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## SCHEDULES

### 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—
- (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

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- 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.
- 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

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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>F1</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

**F1** 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>F2M1</sup>Acquisition of Land (Authorisation Procedure) Act 1946 or, as the case may be], to the <sup>M2</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.

<sup>F3</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>F4</sup><sup>F5</sup>Subsections (2) to (5) of section 250 of the <sup>M3</sup>Local Government Act 1972] (giving of evidence and costs in public local inquiries)], and <sup>F6</sup>subsections (4) to (8) of section 210 of the <sup>M4</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

**F2** Words repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 6 Pt. I

**F3** 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

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- F4** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**  
**F5** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), s. 272(2)  
**F6** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 237(2)

#### Marginal Citations

- M1** 1946 c. 49.  
**M2** 1947 c. 42.  
**M3** 1972 c. 70.  
**M4** 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>F7</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>F7</sup>The Minister for the Civil Service], so determines—
- (a) may pay such remuneration, whether by way of salary or fees, as the appropriate Minister and the Treasury may determine in his case, and
  - (b) 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>F7</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>F7</sup>the Minister 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

- F7** 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

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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<sup>F8</sup> has had a debt relief order made in respect of him (under Part 7A of the Insolvency Act 1986) or has] 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.

#### Textual Amendments

**F8** Words in Sch. 5 Pt. 2 para 6(a) inserted (1.10.2012) by [S.I. 2012/2404](#), [Sch. 2 para. 3](#)

- 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:

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

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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>F9</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>F9</sup>the Minister for the Civil Service] determine.

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**Textual Amendments**

**F9** 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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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(10A) inserted by [2003 c. 44 Sch. 27 para. 2\(3\)](#)