



# Agriculture Act 1967

## 1967 CHAPTER 22

### PART III

#### HILL LAND

##### *Special measures for certain areas*

#### **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.
- (3) The last foregoing section shall not apply to a transfer to or from—
  - (a) a local authority,
  - [<sup>F1</sup>(aa) a National Park authority;]
  - (b) statutory undertakers as defined in [<sup>F2</sup>section 336(1) of the Town and Country Planning Act 1990] or [<sup>F3</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,

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- (d) the National Trust,
- <sup>F4</sup>(e) . . .
- <sup>F5</sup>(f) United Kingdom Research and Innovation,]
- <sup>F6</sup>(g) the Environment Agency, the Natural Resources Body for Wales or any water undertaker or sewerage undertaker;]
- <sup>F7</sup>(h) an internal drainage board <sup>F8</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>M1</sup>National Trust for Scotland Order Confirmation Act 1935; <sup>F9</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>F10</sup> Part IV of the Acquisition of Land Act 1981] and Part IV of Schedule 1 to the <sup>M2</sup> Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (validity 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>M3</sup> Land Compensation Act 1961 or section 12 of the <sup>M4</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.

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### Textual Amendments

- F1** 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)**
- F2** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2) , s. 4 , **Sch. 2 para. 15(2)**
- F3** Words in s. 50(3)(b) substituted (27.5.1997) by virtue of 1997 c. 11 , s. 4 , **Sch. 2 para. 14(1)**
- F4** 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.**
- F5** S. 50(3)(f) substituted (1.4.2018) by **Higher Education and Research Act 2017** (c. 29), s. 124(5), **Sch. 12 para. 6**; S.I. 2018/241, reg. 2(f)
- F6** S. 50(3)(g) substituted (1.4.2013) by **The Natural Resources Body for Wales (Functions) Order 2013** (No. 755) , **art. 1(2)** , **Sch. 2 para. 84** (with Sch. 7 )
- F7** S. 50(3)(g)(h) added (E.W.) by **Agriculture (Miscellaneous Provisions) Act 1968** (c. 34) , **s. 47**
- F8** 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** )
- F9** 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.**
- F10** 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)

- C1** 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**
- C2** 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)**
- C3** 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

- M1** 1935 c. ii .
- M2** 1947 c. 42 .
- M3** 1961 c. 33 .
- M4** 1963 c. 51 .

**Changes to legislation:**

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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\(3\)](#)