to the

tenant out of moneys provided by Parliament, the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement, and the compensation shall be reduced to such extent as that person considers appropriate.

(4) Subsections (1) and (3) of this section shall not apply to land comprised in any contract of tenancy to which subsection (1) of section twenty-six of the Agriculture (Miscellaneous War Provisions) Act, 1940, applies, or to any land comprised in a contract of tenancy to which subsection (2) of that section applies, except so far as may be directed by the arbitrator mentioned in that subsection.

(5) This section shall, in relation to any land with respect to which any directions have been given under Defence Regulations before the passing of this Act, be deemed to have had effect as from the date of the directions, and any sum paid before the passing of this Act by the occupier of the land in respect of any liability extinguished by this section shall be recoverable:

Provided that this section, except the provisions of subsection (1) thereof relating to the extinguishing of obligations, liabilities and guarantees, shall not apply to any tenancy which has terminated before the passing of this Act.

16.—(1) Where it appears to the Minister that, for the purpose of securing the satisfactory development and re-sale of any land acquired by him under section nine of the Agriculture (Miscellaneous Provisions) Act, 1941, it is expedient for him to acquire other land which, immediately before the acquisition of the first mentioned land, was in the same ownership as that land but could not be compulsorily acquired under the said section, he may acquire by agreement that other land; and, for the purposes of the acquisition thereof, the Land Clauses Acts shall be incorporated with this Act, subject, however, to the adaptations and modifications set out in paragraphs 1, 2 and 5 of the Second Schedule to this Act.

Power of
Minister to
buy certain
land by
agreement.

(2) Subsections (5) and (6) of the said section nine shall apply in relation to the acquisition of land under this section as they apply in relation to the acquisition of land under that section.

(3) For the purposes of section ten of the Agriculture (Miscellaneous Provisions) Act, 1941, any land acquired under this section for the purpose of securing the satisfactory development and re-sale of land acquired under the said section nine shall be deemed to have been acquired under the said section nine together with the land actually so acquired, and accordingly an offer shall, subject to the provisions of the said section ten, be made under that section in respect of the whole of the land in question.

(4) The expenses of the Minister in acquiring land under this section shall be defrayed out of moneys provided by Parliament.

(5) In this section the expression "ownership" means ownership in fee simple, whether or not subject to any mortgage or tenancy, and includes ownership as a tenant for life or in any other fiduciary capacity.

17.—(1) The Minister may make regulations for controlling, in the case of animals to which the regulations apply, the practice of artificial insemination and, in particular, for prohibiting, subject to such exemptions as may be specified in the regulations, the distribution and sale of the semen of any such animal, except under the authority of a licence issued by the Minister and for the time being in force.

(2) Regulations made under this section may apply to all or any of the following animals, that is to say, cattle, sheep, goats, swine, horses, domestic fowls, turkeys, geese and ducks.

(3) No person shall import or bring into Great Britain the semen of any animal to which regulations made under this section for the time being apply, except under the authority of a licence issued by the Minister and for the time being in force :

Provided that, where it is shown to the satisfaction of the Commissioners of Customs and Excise that any such semen is being imported or brought solely with a view to the re-exportation thereof after transit through Great Britain or by way of transshipment, the Commissioners may, subject to such conditions as they think fit to impose for securing the re-exportation of the semen, allow the semen to be imported or brought as if this subsection did not apply thereto.

(4) No person shall export from or take out of Great Britain the semen of any such animal as is mentioned in subsection (2) of this section, except under the authority of a licence issued by the Minister and for the time being in force.

(5) A licence issued under this section may at any time be revoked by the Minister, and may be issued subject to such conditions as may be specified therein.

(6) Any officer of Customs and Excise may seize any semen with respect to which he has reason to believe that an offence against subsection (3) or subsection (4) of this section has been committed and may detain it pending the determination of any proceedings instituted under this section in respect of the offence or until the Minister is satisfied that no such proceedings are likely to be instituted and any semen so detained shall be detained at the owner's risk in such place and manner as the Minister may direct and, if such proceedings as aforesaid result in a conviction, shall be destroyed or otherwise disposed of as the Minister may direct.

Control of
artificial in-
semination.

(7) Any person authorised in writing in that behalf by the Minister may, on producing his authority, enter at all reasonable times—

- (a) any premises occupied by the holder of a licence issued under this section and used for or in connection with any of the purposes authorised by the licence ;
- (b) any premises where animals are kept to which regulations made under this section for the time being apply and which have been artificially inseminated ;
- (c) any premises on which, or in connection with which, he has reasonable grounds for suspecting that an offence under this section is being or has been committed ;

and may inspect the premises and any animals or articles thereon and carry out such tests or other investigations as he thinks fit in order to ascertain whether the provisions of this section and of the regulations made under this section, and the conditions subject to which any licence is issued under this section, are being complied with, and may, for the purposes of any such test or investigation, require the occupier of the premises to give such information as it is in his power to give.

(8) If any person contravenes or fails to comply with any provision of this section or of any regulations made under this section or with any condition subject to which any licence is issued under this section, or obstructs any person in the exercise of the powers conferred on him by this section, or refuses to give to any such person any information which he is required to give, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one hundred pounds and, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months either in lieu of or in addition to such a fine.

(9) All regulations made under this section shall be laid before Parliament as soon as may be after they are made, and if either House, within the period of forty days beginning with the day on which any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall henceforth become void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(10) Section one of the Rules Publication Act, 1893, shall not apply to any regulations made under this section. 56 & 57 Vict
c. 66.

(11) The expenses incurred by the Minister in exercising his powers under this section or under any order made thereunder shall be defrayed out of moneys provided by Parliament.

Amendment of 18.—(1) The Corn Returns Act, 1882, as amended by the Corn
Corn Returns Sales Act, 1921, shall have effect subject to the amendments
Act, 1882. set out in the Third Schedule to this Act, being amendments made

45 & 46 Vict. for the purpose of—

c. 37.

11 & 12 Geo. 5.

c. 35.

- (a) removing the limits as to the number of towns to which the said Act is applicable ;
- (b) abolishing the office of inspector of corn returns ; and
- (c) providing for certain other matters of minor importance.

(2) This section shall not come into operation until the first day of May, nineteen hundred and forty-three.

Application
to Scotland.

19. This Act shall apply to Scotland subject to the following modifications :—

- (a) for any reference to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Secretary of State ; for any reference to the Agricultural Holdings Act, 1923, there shall be substituted a reference to the Agricultural Holdings (Scotland) Acts, 1923 and 1931 ; for any reference to the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907, there shall be substituted a reference to the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated under the National Trust for Scotland Order Confirmation Act, 1935 ; the expression “ agricultural holding ” means a holding as defined by section forty-nine of the Agricultural Holdings (Scotland) Act, 1923 ; the expression “ the Committee ” means the Agricultural Executive Committee referred to in subsection (1) of section thirty-one of the Agriculture (Miscellaneous War Provisions) Act, 1940 ; the expressions “ fee simple ” and “ fee simple absolute in possession ” mean the estate or interest of the proprietor of the *dominium utile*, or in the case of land not held on feudal tenure, the estate or interest of the owner ; for any reference to a contract of tenancy there shall be substituted a reference to a lease ; for any reference to a mortgage there shall be substituted a reference to a heritable security ; and for any reference to a tenant for life, there shall be substituted a reference to a liferenter ;
- (b) section nine shall have effect as if the words “ for the purposes of section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by any subsequent enactment ” were omitted.
- (c) subsection (2) of section eleven shall have effect as if the word “ summarily ” were omitted therefrom ;

26 Geo. 5 &
1 Edw. 8.
c. ii.

13 & 14 Geo. 5.
c. 10.

(d) section fifteen shall have effect as if—

(i) in subsection (1) the proviso were omitted ;

(ii) for subsection (2) the following subsection were substituted—

“(2) Where any directions under Defence Regulations have been given to the tenant of an agricultural holding affecting during the last twelve months of the tenancy the cultivation, management, or use of the holding, the tenant shall on the termination of his tenancy be entitled in respect of any tillages or manuring carried out for the purpose of complying with the directions otherwise than in accordance with the lease or the custom of the country or to an extent exceeding that provided by the lease or custom to such sum by way of compensation as fairly represents the value thereof or, as the case may be, of the excess part thereof to an incoming tenant ; and any growing crops sown, as a result of compliance with directions given under Defence Regulations, otherwise than in accordance with the lease or the custom of the country or to an extent exceeding that provided by the lease or custom shall pass to and become the property of the landlord, and the landlord shall pay to the tenant in respect thereof such compensation for the tenant’s services and expenses in laying down the crop or, as the case may be, the excess part thereof, as may be determined by arbitration.”

(iii) for subsection (3) the following subsection were substituted :—

“(3) Where, for the purpose of complying with any directions under Defence Regulations, a tenant of an agricultural holding has made thereon any improvement consisting of the removal of tree roots, boulders or stones or other like obstacles to cultivation, the improvement shall, whether made in arable land or otherwise, be deemed to be an improvement comprised in Part III of the First Schedule to the Small Landholders and Agricultural Holdings (Scotland) Act, 1931 ;” and c. 44. 21 & 22 Geo. 5.

(iv) in subsection (4) for the reference to the arbitrator therein mentioned there were substituted a reference to the Scottish Land Court.

- (e) paragraph 2 of the Second Schedule shall have effect with the substitution, for the sections of the Lands Clauses Consolidation Act, 1845 therein mentioned, of sections eighty-three to eighty-nine, one hundred and twenty to one hundred and twenty-seven, and one hundred and forty-two and one hundred and forty-three of the Lands Clauses Consolidation (Scotland) Act, 1845.

8 & 9 Vict.
c. 19.

Definition of
agricultural
land in
Scotland for
certain
purposes.

4 & 5 Geo. 6.
c. 13.

20.—(1) Subsection (1) of section seven of the Land Drainage (Scotland) Act, 1941, shall be amended by the insertion at the end of the definition of “ agricultural land ” of the words “ and any land which can be made fit to be used for any such purpose by the execution of drainage works whether on that land or on other land ”.

(2) For the purposes of section twenty-nine of the Agriculture (Miscellaneous Provisions) Act, 1940, the expression “ agricultural land ” shall have the like meaning as in section seven of the Land Drainage (Scotland) Act 1941 as amended by the last foregoing subsection.

(3) There shall be paid out of moneys provided by Parliament any increase attributable to the passing of this section in the expense incurred by the Secretary of State under the aforesaid Act of 1941 or under the said section twenty-nine or in the grants authorised to be made by the Secretary of State under that section.

Compensation
for drainage
work by
tenants in
Scotland in
pursuance of
Defence
Regulations.

21.—(1) Where, for the purpose of complying with any directions under Defence Regulations, a tenant of an agricultural holding in Scotland has, whether before or after the passing of this Act, made thereon any improvement consisting of drainage (not being an improvement which he was required to make by the terms of the tenancy), he shall have the like right to compensation for the improvement as if it had been executed by him in accordance with the provisions of section three of the Agricultural Holdings (Scotland) Act, 1923, as amended by the Small Landholders and Agricultural Holdings (Scotland) Act, 1931.

(2) In assessing the amount of any compensation payable to a tenant by virtue of this section in respect of any improvement, if it is shown to the satisfaction of the person assessing the compensation that the improvement consisted of, or was wholly or in part the result of, or incidental to, operations in respect of which any grant has been or is to be made to the tenant out of moneys provided by Parliament, the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement, and the compensation shall be reduced to such extent as that person considers appropriate.

22. Sections one, twelve and thirteen of this Act shall extend to Northern Ireland but the remainder of this Act shall not extend to Northern Ireland, and, in the application of the said section twelve to Northern Ireland, for the reference to the Summary Jurisdiction Acts, there shall be substituted a reference to the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland) amending that Act, whether past or future.

23. In this Act the following expressions have the meanings hereby respectively assigned to them :—

“ agricultural holding ” means a holding as defined by section fifty-seven of the Agricultural Holdings Act, 1923, and the expressions “ landlord ” and “ tenant ”, in relation to an agricultural holding, have the same meanings as in the said Act ;

“ the Committee ” means the War Agricultural Executive Committee as defined by section thirty of the Agriculture (Miscellaneous War Provisions) Act, 1940 ;

“ Defence Regulations ” means Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940 ;

“ drainage ”, “ drainage authority ”, “ drainage board ” and “ drainage district ” have the same meanings as in the Land Drainage Act, 1930 ;

“ the Minister ” means the Minister of Agriculture and Fisheries.

24. This Act may be cited as the Agriculture (Miscellaneous Provisions) Act, 1943.

Section 5.

SCHEDULES.

FIRST SCHEDULE.

RECOVERY FROM CATCHMENT BOARDS OF EXPENSES OF CERTAIN DRAINAGE WORKS.

1. The Minister shall serve on the Catchment Board, within one year from the completion of the work, a notice specifying the amount of the expenses which the Board is required to pay, and the said expenses shall become recoverable as a debt due to His Majesty at the expiration of one year from the date of the service of the notice and shall, without prejudice to any other mode of recovery, be recoverable by the Minister summarily as a civil debt.

2. The Catchment Board may, by notice in writing served on the Minister at any time within one year from the date of the service by the Minister under the foregoing paragraph, elect to pay the said expenses, together with interest thereon from the date on which the expenses would otherwise have become recoverable from the Board, by such number of equal annual instalments, not exceeding five, as may be specified in the notice :

Provided that—

- (a) the first instalment shall be payable within one year from the last-mentioned date ; and
- (b) the rate of interest shall, in default of agreement between the Board and the Minister, be fixed by the Treasury.

3. Where the Catchment Board do not exercise the powers conferred on them by paragraph 2 of this Schedule they may borrow money under section forty-six of the Land Drainage Act, 1930, for the purpose of defraying the said expenses as if those expenses were expenses incurred by them under that Act.

SECOND SCHEDULE.

ADAPTATIONS AND MODIFICATIONS OF THE LANDS CLAUSES ACTS.

1. This Act shall be deemed to be the Special Act, references to the promoters of the undertaking shall be construed as references to the Minister, and the undertaking shall be deemed to be the use of the land for the purpose for which it is required.

2. The following provisions of the Lands Clauses Consolidation Act, 1845, that is to say—

2ND SCH.

—cont.

8 & 9 Vict.
c. 18.

- (a) sections eighty-four to ninety-one (which relate to entry upon the land acquired);
- (b) sections one hundred and twenty-seven to one hundred and thirty-three (which relate to the sale of superfluous land and deficiencies of land-tax and rates); and
- (c) sections one hundred and fifty and one hundred and fifty-one (which relate to access to the Special Act),
- shall not apply.

3. In determining the amount of compensation payable in respect of the acquisition of any land compulsorily acquired, such reduction, if any, shall be made as is necessary in order to off-set any appreciation in the value of the land which is directly or indirectly ascribable to the war.

4. Where possession of any land compulsorily acquired was, before the date of the notice to treat, taken by the Minister or the Committee under Defence Regulations and remained in such possession at that date, the following provisions shall have effect:—

- (a) in determining the amount of compensation payable in respect of the acquisition of the land, the value of the land shall be taken to be the price which a willing seller would, at the date of the notice to treat, have been likely to obtain in the open market for the land if it had remained in the condition in which it was at the time when possession was taken as aforesaid;
- (b) such adjustment shall be made in the said compensation as may be just, having regard to any payment of, or right to, compensation under the Compensation (Defence) Act, 1939, ^{2 & 3 Geo. 6.} and any such adjustment may, if the arbitrator thinks fit, ^{c. 75.} take the form of a direction that the compensation payable to any person on the acquisition of the land shall be wholly or partly conditional on his relinquishing any such right, to such extent as is specified in the direction.

5. Where the land acquired is glebe land or other land belonging to an ecclesiastical benefice, sums agreed upon or awarded by way of compensation shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

THIRD SCHEDULE.

AMENDMENTS OF CORN RETURNS ACT, 1882.

<i>Provision amended.</i>	<i>Amendments.</i>
Section four For the words "such towns, not less than one hundred and fifty and not more than two hundred in number, as may be from time to time fixed by Her Majesty in Council" there shall be substituted the words "such towns as may from time to time be prescribed".
Section five For the words "on the last market day in the week in that town, or on such other day as may be from time to time fixed by Her Majesty in Council, make to the inspector of corn returns for that town, at the place fixed, as in this Act mentioned" there shall be substituted the words "at such times and in such manner as may be prescribed make to the Minister of Agriculture and Fisheries", and for the words "an inspector of corn returns delivers to" there shall be substituted the words "the Minister of Agriculture and Fisheries serves, whether by post or otherwise, on".
Section seven	... The section shall cease to have effect.
Section eight	... For the words "weekly summary of quantities and prices" there shall be substituted the words "returns made in pursuance of this Act".
Section nine	... For the words "the summaries sent by the inspectors of corn returns," there shall be substituted the words "the returns made", the words "for the whole of the towns and for each town from which a summary is obtained" shall be omitted, for the words "the summaries of the inspectors of corn returns" there shall be substituted the words "the returns made in pursuance of this Act", and for the words "the said summaries" there shall be substituted the words "the said returns".
Section eleven	... The words "to an inspector of corn returns" shall be omitted.
Section twelve	... The words "to an inspector of corn returns" shall be omitted.

Provision amended.Amendments.3RD SCH.
—cont.

- Section thirteen ... The section shall cease to have effect.
- Section fourteen ... For the words “ respecting the execution of this Act and the duties of inspectors of corn returns ” there shall be substituted the words “ with respect to the matters to be prescribed and generally with respect to the execution of this Act ”, the words “ all the inspectors or ” shall be omitted, and the last two paragraphs of the section shall be omitted.
- Section fifteen ... The words “ the Commissioners of Inland Revenue or ” shall be omitted.
- Section sixteen ... Paragraphs (1) and (3) shall be omitted.

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