



# Agriculture Act 1967

## 1967 CHAPTER 22

An Act to establish a Meat and Livestock Commission and make other provision for the livestock and livestock products industries, to amend the Agriculture (Calf Subsidies) Act 1952 and make new provision with respect to the supervision and enforcement of schemes under that Act, to authorise the payment of subsidies in respect of cows maintained for the purpose of breeding calves for beef, to authorise grants for improvements of agricultural land and in respect of expenditure on equipment, plant and machinery for use in agriculture, and on certain vehicles, and supplementary grants in respect of certain expenditure, and to make provision with respect to the shape and size of farms and related matters, agriculture and forestry on hill land, co-operative activities in agriculture, diseases of animals and other matters connected with agriculture.

[10th May 1967]

### 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. 1\(j\)\(k\)](#), [Pt. II para. 5\(k\)\(q\)\(z\)](#) and 1978/272, art. 2, Sch. 1
- C2 Act amended (1.4.1996) by [S.I. 1996/593, reg. 2, Sch. 1](#)
- C3 Act: Functions of a Minister of the Crown transferred to the National Assembly for Wales (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

## PART I

### LIVESTOCK AND MEAT MARKETING

### Modifications etc. (not altering text)

- C4 [Pt. I](#) (ss. 1-22): Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (except for [Sch. 1 Pt. II para. 9\(2\)](#) for certain purposes) (27.12.1999) by [S.I. 1999/3141, arts. 2\(1\)\(5\), Sch.](#) (with [art. 3](#))

*Status: Point in time view as at 28/05/2005.*

*Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## *The Meat and Livestock Commission*

### **1 The Meat and Livestock Commission.**

- (1) There shall be established a body to be called the Meat and Livestock Commission (in this Part of this Act referred to as “the Commission”) having the general duty of promoting greater efficiency in the livestock industry and the livestock products industry, and the particular functions specified in Part I of Schedule 1 to this Act, as well as the other functions conferred by this Part of this Act.
- (2) In carrying out their functions the Commission shall have regard to the interests of consumers as well as to the interests of the various sections of the livestock industry and the livestock products industry.
- (3) The Commission shall consist of not more than [<sup>F1</sup>fifteen] members appointed by the Ministers, and the Ministers shall appoint persons who in the Ministers’ opinion are qualified to serve on the Commission by reason of their financial, commercial, technical, scientific, administrative or other relevant experience, and have no such financial or commercial interest as would be likely to prejudice the proper discharge of their functions as members.
- (4) The Commission shall have a chairman and deputy chairman appointed by the Ministers from among the members of the Commission.
- (5) The Minister of Agriculture, Fisheries and Food shall—
  - (a) pay to the members of the Commission out of money provided by Parliament such remuneration and such travelling or other allowances as the Ministers, with the approval of the Treasury, may determine, and
  - (b) in the case of any member of the Commission to whom the Ministers, with the approval of the Treasury, determine that this paragraph applies, pay out of money provided by Parliament such pension, or make such payments out of money provided by Parliament toward the provision of a pension, to or in respect of him as the Ministers and the Treasury may determine in his case,
 and if a person ceases to be a member of the Commission and it appears to the Ministers that there are special circumstances which make it right that that person should receive compensation, the Minister of Agriculture, Fisheries and Food may, with the approval of the Treasury, pay to that person out of money provided by Parliament a sum of such amount as the Ministers may with the approval of the Treasury determine.
- (6) Nothing in this Part of this Act shall be construed as authorising the Commission to engage in the business of buying and selling livestock or livestock products, except so far as is reasonably necessary for, and incidental to, the discharge of other functions of the Commission.
- (7) Part II of Schedule 1 to this Act shall have effect with respect to the Commission.

#### **Textual Amendments**

**F1** Word substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 7\(1\)](#)

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## [<sup>F2</sup>1A Commission's duty to consult representative organisations.

- (1) If it appears to the Commission that any matter arising or likely to arise out of the exercise of the Commission's functions has or is likely to have a substantial effect on the interests of one or more classes of persons mentioned in Part IIA of Schedule 1 to this Act, the Commission shall consult the relevant organisation or each of the relevant organisations about that matter; and where a number of organisations fall to be consulted under this subsection about any such matter, the Commission may consult them together, or separately, or some together and others separately, as the Commission think fit.
- (2) For the purposes of this section an organisation is a relevant organisation in relation to a class of persons mentioned in the said Part IIA if it is for the time being designated by the Ministers as a relevant organisation in relation to that class; and the Ministers shall designate, in relation to any such class of persons, all such organisations as appear to them appropriate as representing the interests of that class, taking account of interests in Scotland and Wales as well as in England.
- (3) The Commission may pay to representatives of organisations consulted by them in pursuance of this section such travelling or other allowances as the Ministers may, with the approval of the Minister for the Civil Service, determine.]

### Textual Amendments

**F2** S.1A inserted by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\), s. 3\(2\)](#)

### Modifications etc. (not altering text)

**C5** Ss. 1A, 2 excluded by [Pig Industry Levy Act 1983 \(c. 4, SIF 4:4\), s. 4\(1\)](#)

## [<sup>F3</sup>2 The Consumers Committee, and other committees of the Commission.

- (1) The Ministers shall appoint a committee to be called the Consumers Committee.
- (2) If it appears to the Commission that any matter arising or likely to arise out of the exercise of the Commission's functions has or is likely to have a substantial effect on the interests of consumers, the Commission shall consult the Consumer's Committee.
- (3) The Consumers Committee may at any time submit proposals for the consideration of the Commission as to the manner in which any of the Commission's functions which are of concern to the Committee should be exercised, or make representations to the Commission on any matter which in their opinion has or is likely to have a substantial effect on the interests of consumers.
- (4) The foregoing provisions of this section shall not be taken as preventing the Commission from setting up other committees; and the Commission may employ any of their committees in an executive as well as in an advisory capacity.
- (5) When giving advice to the Commission, the Consumers Committee or any other of the Commission's committees shall, where any of their members desire to give advice differing to any considerable extent from the advice of the majority, inform the Commission of that fact, giving particulars of that differing advice.
- (6) Part III of Schedule 1 to this Act shall have effect as respects the Commission's committees.]

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#### Textual Amendments

**F3** S. 2 substituted with saving by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\), s. 3\(4\), Sch. 1 para. 2](#)

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

**C6** Ss. 1A, 2 excluded by [Pig Industry Levy Act 1983 \(c. 4, SIF 4:4\), s. 4\(1\)](#)

### 3 Commission's duties in connection with fatstock guaranteed prices and calf subsidies.

(1) It shall be the duty of the Commission to carry out such functions as the Ministers may confer on the Commission in connection with—

(a) any arrangements in force by virtue of an order under <sup>F4</sup> . . . section 5 of the <sup>M1</sup>Agriculture Act 1957 for providing guaranteed prices for fatstock, <sup>F5</sup> . . .

<sup>F5</sup>(b) . . . . .

but not including any functions conferred on the Ministers or either of them by or under an Act of Parliament other than functions which the Ministers may delegate under section 9(4) of the <sup>M2</sup>Agriculture Act 1957 or any other enactment.

(2) So far as relates to livestock or livestock products, in section 5(1)(d) of the Agriculture Act 1957 (power of entry in connection with guaranteed prices), and in any order made under that paragraph before the coming into force of this section, references to authorised officers of the Minister shall include references to authorised officers of the Commission where accompanying an authorised officer of the Minister.

(3) Any relevant information obtained by either of the Ministers in the discharge of their functions in connection with—

(a) any arrangements in force by virtue of an order under section <sup>F6</sup> . . . 5 of the Agriculture Act 1957 for providing guaranteed prices for fatstock, <sup>F7</sup> . . .

<sup>F7</sup>(b) . . . . .

may, for the purpose of assisting the Commission in the performance of their functions under this section, be disclosed to the Commission; and any such disclosure shall not be treated as a breach of contract, trust or confidence.

#### Textual Amendments

**F4** Words in s. 3(1)(a) repealed (27.7.1993 but 4.8.1993 so far as relating to potatoes) by [1993 c. 37, ss. 64, 65 Sch. 5](#) (subject to provision at the end of Sch. 5); [S.I. 1993/2038 art.2](#).

**F5** S. 3(1)(b) and the preceding "or" repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt.II](#).

**F6** Words in s. 3(3)(a) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 2 Group 1](#)

**F7** S. 3(3)(b) and the preceding "or" repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt.II](#).

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

**C7** S. 3(2) applied (with modifications) (15.11.2001) by [European Communities Act 1972 c. 68, s. 6\(4C\)](#) as inserted (15.11.2001) by [S.I. 2001/3686, reg. 3\(d\)](#)

#### Marginal Citations

**M1** [1957 c. 57](#).

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M2 1957 c. 57.

#### 4 Commission's functions in connection with Markets and Fairs (Weighing of Cattle) Acts.

- (1) The Ministers, or either of them, may from time to time delegate to the Commission any powers exercisable by the delegating Ministers or Minister to make orders under—
  - (a) section 9 of the <sup>M3</sup>Markets and Fairs (Weighing of Cattle) Act 1887 as amended by section 2 of the <sup>M4</sup>Markets and Fairs (Weighing of Cattle) Act 1926 (order exempting from obligation to provide facilities for weighing cattle),
  - (b) section 2 of the <sup>M5</sup>Markets and Fairs (Weighing of Cattle) Act 1891 (order exempting a market authority from obligation to provide and maintain accommodation for weighing cattle),
  - (c) section 4 of the Markets and Fairs (weighing of Cattle) Act 1891 (order exempting auctioneers from requirements relating to facilities for weighing cattle),
  - (d) section 1(4) of the <sup>M6</sup>Markets and Fairs (Weighing of Cattle) Act 1926 (order exempting auctioneers from certain requirements relating to weighing of cattle),
  - (e) [<sup>F8</sup>section 57(2) of the Food Act 1984] (order exempting market authorities from requirements relating to weighing machines for cattle).
- (2) An order under the said [<sup>F8</sup>section 57(2) of the Food Act 1984] shall not be made by statutory instrument.
- (3) Where any power delegated to the Commission under this section includes power to vary or revoke orders previously made under that power, the Commission may vary or revoke any such order notwithstanding that it was made by the delegating Ministers or Minister.

##### Textual Amendments

**F8** Words substituted by [Food Act 1984 \(c. 30, SIF 53:1\), s. 134, Sch. 10 para. 7](#)

##### Marginal Citations

**M3** 1887 c. 27.

**M4** 1926 c. 21.

**M5** 1891 c. 70.

**M6** 1926 c. 21.

#### 5 Systems for classification of carcasses.

- (1) For the purpose of providing a standard method of describing as fully as practicable those characteristics of a carcass which are the principal features of interest to persons trading in livestock and carcasses the Commission shall, as soon as practicable, compile systems for the descriptive classification of the carcasses of all types of livestock slaughtered in Great Britain and for marking carcasses according to that classification.
- (2) For the said purpose the Commission may at any time compile systems for the descriptive classification and marking of imported carcasses, or modify any system,

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so far as inappropriate for imported carcasses, so as to make it applicable to all or any imported carcasses.

- (3) The systems shall be operated by the Commission, and they shall take such steps as appear to them appropriate—
- (a) for bringing to the notice of those particularly concerned particulars of any system compiled by them, and
  - (b) with a view to developing the system, for inviting any person to enter into arrangements with the Commission for the Commission to operate the system on his behalf.
- (4) If at any time the Commission are satisfied—
- (a) that a system compiled under this section is practicable, and
  - (b) that they have obtained sufficient experience of the operation of the system, and
  - (c) that they have the resources and facilities required to operate the system,
- they shall submit particulars of the system to the Ministers with the view to the making of an order under the next following section.

## **6 Compulsory use of systems of classification of carcasses.**

- (1) The Ministers may, on the recommendation of the Commission, by order make provision for requiring that carcasses of such description as may be specified in the order shall be marked by the Commission in such circumstances and in such manner as may be prescribed by the order and in accordance with the system to which the recommendation relates.
- (2) The order may specify the carcasses to which it is to apply by reference to the type of livestock, and the type of carcasses, may distinguish between imported carcasses and carcasses of livestock slaughtered in Great Britain, and may make other distinctions for different cases, and shall be subject to such exceptions or exemptions as may be made by or under the order.
- (3) An order under this section—
- (a) may impose duties and restrictions on any persons, and in particular on persons having the control and management of slaughterhouses, for the purposes of enabling the Commission to operate the system,
  - (b) without prejudice to paragraph (a) above, may restrict the cutting and other operations which may be carried out on carcasses before they are marked, and prohibit their removal from the place of slaughter or importation before being marked,
  - (c) may require persons responsible for premises where a system is operated in accordance with this section, and persons subsequently dealing with carcasses required to be marked in accordance with this section, to keep records relating to their dealings in such carcasses,
  - (d) may authorise the Ministers to give directions to the Commission as to the manner in which the system is to be operated,
  - (e) may make provision for any incidental or supplemental matters for which provision appears to the Ministers to be necessary or expedient.

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- (4) If any person contravenes or fails to comply with any provision of an order under this section he shall be liable on summary conviction to a fine not exceeding [<sup>F9</sup>level 3 on the standard scale] or imprisonment for a term not exceeding three months or both:

Provided that if in proceedings against any person for an offence under this subsection it is proved—

- (a) that the commission of the offence was due to an act or default of some other person, and
- (b) that the person charged took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by him or any person under his control,

then, subject to the next following subsection, the person charged shall be acquitted of the offence.

- (5) A person charged with an offence under the last foregoing subsection shall not be entitled to be acquitted by virtue of the proviso thereto unless, not less than fourteen clear days before the hearing, he has given notice in writing to the prosecutor of his intention to rely on that proviso, specifying the name and address of the person to whose act or default he alleges the commission of the offence was due, and has sent a like notice to that person; and that person shall be entitled to appear at the hearing and to give evidence.

This subsection shall not apply to Scotland.

- (6) Where the commission by any person of an offence under subsection (4) above is due to an act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.
- (7) If any person wilfully obstructs an authorised officer of the Commission or other person in the performance of his duty in connection with the operation of a system in pursuance of an order under this section he shall be liable on summary conviction to a fine not exceeding [<sup>F9</sup>level 1 on the standard scale].

- (8) If any person—

- (a) with intent to deceive, removes, alters, conceals or defaces any mark applied in the course of the operation by the Commission of a system compiled under the last foregoing section (whether or not operated in pursuance of an order under this section), or
- (b) applies to any carcase, without due authority and with intent to deceive, any mark prescribed by a system so compiled and operated, or applies to any carcase a mark so closely resembling a prescribed mark as to be calculated to deceive, or
- (c) wilfully makes a false entry in any record which is required to be kept in pursuance of an order under this section or, with intent to deceive, makes use of any such entry which he knows to be false,

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

- (9) For the purpose of ascertaining whether an offence has been committed under this section an authorised officer of the Commission may, on producing if so required a

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duly authenticated document showing his authority, require a person carrying on or managing a slaughterhouse or other undertaking for the slaughter of livestock, or an undertaking for the storage, processing, grading, classification, packing or cutting of carcasses, or for the sale of carcasses by wholesale, to produce any books, accounts or records relating to the conduct of the undertaking which the officer may require to inspect, and may take a copy or extract from any such book, account or record produced to him.

If a person fails to comply with a requirement under this subsection he shall be liable on summary conviction to a fine not exceeding [<sup>F9</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or both.

- (10) An order under this section shall be made by statutory instrument and may be varied or revoked by a subsequent order under this section.
- (11) No order shall be made under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament; and an order terminating provision made under this section for the operation of a system shall not require the recommendation of the Commission under subsection (1) above.

#### Textual Amendments

**F9** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

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

**C8** [S. 6](#) modified (1.7.1999) by [S.I. 1999/1747](#), [arts. 1, 3](#), [Sch. 16 para. 3\(1\)](#); [S.I. 1998/3178](#), [art. 3](#)

## 7 Systems of classifying meat, and codes of practice for butchers.

- (1) With a view to assisting persons buying meat by retail the Commission may compile—
- (a) systems of classifying meat and of marking and labelling it in accordance with the classification, and
  - (b) standard codes of practice for the way in which meat is cut for sale by retail and for the way in which the cuts of meat are described,
- and may take such steps as appear to them appropriate to encourage the use of the systems of classification and standard codes in all retail meat undertakings.
- (2) The Commission may operate any system compiled by them under this section.
- (3) References in this section to labelling meat include references to labelling it by means of any mark, label, tag or ticket made on, attached to or displayed with the meat, . . . <sup>F10</sup>.

#### Textual Amendments

**F10** Words repealed by [Food Safety Act 1990 \(c. 16, SIF 53: 1, 2\)](#), [ss. 54, 59\(1\)\(4\)](#), [Sch. 3 para. 3](#), [Sch. 5](#)

## 8 Information as to retail meat prices.

- (1) The Commission may submit to the Ministers schemes for requiring information to be given in retail meat undertakings as to the prices asked for meat and for regulating the way in which that information is given.



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- (2) A scheme under this section may in particular—
- (a) require information to be given by the display of price lists and, in the case of meat exposed for sale, by the use of prices attached to or displayed with the meat,
  - (b) require the information to be given, in the case of meat exposed for sale, both by showing the prices of particular pieces of meat and also by showing the weight of particular pieces of meat and the price per pound weight,
  - (c) regulate the way in which meat is described in price lists and the language used for description,
  - (d) contain provisions to ensure that information about prices is not given in a misleading way, is conveniently presented and is accessible.
- (3) A scheme made under this section may be varied or revoked by a subsequent scheme so made, and may contain such supplemental and incidental provisions as appear to the Commission to be expedient, including in particular provisions—
- (a) conferring such exemptions from the requirements of the scheme as may be specified by or under the scheme,
  - <sup>[F11]</sup>(b) conferring powers of entry on inspectors appointed under section 72 of the Weights and Measures Act 1985,]
  - (c) in the case of a scheme varying or revoking a previous scheme, for any transitional matters.
- (4) A scheme under this section may include provisions making persons guilty of an offence against the scheme and, in particular, may make a person guilty of an offence against a scheme if he demands or accepts for any meat a price in excess of one displayed in connection with it.
- (5) A person guilty of an offence against a scheme under this section shall be liable on summary conviction to a fine not exceeding <sup>[F12]</sup>level 2 on the standard scale]
- (6) If the Ministers are satisfied that the bringing into force of a scheme submitted to them under this section is desirable they may confirm the scheme by order made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The Ministers may by order revoke a scheme under this section if it appears to them, after consultation with the Commission, that the scheme is not serving the purposes for which it was made, or that the continued operation of the scheme would be contrary to the public interest.

An order under this subsection—

- (a) may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient, and
- (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F11** S. 8(3)(b) substituted by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 97, Sch. 11 para. 21(2), [Sch. 12 para. 2](#)

**F12** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G

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## **9 Powers to meet future developments in livestock and livestock products industries.**

- (1) With a view to enabling the livestock industry and the livestock products industry to carry out such changes as the Commission may consider to be necessary or expedient, the Commission may submit to the Ministers a scheme (in this section referred to as a “development scheme”) for the purpose of conducting to the better organisation, development or regulation of any section of the livestock industry or the livestock products industry.
- (2) A development scheme may make provision for the rationalisation or concentration of a section of either industry, including in particular—
  - (a) provisions compelling or encouraging the elimination of excess capacity,
  - (b) provisions compelling or encouraging a reduction in the number of undertakings engaged, and
  - (c) provisions requiring permission to be given for the setting up of a new undertaking or the relocation of an existing undertaking.
- (3) A development scheme shall provide—
  - (a) that the compensation payable under the development scheme in respect of loss or damage sustained in consequence of the provisions of the scheme shall be payable either out of funds provided by the industry, or a section of the industry, or by the Commission, or partly by one of those means and partly by another, and
  - (b) for questions of disputed compensation so payable to be determined otherwise than by the Commission.
- (4) A development scheme may be made for the purpose of providing facilities or services for a section of either industry, whether free of charge or not, and may provide for the expenses of providing the facilities or services to be met either out of funds provided by the industry, or a section of the industry, or by the Commission, or partly by one of those means and partly by another.
- (5) A development scheme—
  - (a) may be made for Great Britain or for England and Wales or for Scotland, or for one or more areas within England and Wales, or Scotland,
  - (b) may be by way of an experimental or pilot scheme restricted to a specified area or specified undertakings or specified persons.
- (6) The methods employed by a development scheme may include the licensing of undertakings or producers, the imposition of quotas on undertakings or producers or markets, and the registration of any category of undertakings or persons.
- (7) A development scheme shall have effect notwithstanding any provision inconsistent with the scheme which is contained in any Charter or letters patent, or is contained in or made under any Act of Parliament (including a local Act) passed before this Act or any local Act passed with or after this Act.
- (8) A development scheme may be varied or revoked by a subsequent development scheme and may contain such supplemental and incidental provisions as appear to the Commission to be expedient, including in particular provisions—
  - (a) conferring functions on the Commission,
  - (b) with respect to the funds to be paid by either industry, or a section of either industry, for the purposes of the scheme, including provisions authorising the

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Commission to obtain the funds by means of a levy scheme or provisions applying, with any necessary modifications, so much of this Part of this Act as relates to levy schemes,

- (c) requiring the keeping of books, accounts and records,
- (d) conferring powers of requiring the production of books, accounts or records and powers of entry on officers of the Commission and other persons authorised by the Commission to exercise those powers,
- (e) conferring such exemptions from the requirements of the scheme as may be specified by or under the scheme,
- (f) authorising the Commission to delegate any functions conferred on them by the scheme,
- (g) in the case of a scheme varying or revoking a previous scheme, for any transitional matters.

(9) The generality of the provisions of subsection (1) of this section is not to be read as qualified by or restricted to the particular matters mentioned above in this section.

(10) A development scheme may include provisions making persons guilty of an offence where there is a contravention of the scheme, and for the imposition of penalties on summary conviction of any such offence, so however that a maximum fine specified in the scheme shall be a sum not exceeding [<sup>F13</sup>level 3 on the standard scale] and a maximum term of imprisonment specified in the scheme shall be a term not exceeding three months.

<sup>F14</sup>(11) .....

(12) Schedule 2 to this Act shall have effect as respects the procedure for making a development scheme, and other matters concerning development schemes.

**Extent Information**

**E1** S. 9(11) extends to N.I. otherwise the rest of the section extends to G.B. only

**Textual Amendments**

**F13** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

**F14** S. 9(11) repealed (1.3.2000) by [S.I. 2000/311](#), **art. 7**

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

**C9** S. 9 modified (1.7.1999) by [S.I. 1999/1747](#), arts. 1, 3, **Sch. 16 para. 3(1)**; [S.I. 1998/3178](#), **art. 3**

10— ..... <sup>F15</sup>

11.

**Textual Amendments**

**F15** Ss. 10–12 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. II**

*Status: Point in time view as at 28/05/2005.*

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12 ..... F16

#### Textual Amendments

**F16** Ss. 10–12 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. II

#### Financial

### 13 Levy on industries to meet Commission's expenses.

(1) The Commission may submit to the Ministers a scheme (in this Part of this Act referred to as a "levy scheme") for the imposition of charges for enabling the Commission to meet their expenses (including any sums to be paid into their reserve fund) so far as not met in any other way, and for the recovery of such charges by the Commission in such manner and from such persons as may be specified in the scheme [<sup>F17</sup>; and a levy scheme may make different provision in relation to charges to be imposed to meet expenses incurred by the Commission for different purposes].

[<sup>F18</sup>(1A) Before submitting a levy scheme under subsection (1) above the Commission may in such manner as they consider appropriate consult such persons as appear to them to represent the interests concerned]

(2) A levy scheme shall specify the classes or descriptions of persons on whom or from whom charges may be imposed or recovered, but a class or description so specified shall include only persons who are within the following provisions of this subsection, that is—

- (a) persons engaged in the production, marketing or distribution of livestock, or
- (b) persons engaged in the production, processing, manufacture, marketing or distribution of livestock products, or
- (c) persons (including local authorities) having the control and management of slaughterhouses in which livestock are slaughtered,

including auctioneers, market authorities and other persons concerned with the marketing of livestock and livestock products otherwise than as buyers and sellers, and a levy scheme may contain provisions as to the evidence by which a person's liability to the levy may be established.

(3) A levy scheme shall specify maximum charges leviable under the scheme, and the circumstances under which they are leviable, and shall authorise the Commission, subject to those maximum charges, to levy such amounts as they think fit, or to suspend the levy authorised by the scheme for any period.

(4) The maximum charges so specified—

- (a) may be prescribed by reference to the number, quantity or type of the livestock or livestock products dealt with by the persons chargeable and, in the case of livestock, in particular by reference to the number of livestock slaughtered or exported by those persons, . . . [<sup>F19</sup>
- (b) may differ according to the weight, quality or value of the livestock or livestock products

[<sup>F20</sup>and

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- (c) may differ between the different classes or descriptions of persons chargeable].
- (5) A levy scheme which provides for the imposition of charges in respect of the slaughter of livestock shall secure that no charges are made in respect of livestock slaughtered under the [<sup>F21</sup>Animal Health Act 1981] or any order or arrangements made thereunder [<sup>F22</sup>or in accordance with any scheme under section 106 of the <sup>M7</sup>Agriculture Act 1970].
- (6) A levy scheme may authorise persons of a class or description specified in the scheme, and in particular persons owning or controlling slaughterhouses, auctioneers, market authorities and other persons acting as intermediaries in the buying and selling of livestock and livestock products, to recover [<sup>F23</sup>all or a specified part of] sums paid by them under the levy scheme from persons of such other classes or descriptions as may be specified in the scheme, and may, in default of payment by any person of one of the first mentioned class or description, authorise the Commission to recover directly what might have been payable indirectly if the default had not occurred.
- [<sup>F24</sup>(6A) Where a levy scheme makes such provision as is mentioned in subsection (6) above it shall—
- (a) authorise the Commission from time to time to determine the proportion of the sums paid under the levy scheme which shall be recoverable;
  - (b) specify whether the Commission may determine that the whole of those sums shall be recoverable and, if not, the maximum proportion of them which they may determine shall be recoverable; and
  - (c) specify whether the Commission may determine that none of those sums shall be recoverable and, if not, the minimum proportion of them which they may determine shall be recoverable.]
- (7) A levy scheme may confer on any person on whom such a right of recovery is conferred a further right to make from his payments to the Commission deductions of amounts determined in accordance with the levy scheme in respect of his expenses incurred in exercising his right of recovery, and a right to relief (whether by way of deduction from payments to the Commission or of refund by the Commission) in respect of any sum which, in the opinion of the Commission, ought reasonably to be treated as irrecoverable by him.
- (8) The power conferred by this section to make a levy scheme shall be construed as including power to make a levy scheme varying or revoking a previous levy scheme.
- (9) If the Ministers are satisfied that the bringing into force of a levy scheme submitted to them is desirable they may confirm the scheme with or without modifications by order made by statutory instrument, but they shall not make such an order unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (10) A levy scheme shall come into force on such date as may be specified in the order confirming the scheme, being a date after the latest date on which either House of Parliament resolves that the draft order be approved.
- (11) The Ministers may by order in a statutory instrument, of which a draft has been laid before and approved by resolution of each House of Parliament, revoke a levy scheme.
- An order under this section may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient.

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### Textual Amendments

- F17** Words inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 7(2)**
- F18** [S. 13\(1A\)](#) added after subsection (1) by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 7(2)(b)**
- F19** Word repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **ss. 7(2)(c)(i)**, 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.*))
- F20** [S. 13\(4\)\(c\)](#) and the word “and” preceding it inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **ss. 7(2)(c)(ii)**
- F21** Words substituted [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 96, **Sch. 5 para. 7**
- F22** Words inserted by [Agriculture Act 1970 \(c. 40\)](#), **s. 106(6)**
- F23** Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **ss. 7(2)(d)**, 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.*))
- F24** [S. 13\(6A\)](#) inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 7(e)**

### Modifications etc. (not altering text)

- C10** [S. 13](#) modified (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 16 para. 3(1)**; S.I. 1998/3178, **art. 3**
- C11** [S. 13\(2\)–\(4\)](#) extended by [Pig Industry Levy Act 1983 \(c. 4, SIF 4:4\)](#), **s. 1(1)(4)**
- C12** [S. 13\(5\)](#) extended by [Pig Industry Levy Act 1983 \(c. 4, SIF 4:4\)](#), **s. 1(1)(4)**
- C13** [S. 13\(6\)](#) extended by [Pig Industry Levy Act 1983 \(c. 4, SIF 4:4\)](#), **s. 1(1)(4)**
- C14** [S. 13\(7\)–\(11\)](#) extended by [Pig Industry Levy Act 1983 \(c. 4, SIF 4:4\)](#), **s. 1(1)(4)**

### Marginal Citations

- M7** [1970 c. 40](#).

## 14 Levy: registration, returns and records.

- (1) A levy scheme may, so far as is necessary for determining the liability of persons to charges thereunder, confer on the Commission power to require persons on whom charges may be imposed by a levy scheme—
- (a) to be registered in a register kept for the purpose by the Commission,
  - (b) to furnish returns and other information, and to produce for examination on behalf of the Commission, books and other documents in their custody or under their control, and
  - (c) to keep records and to produce them for examination as aforesaid.
- (2) Any person who fails to comply with a requirement made under a levy scheme by virtue of subsection (1) above shall be liable on summary conviction to a fine not exceeding [<sup>F25</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or both.
- (3) Any person who—
- (a) in furnishing any information for the purposes of a levy scheme, knowingly or recklessly makes a statement which is false in a material particular, or
  - (b) wilfully makes a false entry in any document which is required to be produced in pursuance of a levy scheme,

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

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**Textual Amendments**

**F25** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

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

**C15** [S. 14](#) extended by [Pig Industry Levy Act 1983 \(c. 4, SIF 4:4\)](#), **s. 1(1)(4)**

**C16** [S. 14\(2\)\(3\)](#) applied (with modifications) (14.3.2001) by [S.I. 2001/935](#), **art. 2**, [para. 14](#) of Scheme

**15 Ministers' contributions to Commission's expenses.**

(1) The Ministers—

- (a) shall out of money provided by Parliament pay to the Commission such sums as the Ministers may with the approval of the Treasury determine towards meeting any expenditure (including an appropriate proportion of overheads and other fixed and general expenses) incurred or to be incurred by the Commission in performing any functions under section 3 or section 4 of this Act, and any other functions carried out at the request of the Ministers or either of them, and
- (b) may out of money provided by Parliament make such payments to the Commission towards meeting their initial expenditure (including an appropriate proportion of overheads and other fixed and general expenses) incurred or to be incurred by the Commission in performing any other functions as the Ministers may, with the approval of the Treasury, and after consultation with the Commission, determine.

In paragraph (b) above “initial expenditure”, in relation to any activities carried on by the Commission in performing any of the functions within that paragraph, means expenditure incurred or to be incurred in respect of the carrying on of those activities in the first three years in which they are carried on.

- (2) Any payments under subsection (1) above may be made subject to any conditions regulating or restricting the Commission's functions, imposing requirements as to the giving of information and the keeping and inspection of accounts and records, or relating to other matters, which the Ministers may specify; and the Ministers may recover the whole or any part of a contribution which is made subject to a condition, if that condition is not complied with.
- (3) The giving of a direction under section 20 of this Act as respects any of the Commission's functions shall not make those functions ones performed at the request of the Ministers for the purposes of subsection (1) above.

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

**C17** [S. 15\(1\)\(b\)](#) excluded by [Pig Industry Levy Act 1983 \(c.4, SIF 4:4\)](#), **s. 4(2)**

**F26 16 Payments for scientific research.**

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#### Textual Amendments

**F26** S. 16 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

### 17 Collection of statutory levies by Commission.

- (1) It shall be the duty of the Commission to carry out such functions as the Ministers may direct them to perform in connection with the collection of any levy relating in any way to the livestock industry or the livestock products industry and payable by virtue of an Act of Parliament or of any instrument having effect under an Act of Parliament, but the Ministers shall not give a direction as respects any levy payable to a person other than the Ministers without the consent of that other person.
- (2) A direction under this section may specify the terms on which the Commission is to collect a levy, and may allow the Commission to deduct expenses out of the sums collected by them, and a direction given by virtue of this subsection shall have effect notwithstanding anything in any other Act, or in any instrument having effect under any Act.

### 18 Commission's reserve fund.

- (1) The Commission may establish and thereafter maintain a reserve fund for the purposes of their functions under this Act.
- (2) Any moneys for the time being comprised in a reserve fund maintained under this section, and any other moneys of the Commission which are not for the time being required for any other purpose, may be invested [<sup>F27</sup>in any investments in which trustees may invest under the general power of investment in section 3 of the Trustee Act 2000 (as restricted by sections 4 and 5 of that Act).]

<sup>F28</sup>(3) .....

#### Textual Amendments

**F27** Words in s. 18(2) substituted (1.2.2001) by 2000 c. 29, s. 40(1), Sch. 2 Pt. II para. 36(1) (with s. 35); S.I. 2001/49, art. 2

**F28** S. 18(3) repealed (1.2.2001) by 2000 c. 29, s. 40(1)(3), Sch. 2 Pt. II para. 36(2), Sch. 4 Pt. II (with s. 35); S.I. 2001/49, art. 2

### 19 Commission's annual report and accounts.

- (1) The Commission shall prepare and transmit to the Ministers annually a report setting out what has been done in the discharge of their functions under this Act during their financial year last completed, and the Ministers shall lay a copy of the report before each House of Parliament.
- (2) The Commission shall keep proper accounts and shall prepare in respect of each financial year of the Commission statements of account in such form as the Ministers, with the approval of the Treasury, may direct; and the accounts of the Commission for each financial year [<sup>F29</sup>ending on or before 31st March 2003] shall be audited by auditors to be appointed by the Commission.



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- <sup>F30</sup>[(3) A person shall not be appointed auditor under subsection (2) unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]
- (4) As soon as may be after the accounts of the Commission [<sup>F31</sup>for each financial year ending on or before 31st March 2003] have been audited, the auditors shall transmit to the Ministers copies of the statements of account together with their report thereon, and the Ministers shall lay a copy of the statement and report before each House of Parliament.
- [<sup>F32</sup>(5) The Commission shall send to the Comptroller and Auditor General a copy of the statements of account prepared under subsection (2) in respect of each financial year ending on or after 31st March 2004 as soon as reasonably practicable after the end of the financial year to which the statements relate.
- (6) The Comptroller and Auditor General shall examine, certify and report on any statements of account sent to him by the Commission under subsection (5) and shall lay a copy of those statements and his report on them before each House of Parliament.]

#### Textual Amendments

- F29** Words in s. 19(2) inserted (23.5.2003) by [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2003 \(S.I. 2003/1326\)](#), arts. 1, **6(2)**
- F30** S. 19(3) substituted by [S.I. 1991/1997](#), **reg.16** (with reg. 4)
- F31** Words in s. 19(4) inserted (23.5.2003) by [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2003 \(S.I. 2003/1326\)](#), arts. 1, **6(3)**
- F32** S. 19(5)(6) inserted (23.5.2003) by [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2003 \(S.I. 2003/1326\)](#), arts. 1, **6(4)**

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

- C18** S. 19 extended (14.3.2001) by [S.I. 2001/935](#), **art. 2**, para. 16 of Scheme
- C19** S. 19(1) extended by [Pig Industry Levy Act 1983 \(c. 4, SIF 4:4\)](#) s. 4(3)
- C20** S. 19(1) excluded (23.10.2002) by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Adaption of Functions etc.\) Order 1999 \(S.I. 1999/1747\)](#), Sch. 16 Pt. IV para. 7(1) (as inserted by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Adaptation of Functions etc.\) \(Amendment\) Order 2002 \(S.I. 2002/2636\)](#)), **art. 3(c)**

### Supplemental

#### 20 Directions to Commission by Ministers.

- (1) The Ministers, after consultation with the Commission, may give to the Commission such directions of a general character with respect to the performance of any functions of the Commission as appear to the Ministers to be requisite in the public interest.
- (2) The Commission's report for any year under section 19(1) above shall set out any direction given by the Ministers under subsection (1) of this section to the Commission during that year, unless the Ministers have notified the Commission their opinion that it is against the interests of national security to do so.
- (3) It shall be the duty of the Commission to comply with any directions given by the Ministers under this section.

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

**C21** S. 20 modified (23.10.2002) by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Adaption of Functions etc.\) Order 1999 \(S.I. 1999/1747\)](#), Sch. 16 Pt. II paras. 4, 5 (as inserted by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Adaptation of Functions etc.\) \(Amendment\) Order 2002 \(S.I. 2002/2636\)](#), [art. 3\(b\)\(ii\)](#))

**21 Inquiries by Commission.**

- (1) The Commission may hold such inquiries as they consider necessary or desirable for the discharge of any of their functions.
- (2) For the purpose of any inquiry under this section the Commission may by summons require any person to attend to give evidence on any of the matters specified in the summons, or to produce all documents in his possession or control which relate to any such matters.
- (3) The summons shall specify the hour and day, being a day not earlier than twenty-one days after the service of the summons, and the place, at which that person is to attend, and shall refer to the right of appeal conferred by subsection (4) below.
- (4) Within fourteen days of service of a summons under this section, the person served may appeal to the High Court on the ground that any of the evidence, or any document, which he may be required to give or produce in pursuance of the summons is not reasonably required by the Commission for the execution of their functions under this Act, and—
  - (a) the operation of the summons shall be suspended until the final determination of the appeal, and
  - (b) the court may make such order either confirming or quashing or varying the summons as the court thinks fit and, except where the order is quashed, providing if need be for the time and place of attendance under the summons.
- (5) The jurisdiction conferred by this section on the High Court may be exercised by a Master, but subject to rules of court and to the rights of appeal from the decisions of a Master thereby conferred, . . . <sup>F33</sup>
- (6) No person shall be compelled for the purposes of an inquiry under this section to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the High Court.
- (7) No person shall be required, in obedience to a summons under this section, to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.
- (8) For the purpose of any inquiry under this section the Commission may take evidence on oath and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined.
- (9) If any person who is to give evidence at any inquiry under this section so requests at the hearing, or by a notice in writing served on the Commission before the day of the hearing, the Commission shall exclude the public from the hearing while that person gives his evidence.

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- (10) The procedure at any such inquiry shall, subject to the foregoing provisions of this section and any direction under section 20 above, be determined by the Commission, but so that any person appearing thereat shall be entitled to representation by counsel, solicitor or any other person.
- (11) A person who—
- (a) refuses or wilfully neglects to attend in obedience to a summons under this section, or to give evidence as required by such a summons, or
  - (b) wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purposes of this section,
- shall be liable on summary conviction to a fine not exceeding [<sup>F34</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both.
- (12) In the application of this section to Scotland—
- (a) for any reference to the High Court there shall be substituted a reference to the sheriff,
  - (b) subsection (5) shall not apply, and
  - (c) for any reference to a summons there shall be substituted a reference to a notice in writing.

**Textual Amendments**

**F33** Words repealed by [Administration of Justice Act 1977 \(c. 38\)](#), [Sch. 5 Pt. IV](#)

**F34** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

<sup>F35</sup>**22 Dissolution of Pig Industry Development Authority.**

.....

**Textual Amendments**

**F35** [S. 22](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1

**23 Power of entry.**

- (1) For the purpose of obtaining information with respect to any matter which is of concern to the Commission, an authorised officer of the Commission, on producing if so required a duly authenticated document showing his authority, shall have a right to enter, at any reasonable time, any premises (other than a building used only as a private dwellinghouse) which he has reasonable cause to believe to be premises used for the slaughter of livestock or for the storage, processing, grading, classification, packing, cutting or sale of meat.
- (2) An authorised officer entering any premises by virtue of this section may take with him such other persons as may appear to him necessary.
- (3) A person may on any premises which he enters by virtue of this section inspect any livestock or meat or, if a retail meat undertaking is carried on on the premises, any

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price lists or price marks, labels, tags or tickets or any other displays of prices of meat for sale.

- (4) If any person wilfully obstructs an authorised officer or other person in the exercise of powers conferred on him by this section he shall be liable on summary conviction to a fine not exceeding [<sup>F36</sup>level 1 on the standard scale].
- (5) The foregoing provisions of this section shall apply in relation to a stall or vehicle as they apply in relation to premises, but nothing in this section shall authorise a person to stop any vehicle on a [<sup>F37</sup>highway][<sup>F37</sup>road].

#### Textual Amendments

- F36** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**
- F37** Word “road” substituted (S.) for word “highway” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **ss. 128(1), 156(1), Sch. 9 para. 59**

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

- C22** [S. 23](#) applied (with modifications) (14.3.2001) by [S.I. 2001/935](#), **art. 2, para. 14** of Scheme

## 24 Disclosure of information.

- (1) Returns or other information furnished or obtained by any person in pursuance of a requirement made under a levy scheme, and any other information with respect to any particular undertaking which has been obtained under or by virtue of this Part of this Act, shall not be disclosed except—
- with the consent of the person by whom the information was furnished, or
  - to a member, officer or servant of the Commission or to any person exercising functions on behalf of the Commission, or
  - to either of the Ministers or to an officer or servant appointed by, or by one of, the Ministers or to any person exercising functions on behalf of the Ministers, or either of them, or
  - in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to any one person or undertaking to be ascertained from it, or
  - for the purpose of any proceedings pursuant to this Part of this Act, or of any criminal proceedings which may be taken, whether pursuant to this Act or otherwise, or for the purpose of a report of any such proceedings.
- (2) This section shall not be taken as applying to information obtained at an inquiry under section 21 of this Act, except information derived from evidence given at the inquiry at a time when the public are excluded.
- (3) Any person who discloses any information in contravention of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.
- (4) This section, except subsections (1)(b) and (2), extends to Northern Ireland.

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#### Extent Information

**E2** For the extent of s. 24 see s. 24(4)

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

**C23** S. 24 extended by Pig Industry Levy Act 1983 (c. 4, SIF 39:1), s. 4(4)

s. 24 applied (with modifications) (14.3.2001) by S.I. 2001/935, art. 2, para. 14 of Scheme

**C24** S. 24(1): disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2), Sch. 4 Pt. I para. 4

## 25 Interpretation of Part I.

(1) In this Part of this Act “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland and, in the case of anything falling to be done by the Ministers, means those two Ministers acting jointly, except that payments to the Commission under section 15 of this Act shall be separate payments by the two Ministers in proportions agreed by them with the approval of the Treasury.

[<sup>F38</sup>(1A) Notwithstanding the foregoing subsection, and without prejudice to any transfer of any of the Minister’s functions under this Part of this Act effected before the coming into force of this subsection, in the following provisions inserted or substituted in this Part of this Act by the <sup>M8</sup>Agriculture (Miscellaneous Provisions) Act 1976, namely sections 1A(2) and 2 and paragraph 1 of part III of Schedule 1. “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly.]

(2) In this Part of this Act, unless the context otherwise requires—

“carcases” means whole carcases of livestock, and sides, quarters and other wholesale cuts of carcases;

“the Commission” has the meaning given by section 1 of this Act;

“fatstock” means fat cattle, fat sheep and fat pigs and the carcases of those animals;

“imported” means imported, removed or brought into Great Britain from elsewhere, and cognate expressions shall be construed accordingly;

<sup>F39</sup>

“levy scheme” has the meaning given by section 13 of this Act;

“livestock” means cattle, sheep and pigs;

“livestock industry” means all the activities comprised in the production, marketing and distribution of livestock in Great Britain, including the carrying on of slaughterhouses and livestock auctions and markets;

“livestock product” means any product for human consumption which is derived to any substantial extent, with or without any process of manufacture, from livestock, but excluding milk and milk products, so, however, that references to the production or processing or manufacture of livestock products include references to the production or processing or manufacture in slaughterhouses of any inedible products obtained from the slaughter of livestock in slaughterhouses;

“livestock products industry” means the activities comprised in the production, processing, manufacture, marketing and distribution of livestock products in Great Britain, including the carrying on of livestock product auctions and markets;

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“meat” means—

- (a) carcase meat and offal obtained from livestock and intended for human consumption, and
- (b) bacon and ham;

“retail meat undertaking” means a business which consists of or includes the selling of meat by retail;

[<sup>F40</sup>“slaughterhouse” has, in England and Wales, the meaning given by section 34 of the Slaughterhouses Act 1974 and, in Scotland, the meaning given by section 22 of the Slaughter of Animals (Scotland) Act 1980;]

[<sup>F40</sup>“slaughterhouse” has, in England and Wales and Northern Ireland, the meaning given by section 135(1) of the <sup>M9</sup> Food and Drugs Act 1955 and, in Scotland, the meaning given by section 16 of the <sup>M10</sup> Slaughterhouses Act 1954.]

- (3) Any reference in this Part of this Act to a person having the control and management of a slaughterhouse includes a reference to a local authority providing slaughterhouse facilities under [<sup>F41</sup>section 15 of the Slaughterhouses Act 1974 or section 1 of the Slaughter of Animals (Scotland) Act 1980], or providing any similar facilities under any local enactment.
- (4) Subsections (1), (2) and (3) of section 107 of the <sup>M11</sup> Agriculture Act 1947 or, as the case may be, subsections (1), (2) and (3) of section 83 of the <sup>M12</sup> Agriculture (Scotland) Act 1948 (manner of service of notice) shall apply to documents required or authorised to be served under this Part of this Act.

#### Textual Amendments

- F38** S. 25(1A) inserted with saving by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\), s. 3\(4\), Sch. 1 para. 3](#)
- F39** Definition repealed by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\), Sch. 4 Pt. II](#)
- F40** Definition of “slaughterhouse” commencing “slaughterhouse has, in England and Wales, the meaning ...” substituted (E.W.S) for definition of “slaughterhouse” commencing “slaughterhouse has, in England and Wales and Northern Ireland ...” by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 54, 59\(1\), Sch. 3 para. 4\(1\)](#)
- F41** Words substituted by virtue of [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 54, 59\(1\), Sch. 3 para. 4\(2\)](#)

#### Marginal Citations

- M8** 1976 c. 55.
- M9** 1955 c.16 (4 & 5 Eliz. 2)
- M10** 1954 c.42
- M11** 1947 c. 48.
- M12** 1948 c. 45.

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PART II

FARM STRUCTURE AND FARM IMPROVEMENTS, AND PROMOTION OF AGRICULTURAL INVESTMENT

Farm Structure

[F42]26 Grants for amalgamations and boundary adjustments.

(1) [F43]The appropriate Minister may in accordance with a scheme and subject to section 50 of the M13 Agriculture Act 1970 make, out of money provided by Parliament, grants of amounts determined in such manner as may be provided by or under the scheme in connection with the carrying out of any of the following transactions approved by him in pursuance of the scheme, that is to say—]

(a) . . . . . F44 transactions for securing that agricultural land which is [F45]or forms part of] an uncommercial unit, but which together with some other agricultural land could form an intermediate unit or commercial unit, shall be owned and occupied with that other land, [F46]or, if not so owned, occupied with that other land by a person who shall occupy any part of the resulting unit not owned by him as a tenant (as defined in the [F47]Agricultural Holdings Act 1986] or, in Scotland, [F48]the Agricultural Holdings (Scotland) Act 1991], and]

(b) . . . . . F44 transactions for securing that, where an intermediate unit or a commercial unit is not all in the same ownership, any part of it comes to be in the same ownership as the rest of that unit, or in the same ownership as some other part of that unit, but excluding transactions which bring into the same ownership and occupation two or more parts of the unit each of which could by itself form a commercial unit, and

[F49](bb) [ transactions for securing that, where the person occupying an intermediate unit or a commercial unit occupies any part or parts of it otherwise than as owner or as a tenant as defined in the [F47]Agricultural Holdings Act 1968] (or, in Scotland, [F48]the Agricultural Holdings (Scotland) Act 1991]), he comes to occupy that part or all those parts as owner or as such a tenant, and]

(c) . . . . . F44 transfers or exchanges of agricultural land (or estates or interests in agricultural land) for the purpose of giving more satisfactory boundaries to one or more agricultural units;

and for the purposes of paragraph (a) above, such assumptions as the appropriate Minister may consider reasonable may be made as to the [F50]works and facilities which will be carried out or provided] for the benefit of the unit to be formed.

[F51]Transactions within paragraphs (a), (b) and (bb) above] are in this Part of this Act referred to as “amalgamations”, and transactions within paragraph (c) are in this Part of this Act referred to as “boundary adjustments”.

(2) A scheme under this section may restrict the amalgamations and boundary adjustments to which it applies in any way, and may in particular exclude amalgamations of land which has reverted from being in single ownership or occupation [F52]or, as respects transactions within subsection (1)(bb) of this section, cases where after the transaction has been effected the unit is not in single ownership].

(3) . . . . . F53

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- (4) A scheme under this section may make different provision for [<sup>F54</sup>different circumstances]; . . . <sup>F55</sup>.
- (5) . . . . . <sup>F53</sup>
- [ [<sup>F57</sup>Any approval in pursuance of a scheme under this section of an amalgamation or <sup>F56</sup>(6) boundary adjustment—]
- (a) may be given either before or, in any case where the appropriate Minister thinks fit, after . . . <sup>F58</sup> the amalgamation or boundary adjustment has been carried out;
- (b) may given subject to such conditions as the appropriate Minister may specify, and in particular subject to any condition as to the time within which the amalgamation or boundary adjustment is to be carried out or as to the carrying out or provision within a specified period of specified works or facilities appearing to the appropriate Minister to be necessary as a consequence of the amalgamation or boundary adjustment;
- (c) may be varied or withdrawn by the appropiate Minister with the written consent of the person on whose application the approval was given;
- and the appropriate Minister may, if he thinks fit, for the purposes of a claim for grant under section 29 of the Agriculture Act 1970 issue a certificate with respect to any work or facility that he considers it to be necessary or desirable as a consequence of an amalgamation, or to be necessary as a consequence of a boundary adjustment, approved by that Minister in pursuance of the scheme]
- (7) After the payment of any grant under this section [<sup>F59</sup>any grant under section 29 of the Agriculture Act 1970 in respect of any work or facility certified under subsection (6) above or any grant under] subsection (1)(a) of the next following section in connection with an amalgamation the relevant unit shall be subject to the provisions of Schedule 3 to this Act and—
- (a) the appropriate Minister shall not approve . . . <sup>F60</sup> the amalgamation unless satisfied that all persons having an estate or interest in the relevant unit have given their written consent to the application of that Schedule to the relevant unit,
- (b) the relevant unit shall be, or be the part of, the agricultural unit or units specified for the purposes of this subsection by the appropriate Minister in the document giving his approval to the [<sup>F61</sup>amalgamation], and
- (c) in the said Schedule 3 as applied by this subsection “relevant Exchequer payments” shall mean—
- [ any such grant as aforesaid in respect of such expenditure as the <sup>F62</sup>(i) appropriate Minister may certify as being expenditure related to the relevant unit, and]
- (ii) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with making the grant,
- and “the relevant date” shall, for any grant and the related administrative expenses, be the date when the grant was paid.
- (8) In the case of the payment of any grant under this section [<sup>F63</sup>or any such grant under section 29 of the Agriculture Act 1970 as is referred to in the last foregoing subsection] in connection with a boundary adjustment the appropriate Minister may, if he thinks fit, designate in the document giving his approval to the [<sup>F63</sup>boundary adjustment] any



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land appearing to him to benefit from the boundary adjustment as land which, after the payment of that grant, is to be a relevant unit subject to the provisions of Schedule 3 to this Act, and paragraphs (a) and (c) of the last foregoing subsection shall apply in relation to the boundary adjustment as they apply in relation to an amalgamation.

- (9) The duration of a scheme under this section shall be a period not exceeding seven years, but that period may from time to time be extended by further schemes under this section for periods not exceeding seven years.
- (10) A grant shall not be made under <sup>M14</sup>section 16 of the Agriculture Act 1957 (which relates to grants towards costs of amalgamation and is superseded by this section) in respect of a transaction proposed in an application made under that section after the coming into force of the first scheme made under this section, and so much of subsection (2) of the said section 16 as limits the time within which applications may be made under that section shall cease to have effect.
- (11) The following enactments—
- (a) section 6(c) of the Hill Farming Act 1946,
  - (b) ..... <sup>F64</sup>
  - <sup>F65</sup>(c) .....

(under which grant under those Acts may be recovered by the appropriate Minister if there is a failure to carry out proposals), and any provision to the like effect in regulations made under section 77(3) of the Agriculture (Scotland) Act 1948 or section 22(4) of the Crofters (Scotland) Act 1955, shall not apply where in the opinion of the appropriate Minister the carrying out of the proposals is, [<sup>F66</sup>as a consequence of an amalgamation or boundary adjustment approved in pursuance of a scheme under this section or in consequence of the carrying out or provision of works or facilities certified under subsection (6) thereof], impracticable or to no purpose or unduly expensive.]

#### Textual Amendments

- F42** S. 26 repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**
- F43** Words substituted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(a)(i)
- F44** Words repealed by virtue of [Agriculture Act 1970 c. 40](#) s. 32(2)(a)(i)
- F45** Words inserted by virtue of [Agriculture Act 1970 c. 40](#) s. 32(2)(a)(ii)
- F46** Words substituted by virtue of SI 1973/1402
- F47** Words substituted by [Agricultural Holdings Act 1986 \(c. 5\)](#) s. 100 sch. 14 para. 37
- F48** Words in s. 26(1) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11**, para. 26
- F49** S. 26(1)(bb) inserted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(a)(ii)
- F50** Words substituted by virtue of [Agriculture Act 1970 c. 40](#) s. 32(2)(a)(iii)
- F51** Words substituted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(a)(iii)
- F52** Words inserted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(b)
- F53** S. 26(3)(5) repealed by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(c)
- F54** Words substituted by virtue of [Agriculture Act 1970 \(c. 40\)](#) s. 32(2)(c)
- F55** Words repealed by virtue of [Agriculture Act 1970 \(c. 40\)](#) s. 29(6) sch. 5
- F56** S. 26(6) substituted by virtue of [Agriculture Act 1970 c. 40](#) s. 32 (2)(e)
- F57** Words substituted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(d)(i)
- F58** Words repealed by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(d)(ii)
- F59** Words substituted by virtue of [Agriculture Act 1970 c. 40](#) s. 32 (2)(f)

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- F60** Words repealed by virtue of Agriculture Act 1970 c. 40 s. 32 (2)(g)  
**F61** Word substituted by virtue of Agriculture Act 1970 c. 40 s. 32 (2)(h)  
**F62** S. 26(7)(c)(i) substituted by virtue of Agriculture Act 1970 c. 40 s. 32(2)(i)  
**F63** Words inserted by virtue of Agriculture Act 1970 c. 40 s. 32 (2)(j)  
**F64** S. 26(11)(b) repealed by Statute Law (Repeals) Act 1986 (c. 12) sch. 1 Pt. II  
**F65** S. 26(11)(c) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.II.  
**F66** Words substituted by virtue of Agriculture Act 1970 c. 40 s. 32 (2)(k)

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

- C25** S. 26 applied by Rent Act 1977 (c. 42), s. 98, sch. 15 Pt. II Cases 17, 18  
**C26** S. 26(7)(8) excluded by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62) s. 10(1)(3)

**Marginal Citations**

- M13** 1970 c. 40.  
**M14** 1957 c. 57.

**[<sup>F67</sup>27 Grants for individuals relinquishing occupation of uncommercial units.**

- (1) The appropriate Minister may in accordance with a scheme make a grant by way of a lump sum payment or an annuity to or for the benefit of an individual who in prescribed circumstances [<sup>F68</sup>relinquishes his occupation of, or of a part of, an uncommercial unit] of agricultural land—
- (a) where the relinquishment of all or any part of that uncommercial unit is effected as part of an [<sup>F69</sup>amalgamation approved in pursuance of a scheme under section 26 of this Act, or]
  - (b) in accordance with arrangements which the appropriate Minister or, subject to the provisions of Part III of this Act, a Rural Development Board makes with him (whether or not his landlord or any other person is a third party) to enable the appropriate Minister or the Board to dispose of the unit so that it is owned or occupied with other land, or so as to improve the shape of any agricultural units, or
  - (c) subject to the provisions of Part III of this Act, in accordance with arrangements approved by a Rural Development Board as being for the purpose of facilitating the afforestation of land in the area of the Board,  
 [<sup>F70</sup>or (d) where the grant is made in pursuance of provisions of a scheme implementing, or arising out of or related to, a Community obligation.]
- (2) A scheme under this section—
- (a) may, subject to any prescribed exceptions, require the individual to have been in occupation of the whole of the uncommercial unit for a prescribed period,
  - (b) may exclude an individual who occupied the uncommercial unit under a short-term letting as defined in the scheme.
  - (c) may apply to the individual a test by reference to the income (calculated in a prescribed way) derived from [<sup>F71</sup>the trade or business of, or employment in, agriculture] including, if the scheme so provides, income so derived by the individual's wife or husband or partner or by any other person jointly occupying the land.
- (3) A scheme under this section may authorise the making of grant subject to such conditions as the appropriate Minister may specify.

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- (4) Grants shall not be payable under this section to any one individual in respect of more than one uncommercial unit, and a scheme under this section shall contain provisions for securing that the amount of the grant payable in respect of an uncommercial unit occupied by more than one individual is an amount which is not more than approximately equivalent to the amount which would be payable if it had been occupied by a single individual.
- (5) A scheme under this section may provide that, after the death of a person in receipt of a grant by way of annuity, grant under this section of an amount specified in the scheme may be payable to a surviving widow or widower.
- [ A scheme under this section may make provision, in a case where a person who has  
<sup>F72</sup>(5A) submitted an application for a grant under this section, and who has in prescribed circumstances either relinquished or become under an obligation to relinquish occupation of the uncommercial unit of agricultural land in question, subsequently dies before the application has been dealt with, for the application to be proceeded with after the death and for grants under this section of such respective amounts as may be determined by or under the scheme to be payable either—
- (a) by way of annuity—
    - (i) in respect of any period after the relinquishment and before the death, for the benefit of the deceased's estate; and
    - (ii) in respect of any period falling after both the relinquishment and the death, to any person who was both at the date of the death and at the time when the application was made the spouse of the deceased; or
  - (b) by way of a lump sum payment for the benefit of the deceased's estate.]
- [ A scheme made [<sup>F74</sup>by virtue of subsection (1)(a), (b) or (d) of this section] may make  
<sup>F73</sup>(5B) provision whereby a person is treated for the purposes of the scheme, to such extent and in such cases as may be prescribed—
- (a) as the occupier of any land in respect of which he has granted, or agreed to grant, to another person a licence or tenancy of a kind not making that other person a tenant as defined in the [<sup>F75</sup>Agricultural Holdings Act 1986] (or, in Scotland, [<sup>F76</sup>the Agricultural Holdings (Scotland) Act 1991]);
  - (b) as relinquishing his occupation of that land if he relinquishes his remaining estate or interest in the land;
  - (c) as relinquishing his occupation of, or of part of, an uncommercial unit of agricultural land if the land was, or was part of, such a unit immediately before he first granted or agreed to grant such a licence or tenancy as aforesaid;
- and, in relation to any provision made by virtue of this subsection, subsections (2), (4) and (5A) of this section shall not apply but provision may be made in the scheme for corresponding purposes.]
- (6) The duration of a scheme under this section shall be a period not exceeding seven years, but that period may be extended from time to time by subsequent schemes under this section for periods not exceeding seven years.
- (7) Any grant under this section shall be paid out of money provided by Parliament.]

#### Textual Amendments

**F67** S. 27 repealed (N.I) by S.I. 1987/166 (N.I. 1) art. 20, Sch.

**F68** Words substituted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62) , s. 9(1)(3)(a)

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- F69** Words substituted by [Agriculture Act 1970 \(c. 40\)](#) , **s. 32(3)(a)**
- F70** S. 27(1)(d) substituted by [S.I. 1976/1771](#) , **reg. 2**
- F71** Words substituted by [S.I. 1973/1402](#) , **reg. 4(b)**
- F72** S. 27(5A) inserted by [Agriculture Act 1970 \(c. 40\)](#) , **s. 32(3)(b)**
- F73** S. 27(5B) inserted by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) , **s. 9(1)(3)(b)**
- F74** Words substituted by [S.I. 1973/1402](#) , **reg. 4(c)**
- F75** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#) , ss. 99 , 100 , [Sch. 13 para. 3](#) , [Sch. 14](#) , para. 38
- F76** Words in s. 27(5B) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#) , ss. 88(1) , 89(2) , [Sch. 11](#) , para.27

## 28 Loans to assist amalgamations and boundary adjustments.

- [<sup>F77</sup>(1) The appropriate Minister may with the approval of the Treasury make or guarantee loans to meet expenditure incurred in connection with an amalgamation or boundary adjustment approved by the appropriate Minister in pursuance of a scheme under section 26 of this Act, being—
- (a) the costs of the amalgamation or boundary adjustment consisting of surveyor's fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security and any compensation for disturbance under [<sup>F78</sup>section 60(2)(a) of the Agricultural Holdings Act 1986] or [<sup>F79</sup>section 43 of the Agricultural Holdings (Scotland) Act 1991], or
  - (aa) expenditure incurred in the carrying out or provision of works or facilities which the appropriate Minister considers to be necessary or desirable as a consequence of the amalgamation, or to be necessary as a consequence of the boundary adjustment, or
  - (b) any part of the purchase price of any land acquired as part of the amalgamation or as the case may be any part of the purchase price of land acquired, or of money given by way of equality of exchange, as part of the boundary adjustment,
- or expenditure under all or any two of paragraphs (a), (aa) and (b) above.]
- (2) A loan made by the appropriate Minister—
- (a) may be effected through the agency of such body or bodies as the appropriate Minister may select,
  - (b) must have been approved by the appropriate Minister on an application made in the manner directed by him and within the period of duration of schemes under section 26 of this Act, or within such longer period as the appropriate Minister may determine.
- (3) A loan guaranteed by the appropriate Minister shall be a loan made by such body or bodies as the appropriate Minister may select.
- (4) A loan made or guaranteed by the appropriate Minister must be one repayable as to both capital and interest within a period of sixty years from the making of the loan.
- (5) The appropriate Minister may in making a loan or guarantee under this section impose such conditions as he thinks fit.
- (6) After the giving of a loan or guarantee under this section in connection with an amalgamation the relevant unit shall be subject to the provisions of Schedule 3 to this Act and—

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- (a) the appropriate Minister shall not approve the proposals for the amalgamation unless satisfied that all persons having an estate or interest in the relevant unit have given their written consent to the application of that Schedule to the relevant unit,
  - (b) the relevant unit shall be, or be the part of, the agricultural unit or units specified for the purposes of this subsection by the appropriate Minister in the document giving his approval to the proposals, and
  - (c) in the said Schedule 3 as applied by this subsection “relevant Exchequer payments” shall mean—
    - (i) in the case of a loan, the amount of the loan and interest outstanding and, so far as the lender has been required to accept repayment at a time earlier than that agreed in making the loan, the cost, or so much thereof as the appropriate Minister may determine, of reinvestment and, if the rate of interest on the loan is higher than can reasonably be expected to be obtained on reinvestment (regard being had to the current rate of interest) compensation in respect of the loss thereby sustained or such part thereof as the appropriate Minister may determine,
    - (ii) in the case of a guarantee, any amount paid by the appropriate Minister in fulfilment of the guarantee,
    - (iii) in either case, such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with making the loan or guarantee and, in the case of a guarantee, in fulfilling the guarantee,
  - (d) in the said Schedule 3 as applied by this section “relevant date” shall mean—
    - (i) for any administrative expenses related to a loan within subsection (6)(c)(i) above, the date when the loan is made,
    - (ii) for sums within subsection (6)(c)(ii) above, and any related administrative expenses, the date when the guarantee is fulfilled.
- (7) In the case of a loan or guarantee made under this section in connection with a boundary adjustment the appropriate Minister may, if he thinks fit, designate in the document giving his approval to the proposals any land appearing to him to benefit from the boundary adjustment as land which, after the making of the loan or guarantee, is to be a relevant unit subject to the provisions of Schedule 3 to this Act, and paragraphs (a),(c) and (d) of the last foregoing subsection shall apply in relation to the boundary adjustment as they apply in relation to an amalgamation.
- (8) A mortgage, heritable security or charge securing a loan made or guaranteed by the appropriate Minister under this section may, notwithstanding any rule of law or equity to the contrary, contain a provision that the mortgage, heritable security or charge shall not be redeemable except in the manner specified in the mortgage, heritable security or charge.
- (9) Any sums required by the appropriate Minister for making a loan under this section or fulfilling a guarantee made under this section shall be paid out of money provided by Parliament.
- (10) References in this section to the guarantee of a loan include references to the guarantee of part of a loan, including a guarantee restricted to interest payable on a loan.

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#### Textual Amendments

- F77** S. 28(1) substituted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\), s. 9\(9\), Sch. 4](#)
- F78** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\), ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 39](#)
- F79** Words in s. 28(1)(a) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\), ss. 88\(1\), 89\(1\), Sch. 11, para. 28](#)

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

- C27** S.28(5) amended by [Agricultural \(Miscellaneous Provisions\) Act 1972 \(c. 62\), s. 10\(4\)](#)
- C28** S.28(6)(7) excluded by [Agricultural \(Miscellaneous Provisions\) Act 1972 \(c. 62\), s. 10\(3\)](#)

## 29 Promotion of amalgamations and boundary adjustments by Minister.

- (1) It is hereby declared that the appropriate Minister has power under sections 82 and 90 of the <sup>M15</sup>Agriculture Act 1947 and sections 55 and 61 of the <sup>M16</sup>Agriculture (Scotland) Act 1948 (powers of acquiring land by agreement and managing land) to acquire, hold and dispose of land for the purposes of effecting amalgamations of agricultural land and reshaping agricultural units.
- (2) That power shall include in particular power for the said purposes to enter into transactions involving loss, including—
  - (a) amalgamating holdings of land in a way which renders less valuable, or useless, any buildings or equipment on any of the land,
  - (b) allowing the occupier of an uncommercial unit to retain occupation of a dwelling-house on the land when the remainder of the unit is acquired by the appropriate Minister for the purposes of amalgamation,
  - (c) selling land resulting from an amalgamation effected by the appropriate Minister subject to depreciatory conditions imposed for the purpose of ensuring that the land continues to be held in single ownership and single occupation for agricultural purposes.
- (3) A deed by which the appropriate Minister conveys land, or an estate or interest in land, may apply Schedule 3 to this Act to any of that land, and to any other land, but only if all the persons who will have an estate or interest in the land to which Schedule 3 is so applied [<sup>F80</sup>have executed] the deed; and in that Schedule as so applied “relevant Exchequer payments” shall mean such amounts as are specified in the deed for the purposes of this subsection under the heads of—
  - (a) the incidental costs incurred by the appropriate Minister in acquiring and disposing of the land, estate or interest conveyed by the deed, being costs consisting of surveyor’s fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security, and any compensation for disturbance under [<sup>F81</sup>section 60(2)(a) of the Agricultural Holdings Act 1986] or [<sup>F82</sup>section 43 of the Agricultural Holdings (Scotland) Act 1991],
  - (b) any such loss as is described in subsection (2) of this section incurred by the appropriate Minister in dealing with the land, estate or interest so conveyed, including any reduction in the purchase price obtained by him on the transaction effected by the deed in consequence of the depreciatory conditions contained in the deed,

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- (c) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with the transaction to which the deed gives effect,
- and “relevant date” means the date on which the transaction to which the deed relates takes effect.
- (4) Section 24(1) of the <sup>M17</sup>Agricultural Holdings Act 1948 and [<sup>F82</sup>section 22(1) of the Agricultural Holdings (Scotland) Act 1991] (which restrict the operation of a notice to quit an agricultural holding) shall not apply to a notice to quit given by the appropriate Minister where—
- (a) the appropriate Minister certifies in writing that the notice to quit is given in order to enable him to use or dispose of the land for the purpose of effecting any amalgamation or the reshaping of any agricultural unit, and
- (b) the instrument under which the tenancy was granted contains an acknowledgment signed by the tenant that the tenancy is subject to the provisions of this section.
- (5) Where an instrument bearing to grant a tenancy contains such an acknowledgment as is mentioned in paragraph (b) of the last foregoing subsection, the grant of the tenancy shall have effect notwithstanding section 16 of the <sup>M18</sup>Crofters (Scotland) Act 1955 (vacant crofts), and during the subsistence of the tenancy the provisions of the <sup>M19</sup>Crofters (Scotland) Acts 1955 and 1961 and of the Small Landholders (Scotland) Acts 1886 to 1931 shall not apply to any land subject to the tenancy.

#### Textual Amendments

- F80** Words substituted by [Agriculture Act 1970 \(c. 40\), s. 33\(2\)](#)
- F81** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\), ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 40](#)
- F82** Words in s. 29(3)(a)(4) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\), ss. 88\(1\), 89\(2\), Sch. 11, para. 29\(a\)\(b\)](#)

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

- C29** [S. 29\(4\)](#) repealed (E.W.) by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\), Sch. 2](#), except in relation to notices to quit given before 7.4.1978: see s. 14 of that 1977 Act.

#### Marginal Citations

- M15** 1947 c. 48.  
**M16** 1948 c. 45.  
**M17** 1948 c. 63.  
**M18** 1955 c. 21.  
**M19** 1961 c. 58.

#### Textual Amendments

- F83** [Ss. 30–32, 36, 37\(3\)\(5\)](#) repealed by [Agriculture Act 1970 \(c. 40\), ss. 29\(6\)\(7\), 113\(3\), Sch. 5 Pt. I](#)

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### *Promotion of agricultural investment*

**31, 32.** ..... <sup>F84</sup>

#### **Textual Amendments**

**F84** Ss. 30–32, 36, 37(3)(5) repealed by Agriculture Act 1970 (c. 40), ss. 29(6)(7), 113(3), **Sch. 5 Pt. 1**

<sup>F85</sup>**33** **Supplements to improvement and water supply grants.**

#### **Textual Amendments**

**F85** S. 33 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 1

<sup>F86</sup>**34** **Power to vary rates, and extend scope, of grants for agricultural investment.**

#### **Textual Amendments**

**F86** S. 34 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 1

### *Supplemental*

**[35** <sup>F87</sup> **General provisions for schemes under Part II.**

A scheme under section 26 or section 27 of this Act—

- (a) shall be made by the appropriate Minister with the approval of the Treasury,
- (b) [<sup>F88</sup>without prejudice to the provisions of subsection (4) of the said section 26 as to schemes under that section, may, in the case of a scheme under the said section 27]] authorise the making of different grant in different circumstances,
- (c) may authorise the reduction or withholding of grant where assistance in respect of expenditure for which the grant is made is or may be given otherwise than under the scheme, but so that where expenditure, or part of expenditure, is eligible for grant at different rates, grant at the higher rate shall be allowed,
- (d) may authorise the reduction or withholding of grant in respect of land for the benefit of which any other prescribed grant or contribution has been made out of money provided by Parliament or has been so made within a prescribed period,
- (e) may be made for England and Wales, for Scotland, for Northern Ireland, or for any two or all of those parts of the United Kingdom jointly,
- (f) may contain such incidental and supplemental provisions as appear to the appropriate Minister expedient [<sup>F88</sup>including transitional provisions treating



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as having been done under or in pursuance of the scheme anything done under or in pursuance of a previous scheme]

- (g) may be varied or revoked by a subsequent scheme,
- (h) shall be made by statutory instrument of which a draft has been laid before and approved by resolution of each House of Parliament.

**Textual Amendments**

**F87** S. 35 repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**

**F88** Words substituted by Agriculture Act 1970 (c. 40), s. 32(5)

**36** ..... **F89**

**Textual Amendments**

**F89** Ss. 30–32, 36, 37(3)(5) repealed by Agriculture Act 1970 (c. 40), ss. 29(6)(7), 113(3), **Sch. 5 Pt. I**

**37 Recovery of grant and revocation of approval.**

[<sup>F90</sup>(1) If at any time after the approval of proposals under section 26, section 27 . . . <sup>F91</sup>of this Act, and whether before or after the proposals have been fully carried out, it appears to the appropriate Minister—

- (a) that any condition imposed by the appropriate Minister in giving his approval has not been complied with, or
- (b) in the case of proposals for the carrying out of work, that the work has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed, or
- (c) that in connection with the submission of the proposals the person submitting them gave information on any matter which was false or misleading in a material respect,

the appropriate Minister may, on demand made after compliance with subsection (4) below, recover any grant or any part of a grant paid by him by reference to the proposals and revoke the approval in whole or in part.

(2) In the case of a grant under section 27 of this Act which is a lump sum payable by instalments or a grant by way of annuity the appropriate Minister may, in a case within paragraph (a) or paragraph (c) of subsection (1) above, after compliance with subsection (4) below direct that future instalments of the grant or annuity shall not be payable.

(3) ..... **F92**

- (a) shall give to any person to whom any payment by way of grant would be payable by reference to the proposals, or from whom any such payment would be recoverable, a written notification of the reasons for the action proposed to be taken by the appropriate Minister, and
- (b) shall accord to each such person an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister, and
- (c) shall consider the report by a person so appointed and supply a copy of the report to each person who is entitled to appear before the person submitting it.]

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(5) ..... F92

(6) Where a grant by reference to which a supplementary grant has been made under section 33 of this Act becomes recoverable in whole or in part, the supplementary grant shall also become recoverable on demand.

**Textual Amendments**

**F90** S. 37(1)–(4) repealed (N.I.) by S.I. 1987/166 (N.I. 1), **art. 20 Sch.**

**F91** Words repealed by Agriculture Act 1970 (c. 40), ss. 29(6)(7), 113(3), **Sch. 5 Pt. I**

**F92** Ss. 30–32, 36, 37(3)(5) repealed by Agriculture Act 1970 (c. 40), ss. 29(6)(7), 113(3), **Sch. 5 Pt. I**

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

**C30** S. 37 extended by Agriculture Act 1970 (c. 40), **s. 32(6)**, which provision is repealed (N.I.) by S.I. 1987/166 (N.I.1), **art. 20, Sch.**

38 ..... F93

**Textual Amendments**

**F93** s. 38 repealed by Rent Act 1968 (c. 23), **Sch. 17** and Rent (Scotland) Act 1971 (c. 28), **Sch. 20**

**39 Provisions relating to Northern Ireland.**

(1) Subject to this section, this Part of this Act shall extend to Northern Ireland with the exception of section 28 and section 38 and, subject to the following provisions of this section, of section 29.

(2) [F94The Department of Agriculture for Northern Ireland] may acquire by agreement any estate or interest in—

- (a) any land used for agriculture,
- (b) any other agricultural land,
- (c) where any such land as is mentioned in paragraph (a) or (b) above is offered to the said [F94Department] for acquisition by it on the condition that it also acquires other land not falling within either of those paragraphs, that other land,

for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units.

(3) The said [F94Department] may manage, farm or dispose of land acquired by it under subsection (2) above—

- (a) in such manner as appears to the said [F94Department] expedient for the purpose for which the land was acquired,
- (b) if the said [F94Department] is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to the said [F94Department] expedient therefor,

[F95and in section 27(1)(b)of this Act as it applies in Northern Ireland the reference to the appropriate Minister shall include a reference to the said [F94Department]].

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Section 45(3) of the <sup>M20</sup>Interpretation Act (Northern Ireland) 1954 shall have effect for the purposes of this subsection as it has effect for the purposes of an enactment of the Parliament of Northern Ireland passed after the commencement of that Act.

(4) Sections 4 and 5 of the <sup>M21</sup>Land Law (Ireland) Act 1881 shall not have effect in relation to any tenancy granted by the said <sup>F94</sup>Department] under subsection (3) above.

(5) Subsections (2) and (3) above shall in particular confer power to enter into transactions involving loss, including transactions corresponding to those into which the appropriate Minister may enter under section 29(2) of this Act.

<sup>F96</sup>[ <sup>F98</sup>Sections 26(1)(a) and (bb) and 27(5B)] of this Act shall, in their application to <sup>F97</sup>(5A) Northern Ireland, have effect as if references to a tenant as defined in the Acts there mentioned were references to a tenant who holds under a contract of tenancy for a life or lives or for a term of years.]]

(6) Section 29(3) of this Act, and Schedule 3 to this Act when read with the said section 29(3), shall apply in Northern Ireland as if—

- (a) the said <sup>F94</sup>Department] were substituted for the appropriate Minister,
- (b) the reference to legal costs in the said section 29(3)(a) included a reference to the costs of obtaining any requisite consent of <sup>F94</sup>the Department of Finance for Northern Ireland],
- (c) the said section 29(3)(a) included a reference to compensation for disturbance under section 3 of the <sup>M22</sup>Landlord and Tenant (Ireland) Act 1870.

<sup>F99</sup>(7) The functions conferred by this section on the said <sup>F94</sup>Department] shall be exercised in accordance with arrangements made between the <sup>F94</sup>Department] and the Minister of Agriculture, Fisheries and Food with the approval of the Treasury, and the Minister of Agriculture, Fisheries and Food shall pay out of money provided by Parliament any expenses incurred by the said <sup>F94</sup>Department] in exercising those functions, and any sums received by that <sup>F94</sup>Department] in exercising those functions (including any sums so received or recovered under Schedule 3 to this Act) shall be paid over to the said Minister.]

#### Textual Amendments

**F94** Words substituted by virtue of Northern Ireland Constitution Act 1973 (c.36), **Sch. 5 para.8(1)**

**F95** Words repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**

**F96** S. 39(5A) repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**

**F97** S. 39(5A) inserted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), **s.9(5)**

**F98** Words substituted by S.I. 1973/1402, **reg. 5**

**F99** S. 39(7) repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**

#### Marginal Citations

**M20** 1954 c. 53 (N.I.)

**M21** 1881 c. 49.

**M22** 1870 c. 46.

## 40 Interpretation of Part II.

(1) In this Part of this Act, except where the context otherwise requires—

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“amalgamation” and “boundary adjustment” have the meanings given by section 26 of this Act;

“exchange” in relation to land in Scotland means excambion;

“prescribed”, in relation to the contents of a scheme, means prescribed by the scheme.

(2) In this Part of this Act—

(a) “commercial unit” means an agricultural unit which in the opinion of the appropriate Minister is capable, when farmed under reasonably skilled management, of providing full-time employment for an individual occupying it and for at least one other man (or full-time employment for an individual occupying it and employment for members of his family or other persons equivalent to full-time employment for one man);

(b) “intermediate unit” means an agricultural unit which, in the opinion of the appropriate Minister, is capable, when farmed under reasonably skilled management, of providing full-time employment for an individual occupying it.

In this subsection “full-time employment” shall be construed in accordance with any provisions defining that expression in any scheme made under section 26 of this Act.

(3) In this Part of this Act “uncommercial unit” shall be construed by reference to the definition of commercial unit, except that, where the appropriate Minister so directs, it may be treated as referring to the relevant agricultural unit exclusive of any one dwelling house of the unit [<sup>F100</sup> or of an area sufficient to provide a site for one dwelling house] and, if the Minister so directs, exclusive of any small portion of land to be occupied with that dwelling house.

(4) Where any agricultural land in Scotland consists of or includes a croft or holding, for the purposes—

(a) of determining under the preceding provisions of this section whether an agricultural unit formed by that land is commercial, intermediate or uncommercial, and

(b) of calculating under section 27(2)(c) of this Act the income derived from the land,

the land shall be taken to include any right in pasture or grazing land held by the tenant or landholder whether alone or in common with others and deemed to form part of the croft or holding.

In this subsection “croft” and “holding” have the meanings ascribed to them by the <sup>M23</sup>Crofters (Scotland) Act 1955 and the Small Landholders (Scotland) Acts 1886 to 1931 respectively.

#### Textual Amendments

**F100** Words inserted by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\), s. 9\(6\)](#)

#### Marginal Citations

**M23** 1955 c. 21.

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## PART III

### HILL LAND

#### *General*

41, 42. .... F101

#### Textual Amendments

F101 Ss. 41, 42 repealed by Agriculture Act 1970 (c. 40), ss. 29(6)(7), 113(3), Sch. 5 Pt. I

43 ..... F102

#### Textual Amendments

F102 S. 43 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. II

44 ..... F103

#### Textual Amendments

F103 S. 44 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. II

#### *Special measures for certain areas*

### 45 Rural Development Boards.

- (1) With a view to applying the provisions of this Part of this Act for meeting the special problems of the development as rural areas of hills and uplands, and the special needs of such areas, the appropriate Minister may, in accordance with this Part of this Act, establish a Board, to be known as a Rural Development Board, for any area appearing to be one where those problems or needs exist.
- (2) Those special problems and needs include the special difficulties in the formation of commercial units of agricultural land in such areas, the need for an overall programme for guidance in making decisions as to the use of land in such areas for agriculture and forestry, so that those two uses are complementary, the need for improved public services in such areas in step with their development for agricultural and forestry purposes, and the need for preserving and taking full advantage of the amenities and scenery in those areas in the course of their development for those purposes.
- (3) The overall programme referred to in the preceding subsection is one having regard, among other things, to the special economic considerations and the long-term nature of forestry.

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- (4) The amenities to which consideration is to be given under subsection (2) above shall include any feature of scientific or historic interest in those areas, and in particular, but without prejudice to the generality of the foregoing, their flora and fauna and geographical features, and any buildings of special interest.
- (5) Schedule 5 to this Act shall have effect as respects the procedure for establishing a Rural Development Board, and its constitution.
- [<sup>F104</sup>(6) As respects the area of a Rural Development Board established under this section the provisions of this Part of this Act controlling sales of land and controlling afforestation shall be a local land charge, and for the purposes of the <sup>M24</sup>Local Land Charges Act 1975 the appropriate Minister shall be treated as the originating authority as respects such charge.]
- (7) . . . . . <sup>F105</sup>
- (9) The provisions of subsections (6), . . . <sup>F106</sup> of this section shall not apply to Scotland, and on the establishment of a Rural Development Board in Scotland, the Secretary of State shall cause a notice referring to the provisions of this Part of this Act controlling sales of land and controlling afforestation to be lodged at the principal office of the county council of every county in the area of which any part of the Board's area lies, and the notice shall be available for inspection free of charge at all reasonable hours.
- (10) In the foregoing provisions of this section and the said Schedule 5 "the appropriate Minister" means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.
- (11) The appropriate Minister shall to such extent as may be approved by the Treasury pay out of money provided by Parliament any expenditure incurred, or to be incurred, by a Board in the performance of their functions.

#### Textual Amendments

**F104** S. 45(6) substituted by [Local Land Charges Act 1975 \(c. 76\), Sch. 1](#)

**F105** S. 45(7)(8) repealed by [Local Land Charges Act 1975 \(c. 76\), s. 19, Sch. 2](#)

**F106** Words repealed by [Local Land Charges Act 1975 \(c. 76\), s. 19, Sch. 2](#)

#### Marginal Citations

**M24** 1975 c. 76.

## 46 Functions of Rural Development Boards.

- (1) It shall be the function of a Rural Development Board—
- (a) to keep under review all means of meeting the problems and needs described in the last foregoing section in their area,
  - (b) in consultation with such local authorities and other bodies as appear to the Board to have an interest, to draw up a programme for action to meet those problems and needs and, so far as the programme will entail expenditure by the Board, to submit to the appropriate Minister for his approval proposals for that expenditure,
  - (c) to concert, promote, assist or undertake measures to implement the programme subject, so far as those measures involve expenditure by the Board, to approval by the appropriate Minister.

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- (2) The appropriate Minister may approve in whole or in part any proposals submitted to him under subsection (1)(b) above, or may refuse to approve them.
- (3) It shall be the duty of a Rural Development Board and of the Forestry Commission to co-ordinate the preparation and implementation of their proposals and programmes for the Board's area, and for that purpose to consult together at all stages and, where necessary, to act in concert.

Any dispute between them shall be referred to and determined by the appropriate Minister, and, in relation to Wales, "the appropriate Minister" in this subsection has the meaning given by subsection (10) of the last foregoing section.

- (4) In the discharge of their functions a Rural Development Board may—
  - (a) acquire by agreement any land in their area,
  - (b) manage, improve, farm, sell, let or otherwise deal with any of their land, and may in particular sell or let any land subject to any depreciable conditions imposed in the interests of the community or for any purpose connected with the discharge of their functions,
  - (c) acquire by agreement any farming business or any dead or live farm stock,
  - (d) build on and otherwise develop any of their land, and in particular provide dwellings for their tenants and employees,
  - (e) provide equipment and services for persons who are their tenants and who are engaged or employed in agriculture or forestry,
  - (f) carry out or commission the carrying out of inquiries, investigations or researches in connection with the discharge of their functions.

#### **47 Boards' powers of giving financial assistance.**

- (1) In the discharge of their functions a Rural Development Board may, in accordance with arrangements approved by the appropriate Minister and the Treasury, give financial assistance, whether by way of grant or loan or partly grant and partly loan, towards the undertaking of measures to implement any programme drawn up under section 46 of this Act, and in particular (subject to its being so approved)—
  - (a) financial assistance for providing or improving communications and public services in the Board's area,
  - (b) financial assistance towards expenditure incurred in installing or connecting a supply of electricity, gas or water to a dwelling-house or other premises used in connection with agriculture or forestry or for the improvement of accommodation on such premises for tourists, being expenditure incurred by an owner or occupier of the premises,
  - (c) financial assistance towards expenditure incurred in providing or improving a site on an agricultural or forestry unit for tourists' caravans or as a tourists' camping site, being expenditure incurred by the occupier of the agricultural or forestry unit.
- (2) On making a grant or loan under the foregoing subsection the Board may impose such conditions as they think fit, including, in the case of a grant, conditions for repayment in specified circumstances.

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#### 48 **Promotion of amalgamations and boundary adjustments by Rural Development Boards.** **E+W**

- (1) Without prejudice to the generality of section 46 of this Act, a Rural Development Board shall have power to acquire by agreement, hold and dispose of land in their area for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, and power for the said purposes to enter into transactions involving loss, including—
- (a) amalgamating holdings of land in a way which renders less valuable, or useless, any buildings or equipment on any of the land,
  - (b) allowing the occupier of an uncommercial unit to retain occupation of a dwelling-house on the land when the remainder of the unit is acquired by the Board for the purposes of amalgamation,
  - (c) selling land resulting from an amalgamation effected by the Board subject to depreciatory conditions imposed for the purpose of ensuring that the land continues to be held in single ownership and single occupation for agricultural purposes.
- (2) A deed by which a Rural Development Board conveys land, or an estate or interest in land, may apply Schedule 3 to this Act to any of that land, and to any other land, but only if all the persons who will have an estate or interest in the land to which Schedule 3 is so applied [<sup>F107</sup>have executed] the deed; and in that Schedule as so applied “relevant Exchequer payments” shall mean such amounts as are specified in the deed for the purposes of this subsection under the heads of:—
- (a) the incidental costs incurred by the Board in acquiring and disposing of the land, estate or interest conveyed by the deed, being costs consisting of surveyor’s fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security and any compensation for disturbance under [<sup>F108</sup>section 60(2)(a) of the Agricultural Holdings Act 1986] or [<sup>F109</sup>section 43 of the Agricultural Holdings (Scotland) Act 1991],
  - (b) any such loss as is described in subsection (1) of this section incurred by the Board in dealing with the land, estate or interest so conveyed, including any reduction in the purchase price obtained by them on the transaction effected by the deed in consequence of the depreciatory conditions contained in the deed,
  - (c) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with the transaction to which the deed gives effect,
- and “relevant date” means the date on which the transaction to which the deed relates takes effect.
- (3) Where under section 27(1)(b) or (c) of this Act a scheme under that section authorises the making of grant by reference to arrangements made or approved by a Rural Development Board, the Rural Development Board shall repay to the appropriate Minister the amount of any grant paid by the appropriate Minister under the scheme by reference to any such arrangements.

[<sup>F110</sup> Case H in Part I of Schedule 3 to the Agricultural Holdings Act 1986 shall apply in  
<sup>F111</sup>(4) relation to a Rural Development Board as it applies in relation to the Minister within the meaning of that Act.]]

- (5) In relation to any tenancy certified by a Rural Development Board in the instrument by which the tenancy is granted as being a tenancy granted in connection with transactions



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entered into by the Board for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, [F112section 14 of the M25Rent Act 1977] and [F112section 5 of the M26Rent (Scotland) Act 1971] (exclusion of local authority houses from Rent Acts) shall apply to the Rural Development Board as they apply to the council of a county or other local authority.

#### Textual Amendments

- F107** Words substituted by [Agriculture Act 1970 \(c. 40\), s. 33\(2\)](#)
- F108** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\), ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 41](#)
- F109** Words in s. 48(2)(a) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\), ss. 88\(1\), 89\(2\), Sch. 11, para. 30](#)
- F110** S. 48(4) substituted (E.W.) by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\), ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 41\(3\)](#)
- F111** S. 48(4) substituted (E.W.) by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\), Sch. 1 para. 4](#) except in relation to notices to quit given before 7.4.1978: *ibid.*, s. 14
- F112** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)

#### Marginal Citations

- M25** 1977 c. 42.
- M26** 1971 c. 28.

## 48 Promotion of amalgamations and boundary adjustments by Rural Development Boards. **S**

- (1) Without prejudice to the generality of section 46 of this Act, a Rural Development Board shall have power to acquire by agreement, hold and dispose of land in their area for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, and power for the said purposes to enter into transactions involving loss, including—
- amalgamating holdings of land in a way which renders less valuable, or useless, any buildings or equipment on any of the land,
  - allowing the occupier of an uncommercial unit to retain occupation of a dwelling-house on the land when the remainder of the unit is acquired by the Board for the purposes of amalgamation,
  - selling land resulting from an amalgamation effected by the Board subject to depreciatory conditions imposed for the purpose of ensuring that the land continues to be held in single ownership and single occupation for agricultural purposes.
- (2) A deed by which a Rural Development Board conveys land, or an estate or interest in land, may apply Schedule 3 to this Act to any of that land, and to any other land, but only if all the persons who will have an estate or interest in the land to which Schedule 3 is so applied [F199have executed] the deed; and in that Schedule as so applied “relevant Exchequer payments” shall mean such amounts as are specified in the deed for the purposes of this subsection under the heads of:—
- the incidental costs incurred by the Board in acquiring and disposing of the land, estate or interest conveyed by the deed, being costs consisting of surveyor’s fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security and any compensation

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for disturbance under <sup>F200</sup>section 60(2)(a) of the Agricultural Holdings Act 1986] or <sup>F201</sup>section 43 of the Agricultural Holdings (Scotland) Act 1991],

- (b) any such loss as is described in subsection (1) of this section incurred by the Board in dealing with the land, estate or interest so conveyed, including any reduction in the purchase price obtained by them on the transaction effected by the deed in consequence of the depreciatory conditions contained in the deed,
- (c) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with the transaction to which the deed gives effect,

and “relevant date” means the date on which the transaction to which the deed relates takes effect.

- (3) Where under section 27(1)(b) or (c) of this Act a scheme under that section authorises the making of grant by reference to arrangements made or approved by a Rural Development Board, the Rural Development Board shall repay to the appropriate Minister the amount of any grant paid by the appropriate Minister under the scheme by reference to any such arrangements.
- (4) Section 29(4) and (5) of this Act shall apply in relation to a Rural Development Board as they apply in relation to the appropriate Minister.
- (5) In relation to any tenancy certified by a Rural Development Board in the instrument by which the tenancy is granted as being a tenancy granted in connection with transactions entered into by the Board for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, <sup>F202</sup>section 14 of the <sup>M79</sup>Rent Act 1977] and <sup>F202</sup>section 5 of the <sup>M80</sup>Rent (Scotland) Act 1971] (exclusion of local authority houses from Rent Acts) shall apply to the Rural Development Board as they apply to the council of a county or other local authority.

#### Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F199** Words substituted by [Agriculture Act 1970 \(c. 40\), s. 33\(2\)](#)
- F200** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, [Sch. 14 para. 41](#)
- F201** Words in s. 48(2)(a) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11](#), para. 30
- F202** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)

#### Marginal Citations

- M79** 1977 c. 42.
- M80** 1971 c. 28.

## 49 Control of sale of certain land.

- (1) Subject to this and the next following section, any transfer of land in the area of a Rural Development Board shall require the Board’s written consent.

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- (2) An application for consent under this section shall be in such form as the Board direct, and on the application the Board may refuse or grant the consent applied for.
- (3) The Board shall not refuse consent unless they are satisfied that the land to which the application relates, if acquired by them in accordance with this section—
  - (a) can suitably be used or disposed of by them for the purpose of effecting amalgamations of agricultural land or reshaping agricultural units, or
  - (b) can suitably be used or disposed of by them in a way which will promote the co-ordination of the use of land for forestry and agriculture, or
  - (c) is land which, in the opinion of the Board and the Forestry Commission, ought to be planted by the Forestry Commission, or
  - (d) can suitably be used or disposed of by them for some purpose ancillary to the use of other land for agriculture or forestry,or unless the Board are satisfied that refusal of their consent will prevent the creation of an uncommercial unit of agricultural land.
- (4) The Board shall, within two months of receipt of an application duly made for consent under this section, serve on the applicant notice of the manner in which the application has been dealt with; and, except where their decision is to grant their consent, the notice shall give the reasons for their decision.
- (5) Within two months of receipt of a notice under the last foregoing subsection stating that the Board withhold consent the applicant may appeal to the appropriate Minister on the ground that the application for consent ought to be granted, and before determining the appeal the appropriate Minister shall, if either the appellant or the Board so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the appropriate Minister for the purpose; and in relation to appeals under this section—
  - (a) where the appeal is to the Minister of Agriculture, Fisheries and Food, [<sup>F113</sup>section 289 of the Town and Country Planning Act 1990] (appeals to High Court from decision of Minister) shall apply in relation to an appeal under this subsection as it applies in relation to an appeal under [<sup>F114</sup>Part VII of that Act] against an enforcement notice, and
  - (b) where the appeal is to the Secretary of State, the Secretary of State may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings, and an appeal shall lie to the Court of Session on any question of law from the decision of the Secretary of State.
- (6) Within three months from the date of receipt of a notice under subsection (4) of this section stating that the Board withhold consent or, if an appeal is brought under subsection (5) of this section which does not result in the granting of consent, from the final determination of the appeal, the applicant may serve on the Board a notice requiring the Board to purchase the estate or interest proposed to be transferred by him in the transaction to which the application relates, and the following provisions of this section (under which the Board can be compelled to purchase it) shall have effect.
- (7) Subject to the following provisions of this section, on service of a notice under the last foregoing subsection—
  - (a) the Board shall be deemed to be authorised to acquire compulsorily the estate or interest to which the notice relates by a compulsory purchase order,

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- (b) the Board shall be deemed to have served a notice to treat in respect of that interest at that time,  
and in relation to this subsection—
- (i) “compulsory purchase order” means an order to which Part I of the <sup>M27</sup>Compulsory Purchase Act 1965 applies, or, as the case may be, an order which has become operative under the <sup>M28</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
  - (ii) the power of withdrawal of a notice to treat conferred by section 31 of the <sup>M29</sup>Land Compensation Act 1961 or section 39 of the <sup>M30</sup>Land Compensation (Scotland) Act 1963, and the power of entry conferred by section 11(1) of the said Act of 1965 or by paragraph 3 of Part I of Schedule 2 to the said Act of 1947, shall not be exercisable in relation to a notice to treat deemed to be served by virtue of paragraph (b) of this subsection.
- (8) The applicant may withdraw the purchase notice—
- (a) where there has been a final determination by the Lands Tribunal on the question of compensation payable pursuant to the purchase notice, within six weeks from the date of the final determination, and
  - (b) in any other case, at any time before the acceptance in writing by the applicant of an unconditional offer in writing by the Board of a sum as such compensation,
- but the applicant shall be liable to pay compensation to the Board for any loss or expense occasioned to the Board by the giving and withdrawal of the purchase notice.
- For the purposes of this subsection a claim shall not be deemed to be finally determined so long as the time for requiring the Lands Tribunal to state a case with respect thereto, or for appealing from any decision on the points raised by a case so stated, has not expired.
- (9) If the applicant’s estate or interest in the land to which the application relates is greater than what is proposed to be transferred by the transaction to which the application relates, the Board may by notice given to the applicant within two months of receipt of the purchase notice require that the purchase notice shall apply to all the estate or interest of the applicant in the land.
- (10) An application for consent under this section must be sent to the Board by registered post or recorded delivery service, or delivered to the secretary or chief officer of the Board, and if within the period specified in the next following subsection the Board do not notify the applicant of their decision on the application, this section shall have effect as if at the expiration of that period the Board had granted the consent; and it shall be the duty of the Board to give a written consent to the applicant accordingly.
- (11) Any applicant who has not received a notice as required by subsection (4) of this section may by notice (to be served on the Board in the way required for service of his application) require the Board to make good their default and the period at the end of which subsection (10) above shall operate shall be the period of fourteen days from the service of that notice.
- (12) In relation to Scotland, any reference in this section to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland, but until sections 1 to 3 of the <sup>M31</sup>Lands Tribunal Act 1949 come into force as regards Scotland, such reference in subsection (8)(a) of this section shall be construed as referring to an official arbiter appointed under Part I of the <sup>M32</sup>Land Compensation (Scotland) Act 1963.

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(13) References in this and the next following section to the transfer of land include references to the granting of a lease of land for a term exceeding 10 years, and to assigning a lease of land with an unexpired term exceeding 10 years, but in relation to the grant of a lease references in this section to the estate and interest of the person transferring or proposing to transfer the land shall be taken as references to his estate and interest both in the reversion and the lease.

(14) In the application of this section to Scotland, for the last foregoing subsection there shall be substituted the following subsection—

“(13) For the purposes of this and the next following section, any grant of a lease for a period exceeding 10 years and any assignation of a lease with an unexpired period exceeding 10 years shall be a transfer of land, and in relation to the grant of a lease any references in this section to the estate and interest of the person transferring or proposing to transfer the land shall be taken as references to his estate and interest in the lease and in the land subject thereto”.

#### Textual Amendments

**F113** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 15\(1\)\(a\)](#)

**F114** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 15\(1\)\(b\)](#)

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

**C31** S. 49 excluded by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\)](#), s. 47

#### Marginal Citations

**M27** 1965 c. 56.

**M28** 1947 c. 42.

**M29** 1961 c. 33.

**M30** 1963 c. 51.

**M31** 1949 c. 42.

**M32** 1963 c. 51.

## 50 Control of sale of certain land: exceptions and supplemental provisions.

- (1) The last foregoing section shall only apply to land which at the time when it is or is to be transferred is agricultural land or woodland or unenclosed mountain, hill or heath land, or common land or waste land.
- (2) Where one of the grounds on which an appeal is brought under subsection (5) of the last foregoing section is that the proposed transfer is part of a proposed transaction involving land in the Board's area which is not within subsection (1) of this section, or involving land which is not within the Board's area, the appropriate Minister may, if he decides not to allow the appeal but is of opinion that the appellant would be substantially prejudiced if he is unable to dispose in one transaction of all the land comprised in the proposed transaction, with the consent of the appellant direct that any purchase notice served under the last foregoing section by the appellant shall relate both to the land to which the application relates and also to the other land, or such part of it as the appropriate Minister may direct.

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- (3) The last foregoing section shall not apply to a transfer to or from—
- (a) a local authority,
  - [<sup>F115</sup>(aa) a National Park authority;]
  - (b) statutory undertakers as defined in [<sup>F116</sup>section 336(1) of the Town and Country Planning Act 1990] or [<sup>F117</sup>section 214 of the Town and Country Planning (Scotland) Act 1997],
  - (c) any body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof,
  - (d) the National Trust,
  - [<sup>F118</sup>(e) . . .
  - (f) the Natural Environment Research Council,
  - [<sup>F119</sup>(g) the National Rivers Authority or any water undertaker or sewerage undertaker;]
  - [<sup>F120</sup>(h) an internal drainage board <sup>F121</sup> . . . ]

In this subsection the “National Trust” means in relation to Scotland the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the <sup>M33</sup>National Trust for Scotland Order Confirmation Act 1935; <sup>F122</sup> . . .

- (4) The last foregoing section shall not apply to a transfer by an individual to a member of his family or to the trustees of a settlement exclusively for the benefit of members of his family, and in this subsection “family” means the individual’s husband or wife, any lineal descendant or ancestor of his, and his brother and sister and any child of a brother or sister, and in deducing any such relationship an adopted child shall be treated as a child and any relationship of the half blood shall be treated as a relationship of the whole blood.
- (5) The last foregoing section shall not apply to a transfer of land effected in pursuance of a contract of sale concluded before the land came to be in the area of the Board or, if the order establishing the Board so provides, before the expiry of such period not exceeding three months from the date on which it is established as may be specified in the order.
- (6) The last foregoing section shall not apply—
- (a) to a transfer to give effect to the devolution of land on death or bankruptcy or sequestration or under the terms of a settlement, or
  - (b) to a transfer in exercise of the rights conferred on a mortgagee heritable creditor or chargee by a mortgage heritable security or charge created before the relevant land came to be in the area of the Board.
- (7) If land is transferred in contravention of subsection (1) of the last foregoing section the Board shall be deemed to be authorised to acquire all the estate and interest of the transferor in the land transferred (whether in his hands, or in the hands of persons deriving title under him) by a compulsory purchase order, but any notice to treat given in pursuance of this subsection shall be served within six years from the date of transfer.

“Compulsory purchase order” has the same meaning as in section 49(7) of this Act, and [<sup>F123</sup>Part IV of the Acquisition of Land Act 1981] and Part IV of Schedule 1 to the <sup>M34</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (validity

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of compulsory purchase orders) shall apply in relation to any notice to treat served in pursuance of this subsection as they apply in relation to a compulsory purchase order.

(8) In assessing compensation in accordance with section 5 of the<sup>M35</sup>Land Compensation Act 1961 or section 12 of the<sup>M36</sup>Land Compensation (Scotland) Act 1963 (which relate to compulsory purchases of land) no account shall be taken of any depreciation of the value of the relevant interest which is attributable to the provisions of the last foregoing section and this section.

(9) Failure to obtain consent under subsection (1) of the last foregoing section to any transaction shall not invalidate that transaction.

#### Textual Amendments

- F115** S. 50(3)(aa) inserted (23.11.1995) (E.W.) by 1995 c. 25 , s. 78 , **Sch. 10 para. 6** (with ss. 7(6) , 115 , 117 , Sch. 8 para. 7 ) ; S.I. 1995/2950 , **art. 2(1)**
- F116** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2) , s. 4 , **Sch. 2 para. 15(2)**
- F117** Words in s. 50(3)(b) substituted (27.5.1997) by virtue of 1997 c. 11 , s. 4 , **Sch. 2 para. 14(1)**
- F118** S. 50(3)(e) repealed (1.4.1997) by 1995 c. 25 , s. 120(3) , **Sch. 24** (with ss. 7(6) , 115 , 117 , Sch. 8 para. 7 ) ; S.I. 1996/2560 , **art. 2** , **Sch.**
- F119** S. 50(3)(g) substituted by **Water Act 1989** (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), Sch. 25, para. 34, **Sch. 26**, paras. 3(1)(2), 17, 40(4), 57(6), 58
- F120** S. 50(3)(g)(h) added (E.W.) by **Agriculture (Miscellaneous Provisions) Act 1968** (c. 34) , **s. 47**
- F121** Words in s. 50(3)(h) repealed (1.12.1991) by virtue of **Water Consolidation (Consequential Provisions) Act 1991** (c. 60, SIF 130) , ss. 3(1) , 4(2) , Sch. 3 Pt. I (with s. 2 , Sch. 2 paras. 10 , 14(1) , **15** )
- F122** Words in s. 50(3) repealed (1.4.1997) by 1995 c. 25 , s. 120(3) , **Sch. 24** (with ss. 7(6) , 115 , 117 , Sch. 8 para. 7 ) ; S.I. 1996/2560 , **art. 2** , **Sch.**
- F123** Words substituted by **Acquisition of Land Act 1981** (c. 67, SIF 28:1), s. 34 , **Sch. 4 para. 15(2)**

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

- C32** S. 50 extended (E.W.S.) by **Gas Act 1986** (c. 44, SIF 44:2) , s. 67(1)(3) , Sch. 7 para. 2(1)(xix) , **Sch. 8 para. 33**
- C33** S. 50 extended (E.W.S.) by **Electricity Act 1989** (c. 29, SIF 44:1) , s. 112(1)(3) , Sch. 16 para. 1(1) (xviii) , Sch. 17 paras. 33 , **35(1)**
- C34** S. 50 extended (1.3.1996) by 1995 c. 45 , s. 16(1) , **Sch. 4 para. 2(1)(xiv)** ; S.I. 1996/218 , **art. 2**

#### Marginal Citations

- M33** 1935 c. ii .
- M34** 1947 c. 42 .
- M35** 1961 c. 33 .
- M36** 1963 c. 51 .

## 51 Schemes for co-ordinated amalgamations and reshaping of agricultural units.

(1) If it appears to a Rural Development Board that in any part of their area there is a need, for the benefit of the community and for the mutual advantage of those owning and occupying the agricultural land, of a co-ordinated scheme of amalgamations of agricultural land, reshaping of agricultural units and afforestation to be effected by transfers and exchanges of land and grants, surrenders, renunciations and variations of tenancies, the Rural Development Board may proceed to make a scheme under this section.

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- (2) The scheme—
- (a) shall be based on a comprehensive plan for the uses of the land, including afforestation, and
  - (b) shall be published and made available for inspection in such manner, and with such maps, plans and notes, as the Board consider appropriate,
- and the Board shall, in publishing notice of the scheme and in such other ways as appear to them appropriate, invite submissions to the Board on any aspect of the scheme.
- (3) The Board shall report to the appropriate Minister on the substance of the submissions made to them on the scheme and the appropriate Minister, after taking that report into consideration, may if he thinks fit direct a public inquiry to be held as regards the scheme.
- (4) After taking the Board's report into consideration, together with the report of the person holding the public inquiry, if any, the appropriate Minister shall either reject the scheme or approve it with or without modifications.
- (5) If the appropriate Minister approves the scheme, with or without modifications, he shall publish notice of his approval in such manner as appears to him appropriate, and shall direct the Board to seek to negotiate with those concerned for the carrying into effect of the transactions required to implement the scheme.
- (6) The Board shall endeavour to arrive at proposals for a scheme which all concerned will be willing to implement, and for that purpose the Board may carry out all or any of the necessary negotiations for particular transactions, prepare or commission draft agreements, conveyances and other instruments and, by settling terms for inclusion in agreements for sale and other instruments or by drawing up a programme for the carrying out of the transactions, make arrangements for ensuring that the scheme, or any interdependent transactions, cannot be partly fulfilled and partly unfulfilled; and may carry out that and any other preliminary work notwithstanding that, if the scheme is unfulfilled, their expenses may be irrecoverable.
- (7) If the appropriate Minister is satisfied—
- (a) that, except for transactions which in all involve the transfer of, or of estates or interests in, land (in this subsection called "the outstanding land") of an [<sup>F124</sup>area] small in comparison with the total [<sup>F124</sup>area] of the land affected by the scheme, agreements, enforceable in law, have been made to enter into all the transactions required to implement, or complete the implementation of, the scheme,
  - (b) that the Board have entered into agreements, enforceable in law, such that, if they acquired the outstanding land, there would be agreements, enforceable in law, to carry out all the transactions required to implement, or complete the implementation of, the scheme,
  - (c) that the terms of the scheme on which the transactions transferring the outstanding land were to be carried out were equitable,
- the Board may be authorised by the appropriate Minister to acquire the outstanding land compulsorily, and the [<sup>F125</sup>Acquisition of Land Act 1981] or, as the case may be, the <sup>M37</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply [<sup>F126</sup>as if the Board were a local authority within the meaning of the relevant Act and as if this section were comprised in an Act in force immediately before the commencement of the relevant Act.]



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- (8) In this section “the appropriate Minister” means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

#### Textual Amendments

**F124** Word substituted by [S.I. 1978/244, reg. 2\(1\)](#)

**F125** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 4 para. 1 Table](#)

**F126** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 6 Pt. I](#)

#### Marginal Citations

**M37** [1947 c. 42.](#)

## 52 Control of afforestation.

- (1) Subject to this section, no person shall plant land in the area of a Rural Development Board with trees except under the authority of a licence granted by the Board.
- (2) Subsection (1) above shall not apply—
- to planting by the Forestry Commission,
  - so long as the covenant, agreement or scheme in question continues in force, but without prejudice to the enforceability of any condition contained in a licence granted before it was entered into or, as the case may be, took effect, to land which is subject to a forestry dedication covenant or agreement as defined in section 5 of the <sup>M38</sup>Forestry Act 1967, or the subject of an approved woodlands scheme made under the powers contained in that Act or any enactment repealed by that Act,
  - to land which is, or at some time in the period of ten years before the planting has been, woodland,
  - to the planting of land of an area not exceeding [<sup>F127</sup>four hectares], but not so as to permit more than [<sup>F127</sup>four hectares] of land in the ownership of any one person or, where two or more agricultural units are in the same ownership, more than [<sup>F127</sup>four hectares] in each unit, to be planted in any period of twelve months,
  - to the planting of fruit trees or to land forming part of an orchard,
  - to land forming part of a public open space, or to land which it is not reasonably practicable to put to any beneficial use in its existing state,
  - to planting required as a condition imposed on the granting of planning permission under [<sup>F128</sup>the Town and Country Planning (Scotland) Act 1997] or [<sup>F129</sup>the Town and Country Planning Act 1990] or as a condition attached to a felling licence granted, or having effect as if granted, under the <sup>M39</sup>Forestry Act 1967,
  - if the order establishing the Board so provides, to planting carried out during such period not exceeding three months from the date on which it is established as may be specified in the order.
- (3) An application for a licence under this section shall be in such form as the Board direct, and on the application the Board may refuse or grant it either with or without conditions; and the Board shall exercise their powers under this section as a means of meeting the problems and needs described in section 45 of this Act in their area.
- (4) The Board may in particular grant a licence subject to any condition—

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- (a) governing the kinds of trees planted,
  - (b) where the licence authorises the planting of a short-term crop, requiring the use of the land for growing trees to be discontinued by the end of a specified period, and requiring before the end of that period the carrying out of such works for the clearing of the land as will make it suitable for agricultural purposes,
  - (c) limiting the period within which the planting authorised by the licence is to be carried out,
  - (d) requiring the planting, and any fencing in connection therewith, to be carried out in such a way that access to other land will not be blocked.
- (5) A licence under this section shall name the person to whom it is granted, and shall authorise planting by that person only unless it is endorsed by the Board in favour of another; and—
- (a) the Board shall not endorse a licence in favour of any person except with the consent in writing of the person for the time being entitled to its benefit,
  - (b) subject to the foregoing paragraph, it shall be the duty of the Board to endorse a licence on the application in writing of a person owning for the time being the same estate or interest in the land to which the licence relates as that owned by the grantee of the licence at the time when it was granted or (by virtue of subsection (12) below) is deemed to have been granted,
  - (c) subject to that paragraph, in any other case the Board may grant or refuse an application for endorsement as they think fit.
- (6) The Board shall, within two months of receipt of an application duly made for a licence under this section, serve on the applicant, and on all persons other than the applicant who have an estate or interest in the land to which the application relates, other than a minor tenancy, notice of the manner in which the application has been dealt with; and, except where their decision is to grant a licence without any conditions other than a condition requiring the planting which is authorised to be carried out within a period of five years from the grant of the licence, the notice shall give the reasons for their decision.
- (7) Within two months of receipt of a notice under subsection (6) of this section, the applicant and any person other than the applicant who has an estate or interest, other than a minor tenancy, in the land to which the notice relates, may appeal to the appropriate Minister against the decision and—
- (a) before determining the appeal the appropriate Minister shall, if either the appellant or the Board so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the appropriate Minister for the purpose,
  - (b) the appropriate Minister may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Board on the application, whether the appeal relates to that part or not, and
  - (c) the appropriate Minister shall serve notice of his decision on the appeal on the appellant and on every person other than the appellant who has an estate or interest, other than a minor tenancy, in the land to which the appeal relates.
- (8) A person who contravenes subsection (1) of this section, or any condition subject to which a licence is granted under this section, shall be liable on summary conviction to a fine not exceeding [<sup>F130</sup>level 3 on the standard scale].

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- (9) Where a person is convicted of an offence under the last foregoing subsection the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may on application enlarge the time so specified; and if the order is not complied with that person shall be liable on summary conviction to a fine not exceeding ten pounds for each day on which the non-compliance continues.
- (10) Proceedings in respect of an offence under subsection (8) of this section may be instituted within six months of the first discovery of the offence by the person taking the proceedings, so, however, that no proceedings shall be instituted in respect of such an offence more than two years after the date of the offence.
- (11) A Rural Development Board in granting consent under section 49 of this Act to the transfer of land which in their opinion is land in respect of which an offence has been committed under subsection (8) of this section may impose a condition that the consent shall not take effect until such steps as may be specified by the Board in granting their consent have been taken to remedy the matters in respect of which the alleged contravention occurred, and the conditions so imposed may be varied by the court in exercising its jurisdiction under subsection (9) of this section.
- (12) An application for a licence under this section must be sent to the Board by registered post or recorded delivery service, or delivered to the secretary or chief officer of the Board, and if within the period specified in the next following subsection the Board do not notify the applicant of their decision on the application, this section shall have effect as if at the expiration of that period the Board had granted the licence applied for without any conditions other than a condition requiring the authorised planting to be carried out within five years from that date; and it shall be the duty of the Board to grant a licence to the applicant in those terms.
- (13) An applicant who has not received a notice as required by subsection (6) of this section may by notice (to be served on the Board in the way required for service of his application) require the Board to make good their default and the period at the end of which subsection (12) above shall operate shall be the period of fourteen days from the service of that notice.
- (14) For the purpose of this section the period of twelve months mentioned in subsection (2) (d) of this section shall, in relation to any land, include a period beginning before the land is within the Board's area.
- (15) In this section, unless the context otherwise requires—  
“minor tenancy” means a tenancy of less than twelve months;  
“public open space” means land laid out as a public garden or used (otherwise than in pursuance of section 193 of the <sup>M40</sup>Law of Property Act 1925 or of Part V of the National Parks and Access to the <sup>M41</sup>Countryside Act 1949 [<sup>F131</sup>or Part I of the Countryside and Rights of Way Act 2000]) for the purpose of public recreation, or land being a disused burial ground.
- (16) In this section “the appropriate Minister” means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

#### Textual Amendments

F127 Words substituted by S.I. 1978/244, reg. 2(2)

*Status: Point in time view as at 28/05/2005.*

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- F128** Words in s. 52(2)(g) substituted (27.5.1997) by virtue of 1997 c. 11, s. 4, **Sch. 2 para. 14(2)**
- F129** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 15(3)**
- F130** Words substituted by virtue of (E.W.) **Criminal Justice Act 1982** (c. 48, SIF 39:1), **ss. 38, 46** and (S.) **Criminal Procedure (Scotland) Act 1975** (c. 21, SIF 39:1), **ss. 289F, 289G**
- F131** Words in s. 52(15) inserted (19.9.2004 for E., 28.5.2005 for W.) by **Countryside and Rights of Way Act 2000** (c. 37), s. 103(3), **Sch. 4 para. 3**; S.I. 2004/2173, art. 2(1)(i); S.I. 2005/423, art. 2(h)

#### Marginal Citations

- M38** 1967 c. 10.  
**M39** 1967 c. 10.  
**M40** 1925 c. 20.  
**M41** 1949 c. 97.

### 53 Boards' annual reports and accounts.

- (1) A Rural Development Board shall prepare and transmit to the appropriate Minister annually a report setting out what has been done in the discharge of their functions under this Act during their financial year last completed, and the appropriate Minister shall lay a copy of the report before each House of Parliament.
- (2) A Rural Development Board shall keep proper accounts and other records in such form as the appropriate Minister may, with the approval of the Treasury, determine.
- (3) A Rural Development Board shall prepare and transmit to the appropriate Minister in respect of each of their financial years statements of account in such form as the appropriate Minister may, with the approval of the Treasury, determine, and the appropriate Minister shall transmit them on or before 30th September following the financial year to the Comptroller and Auditor General, who shall examine and certify them and lay copies of them together with his reports thereon before each House of Parliament.

### 54 Directions to Boards by appropriate Minister.

- (1) The appropriate Minister, after consultation with a Rural Development Board, may give to the Board such directions of a general character with respect to the performance of any functions of the Board as appear to him to be requisite in the public interest.
- (2) The Minister of Agriculture, Fisheries and Food or, as the case may be, the Secretary of State may, as respects such of a Board's books, records and accounts as appear to him to be ones in respect of which, having regard to his relationship with the Board, it is reasonable to give such a direction, direct that they shall be kept available by the Board at all reasonable times for inspection by him or on his behalf or by or on behalf of the Comptroller and Auditor General.
- (3) A Board's report for any year under the last foregoing section shall set out any directions given by the appropriate Minister under subsection (1) of this section to the Board during that year, unless the appropriate Minister has notified the Board his opinion that it is against the interests of national security to do so.
- (4) It shall be the duty of the Board to comply with any directions given by the appropriate Minister under this section.

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- (5) In this section “the appropriate Minister” means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

## 55 Powers of entry and of obtaining information.

- (1) A person duly authorised in writing by a Rural Development Board may, on producing if so required a duly authenticated document showing his authority, enter on any land in the Board’s area for the purpose of determining whether, and in what way, any of the functions of the Board should be exercised in relation to the land.

The right of entry under this subsection may be exercised at any reasonable time, but a person shall not demand admission as of right to any land which is occupied unless at least forty-eight hours’ notice, or in the case of land occupied for residential purposes at least seven days’ notice, of the intended entry has been given to the occupier.

A person who wilfully obstructs any person acting in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding [<sup>F132</sup>level 1 on the standard scale].

- (2) A person leaving any land which he has entered by virtue of the foregoing subsection shall, if the land is unoccupied or the occupier is temporarily absent, leave it as effectively secured against trespassers as he found it.
- (3) A Board may by notice served on the owner or occupier of any land in their area, require him to furnish them with such information as may be specified in the notice with regard to the land as the Board may reasonably require for the discharge of such of their functions in relation to the land as may be specified in the notice.

A person who fails without reasonable cause, or neglects, to furnish to the Board within three months after service of the notice the information specified in the notice shall be liable on summary conviction to a fine not exceeding [<sup>F132</sup>level 3 on the standard scale].

- (4) Information obtained under this section shall not be disclosed except—
- (a) with the consent of the person by whom the information was furnished, or
  - (b) to a member, officer or servant of the Board or to any person exercising functions on behalf of the Board, or
  - (c) to any Minister or to an officer or servant or other person appointed by or exercising functions on behalf of any Minister, or
  - (d) for the purpose of any proceedings pursuant to this Part of this Act, or of any criminal proceedings which may be taken whether pursuant to this Act or otherwise, or for the purpose of a report of any such proceedings,

and a person who discloses information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or imprisonment for a term not exceeding two years, or both.

### Textual Amendments

**F132** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

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## 56 Application of Part III to Highlands and Islands of Scotland.

- (1) Sections 45 to 55 of this Act shall not apply in relation to the application of this Part of this Act to the Highlands and Islands, except as provided in this section.
- (2) Where the Secretary of State is satisfied that the special problems and needs referred to in the said section 45 exist in any area of the Highlands and Islands (including the whole area thereof), he may by order made (so far as applicable) in accordance with the provisions of that section and Part I of Schedule 5 to this Act apply to that area such of the provisions of section 27(1)(c) of this Act and the said sections 45 to 55 as he may think necessary for the purposes of this Part of this Act, and any powers and functions exercisable by a Rural Development Board by virtue of those provisions shall for the said purposes be conferred on the Highlands and Islands Development Board, but without prejudice to their existing powers and functions, and any reference in this Act to a Rural Development Board and to its area shall be construed accordingly.
- (3) On the making of an order under this section which applies any of the provisions of sections 49, 50 and 52 of this Act the Secretary of State shall cause such a notice as is mentioned in section 45(9) of this Act to be lodged and made available in accordance with that subsection.
- (4) “Highlands and Islands” in this section has the same meaning as in the <sup>M42</sup>Highlands and Islands Development (Scotland) Act 1965.

### Marginal Citations

M42 1965 c. 46.

## Supplemental

## 57 Interpretation of Part III.

- (1) In this Part of this Act, except where the context otherwise requires—
  - “amalgamation”, “boundary adjustment”, “commercial unit”, “intermediate unit” and “uncommercial unit” have the same meanings as in Part II of this Act;
  - “prescribed”, in relation to the contents of a scheme, means prescribed by the scheme;
  - “woodland” includes all land used primarily for the growing of trees.
- (2) For the purposes of this Part of this Act land in the area of a Rural Development Board shall be regarded as having been within that area from the date when the Board is established except that, if included by an order varying the Board’s area, it shall be regarded as being within that area from the date when that order takes effect.
- (3) Section 107 of the <sup>M43</sup>Agriculture Act 1947 or, as the case may be, section 83 of the <sup>M44</sup>Agriculture (Scotland) Act 1948 (manner of service of notice) shall apply to notices required or authorised to be served by a Minister or a Rural Development Board under this Part of this Act.

### Marginal Citations

M43 1947 c. 48.

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M44 1948 c. 45.

## PART IV CO-OPERATIVE ACTIVITIES

### 58 The Central Council for Agricultural and Horticultural Co-operation.

- (1) ..... F133
- (2) It shall be the function of the Council to organise, promote, encourage, develop and co-ordinate co-operation in agriculture and horticulture, including co-operation and mutual assistance in production storage, preparation for market, marketing, transport, the provision of buildings, equipment and services for farmers and other producers, research and other incidental activities, and the Council's activities shall include—
- (a) the spread of information among producers about the principles and methods of co-operation in the production and marketing of agricultural and horticultural produce, and
  - (b) research, study and experiments directed to finding and evaluating new or untried ways of applying such principles and methods, and the publication of the results of the research, studies and experiments.
- (3) ..... F133
- (8) The Ministers shall—
- (a) ..... F133
  - (b) in the case of any member of the Council to whom the Ministers, with the approval of the Treasury, determine that this paragraph applies, pay out of money provided by Parliament such pension, or make such payments out of money provided by Parliament toward the provision of a pension, to or in respect of him as the Ministers and the Treasury may determine in his case,
- F134 ...
- (9) The Ministers shall to such extent as may be approved by the Treasury pay out of money provided by Parliament any expenditure incurred or to be incurred by the Council in the performance of their functions [F135 under this Part of this Act].
- (10) ..... F136

#### Textual Amendments

**F133** S. 58(1)(3)–(7)(8)(a) repealed by [Agricultural Marketing Act 1983 \(c. 3, SIF 2:10\)](#), s. 3, **Sch. 3**

**F134** Words in s. 58(8) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

**F135** Words added by [Agricultural Marketing Act 1983 \(c. 3, SIF 2:10\)](#), s. 3, **Sch. 2 para. 6**

**F136** S. 58(10) repealed by [Agricultural Marketing Act 1983 \(c. 3, SIF 2:10\)](#), s. 9, **Sch. 3**

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

**C35** S. 58: Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by [S.I. 1999/3141](#), **arts. 2(1)(5) Sch.** (with [art. 3](#))

*Status: Point in time view as at 28/05/2005.*

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59 ..... F137

#### Textual Amendments

F137 S. 59 repealed by [Agricultural Marketing Act 1983 \(c. 3, SIF 2:10\)](#), s. 3, Sch. 2 para. 3, **Sch. 3**

#### 60 Directions to Council by Ministers.

- (1) The Ministers, after consultation with the Council, may give to the Council such directions of a general character with respect to the performance of any functions of the Council as appear to the Ministers to be requisite in the public interest.
- (2) The Ministers may, as respects such of the Council's books, records and accounts as appear to the Ministers to be ones for which, having regard to the Ministers' relationship with the Council, it is reasonable to give such a direction, direct that they shall be kept available by the Council at all reasonable times for inspection by or on behalf of the Ministers or of the Comptroller and Auditor General.
- (3) The Council's report for any year under [F138 section 5(6) of the [Agricultural Marketing Act 1983](#)] shall set out any direction given by the Ministers under subsection (1) of this section to the Council during that year, unless the Ministers have notified the Council their opinion that it is against the interests of national security to do so.
- (4) It shall be the duty of the Council to comply with any directions given by the Ministers under this section.

#### Textual Amendments

F138 Words substituted by [Agricultural Marketing Act 1983 \(c. 3, SIF 2:10\)](#), s. 2, **Sch. 2 para. 7**

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

- C36 S. 60: Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by S.I. 1999/3141, **arts. 2(1)(5) Sch.** (with art. 3)
- C37 S. 60(2) extended (1.7.1999 as specified by S.I. 1998/3178, **art. 3**) by S.I. 1999/1747, art. 3, **Sch. 11 Pt. II para. 5**; S.I. 1998/3178, **arts. 1, 3**

F140 [F139] **Grants for purposes connected with co-operative activities.**

#### Textual Amendments

F139 S. 61 repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**

F140 S. 61 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

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

C38 S. 61 extended by [Agriculture Act 1970 \(c. 40\)](#), s. 34(1)(2)

C39 S. 61: Functions of the Secretary of State or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by S.I. 1999/3141, **arts. 2(3)(5)** (with art. 3)



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## 62 Supplemental.

(1) In this Part of this Act “agriculture or horticulture” includes everything included in the expression “agriculture” as defined in section 109(3) of the <sup>M45</sup>Agriculture Act 1947 or, as the case may be, in section 86(3) of the <sup>M46</sup>Agriculture (Scotland) Act 1948.

<sup>F141</sup>(2) .....

(3) In this Part of this Act, <sup>F142</sup>... “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland acting jointly.

(4) This Part of this Act extends to Northern Ireland.

### Textual Amendments

**F141** S. 62(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

**F142** Words in s. 62(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

### Marginal Citations

**M45** 1947 c. 48.

**M46** 1948 c. 45.

## PART V MISCELLANEOUS

## 63 Financial assistance for certain bodies making agricultural loans

(1) ..... <sup>F143</sup>

<sup>F144</sup>(2) .....

### Textual Amendments

**F143** S. 63(1) repealed by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), Sch. 6

**F144** S. 63(2) repealed by Agriculture and Forestry (Financial Provisions) Act 1991 (c. 33, SIF 2:2), s. 1, Sch., Pt.III

## 64 Grants towards fulfilling guarantees of bank loans to agriculture or horticulture businesses.

(1) Section 9 of the <sup>M47</sup>Agriculture and Horticulture Act 1964 (grants towards fulfilling guarantees of bank loans to horticulture businesses) shall not apply in relation to any guarantee given after 31st March 1966 (but the provisions of this section shall apply in relation to such guarantees).

(2) The Minister may, in such manner and subject to such conditions as he may with the approval of the Treasury determine, make a grant to any person in respect of expenditure incurred by that person in fulfilling a guarantee given by him as security for a loan made in the course of a banking business to a person requiring the loan for the purposes of an agriculture or horticulture business carried on by him, where—

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- (a) the guarantee was given during the period of three years beginning on 1st April 1966, or
- (b) the guarantee was given in the year ending on 31st March 1966 and the grant could not be given under the said section 9 of that Act of 1964 and is given after the end of the said year.

<sup>F145</sup>(3) .....

(4) The aggregate of sums paid by way of grant under this section <sup>F146</sup>... in the year ending on 31st March 1968 or in any subsequent year shall be subject to a limit of three hundred thousand pounds increased, where the aggregate of sums so paid in the last preceding year falls short of the limit for that year (whether it be the limit under this or the last foregoing subsection), by the amount of the difference or six hundred thousand pounds, whichever is the less.

<sup>F147</sup>(5) .....

(6) ..... <sup>F148</sup>

<sup>F149</sup>(7) .....

(8) In this section—

“agriculture or horticulture business” means either—

- (a) a business which consists, or so much of a larger business as consists, of the producing in the United Kingdom of agricultural or horticultural produce for sale or of the producing in the United Kingdom of agricultural or horticultural produce for sale and its storage, preparation for market or transport, or
- (b) the activities of any co-operative association so far as they consist of assisting members in the production in the United Kingdom of agricultural or horticultural produce for sale by the provision of buildings, equipment, facilities or services required in connection therewith, or
- (c) a co-operative marketing business;

“agricultural or horticultural produce” means anything (whether live or dead) produced in the course of agriculture and without prejudice to the generality of that definition the expression “agricultural or horticultural produce” shall include all horticultural produce as defined in section 8(1) of the <sup>M48</sup>Horticulture Act 1960;

“co-operative marketing business” means a business carried on by a co-operative association and consisting of, or so much of a larger business so carried on as consists of, the storage, preparation for market or marketing, for the sole or primary purpose of assisting members engaged in the production in the United Kingdom of agricultural or horticultural produce for sale, of agricultural or horticultural produce produced by members of the association;

“co-operative association” means—

- (a) a registered society as defined in section 74 of the <sup>M49</sup>Industrial and Provident Societies Act 1965 or a society registered under the Industrial and Provident Societies Acts (Northern Ireland) 1893 to 1963, or
- (b) any body which (whether incorporated or not) has a written constitution from which the Minister is satisfied, having regard to any provision as to the manner in which profits of the body are to be applied for the benefit of its members and all other relevant provisions, that the body is in substance a co-operative association;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

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“year” means a period of twelve calendar months.

[<sup>F150</sup>(8A) For the purposes of the definitions in subsection (8) above of “co-operative marketing business” and “co-operative association”, the members of a co-operative association shall be deemed to include the members of any other co-operative association which—

- (a) is a member of the first mentioned association, or
- (b) is deemed to be such a member by virtue of paragraph ( a ) above or this paragraph. ]

(9) This section extends to Northern Ireland.

**Textual Amendments**

- F145 S. 64(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1
- F146 Words in s. 64(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1
- F147 S. 64(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1
- F148 Ss. 64(6), 65(5) repealed by European Communities Act 1972 (c. 68), Sch. 3 Pt. IV
- F149 S. 64(7) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1
- F150 S. 64(8A) inserted by Agriculture (Amendment) Act 1984 (c. 20, SIF 2:1), s. 1

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

- C40 S. 64(2)(a) amended by extension of period mentioned for a further additional period of 5 years beginning on 1.4.1984 by S.I. 1984/275, art. 2
- C41 S. 64(2)(a) amended with the extension of period mentioned for additional five years by S.I. 1979/323

**Marginal Citations**

- M47 1964 c. 28.
- M48 1960 c. 22.
- M49 1965 c. 12.

<sup>F151</sup>65 Grants for keeping farm business records.

.....

**Textual Amendments**

- F151 S. 65 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

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

- C42 S. 65: Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by S.I. 1999/3141, arts. 2(1)(5) Sch. (with art. 3)

66 ..... <sup>F152</sup>

**Textual Amendments**

- F152 S. 66 repealed by Animal Health Act 1981 (c. 22, SIF 4:4), s. 96, Sch. 6

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## 67 Sick pay for agricultural workers.

- (1) The minimum rates of wages for workers employed in agriculture which the Agricultural Wages Board has power to fix under section 3(1)(a) of the <sup>M50</sup>Agricultural Wages Act 1948 may include minimum rates of wages for periods when a worker so employed is absent in consequence of sickness or injury, and may include them notwithstanding that under the contract of employment no remuneration is payable in respect of any such period.
- (2) In section 3(7) of the said Act, and paragraph 5 of Schedule 4 to that Act (which authorise—
  - (a) the fixing of a minimum rate of wages so that remuneration received is calculated by reference to periods during the currency of employment, and
  - (b) alternative provisions applying according to different circumstances arising during the currency of employment)
 references to currency of employment shall, in accordance with subsection (1) of this section, include periods of sickness or injury.
- (3) An order of the Agricultural Wages Board which fixes minimum rates of wages for periods when a worker is absent in consequence of sickness or injury—
  - (a) may treat a period of sickness or injury as being during the currency of employment notwithstanding that the contract of employment has terminated, but not where the contract of employment is terminated by notice given before the commencement of the sickness or the occurrence of the injury,
  - (b) may limit the period or periods for which a minimum rate of wages is so fixed in any way, and in particular may relate the period or periods to the duration of the period for which the worker has worked for the employer,
  - (c) may make the right to the minimum rate of wages depend on compliance by the worker with any conditions, including in particular conditions as to the production of a medical certificate or other evidence of incapacity for work due to sickness or injury,
  - (d) may provide for the times at which, and conditions subject to which, the right to receive wages at the minimum rate is to accrue, and the wages are to become payable,
  - (e) may provide for account to be taken, in arriving at the minimum rate of wages, of any benefits [<sup>F153</sup>payable under Parts II to V of the Social Security Contributions and Benefits Act 1992][<sup>F154</sup>or Part II of the <sup>M51</sup>Social Security Pensions Act 1975].
- (4) Subsection (1) of this section shall not alter the construction of any order made under the said Act before the passing of this Act.
- (5) Section 17 of the said Act shall apply for the interpretation of this section.
- (6) In the application of this section to Scotland—
  - (a) any reference to the Agricultural Wages Board shall be construed as a reference to the Scottish Agricultural Wages Board;
  - (b) any reference to the <sup>M52</sup>Agricultural Wages Act 1948 shall be construed as a reference to the <sup>M53</sup>Agricultural Wages (Scotland) Act 1949; and
  - (c) any reference to paragraph 5 of Schedule 4 to the said Act of 1948 shall be construed as a reference to paragraph 5 of Schedule 3 to the said Act of 1949.

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#### Textual Amendments

**F153** Words in s. 67(3)(e) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992](#) (c. 6), ss. 4, 7(2), **Sch. 2 para. 4**

**F154** Words inserted by [Social Security Pensions Act 1975](#) (c. 60), **Sch. 4 Pt. I para. 10**

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

**C43** S. 67 restricted (1.4.1999) by [1949 c. 30, s. 3\(14\)\(b\)](#) (as inserted (1.4.1999)) by [1998 c. 39, s. 47, Sch. 2 Pt. II para. 12\(3\)](#) (with s. 36); [S.I. 1999/685, art. 2, Sch.](#) (with art. 3)

S. 67: power to amend conferred (1.4.1999) by [1998 c. 39, s. 47\(2\)\(c\)\(3\)](#) (with s. 36); [S.I. 1999/685, art. 2, Sch.](#) (with art. 3)

#### Marginal Citations

**M50** [1948 c. 47.](#)

**M51** [1975 c. 60.](#)

**M52** [1948 c. 47.](#)

**M53** [1949 c. 30.](#)

### 68 Application of capital money in payment of improvement rentcharges.

Section 73(1)(xiii) of the <sup>M54</sup>Settled Land Act 1925 (under which capital money arising under that Act may be applied in the redemption of improvement rentcharges) shall, in its application to any charge created under the <sup>M55</sup>Improvement of Land Act 1864 in respect of an improvement benefiting agricultural land, <sup>F155</sup> . . . have effect as if the reference to redemption included a reference to discharging as it falls due so much of any periodical payment as represents repayment of capital.

#### Textual Amendments

**F155** Words in s. 68 repealed by [Agricultural and Forestry \(Financial Provisions\) Act 1991](#) (c. 33, SIF 2:2), s. 1, **Sch., Pt. II**

#### Marginal Citations

**M54** [1925 c. 18.](#)

**M55** [1864 c. 114.](#)

### 69 False statements to obtain grants, etc.

(1) If any person, for the purpose of obtaining for himself or any other person—

- (a) any grant under this Act, . . . <sup>F156</sup>
- (b) . . . . . <sup>F157</sup>
- (c) . . . . . <sup>F158</sup>

or for the purpose of inducing the appropriate Minister or a Rural Development Board to make a loan or guarantee under section 28 or section 47 of this Act, knowingly or recklessly makes a false statement he shall be liable—

- (i) on summary conviction to a fine not exceeding [<sup>F159</sup>level 3 on the standard scale] or imprisonment for a term not exceeding three months or both.
- (ii) . . . . . <sup>F160</sup>

(2) This section extends to Northern Ireland.

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#### Textual Amendments

- F156** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. II](#)
- F157** [S. 69\(1\)\(b\)](#) repealed by [Agriculture Act 1970 \(c. 40\), ss. 29\(6\)\(7\), 113\(3\), Sch. 5 Pt. I](#)
- F158** [S. 69\(c\)–\(e\)](#) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. II](#)
- F159** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46, \(S.\) Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G and \(N.I.\) S.I. 1984/703 \(N.I. 3\), arts. 5, 6](#)
- F160** [S. 69\(1\)\(ii\)](#) repealed by [Theft Act 1968 \(c. 60\), Sch. 3 Pt. I](#) and [Theft Act \(Northern Ireland\) 1969 \(c. 16\), Sch. 3 Pt. I](#)

### 70 Guaranteed prices: minor amendments as respects powers of entry and offences.

- (1) In the application in Northern Ireland of section 5(1)(d) of the <sup>M56</sup>Agriculture Act 1957 (powers of entry in connection with guaranteed prices) and any order made thereunder before the coming into force of this section, references to authorised officers of the Minister shall include references to authorised officers of [<sup>F161</sup>the Department of Agriculture for Northern Ireland].
- (2) In section 7(3)(b) of that Act (penalty for altering, cincealing or defacing a mark applied to produce) the word “removes” shall be added before the words “alters, conceals or defaces”.
- (3) This section extends to Northern Ireland.

#### Textual Amendments

- F161** Words substituted by virtue of [Northern Ireland Constitution Act 1973 \(c.36\), Sch. 5 para.8\(1\)](#)

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

- C44** The text of s. 70(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M56** [1957 c. 57.](#)

## PART VI SUPPLEMENTAL AND GENERAL

### 71 Offences by bodies corporate.

Where a body corporate is guilty of an offence under this Act, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this section “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or

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part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

## 72 Application to Northern Ireland.

- (1) Parts I to V of this Act, so far as not expressly extended to Northern Ireland by any provision contained in this Act or by any Order in Council under the next following subsection, shall not extend to Northern Ireland; . . . <sup>F162</sup>
- (2) Her Majesty may, by Order in Council made under this subsection in pursuance of resolutions passed by the two Houses of the Parliament of Northern Ireland, direct that the provisions of Part III of this Act other than sections 41 to 44 shall extend to Northern Ireland; and any such Order in Council may be varied or revoked by a subsequent Order in Council made under this subsection in pursuance of such resolutions as aforesaid.
- (3) While any provisions of Part III of this Act extend to Northern Ireland by virtue of an Order in Council under subsection (2) above those provisions, and any other provision of this Act so far as it relates to those provisions, shall have effect subject to such exceptions, adaptations and modifications as may be specified in the Order.
- (4) In the application of any provision of this Act to Northern Ireland any reference to an Act of the Parliament of the United Kingdom shall be construed as a reference to that Act as it applies to Northern Ireland.
- (5) Any reference to an enactment of the Parliament of Northern Ireland or to an enactment which that Parliament has power to amend shall be construed as including a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act and to any Act of that Parliament passed after this Act and re-enacting that enactment whether with or without modifications.
- (6) In any provision of this Act under which a grant or subsidy under this Act may be reduced or withheld where some other relevant grant or subsidy is payable out of money provided by Parliament, references to any such other grant or subsidy shall include references to one payable out of money provided by the Parliament of Northern Ireland.
- (7) An Order in Council under this section may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient.

### Textual Amendments

**F162** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

73

..... <sup>F163</sup>

### Textual Amendments

**F163** [S. 73](#) repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), **Sch. 3** and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), **Sch. 3**

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#### **74 Expenses and receipts of Ministers.**

- (1) Any expenses incurred by any Minister under this Act shall be defrayed out of money provided by Parliament.
- (2) Any sums received or recovered by any Minister in pursuance of this Act or any order made thereunder shall, except as otherwise expressly provided, be paid into the Exchequer.

#### **75 Short title, interpretation, repeals and commencement.**

- (1) This Act may be cited as the Agriculture Act 1967.
- (2) In this Act, unless the context otherwise requires,—
  - “the appropriate Minister” means, in relation to England and Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State;
  - “agriculture”, “agricultural land”, “agricultural unit” and cognate expressions and references to farming shall be construed except in relation to Scotland in accordance with section 109 of the <sup>M57</sup>Agriculture Act 1947, and in relation to Scotland, in accordance with section 86 of the <sup>M58</sup>Agriculture (Scotland) Act 1948;
  - “assignment”, in relation to Scotland, means assignation;
  - “heritable security” has the same meaning as in the <sup>M59</sup>Conveyancing (Scotland) Act 1924 except that it includes a security constituted by ex facie absolute disposition or assignation, and “heritable creditor” shall be construed accordingly;
  - “land” includes any estate or interest in land;
  - “local authority” means, in England <sup>F164</sup> . . . , the council of a county, of a . . . <sup>F165</sup> London borough, the Common Council of the City of London and an . . . <sup>F165</sup> district council, [<sup>F166</sup>in Wales, the council of a county or county borough] and, in Scotland, a county council, joint county council of a combined county, town council or district council;
  - “pension”, in relation to any person, means a pension of any kind whatsoever, whether contributory or not, payable to or in respect of him, and includes a gratuity so payable on his retirement or death, and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto.
- (3) In this Act references to England and Wales shall be construed as if Wales included Monmouthshire.
- (4) References in this Act to the duration of a scheme are references to the period within which applications for approval of proposals qualifying for grant under the scheme must be made <sup>F167</sup> . . . ; and the provisions of this Act limiting the duration of a scheme shall not prevent a scheme providing different periods for different purposes.
- (5) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended or extended by any other enactment, including this Act, and in this Act “enactment” includes an enactment of the Parliament of Northern Ireland.
- (6) Any power of giving directions conferred by this Act shall include a power, subject to the like conditions, to vary or revoke a direction so given.



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(7) The Acts mentioned in Schedule 7 to this Act shall be repealed to the extent specified in the third column of that Schedule, but subject to the provisions at the end of that Schedule.

<sup>F168</sup>(8) .....

**Textual Amendments**

**F164** Words in s. 75(2) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 30, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F165** Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**

**F166** Words in s. 75(2) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 30** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F167** Words in s. 75(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 1

**F168** S. 75(8) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 1

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

**C45** Power of appointment conferred by s. 75(8) fully exercised

**Marginal Citations**

**M57** 1947 c. 48.

**M58** 1948 c. 45.

**M59** 1924 c. 27.

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## SCHEDULES

### SCHEDULE 1

#### THE MEAT AND LIVESTOCK COMMISSION

#### PART I

#### FUNCTIONS

- 1 (1) Promoting greater efficiency in the production of livestock by any means, including those in paragraphs 2 to 6 below, but subject to the exception in sub-paragraph (2) of this paragraph.
- (2) In performing their functions under this paragraph and paragraphs 2 to 5 below the Commission shall not concern themselves
  - (a) with the production of milk or milk products or fleece wool, or
  - (b) with the production of dairy cattle,
 except so far as matters within paragraphs (a) and (b) above are related to matters (such as the meat-producing characteristics of cattle) which are the Commission's concern, or so far as the Commission concern themselves with matters within paragraphs (a) and (b) above in assisting any Board or other person connected with those matters.
- 2 Promoting or undertaking arrangements for assessing the breeding qualities of livestock and the management of herds and flocks to which they belong on the basis of information derived from the keeping of records.
- 3 Promoting or undertaking performance testing, and progeny testing, of livestock, and acquiring and maintaining establishments where such testing may be carried out (whether by the Commission or by any person on their behalf).
- 4 Promoting or undertaking provision of services of artificial insemination of livestock.
- 5 Maintaining and publishing registers of cattle and pig herds and sheep flocks appearing to the Commission to be efficiently managed and to conform to the standards specified by the Commission.
- 6 Promoting the use for breeding purposes of sires of a quality approved by the Commission.
- 7 (1) Giving advice and information to the Central Council for Agricultural and Horticultural Co-operation—
  - (a) on matters relating to the commercial and technical aspects of livestock production and marketing, and
  - (b) for the purpose of assisting the Council in deciding whether to make grants in aid of co-operative activities in livestock production and marketing.

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- (2) Giving advice and information to livestock producers on the commercial and technical aspects of introducing and developing co-operative arrangements for the production and marketing of livestock.
- 8 (1) Advising on suitable and fair terms (other than financial terms) of contracts for the sale of livestock and meat, and preparing model or standard terms for inclusion in such contracts.
- (2) Giving advice and information to assist buyers and sellers of livestock and meat to make bargains and do business.
- 9 (1) Giving advice and information to those owning, conducting or using livestock auction markets on the efficient lay-out, design and operation of such markets, including in particular efficient methods of handling and penning livestock, and generally on matters conducive to efficiency.
- (2) Compiling standard codes of practice for any of the activities connected with livestock auction markets with a view to their efficient and equitable operation.
- 10 (1) Giving advice and information to those owning, conducting or using slaughterhouses—
  - (a) on the efficient lay-out, design and operation of slaughterhouses and premises and appliances used in connection with slaughterhouses, and
  - (b) on efficient techniques of slaughtering of livestock and of dressing carcasses, and generally on matters conducive to efficiency.
- (2) Giving to the Ministers advice and information on any matters connected with slaughterhouses for the purpose of assisting the Ministers to discharge any of their functions, and in particular their functions relating to the licensing of slaughterhouses and to slaughtering charges made at public slaughterhouses.

[<sup>F169</sup>10A [<sup>F170</sup> Functions under regulation 9 of the Beef Carcase (Classification) (Scotland) Regulations 2004 (classification by the MLC of certain carcasses). ]

#### Textual Amendments

**F169** Sch. 1 Pt. 1 para. 10A inserted (31.10.1991) by [The Beef Carcase \(Classification\) Regulations 1991 \(S.I. 1991/2242\)](#), regs. 1(a), **10(12)**

**F170** Sch. 1 para. 10A substituted (S.) (2.7.2004) by [Beef Carcase \(Classification\) \(Scotland\) Regulations 2004 \(S.S.I. 2004/280\)](#), regs. 1(1), **15**

**F171** Words in Sch. 1 para. 10A substituted (E.) (7.6.2004) by [Beef Carcase \(Classification\) \(England\) Regulations 2004 \(S.I. 2004/1317\)](#), art. 1(1)**reg. 15**

- 11 (1) Disseminating in the livestock industry and livestock products industry information about, and advice based on information about—
  - (a) the supplies of, and demand and market prices paid for, livestock and livestock products, whether produced in Great Britain or elsewhere, and
  - (b) market situations and future supply, demand and market prices.
- (2) For that purpose—
  - (a) undertaking the collection of information to supplement that available from official sources about supplies of, and demand and market prices paid for, livestock and livestock products and,

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- (b) collating, analysing and interpreting official and other information on those subjects.
- 12 Giving advice and information to the Ministers about current and prospective supplies of livestock and livestock products from all sources.
- 13 Promoting or undertaking investigations and research as to—
- (a) the production, marketing and distribution of livestock,
  - (b) the production, processing, manufacture, marketing and distribution of livestock products,
  - (c) the demand (whether in Great Britain or elsewhere) for livestock and livestock products and connected matters, including prices paid for livestock and livestock products,
- and disseminating in the livestock industry and the livestock products industry information about, and advice based on, the results of the investigations and research.
- 14 Collecting the results of investigations and research carried out on any matters relating to the livestock industry or the livestock products industry and disseminating in those industries information about, and advice based on, the results of the investigations and research.
- 15 Promoting or undertaking arrangements for advertising the merits, and increasing the sales (whether in Great Britain or elsewhere), of livestock and livestock products produced in Great Britain.
- 16 Disseminating information and advice useful to consumers of livestock products, and in particular information as to their availability, use, identification and choice.
- 17 (1) In sections of the livestock industry or livestock products industry for which no industrial training board has been established, encouraging and promoting the training of employees.
- (2) Co-operating with the industrial training board for any other section of either industry in the improvement of the training of employees in that section of the industry.
- 18 Accepting, whether as a trustee or otherwise, responsibility for carrying out any trust for purposes connected with the Commission's functions or the intentions of any person making a gift or bequest for any of those purposes.
- 19 Giving financial assistance to any person in order to achieve the objects of the Commission.
- 20 Making available to persons concerned, in a form which does not disclose anything concerning the private affairs of particular persons or undertakings, any information on matters with which the Commission are concerned in the performance of any of their functions, and in particular information collected by the Commission in the performance of their functions.
- 21 Any functions incidental or ancillary to any of the functions specified above in this Part of this Schedule.
- 22 The Commission may engage in any form of collaboration or co-operation with other persons in performing any of their functions, and shall enter into such consultations with other authorities and persons as appear to them required to ensure that duplication of research, advisory services and other activities is avoided so far as practicable.

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## PART II THE COMMISSION

- 1 The Commission shall be a body corporate with perpetual succession and a common seal.
- 2 (1) It shall be within the capacity of the Commission as a statutory corporation to do such things and to enter into such transactions as are incidental or conducive to the performance of any of their functions.  
(2) Without prejudice to the generality of sub-paragraph (1) above—
  - (a) where in the performance of any of their functions the Commission render any services to any person, they may make such charges in respect of those services as may be agreed between the Commission and that person, and
  - (b) the Commission may borrow money and pledge, mortgage or charge any of their property (including the proceeds of the charges imposed under a levy scheme).
- (3) The Commission may, with the consent of the Ministers, delegate any functions conferred on them by Part I of this Act, or a scheme or order under Part I of this Act, but, in the case of a development scheme, only so far as the development scheme so provides.

### Modifications etc. (not altering text)

**C46** Sch. 1 Pt. II para. 2(3) modified (23.10.2002) by The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747), Sch. 16 Pt. IV para. 7(2) (as inserted by The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) (Amendment) Order 2002 (S.I. 2002/2636), art. 3(c))

- 3 The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment or any disqualification of any of the members of the Commission.

### Modifications etc. (not altering text)

**C47** Sch. 1 pt. II para. 3 extended (14.3.2001) by S.I. 2001/935, art. 2, para. 12 of Scheme

- 4 (1) Subject to the following provisions of this paragraph, a member of the Commission and the chairman and deputy chairman shall hold and vacate office as such in accordance with the terms of his appointment, and previous tenure of any such office shall not affect eligibility for re-appointment.  
(2) If the chairman or deputy chairman ceases to be a member of the Commission, he shall also cease to be chairman or deputy chairman.  
(3) A member of the Commission may at any time, by notice in writing addressed to the Ministers or either of them, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.

### Modifications etc. (not altering text)

**C48** Sch. 1 pt. II para. 4(1)(2) extended (14.3.2001) by S.I. 2001/935, art. 2, para. 12 of Scheme

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- 5 (1) A member of the Commission shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Commission, disclose the nature of his interest at a meeting of the Commission as soon as possible after the relevant circumstances have come to his knowledge.
- (2) Any disclosure made by a member under the foregoing subparagraph shall be recorded in the minutes of the Commission, and that member shall not take part after the disclosure in any deliberation or decision of the Commission with respect to that contract, but may, nevertheless, be taken into account for the purpose of constituting a quorum of the Commission.

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

**C49** Sch. 1 pt. II para. 5 extended (14.3.2001) by S.I. 2001/935, art. 2, para. 12 of Scheme

- 6 In the case of an equality of votes at any meeting of the Commission, the person who is chairman at that meeting shall have a second or casting vote.

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

**C50** Sch. 1 pt. II para. 6 extended (14.3.2001) by S.I. 2001/935, art. 2, para. 12 of Scheme

- 7 (1) Subject to paragraphs 5 and 6 of this Part of this Schedule, the Commission may determine their own quorum and procedure and the quorum and procedure of any committee of the Commission.
- (2) Subject to Part III of this Schedule, this paragraph applies in relation to . . . <sup>F172</sup>the Consumers Committee as it applies in relation to any committee set up by the Commission.

**Textual Amendments**

**F172** Words repealed by Agriculture (Miscellaneous Provisions) Act 1976 (c. 55), Sch. 4 Pt. II

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

**C51** Sch. 1 pt. II para. 7(1) extended (14.3.2001) by S.I. 2001/935, art. 2, para. 12 of Scheme

- 8 (1) The Commission may appoint such officers and servants as the Commission may determine
- (2) The Commission shall—
- (a) pay to their officers and servants such remuneration and such travelling or other allowances as they may determine, and
- (b) as to any officers or servants in whose case the Commission may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes, as the Commission may . . . <sup>F173</sup>determine.

**Textual Amendments**

**F173** Words repealed by Superannuation Act 1972 (c. 11), s. 29(4), Sch. 8

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- 9 (1) It shall be the duty of the Commission, except in so far as the Commission are satisfied that adequate machinery exists for achieving the purposes of this paragraph, to seek consultation with any organisation appearing to the Commission to be appropriate with a view to the conclusion between the Commission and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Commission, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements, and
  - (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Commission and the discussion of other matters of mutual interest to the Commission and such persons, including efficiency in the discharge of the Commission's functions.
- (2) The Commission shall send to the Ministers and to <sup>[F174]</sup>the Secretary of State for Employment] a copy of any agreement concluded in pursuance of this paragraph, and of any instrument varying the terms of any such agreement.

**Textual Amendments**

**F174** Words substituted by virtue of [S.I. 1968/729](#), [arts. 2,3\(2\)](#) and 1970/1537, art. 3

- 10 The application of the seal of the Commission shall be authenticated by the signatures of two members of the Commission and of the chief officer of the Commission or some other person authorised by the Commission to do so in his place.

**[<sup>F175</sup>PART IIA]**

**CLASSES OF PERSONS FOR PURPOSES OF SECTION 1A**

**Textual Amendments**

**F175** [Sch. 1 Pt. IIA](#) inserted by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\)](#), [s. 3\(3\)](#)

Cattle, pig and sheep producers.

Persons employed in livestock production.

Livestock traders.

Livestock auctioneers.

Local authorities operating slaughterhouses and livestock and meat markets.

Persons engaged in animal by-products trades.

Wholesalers of meat and importers of meat (excluding bacon).

Producers of bacon and other edible livestock products except meat.

Retailers of meat and other edible livestock products.

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Persons employed in the marketing and distribution of livestock or the production, processing, manufacture, marketing and distribution of livestock products.

### [<sup>F176</sup>PART III]

#### THE COMMISSION'S COMMITTEES

##### **Textual Amendments**

**F176** Sch. 1 Pt. III substituted with saving by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\), s. 3\(4\)](#), [Sch. 1 para. 4](#)

##### *The Consumers Committee*

- 1 (1) The Consumers Committee shall consist of a chairman appointed by the Ministers and six other members.
- (2) The chairman of the Committee shall be a member of the Commission, and the six other members shall be persons appointed by the Ministers as capable of representing the interests of the consumers.
- (3) If the chairman of the Committee ceases to be a member of the Commission, he shall also cease to be the chairman, and a member, of the Committee.

##### *Payment of members of committees*

- 2 The Commission—
- (a) may pay to members of the Consumers Committee and any other of the Commission's committees such remuneration as they may, with the consent of the Ministers given with the approval of the Minister for the Civil Service, determine; and
- (b) shall pay to members of any of those committees such travelling and other allowances as the Ministers may, with the approval of the Minister for the Civil Service, determine.

##### *Procedure*

- 3 Paragraphs 3, 4 and 5 of Part II of this Schedule shall apply in relation to the Consumers Committee, and paragraphs 3, 4(1) and (2) and 5 of the said Part II shall apply in relation to any other of the Commission's committees, as they apply in relation to the Commission.



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## SCHEDULE 2

Section 9.

### SUPPLEMENTARY PROVISIONS WITH RESPECT TO DEVELOPMENT SCHEMES

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

**C52** Sch. 2 extended (14.3.2001) by S.I. 2001/935, art. 2, para. 13 of Scheme

#### *Procedure for making development schemes*

- 1 (1) At least fifty-six days before submitting a development scheme to the Ministers the Commission shall cause to be published in the London Gazette and the Edinburgh Gazette and in such other manner as they think best adapted for informing persons affected, a notice of the Commission's intention to do so—
  - (a) specifying the place where the draft scheme may be inspected and copies thereof obtained, and the price (being a price approved by the Ministers) at which such copies will be supplied; and
  - (b) stating that the Commission are prepared to receive and consider any objection to the proposed scheme which may be made to the Commission in writing within such period after the date of the publication of the notice, not being less than fifty-six days, as may be specified in the notice.
- (2) If any objection duly made is not withdrawn the Commission shall afford to the objector an opportunity of appearing before and being heard by a person appointed by the Commission for the purpose.
- (3) The Commission shall, before submitting the development scheme, take into consideration any such objection and the report of the person before whom any objector appeared.
- 2 (1) The Commission shall not submit to the Ministers a development scheme which differs from the draft scheme available for inspection under paragraph 1 above except as respects the correction of minor defects or errors.
- (2) The foregoing sub-paragraph shall be without prejudice to the preparation by the Commission of a further draft scheme, and a notice under paragraph 1 above as respects such a scheme—
  - (a) shall give particulars of the respects in which it differs from the previous draft scheme, and
  - (b) shall state that objections to the proposed scheme are restricted to objections to or arising out of the changes, as compared with the previous scheme.
- 3 When submitting any development scheme to the Ministers, the Commission shall transmit to them any objection thereto which has been duly made to the Commission and has not been withdrawn, and the report of the person before whom any objector appeared.
- 4 (1) After considering any objections and any report so transmitted to them, the Ministers may proceed to make a draft order confirming the scheme and, subject to the following provisions of this paragraph, they may make it with any modification which appears to them expedient.
- (2) Except where the Ministers are satisfied that on any hearing afforded under this Schedule all persons who might reasonably be expected to require an opportunity of

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making an objection to the modification have had sufficient notice of the possibility of the modification being made, and of objecting to it, the Ministers shall not make the draft order with the modification until they have taken such steps as appear to them appropriate for bringing the modification to the notice of those persons and affording them the opportunity of making objections, and appearing at a hearing, which they would have had if the original scheme had incorporated the modification.

- (3) The draft order confirming any scheme shall set out the scheme.

*Confirmation of development scheme by order*

- 5 (1) If the Ministers are satisfied that the bringing into force of a development scheme submitted to them will conduce to the better organisation, development or regulation of any section of the livestock industry or the livestock products industry, and that it is expedient that the development scheme should have effect, then, subject to the following provisions of this paragraph, they may if they think fit confirm the development scheme by order made by statutory instrument.
- (2) The Ministers shall not make an order confirming a development scheme if it appears to them that the effect of the development scheme will or may be such as to conflict with any objectives adopted by any Ministers in making any order under Part I of the <sup>M60</sup>Agriculture Act 1957 (guaranteed prices and assured markets).
- (3) The Ministers shall not make an order confirming a development scheme unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

**Marginal Citations**

**M60** 1957 c. 57.

*Coming into force of development scheme*

- 6 A development scheme shall come into force on such date as may be specified in the order confirming the development scheme, being a date after the latest date on which either House of Parliament resolves that the draft order be approved.

*Proceedings questioning validity of a development scheme*

- 7 (1) Within six months from the making of an order confirming a development scheme any person may apply to the High Court on the ground that any provision contained in the development scheme is invalid as not being authorised by section 9 of this Act, or that there has been a failure to comply with any requirement of this Act as to the procedure for the making of a development scheme or the order confirming it, and on the application the High Court—
- (a) may by interim order suspend the operation of the development scheme (either generally or in so far as it affects the applicant) until the final determination of the proceedings,
- (b) if satisfied that on the grounds given in the application any provision contained in the development scheme is invalid, or that on those grounds the interests of the applicant have been substantially prejudiced by a failure to comply with any requirements as to procedure, may quash the development

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- scheme or any provision contained in it either generally or in so far as it affects the applicant or any class of persons which includes the applicant, and
- (c) may, in quashing the development scheme or any provision contained in it, make such provision for consequential and incidental matters as appears to the court to be necessary or expedient, including provision as to the degree to which the decision is to affect things already done under the development scheme,

and subject to the foregoing provisions of this paragraph the validity of a development scheme shall not be questioned in any legal proceedings whatsoever.

- (2) In relation to Scotland, any reference in this paragraph to the High Court shall be construed as a reference to the Court of Session.

*Ministers' powers to revoke or direct variation of a development scheme*

8

If the Ministers are satisfied—

- (a) that a development scheme is not serving the purposes for which it is made, or
- (b) that the continued operation of a development scheme would be contrary to the public interest, or
- (c) that a development scheme is unduly prejudicial to the interests of any class of persons affected by the scheme,

the Ministers may by order made by statutory instrument, of which a draft has been laid before and approved by resolution of each House of Parliament, revoke the development scheme or, in a case under paragraph (c) above, direct the Commission to submit to them a further development scheme containing such provisions as appear to the Commission appropriate for mitigating the effect of the earlier development scheme on the interests of the class of persons in question.

An order under this paragraph may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient.

SCHEDULE 3

Sections 26, 28, 29 and 48.

CONDITIONS APPLYING TO AMALGAMATED AGRICULTURAL UNITS

*Duration of conditions, and incorporation in leases, tenancies, etc.*

1

For a period of [<sup>F177</sup>five years] from the time when the provisions of this Schedule first apply to a unit of land (but without prejudice to its application when its provisions come to apply to any part of that land on any other occasion) the conditions specified in this Schedule shall be observed as regards the unit and shall, so far as applicable, be deemed to be part of the terms of any lease, agreement for lease or tenancy of the unit of land, or any part of it, and shall be enforceable accordingly.

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### Textual Amendments

**F177** Words substituted retrospectively by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\), s. 10\(5\)](#)

### *Registration of conditions*

- 2 <sup>F178</sup>(1) As respects a unit of land to which this Schedule applies, the conditions specified in this Schedule shall (notwithstanding section 2(a) or (b) of the <sup>M61</sup>Local Land Charges Act 1975) be a local land charge, and for the purposes of that Act the appropriate Minister or, where this Schedule is applied to the unit by a conveyance by a Rural Development Board, the relevant Rural Development Board shall be treated as the originating authority as respects such charge.]
- (2) ..... <sup>F179</sup>
- <sup>F180</sup>(4) In the case of a unit of land in Scotland—
- (a) where the conditions specified in this Schedule first come to apply to the unit, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice of that fact;
  - (b) the said conditions shall not be enforceable against any third party who shall have in good faith and for value acquired right (whether completed by infetment or not) to his estate or interest in the unit prior to the said notice being recorded as aforesaid, or against any person deriving title from such a third party;
  - (c) where the conditions or any of them cease to apply to the unit or part of the unit in pursuance of paragraph 6(1) or 7(8) of this Schedule, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice stating that the conditions or condition no longer apply, or applies, to that unit of land or that part].
- (5) The conditions applied to a unit of land under this Schedule shall be included among the matters which are required to be registered in the Statutory Charges Register in Northern Ireland . . . <sup>F181</sup>

### Textual Amendments

**F178** Para. 2(1) substituted by [Local Land Charges Act 1975 \(c. 76\), Sch. 1](#)

**F179** Sch. 3 para. 2(2)(3) repealed by [Local Land Charges Act 1975 \(c. 76\), s. 19, Sch. 2](#)

**F180** Para. 2(4) substituted by [Agriculture Act 1970 \(c. 40\), s. 33\(1\)\(b\)](#)

**F181** Words repealed by [Land Registration Act \(Northern Ireland\) 1970 \(c. 18\), Sch. 14](#)

### Marginal Citations

**M61** 1975 c. 76.

### *Condition restricting transfers without Minister's consent*

- 3 (1) It shall be a condition that, except with the written consent of the appropriate Minister, no person shall transfer to any other a part only, or any estate or interest in a part only, of the land comprised in the unit.

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- (2) References in this paragraph to the transfer of land, or of an estate or interest in land, include references to devolution on death or under the terms of a settlement and the High Court may, on the application of a person affected by this sub-paragraph, vary the way in which property is to devolve on a death or under a settlement so that there is no breach of the conditions specified in this paragraph but, subject to that, so that the persons interested in the unit of land, including those to whom property would devolve on the death or under the settlement, so far as required to surrender any interest in the unit of land, are compensated by receiving part of the proceeds of sale of the land or in any other way.
- (3) References in this paragraph to the transfer of land, or an estate or interest in land—
- (a) include, subject to paragraph (b) below, references to transfer by way of the creation or assignment of a lease, agreement for a lease or tenancy, including in each case a sublease or sub-tenancy,
  - (b) do not include references to the granting or assignment of any right of occupation the grant of which is made (whether or not expressly to that effect) in contemplation of the use of the land only for grazing or mowing during some specified period of the year, and, without prejudice to the foregoing words, in Northern Ireland do not include references to the transfer or assignment of any rights arising by virtue of a conacre agreement,
  - (c) do not include references to any reconveyance or other transaction by way of discharge of a mortgage, heritable security or charge, or of the release or disburdening of any land from a mortgage, heritable security or charge.
- (4) The application of this paragraph to any transaction shall not invalidate that transaction, but this sub-paragraph shall not be taken as affecting the terms written into a lease, agreement or tenancy by paragraph 1 of this Schedule.

*Condition restricting non-agricultural use without Minister's consent*

- 4 It shall be a condition that, except with the written consent of the appropriate Minister, the whole of the unit of land shall at all times be used for agricultural purposes.

*Condition requiring giving of information*

- 5 It shall be a condition that the owner of the unit of land [<sup>F182</sup>or any such other person having an estate or interest in the unit of land as may be agreed between the appropriate Minister, the owner and that other person] shall, on being required so to do by the appropriate Minister, certify that the conditions in paragraphs 3 and 4 above are being observed with respect to the unit of land, and any tenant of the unit of land shall, on being so required in writing by the owner, [<sup>F183</sup>or, if the tenant has been informed of such an agreement as aforesaid, by the other person in question, furnish to the owner or, as the case may be, to that other person] such information as he may reasonably require for the purpose of enabling him to comply with this condition.

**Textual Amendments**

**F182** Words inserted by [Agriculture Act 1970 \(c. 40\), s. 33\(1\)\(c\)](#)

**F183** Words substituted by [Agriculture Act 1970 \(c. 40\), s. 33\(1\)\(c\)](#)

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*Powers of Minister on giving consent*

- 6 (1) The appropriate Minister—
- (a) may, when giving his consent under paragraph 3 or paragraph 4 above, direct that the conditions, or any of them, specified in this Schedule shall cease to be applicable to the unit of land, or to any part thereof specified in the direction, or
  - (b) may give his consent under either of those paragraphs subject to the condition that this Schedule shall apply to such different unit of land as may be specified in the condition,
- but shall, before exercising the power conferred on him by paragraph (b) of this sub-paragraph first satisfy himself that all persons who will have an estate or interest in the unit of land to which this Schedule is so applied are parties to the application for consent.
- (2) The appropriate Minister may give his consent under either of those paragraphs subject to payment to him of all or any part of the amount which would be payable under paragraph 7(1)(a) below on a breach of the condition to which the application relates by the applicant.

*Breach of condition*

- 7 (1) A person by whom the condition specified in paragraph 3 or paragraph 4 above is breached as respects any unit of land shall be liable to pay to the appropriate Minister—
- (a) an amount equal to the relevant Exchequer payments, together (except in the case of relevant Exchequer payments representing a loan or interest on a loan) with interest until payment from such date, not being earlier than the relevant date, and at such rate, as may be determined by the appropriate Minister with the approval of the Treasury, and
  - (b) subject to sub-paragraph (2) below, an additional amount equal to so much of the value of the unit, when subject to the conditions imposed by this Schedule, as is attributable to the land which is the subject of the breach,
- and the amount which that person is liable to pay under this sub-paragraph shall be a charge on all the estate and interest in the land comprised in the unit which he had at the time of the breach, binding him and his successors in title.
- (2) The additional amount payable by virtue of sub-paragraph (1)(b) above shall [<sup>F184</sup>not exceed £1500]
- (3) Before commencing proceedings against any person to enforce the liability imposed on him by, or the charge arising under, sub-paragraph (1) above, the appropriate Minister shall serve on him a notice specifying the condition alleged to have been breached and, if it is the condition relating to use, the nature of the use constituting the breach; and, unless within two months of the service of the notice that person has—
- (a) admitted in writing the breach and his liability in respect thereof or, as the case may be, the breach and the existence of the charge, and
  - (b) agreed in writing the amount recoverable by virtue of paragraph (b) of that sub-paragraph,
- the matter or matters still in issue shall be determined by arbitration.

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- (4) [<sup>F185</sup>Section 84 of the Agricultural Holdings Act 1986] (procedure for arbitrations) shall have effect as if any such matter were one required by that Act to be determined by arbitration under that Act.
- (5) [<sup>F186</sup>sections 61 and 64 of the Agricultural Holdings (Scotland) Act 1991] (provisions regarding arbitrations) shall have effect as if any question in sub-paragraph (3) above were a matter required by that Act to be determined thereunder; and [<sup>F186</sup>sections 60(2) and 80(2)] of that Act shall have effect as if the parties to the dispute were the landlord and tenant of an agricultural holding.
- (6) For the purposes of [<sup>F187</sup>the <sup>M62</sup>Limitation Act 1980], no cause of action or right to receive money shall be deemed to have accrued to the appropriate Minister by virtue of sub-paragraph (1) above until the date on which he served the notice referred to in sub-paragraph (3) above.
- (7) If a breach of either of the said conditions constitutes a breach of the terms of any lease, agreement for a lease or tenancy (whether written in by paragraph 1 of this Schedule or not) any person who is or was at any time entitled under the lease, agreement or tenancy to enforce those terms, or to exercise by forfeiture or otherwise any sanction for their breach, shall be liable to pay to the appropriate Minister the amounts specified in sub-paragraph (1) above so far as not recovered from any other person unless he shows to the satisfaction of the court in which proceedings for recovery are taken against him that he has, in exercise of those rights, taken all reasonable steps to prevent the breach, and to make good the results of the breach.
- (8) On the receipt by the appropriate Minister of all sums due to him under this paragraph in consequence of a breach or, if he accepts a lesser amount in satisfaction of those sums, on the giving by him of a written discharge therefor, the conditions specified in this Schedule, so far as applied by reference to the relevant Exchequer payments taken into account in arriving at those sums or by reason of the making of any grant under section 27(1)(a) of this Act, shall cease to be applicable to the unit of land.
- (9) A person shall not be liable to pay any part of the relevant Exchequer payments both under this Schedule and under some other provision of this Act, or where he has already become so liable by reason of a previous breach of condition.

#### Textual Amendments

**F184** Words substituted by [Agriculture Act 1970 \(c. 40\), s. 33\(1\)\(d\)](#)

**F185** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\), ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 42](#)

**F186** Words in [Sch. 3, para. 7\(5\)](#) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\), ss. 88\(1\), 89\(2\), Sch. 11, para. 31\(a\)\(b\)](#)

**F187** Words substituted by [Limitation Act 1980 \(c. 58\), Sch. 3 para. 7](#)

#### Marginal Citations

**M62** [1980 c. 58.](#)

- 8 If the appropriate Minister is satisfied that a breach of any of the conditions specified in paragraph 3 or 4 above is capable of being remedied he may, subject to any conditions he may impose, direct that the operation of the last foregoing paragraphs shall in relation to the breach be suspended for such period as appears to him to be necessary for enabling the breach to be remedied, and if the breach is

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remedied to his satisfaction within that period he shall direct that the last foregoing paragraph shall not apply to the breach.

*Supplementary*

- 9 In this Schedule “owner”, in relation to any land other than in Scotland, means a person, other than a mortgagee not in possession, who is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let; and in relation to any land in Scotland, means a person who for the time being is entitled to receive, or would, if the land were let, be entitled to receive, the rent of the land, including a trustee, tutor, curator, factor or agent.
- 10 In relation to land which is subject to the provisions of the <sup>M63</sup>Crofters (Scotland) Acts 1955 and <sup>M64</sup>1961, or of the Small Landholders (Scotland) Acts 1886 to 1931, “agricultural purposes” shall, for the purposes of this Schedule, include any subsidiary or auxiliary occupation permitted by paragraph 3 of Schedule 2 to the Crofters (Scotland) Act 1955 or by section 10 of the <sup>M65</sup>Small Landholders (Scotland) Act 1911 as the case may be.

**Marginal Citations**

- M63** 1955 c. 21.  
**M64** 1961 c. 58.  
**M65** 1911 c. 49.

- 11 In relation to Scotland, any reference in this Schedule to the High Court shall be construed as a reference to the Court of Session; and in paragraph 7(1) for the words from “and the amount” to the end of the sub-paragraph there shall be substituted the words “and the appropriate Minister may make an order in favour of himself providing and declaring that the land comprised in the unit shall be charged and burdened with an annuity to pay the amount which that person is liable to pay under this sub-paragraph, and the provisions of section 16 of and paragraphs 2 to 8 of Schedule 6 to the <sup>M66</sup>Building (Scotland) Act 1959 shall apply in relation to any such order as they apply in relation to a charging order within the meaning of that Schedule.”

**Marginal Citations**

- M66** 1959 c. 24.

- 12 In relation to Northern Ireland—
- (a) any reference in this Schedule to the High Court shall be construed as a reference to the High Court of Justice in Northern Ireland;
  - (b) in paragraph 7(3) above, for the words “determined by arbitration” there shall be substituted the words “referred to and determined by the Lands Tribunal for Northern Ireland”;
  - (c) paragraph 7(4) and (5) above shall be omitted;
  - (d) for any reference to the <sup>M67</sup>Limitation Act 1939 there shall be substituted a reference to the <sup>F188</sup>Limitation (Northern Ireland) Order 1989].



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**Textual Amendments**

**F188** Words substituted by [S.I. 1989/1339 \(N.I. 11\)](#), s. 76, Sch. 2 paras. 1, 6, 7, [Sch. 3 para. 3](#)

**Marginal Citations**

**M67** [1939 c. 21](#).

**F189F189**SCHEDULE 4

**Textual Amendments**

**F189** Sch. 4 repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 29(6)(7), 113(3), [Sch. 5 Pt. I](#)

**F189**

SCHEDULE 5

Section 45.

RURAL DEVELOPMENT BOARDS

**PART I**

PROCEDURE FOR ESTABLISHING A BOARD

*Order establishing a Board*

*Procedure for making order*

- 2 (1) The appropriate Minister shall, after consultation with such local authorities and other public bodies as appear to him to have an interest in the matter, publish notice of his proposals to establish a Rural Development Board, and of the Board's proposed area, in two successive weeks in one or more local newspapers circulating in that area.
- (2) The notice shall—
- (a) name one or more places in or near the proposed area where copies of a draft of the order (including the map) may be inspected,
  - (b) describe, with such degree of detail as is reasonable in a notice published in a newspaper, the boundaries of the proposed area, and
  - (c) draw attention to the provisions of this Schedule authorising the making of objections, and specify the time (not being less than twenty-eight days from the first publication of the notice) within which and the manner in which objections can be made.
- 3 The grounds on which an objection may be made shall be—

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- (a) that a proposed boundary ought to be altered so as to exclude part of the proposed area on the ground that there are no problems or needs of the kind described in section 45 of this Act in that part of the area, and that there are no other considerations which justify the inclusion of that part,
  - (b) that a proposed boundary ought to be altered by including an additional area on the ground that there are in it problems or needs of the kind described in section 45 of this Act, or that there are other considerations which justify the inclusion of that additional area,
  - (c) that a proposed boundary ought to be altered (whether bringing land in or taking it out or both) so as better to conform to natural conformations, features and boundaries,
  - (d) that land within the proposed area and contiguous to a proposed boundary of that area ought to be excluded because not forming a natural part of a tract of agricultural or forestry land or of land suitable for agricultural or forestry purposes, or that land outside the proposed area and contiguous to a proposed boundary of the area ought to be included for the converse reasons,
  - (e) that a proposed boundary divides an agricultural unit or other land in one ownership or one occupation,
  - (f) that a proposed boundary should be adjusted so that land over which access is required to land included in the proposed area is also within the proposed area.
- 4
- (1) If no objection is duly made or if all objections so made are withdrawn, the appropriate Minister may make the proposed order in the form proposed.
  - (2) If any objection duly made is not withdrawn the Minister shall either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the appropriate Minister for the purpose.
  - (3) If any person by whom an objection has been made avails himself of the opportunity of being heard the appropriate Minister shall afford to any other persons to whom it appears to him expedient to afford it an opportunity of being heard on the same occasion.
  - (4) After considering any objections duly made and not withdrawn, and the report of the person who held the inquiry or hearing under this paragraph, the appropriate Minister may proceed to make the proposed order and, subject to the following provisions of this paragraph, may make it with such modifications as appear to him expedient.
  - (5) Except where the appropriate Minister is satisfied that on the inquiry or hearing all persons who might reasonably be expected to require an opportunity of making an objection to the modification have had sufficient notice of the possibility of the modification being made, and of objecting to it, the appropriate Minister shall not make the order with the modification until he has taken such steps as appear to him appropriate for bringing the modification to the notice of those persons and affording them an opportunity of making the objections, and appearing at a local inquiry or hearing, which they would have had if the original proposal had incorporated the modification.
  - (6) The decision of the appropriate Minister on the question whether an objection falls within paragraph 3 of this Schedule shall be conclusive but he shall give a written notice to the objector of any adverse decision stating the reasons for his decision.

*Status: Point in time view as at 28/05/2005.*

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- 5 As soon as may be after the appropriate Minister has made the order the appropriate Minister shall publish in one or more local newspapers circulating in or near the area specified in the order a notice describing the area, stating that the order has been made and naming a place where a copy of the order (including the map) may be inspected at all reasonable hours.

*Orders varying Board's area or dissolving a Board*

- 6 (1) The appropriate Minister may by order by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament—
- (a) vary a Board's area, or
  - (b) dissolve a Board.
- (2) Before making an order under sub-paragraph (1)(a) above the Minister shall comply with the procedure in paragraphs 2 to 5 above, but as if in paragraphs 2 and 3 for references to the proposed boundary of the area there were substituted references to the parts of the boundary as proposed to be altered, and with any other necessary modifications.
- (3) An order under sub-paragraph (1)(b) above may contain such consequential and incidental provisions as appear to the Minister expedient, including provisions for the disposal of the property of the dissolved Board, and transitional provisions in respect of anything done by the Board before its dissolution.
- [<sup>F190</sup>6A(1) Part IV of the Acquisition of Land Act 1981 shall with the necessary modifications (and in particular with the substitution for references to that Act of references to this Act) apply in relation to an order made under this Schedule as the said Part IV applies in relation to compulsory purchase orders.
- (2) Section 6 of the Acquisition of Land Act 1981 shall apply in relation to notices required or authorised to be served by the appropriate Minister under this Schedule with the appropriate modifications, and in particular with the substitution of the appropriate Minister for the Minister mentioned in the said section 6(4).
- (3) Subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply to a public local inquiry held in pursuance of this Schedule as if the Minister there mentioned were the appropriate Minister]

**Textual Amendments**

**F190** Sch. 5 Pt. I para. 6A inserted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 4 para. 15(3)

*Supplemental*

- 7 (1) Paragraphs 15 and 16 of Schedule 1 to the [<sup>F191M68</sup>Acquisition of Land (Authorisation Procedure) Act 1946 or, as the case may be], to the <sup>M69</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (validity of compulsory purchase orders) shall with the necessary modifications (and in particular with the substitution for references to that Act and that Schedule, other than references to particular provisions of that Act or Schedule, of references to this Act and this Schedule) apply in relation to an order made under this Schedule as they apply in relation to compulsory purchase orders.

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- [<sup>F192</sup>(2) Paragraph 19 of the said Schedule shall apply in relation to notices required or authorised to be served by the appropriate Minister under this Schedule with the necessary modifications, and in particular with the substitution of the appropriate Minister for the Minister mentioned in the said paragraph 19(4).]
- (3) [<sup>F193</sup>[<sup>F194</sup>Subsections (2) to (5) of section 250 of the <sup>M70</sup>Local Government Act 1972] (giving of evidence and costs in public local inquiries)], and [<sup>F195</sup>subsections (4) to (8) of section 210 of the <sup>M71</sup>Local Government (Scotland) Act 1973] (provisions as to local inquiries) shall apply to a public local inquiry held in pursuance of this Schedule, as if the Minister there mentioned were the appropriate Minister.

#### Textual Amendments

- F191** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F192** [Sch. 5 Pt. I para. 7\(2\)](#) repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F193** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F194** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), s. **272(2)**
- F195** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. **237(2)**

#### Marginal Citations

- M68** 1946 c. 49.
- M69** 1947 c. 42.
- M70** 1972 c. 70.
- M71** 1973 c. 65.

## PART II

### CONSTITUTION AND PROCEDURE OF BOARDS

- 1 (1) A Rural Development Board shall consist of not less than six nor more than twelve members appointed by the appropriate Minister of whom more than half shall be appointed as having had experience of, and shown capacity in, or otherwise as having special knowledge of, agriculture or forestry.
- (2) The Board shall have a chairman and deputy chairman appointed by the appropriate Minister from among the members of the Board.
- (3) The Board shall pay to the members of the Board such travelling or other allowances as the appropriate Minister, with the approval of [<sup>F196</sup>the Minister for the Civil Service], may determine, and in the case of any member of the Board as respects whom the appropriate Minister, with the approval of [<sup>F196</sup>The Minister for the Civil Service], so determines—
- may pay such remuneration, whether by way of salary or fees, as the appropriate Minister and the Treasury may determine in his case, and
  - may pay such pension, or make such payments towards the provision of a pension, to or in respect of him as the appropriate Minister and [<sup>F196</sup>the Minister for the Civil Service] may determine in his case,
- and if a person ceases to be a member of a Board and it appears to the appropriate Minister that there are special circumstances which make it right that that person should receive compensation, the Board may, with the approval of [<sup>F196</sup>the Minister

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for the Civil Service], pay to that person a sum of such amount as the appropriate Minister may with the approval of the Treasury determine.

#### Textual Amendments

**F196** Words substituted by virtue of S.I. 1968/1656, art. 2(1)(e), 3(2)

- 2 A Board shall be a body corporate with perpetual succession and a common seal.
- 3 (1) It shall be within the capacity of a Board as a statutory corporation to do such things and to enter into such transactions as are incidental or conducive to the performance of any of its functions, but they shall not borrow money without the appropriate Minister's written consent.
- (2) Without prejudice to the generality of sub-paragraph (1) above, where in the performance of any of their functions a Board render any services to any person they may make such charges in respect of those services as may be agreed between a Board and that person.
- 4 The validity of any proceedings of a Board shall not be affected by any vacancy among the members of a Board or by any defect in the appointment or any disqualification of any of the members of a Board.
- 5 (1) Subject to the following provisions of this paragraph, a member of a Board and the chairman and deputy chairman shall hold and vacate office as such in accordance with the terms of his appointment, and previous tenure of any such office shall not affect eligibility for re-appointment.
- (2) If the chairman or deputy chairman ceases to be a member of a Board, he shall also cease to be chairman or deputy chairman.
- (3) A member of a Board may at any time, by notice in writing addressed to the appropriate Minister, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.
- 6 If the appropriate Minister is satisfied that a member of a Board—
- (a) has become bankrupt or made an arrangement with his creditors;
  - (b) is incapacitated by reason of physical or mental illness;
  - (c) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board; or
  - (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,
- the appropriate Minister shall have power to remove him from his office as a member of that Board.
- 7 (1) If a member of a Board has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of that Board at which the contract or other matter is the subject of consideration, he shall disclose the fact as soon as practicable after the commencement of the meeting, and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract or other matter, but he may nevertheless be taken into account for the purpose of constituting a quorum of that Board for any such consideration of, or decision on, the contract or other matter:

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Provided that this sub-paragraph shall not apply to any interest which a member may have—

- (a) as an inhabitant of the Board's area, or the owner of an estate or interest in land in that area, or
- (b) as an applicant or prospective applicant for any consent, licence, grant or loan,

being an interest which he has in common with all other such inhabitants, owners, applicants or prospective applicants, or with any class thereof; and provided also that the chairman at any meeting, may, at his discretion, permit a member to take part in the consideration or discussion of any question (but not to vote thereon) notwithstanding that the member has an interest to which this sub-paragraph applies, but subject to such restrictions as the chairman may think it right to impose.

- (2) A general notice given in writing by a member of a Board to the officer designated by that Board for the purpose to the effect that he is a member or in the employment of a specified company or other body, or that he is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.
  - (3) Any disclosure made under sub-paragraph (1) of this paragraph shall be recorded in the minutes of the meeting at which it is made; and any notice given under sub-paragraph (2) thereof shall be recorded in a book to be kept for the purpose.
- 8 (1) In the case of an equality of votes at any meeting of a Board, the person who is chairman at that meeting shall have a second or casting vote.
- (2) A Board's quorum shall be three or such larger number as they may determine, and subject to the foregoing provisions of this Schedule a Board may determine their own procedure, and the procedure of their committees.
- 9 (1) A Board may appoint such officers and servants as the Board may determine.
- (2) A Board shall—
- (a) pay to their officers and servants such remuneration and such travelling or other allowances as they may with the approval of the appropriate Minister and <sup>F197</sup>the Minister for the Civil Service] determine; and
  - (b) as to any officers or servants in whose case the Board may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pensions schemes, as the Board may with the consent of the appropriate Minister and <sup>F197</sup>the Minister for the Civil Service] determine.

#### Textual Amendments

**F197** Words substituted by virtue of S.I. 1968/1656, art. 2(1)(e), 3(2)

- 10 The application of the seal of a Board to any document shall be authenticated by the signature of a member of the Board or of the person for the time being acting as secretary of the Board.
- 11 A Board's office shall be in its area or where it is conveniently accessible from places in its area.

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## SCHEDULE 6

F198  
. . .

### Textual Amendments

F198 Sch. 6 repealed by Agricultural Marketing Act 1983 (c. 3, SIF 2:10), s. 9, Sch. 3

## SCHEDULE 7

Section 75.

### REPEALS

### Modifications etc. (not altering text)

C53 The text of Sch. 7 is in the form in which it was originally enacted: it was not reproduced in full in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 73.	The Hill Farming Act 1946.	In section 13(2) the words from “and, for the purposes” to the end of the subsection.
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	Section 46.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 62.	The Agriculture (Calf Subsidies) Act 1952.	In section 1(1)(a) the words “within the period specified in the scheme.” The word “and” at the end of section 1(1)(b) and section 1(1)(c). In section 1(4)(c) the words from “and in the case” to the end of the paragraph. Sections 2 and 3. In section 4(1) the words “or order under section two thereof” and the words “or order”, and in section 4(2) the words from “or any limit” to “of this Act” and the words “or order”.
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part II of Schedule 1, the words “The Pig Industry Development Authority”.

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5 & 6 Eliz. 2. c. 57.	The Agriculture Act 1957.	Part II. Part III. Section 34. Schedules 2 and 3.
7 & 8 Eliz. 2. c. 2.	The Agricultural Mortgage Corporation Act 1958.	Section 1(a).
8 & 9 Eliz. 2. c. 22.	The Horticulture Act 1960.	Section 1(2) and in section 1(5) the words “or (2)”. Section 4.
1963 c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	Sections 2 and 3.  Sections 6 and 7. In section 9(1) the words from “or for the formation” to the end of the subsection.
1964 c. 28.	The Agriculture and Horticulture Act 1964.	Sections 4, 5 and 6.  Section 9(2)(3).

The repeals of the <sup>M72</sup>Agriculture (Calf Subsidies) Act 1952 take effect on the date mentioned in section 11(6) of this Act.

**Marginal Citations**

**M72** [1952 c. 62.](#)

The repeals of section 12 in Part II of the <sup>M73</sup>Agriculture Act 1957 and the other provisions of that Act so far as they relate to section 12 do not have effect as respects improvements proposed in an application made before the passing of this Act or as respects improvements proposed in an application for which the appropriate Minister gives a direction under section 30(8) of this Act.

**Marginal Citations**

**M73** [1957 c. 57.](#)

The repeals of section 16 and 17 in Part II of the <sup>M74</sup>Agriculture Act 1957 do not affect grant in respect of a transaction proposed in an application made under the said section 16 before the coming into force of the first scheme made under section 26 of this Act.

**Marginal Citations**

**M74** [1957 c. 57.](#)



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The repeals of Part III, section 34 and Schedule 3 of the <sup>M75</sup>Agriculture Act 1957, and in the House of Commons Disqualification Act 1957, take effect on the coming into force of an order under this Act dissolving the Pig Industry Development Authority.

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**Marginal Citations**

**M75** 1957 c. 20.

The repeals of the <sup>M76</sup>Horticulture Act 1960, of sections 6, 7 and 9 of the <sup>M77</sup>Agriculture (Miscellaneous Provisions) Act 1963 and of sections 4, 5 and 6 of the <sup>M78</sup>Agriculture and Horticulture Act 1964 take effect in accordance with any order made under section 61(8) of this Act.

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**Marginal Citations**

**M76** 1960 c. 22.

**M77** 1963 c. 11.

**M78** 1964 c. 28.

**Status:**

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