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# Agriculture (Miscellaneous Provisions) Act 1968

## 1968 CHAPTER 34

An Act to make further provision with respect to the welfare of livestock; to provide for additional payments for certain tenants of agricultural holdings who receive compensation for disturbance in respect of their holdings or whose land is acquired or taken possession of compulsorily or whose landlords resume possession of the land for non-agricultural purposes; to make further provision with respect to the termination of tenancies of agricultural holdings in Scotland acquired by succession; to make further provision for England and Wales with respect to drainage charges, drainage rates and grants and advances to drainage authorities; to provide for payments in respect of bacon and grants in respect of break crops and the supply of water to certain buildings; to make further provision with respect to the compensation of tenants of agricultural holdings whose land is acquired or taken possession of compulsorily; to amend section 3 of the Parks Regulation (Amendment) Act 1926, the Agricultural Wages Act 1948 and the Agricultural Wages (Scotland) Act 1949, the Restrictive Trade Practices Act 1956 in its application to agricultural marketing boards, section 53(2) of the Agricultural Marketing Act 1958, section 1 of the Agricultural and Forestry Associations Act 1962, the Plant Varieties and Seeds Act 1964 and section 49 of the Agriculture Act 1967; and for purposes connected with the matters aforesaid. [3rd July 1968]

## PART I

### WELFARE OF LIVESTOCK

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

- C1** Certain functions of the Minister of Agriculture, Fisheries and Food under Pt. I now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S. I. 1978/272, art. 2, Sch. 1](#)  
[Pt. I](#) (ss. 1-8): transfer of functions (1.7.1999) by [S.I. 1999/672, art. 2, Sch 1](#)

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## 1 Prevention of unnecessary pain and distress for livestock.

- (1) Any person who causes unnecessary pain or unnecessary distress to any livestock for the time being situated on agricultural land and under his control or permits any such livestock to suffer any such pain or distress of which he knows or may reasonably be expected to know shall be guilty of an offence under this section.
- (2) Nothing in the foregoing subsection shall apply to any act lawfully done under [<sup>F1</sup>the Animals (Scientific Procedures) Act 1986] or to any thing done or omitted by or under the direction of any person in accordance with the terms of a licence issued by the Minister for the purpose of enabling that person to undertake scientific research.

### Textual Amendments

- F1** Words substituted by [Animals \(Scientific Procedures\) Act 1986 \(c. 14, SIF 4:5\)](#), s. 27(2), **Sch. 3 para. 7**

## 2 Regulations with respect to the welfare of livestock.

- (1) The Ministers may, after consultation with such persons appearing to them to represent any interests concerned as the Ministers consider appropriate, by regulations make such provision with respect to the welfare of livestock for the time being situated on agricultural land as they think fit; and without prejudice to the generality of the foregoing provisions of this section the regulations may in particular include provision—
  - (a) with respect to the dimensions and layout of accommodation for livestock, the materials to be used in constructing any such accommodation and the facilities by way of lighting, heating, cooling, ventilation, drainage, water supply and otherwise to be provided in connection with any accommodation;
  - (b) for ensuring the provision of balanced diets for livestock and for prohibiting or regulating the use of any substance as food for livestock and the importation and supply of any substance intended for use as food for livestock;
  - (c) for prohibiting the bleeding of livestock and the mutilation of livestock in any manner specified in the regulations, and for prohibiting or regulating the use of any method of marking or restraining livestock or interfering with the capacity of livestock to smell, see, hear, emit sound or exercise any other faculty.
- (2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, regulations under this section may—
  - (a) provide that a person who contravenes or fails to comply with specified provisions of the regulations shall be guilty of an offence under this section;
  - (b) provide for exemptions, either subject to conditions prescribed by the regulations or without conditions, from any provisions of the regulations; and
  - (c) contain such incidental and supplemental provisions as the Ministers consider expedient for the purposes of the regulations.
- (3) No regulations shall be made under this section unless a draft of the regulations has been approved by a resolution of each House of Parliament.

### Modifications etc. (not altering text)

- C2** [S. 2](#): power to transfer functions conferred (27.12.1999) by [S.I. 1999/3141](#), arts. 2(1)(5), 3, **Sch.**

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**C3** S. 2: Certain functions transferred (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2000/794\)](#), [art. 3\(6\)](#) (with [art. 6](#))

### **3 Codes of recommendations for the welfare of livestock.**

- (1) The Ministers may from time to time, after consultation with such persons appearing to them to represent any interests concerned as the Ministers consider appropriate,—
  - (a) prepare codes containing such recommendations with respect to the welfare of livestock for the time being situated on agricultural land as they consider proper for the guidance of persons concerned with livestock; and
  - (b) revise any such code by revoking, varying, amending or adding to the provisions of the code in such manner as the Ministers think fit.
- (2) A code prepared in pursuance of this section and any alterations proposed to be made on a revision of such a code shall be laid before both Houses of Parliament forthwith after being prepared; and the code or revised code, as the case may be, shall not be issued until the code or the proposed alterations have been approved by both Houses.
- (3) Subject to subsection (2) of this section, the Ministers shall cause every code prepared or revised in pursuance of this section to be printed, and may cause copies of it to be put on sale to the public at such a price as the Ministers may determine.
- (4) A failure on the part of any person to observe a provision of a code for the time being issued under this section shall not of itself render that person liable to proceedings of any kind; but such a failure on the part of any person may, in proceedings against him for an offence under section 1 of this Act, be relied upon by the prosecution as tending to establish the guilt of the accused unless it is shown that he cannot reasonably be expected to have observed the provision in question within the period which has elapsed since that provision was first included in a code issued under this section.

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

**C4** S. 3: power to transfer functions conferred (27.12.1999) by [S.I. 1999/3141](#), [arts. 2\(1\)\(5\), 3](#), [Sch.](#)

### **4 Expenditure on free advice on the welfare of livestock.**

Without prejudice to the generality of his powers to incur expenditure under the enactments relating to the eradication and prevention of diseases of animals, the Minister may, with the approval of the Treasury, spend such sums as he thinks fit on the giving of advice, free of charge to persons concerned with livestock on matters relating to the welfare of livestock.

### **5 Extension of classes of operations in which anaesthetics must be used.**

The Ministers may, after consultation with the Royal College of Veterinary Surgeons and with such persons appearing to the Ministers to represent any other interests concerned as the Ministers consider appropriate, by order provide that paragraphs 7 and 8 of Schedule 1 to the <sup>M1</sup>Protection of Animals (Anaesthetics) Act 1954 (which exempt certain minor operations from the requirement to use anaesthetics imposed by that Act) shall not permit the performance, either in any circumstances or in such circumstances as may be specified in the order, of such operations as may be so specified.

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

- C5** S. 5: power to transfer functions conferred (27.12.1999) by [S.I. 1999/3141](#) arts. 2(1)(5), 3, Sch.  
**C6** S. 5: Certain functions transferred (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), [art. 3\(6\)](#) (with art. 6)

**Marginal Citations**

- M1** 1954 c. 46.

**6 Powers of entry, etc.**

- (1) A person duly authorised in writing by the Minister may at any reasonable time enter upon any land, other than premises used wholly or mainly as a dwelling, for the purpose of ascertaining whether an offence under this Part of this Act has been committed on the land.
- (2) A person duly authorised in writing by a local authority may at any reasonable time enter upon any land, other than such premises as aforesaid, for the purpose of ascertaining whether an offence under this Part of this Act has been committed on the land, being an offence consisting of a contravention of or failure to comply with provisions of regulations made in pursuance of section 2(1)(b) of this Act.
- (3) A person authorised as mentioned in the foregoing provisions of this section to enter upon any land—
  - (a) shall if so required produce evidence of his authority before entering and while present on the land; and
  - (b) may take with him on to the land such other persons as he considers necessary.
- (4) Any person authorised as aforesaid may take for analysis a sample of any substance which he finds on the land and which appears to him to be intended for use as food for livestock; and the provisions of subsections (2) to (7) of section 6 of the <sup>M2</sup>Agriculture (Poisonous Substances) Act 1952 (which relate to the dividing up, analysis and evidence of analysis of certain samples) and subsections (1), (4) and (5) of section 11 of that Act (Scottish application of the said section 6) shall have effect in relation to a sample taken under this section as they have effect in relation to a sample taken under the said section 6 but as if for references to that Act, an inspector and such an employer as is mentioned in the said section 6 there were substituted respectively references to this Part of this Act, the person taking the sample and a person appearing to the person taking the sample to have custody of the substance in question.
- (5) Any veterinary surgeon or veterinary practitioner authorised as mentioned in subsection (1) of this section to enter upon any land may examine any livestock which he finds on the land and apply to and take from the livestock such tests and samples as he considers appropriate; and a person by whom a sample is taken from livestock in pursuance of this subsection shall, if before the sample is taken he is requested to do so by any person appearing to him to have the custody of the livestock, deliver a part of the sample or a similar sample to the person who made the request.
- (6) If a person entitled to enter upon any land in pursuance of this section requests any person present on the land, being the occupier or a servant of the occupier of the land or a person having the custody of any livestock present on the land,—

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- (a) to indicate to the person so entitled the places on the land used for the accommodation of livestock or for the storage or treatment of any substance intended for use as food for livestock; or
- (b) to facilitate the access of the person so entitled to any such place,
- it shall be the duty of the person to whom the request is addressed to comply with the request so far as he is able to do so.
- (7) A person who fails to perform his duty under subsection (6) of this section or otherwise wilfully obstructs a person entitled as aforesaid in the execution of that person's powers under this section shall be guilty of an offence under this section.

#### Marginal Citations

M2 1952 c. 60.

### 7 Punishment of offences under Part I.

- (1) A person guilty of an offence under section 1 or section 2 of this Act shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds or both, or in the case of a second or subsequent offence, to such imprisonment or a fine not exceeding two hundred pounds or both.
- (2) A person guilty of an offence under section 6 of this Act shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (3) In England and Wales a local authority shall, without prejudice to the powers of any other person to institute proceedings for an offence under this Part of this Act, have power to institute proceedings for such an offence as is mentioned in section 6(2) of this Act which is alleged to have been committed in their area.

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

- C7 S. 7(1) has effect as if the maximum fines there mentioned were fines not exceeding level 4 on the standard scale by virtue of (E.W.) 1982 c. 48, s. 46 and (S.) by 1975 c. 21, s. 289G (which 1975 Act was repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5) and (1.4.1996) (S.) by virtue of 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 3(1), Sch. 2 Pt. II
- C8 S. 7(2) has effect as if the new penalty there mentioned was a penalty of level 3 on the standard scale by virtue of 1982 c. 48, s. 39, Sch. 3, Sch. 6 para. 38 and (1.4.1996) (S.) by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 10, Sch. 2 Pt. III

### 8 Interpretation etc. of Part I.

- (1) In this Part of this Act—
- “agricultural land” means land used for agriculture (within the meaning of the <sup>M3</sup>Agriculture Act 1947 or, in Scotland, the <sup>M4</sup>Agriculture (Scotland) Act 1948) which is so used for the purposes of a trade or business; and
- “livestock” means any creature kept for the production of food, wool, skin or fur or for use in the farming of land or for such purpose as the Minister may by order specify.

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- (2) Subsections (2) and (3) of [F<sup>2</sup>section 50 of the Animal Health Act 1981] (which define the expression “local authority”) shall have effect for the purposes of this Part of this Act as if for references to that Act there were substituted references to this Part of this Act and as if [F<sup>2</sup>paragraph (b)(ii) were omitted from subsection (2)].
- (3) This Part of this Act applies to officers and servants of the Crown, and references to land in this Part of this Act include references to land belonging to Her Majesty in right of the Crown or the Duchy of Lancaster, land belonging to the Duchy of Cornwall and land held on behalf of Her Majesty for the purposes of any Government department; and in relation to any such land occupied by or on behalf of Her Majesty or the Duchy of Cornwall section 6 of this Act shall have effect as if subsection (2) were omitted.
- (4) Without prejudice to the powers conferred on the Ministers, in relation to Great Britain, by sections 2 and 3 of this Act, the powers conferred on them by either of those sections may be exercised, in relation to England and Wales only, by the Minister of Agriculture, Fisheries and Food and, in relation to Scotland only, by the Secretary of State; and references in those sections to the Ministers shall be construed accordingly-
- (5) Nothing in this Part of this Act shall be construed as prejudicing any provision of the Protection of Animals Act 1911 to 1964 or the Protection of Animals (Scotland) Acts 1912 to 1964.

#### Textual Amendments

**F2** Words substituted by [Animal Health Act 1981 \(c. 22\)](#), [Sch. 5 para. 8](#)

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

**C9** [S. 8\(1\)](#) (definition of “livestock”) extended by [S. I. 1980/593](#), [art. 2](#)

#### Marginal Citations

**M3** [1947 c. 48](#).

**M4** [1948 c. 45](#).

## PART II

### ADDITIONAL PAYMENTS TO TENANT FARMERS

#### 9 Additional payments to tenants quitting agricultural holdings.

- (1) Where under the <sup>M5</sup>Agricultural Holdings Act 1948 (hereafter in this Part of this Act referred to as “the principal Act”) compensation for disturbance in respect of an agricultural holding or part of such a holding becomes payable by the landlord to the tenant of the holding, then, subject to the provisions of this Part of this Act, there shall be payable by the landlord to the tenant, in addition to any compensation payable by the landlord to the tenant, a sum to assist in the reorganisation of the tenant’s affairs of the amount prescribed by subsection (2) of this section.
- (2) Subject to the provisions of this Part of this Act, the sum payable in pursuance of subsection (1) of this section shall be equal to four times the annual rent of the holding or, in the case of part of a holding, four times the appropriate portion of that rent, at the



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rate at which the rent was payable immediately before the termination of the tenancy of the holding or part to which the said compensation relates.

- (3) In the application of this section to Scotland, in subsection (1) for the references to the <sup>M6</sup>Agricultural Holdings Act 1948 and the principal Act there shall be substituted respectively references to the <sup>M7</sup>Agricultural Holdings (Scotland) Act 1949 and the principal Scottish Act.

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

**C10** S. 9 excluded by (E.W.) Land Compensation Act 1973 (c. 26), s. 59(2)(b) and (S.) Land Compensation (Scotland) Act 1973 (c. 56), s. 55(2)(b)

**Marginal Citations**

**M5** 1948 c. 63.  
**M6** 1948 c. 63.  
**M7** 1949 c. 75.

**10 Provisions supplementary to s. 9 in England and Wales.**

- (1) Subject to the provisions of this section, no sum shall be payable in pursuance of section 9 of this Act in a case where—
- (a) the Agricultural Land Tribunal, in pursuance of [<sup>F3</sup>Case A in section 2(3) of the Agricultural Holdings (Notices to Quit) Act 1977], have consented to the operation of the relevant notice and stated in the reasons for their decision that they are satisfied as to any of the matters mentioned in paragraphs (a) to (d) of section 25(1) of that Act (which among other things relate to good husbandry, sound estate management, agricultural research and grounds of hardship), and a statement of the reasons is included in the notice; or
  - (b) the relevant notice contains a statement that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable on any of the grounds mentioned in paragraphs (a) to (c) of the said [<sup>F4</sup>section 3(3)] and, if an application for consent in respect of the notice is made to the Agricultural Land Tribunal (hereafter in this section referred to as “the tribunal”) in pursuance of [<sup>F4</sup>section 2(1) of the said Act of 1977], the tribunal consent to its operation and state in the reasons for their decision that they are satisfied as to any of the matters so mentioned; or
  - (c) the relevant notice contains a statement that the landlord will suffer hardship unless the notice has effect and, if such an application as aforesaid is made in respect of the notice, the tribunal consent to its operation and state in the reasons for their decision that they are satisfied that greater hardship would be caused by withholding consent than by giving it; or
  - (d) the said [<sup>F5</sup>section 2(1)] does not apply to the relevant notice by virtue of [<sup>F5</sup>Case H in section 2(3) of the said Act of 1977] (which relates to notices to quit given by the Minister or a Rural Development Board with a view to boundary adjustments or an amalgamation).
- (2) Subsection (1) of this section shall not apply in relation to the relevant notice where—
- (a) the reasons given by the tribunal for their decision to consent to the operation of the notice include the reason that they are satisfied as to the matter mentioned in [<sup>F6</sup>section 3(3)(e) of the said Act of 1977] (which relates to the use of land for certain non-agricultural purposes); or

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- (b) the reasons so given consist of or include the reason that the tribunal are satisfied as to the matter mentioned in [F<sup>6</sup>section 3(3)(b)] of that Act but the tribunal would have been satisfied also as to the matter mentioned in the said [F<sup>7</sup>section 3(3)(e)] if it had been specified in the application for consent.
- and where the tribunal would have been satisfied as mentioned in paragraph (b) of this subsection they shall include a statement to that effect in their decision.
- (3) In assessing the compensation payable to the tenant of an agricultural holding in consequence of the compulsory acquisition of his interest in the holding or part of it or the compulsory taking of possession of the holding or part of it, no account shall be taken of any benefit which might accrue to the tenant by virtue of section 9 of this Act.
- (4) Any sum payable in pursuance of the said section 9 shall be so payable notwithstanding any agreement to the contrary.
- (5) The following provisions of the principal Act shall apply to sums claimed or payable in pursuance of the said section 9 as they apply to compensation claimed or payable under section 34 of that Act, that is to say, sections 34(3), 61, 70 to 73, 77, 80, 82, 83, 88, 89, 92, 94(5), 101 and Schedule 6; and paragraphs 4 and 5 of Schedule 8 to the M<sup>8</sup>Landlord and Tenant Act 1954 shall apply to sums so payable as they apply to the compensation mentioned in those paragraphs but as if for the word “shall” in each of those paragraphs there were substituted the word “may”.
- (6) No sum shall be payable in pursuance of the said section 9 in consequence of the termination of the tenancy of an agricultural holding or part of such a holding unless the notice to quit in consequence of which the termination occurs is served on the tenant after the initial date and the termination occurs after the date of the passing of this Act.
- (7) ..... F<sup>8</sup>
- (8) In the foregoing provisions of this section, references to section 9 of this Act do not include references to it as applied by section 12 of this Act and “the relevant notice” means the notice to quit given by the landlord of the agricultural holding in question in consequence of which compensation for disturbance becomes payable to the tenant of the holding as mentioned in the said section 9; and for the purposes of paragraphs (a) and (b) of subsection (1) of this section, the purposes of the enactments relating to allotments shall be treated as excluded from the matters mentioned in [F<sup>9</sup>section 3(3) (c of the Agricultural Holdings (Notices to Quit) Act 1977]

#### Textual Amendments

- F3** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(2)
- F4** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(3)
- F5** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(4)
- F6** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(5)
- F7** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(6)
- F8** [Ss. 10\(7\), 11\(9\)](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), **Sch. 1 Pt. XIX**



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**F9** Words substituted with saving by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, Sch. 1 para. 5(7)

#### Marginal Citations

**M8** [1954 c. 56](#).

## 11 Provisions supplementary to s. 9 in Scotland.

- (1) Subject to the provisions of this section, no sum shall be payable in pursuance of section 9 of this Act in consequence of the termination of the tenancy of an agricultural holding or part of such a holding by virtue of a notice to quit in a case where—
- (a) the relevant notice contains a statement that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable on any of the grounds mentioned in paragraphs (a) to (c) of section 26(1) of the principal Scottish Act and, if an application for consent in respect of the notice is made to the Scottish Land Court (hereafter in this section referred to as “the court”) in pursuance of section 25(1) of the principal Scottish Act, the court consent to its operation and state in the reasons for their decision that they are satisfied as to any of the matters so mentioned; or
  - (b) the relevant notice contains a statement that the landlord will suffer hardship unless the notice has effect and, if such an application as aforesaid is made in respect of the notice, the court consent to its operation and state in the reasons for their decision that they are satisfied that greater hardship would be caused by withholding consent than by giving it; or
  - (c) the relevant notice is a notice to which, apart from the provisions of section 18 or section 19 of this Act, section 6(3) of the <sup>M9</sup>Agriculture Act 1958 would apply and, if an application for consent in respect of the notice is made to the court in pursuance of the said section 25(1), the court consent to its operation and state in the reasons for their decision that they are satisfied with regard to the matter mentioned in paragraph (a), or the matters mentioned in paragraph (b)(i) to (iii), or the matter mentioned in paragraph (c), of section 18(2) of this Act; or
  - (d) the said section 25(1) does not apply to the relevant notice by virtue of section 29(4) of the <sup>M10</sup>Agriculture Act 1967 (which relates to notices to quit given by the Secretary of State or a Rural Development Board with a view to boundary adjustments or an amalgamation).
- (2) Subsection (1) of this section shall not apply in relation to the relevant notice where—
- (a) the reasons given by the court for their decision to consent to the operation of the notice include the reason that they are satisfied as to the matter mentioned in section 26(1)(e) of the principal Scottish Act (which relates to the use of land for certain non-agricultural purposes); or
  - (b) the reasons so given consist of or include the reason that the court are satisfied as to the matter mentioned in section 26(1)(b) of that Act or in paragraph (a) or paragraph (c) of section 18(2) of this Act but the court would have been satisfied also as to the matter mentioned in the said section 26(1)(e) if it had been specified in the application for consent,
- and where the court would have been satisfied as mentioned in paragraph (b) of this subsection they shall include a statement to that effect in their decision.

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- (3) In assessing the compensation payable to the tenant of an agricultural holding in consequence of the compulsory acquisition of his interest in the holding or part of it or the compulsory taking of possession of the holding or part of it, no account shall be taken of any benefit which might accrue to the tenant by virtue of section 9 of this Act.
- (4) Any sum payable in pursuance of the said section 9 shall be so payable notwithstanding any agreement to the contrary.
- (5) The following provisions of the principal Scottish Act shall apply to sums claimed or payable in pursuance of the said section 9 as they apply to compensation claimed or payable under section 35 of that Act, that is to say, sections 35(3), 61, 68 to 70, 75 to 78, 80, 82 to 84, 90, 93(6), 100 and Schedule 6.
- (6) No sum shall be payable in pursuance of the said section 9 in consequence of—
- (a) the termination of the tenancy of an agricultural holding or part of such a holding by virtue of a notice to quit unless the notice in consequence of which the termination occurs is served on the tenant after the initial date and the termination occurs after the date of the passing of this Act; or
  - (b) the resumption by the landlord of possession of part of the holding in pursuance of a provision in that behalf contained in the lease unless the resumption occurs after the date of the passing of this Act.
- (7) No sum shall be payable in pursuance of section 9 of this Act in consequence of the termination of the tenancy of an agricultural holding or part of such a holding by virtue of a notice to quit where the relevant notice is given in pursuance of section 6(3) of the <sup>M11</sup>Agriculture Act 1958 (which relates to notice to quit given to a tenant who has acquired right to the tenancy of the holding by virtue of section 16 of the <sup>M12</sup>Succession (Scotland) Act 1964 or as a legatee by virtue of section 20 of the principal Scottish Act) and—
- (a) the landlord is terminating the tenancy for the purpose of using the land for agriculture only; and
  - (b) the notice contains a statement that the tenancy is being terminated for the said purpose:

Provided that if any question arises between the landlord and the tenant as to the purpose for which the tenancy is being terminated, the tenant shall, notwithstanding section 74 of the principal Scottish Act (matters to be referred to arbitration), refer the question to the Scottish Land Court for their determination.

[<sup>F10</sup>(8) The Provisions of the Small Landholders (Scotland) Acts 1886 to 1931 with regard to the Scottish Land Court shall, with any necessary modifications, apply for the purpose of the determination of any matter referred to them under subsection (7) of this section as they apply for the purpose of the determination by them of matters referred to them under those Acts]

(9) ..... <sup>F11</sup>

(10) In this section—

- (a) references to section 9 of this Act do not include references to it as applied by section 12 of this Act;
- (b) “the relevant notice” means a notice to quit given by the landlord of the agricultural holding in question in consequence of which compensation for disturbance becomes payable to the tenant of the holding as mentioned in the said section 9; and

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 23 May 2023. 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)*

- (c) for the purposes of subsection (1)(a), the purposes of the enactments relating to allotments shall be treated as excluded from the matters mentioned in section 26(1)(c) of the principal Scottish Act.

#### Textual Amendments

**F10** S. 11(8) substituted by Crofting Reform (Scotland) Act 1976 (c. 21), Sch. 2 para. 25

**F11** Ss. 10(7), 11(9) repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XIX

#### Marginal Citations

**M9** 1958 c. 71.

**M10** 1967 c. 22.

**M11** 1958 c. 71.

**M12** 1964 c. 41.

## 12 Additional payments in consequence of compulsory acquisition etc. of agricultural holdings.

- (1) Where in pursuance of any enactment providing for the acquisition or taking of possession of land compulsorily by any person (hereafter in this Part of this Act referred to as an “acquiring authority”), an acquiring authority acquire the interest in an agricultural holding or any part of it of the tenant of the holding or take possession of such a holding or any part of it, then, subject to the provisions of this Part of this Act, [F12section 9 of this Act shall apply as if the acquiring authority were the landlord of the holding and compensation for disturbance in respect of the holding or part in question had become payable to the tenant as mentioned in subsection (1) of that section on the date of the acquisition or taking of possession][F12subsection (2)(b) of section 60 of the Agricultural Holdings Act 1986 (additional compensation to tenant for disturbance) shall apply as if the acquiring authority were the landlord of the holding and on the date of the acquisition or taking of possession the tenancy of the holding or part of it had terminated, and the tenant had quitted the holding or part of it, in consequence of such a notice or counter-notice as is mentioned in subsection (1) of that section; and section 61 of that Act (exceptions to section 60) shall not apply in such a case].
- (2) No sum shall be payable by virtue of subsection (1) of this section in respect of any agricultural holding held on a tenancy for a term of two years or upwards except in a case where the amount of compensation payable to the tenant of the holding by the acquiring authority in consequence of the acquisition or taking of possession in question is exceeded by the aggregate of the amounts which, if the tenancy had been from year to year, would have been so payable by way of compensation and by virtue of that subsection; and in any such case the sum payable by virtue of that subsection in consequence of the acquisition or taking of possession in question shall, subject to sections 13(3) and 14(3) of this Act, be of an amount equal to the excess.
- (3) No sum shall be payable to the tenant of an agricultural holding by virtue of subsection (1) of this section in consequence of such an acquiring of an interest or taking of possession as is there mentioned unless the date on which the acquisition or taking of possession occurs is later than the date of the passing of this Act and—
- (a) in the case of such an acquisition, unless the date on which notice to treat in respect of the interest to be acquired is served or treated as served on the tenant by the acquiring authority is after the initial date; and

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 23 May 2023. 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)*

- (b) where in the case of such a taking of possession prior notice of the taking of possession is by virtue of any enactment required to be served on the tenant by the acquiring authority, unless the date on which the notice is so served is after the initial date.

#### Textual Amendments

**F12** Words beginning “subsection (2)(b) ...” substituted (E.W.) for words beginning “section 9 ...” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 44](#)

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

**C11** [S. 12](#) amended by (E.W.) [Land Compensation Act 1973 \(c. 26\)](#), [s. 48\(5\)](#) and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [s. 44\(4\)](#)

**C12** [S. 12](#) modified by (E.W.) [Land Compensation Act 1973 \(c. 26\)](#), [ss. 59\(2\)\(a\)](#), 61(3) and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [ss. 55\(2\)\(a\)](#), 56(8), 57(3), 58(3)(6), [Sch. 1](#)

### 13 Provisions supplementary to s. 12 in England and Wales.

- (1) For the purposes of subsection (1) of section 12 of this Act, a tenant of an agricultural holding shall be treated as not being a tenant of it in so far as, immediately before the acquiring of the interest or taking of possession mentioned in that subsection, he was neither in possession nor entitled to take possession of any land comprised in the holding; and in determining for those purposes whether a tenant was so entitled, any such agreement as is mentioned in <sup>F13</sup>section 2(1) of the principal Act<sup>F13</sup>section 2(2) of the Agricultural Holdings Act 1986]which relates to the land and has not taken effect as an agreement for the letting of the land for a tenancy from year to year shall be disregarded.
- (2) Section 12(1) of this Act shall not apply where the acquiring authority require the land comprised in the holding or part in question for the purposes of agricultural research or experiment or of demonstrating agricultural methods or for the purposes of the enactments relating to smallholdings, nor where the Minister acquires the land under section 84(1)(c) of the <sup>M13</sup>Agriculture Act 1947; but where an acquiring authority exercise in relation to any land any power to acquire or take possession of land compulsorily which is conferred on the authority by virtue of <sup>F14</sup>section 226 or 230 of the Town and Country Planning Act 1990<sup>F15</sup>section 10 of the New Towns Act 1981<sup>F16</sup>or section 4(1) of the Development of Rural Wales Act 1976], the authority shall be deemed for the purposes of this subsection not to require the land for any of the purposes aforesaid.
- (3) The provisions of Schedule 3 to this Act shall have effect for the purposes of section 12 of this Act in its application to England and Wales.

#### Textual Amendments

**F13** Words “section 2(2) of the Agricultural Holdings Act 1986” substituted (E.W.) for words “section 2(1)” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 45](#)

**F14** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 19](#)

**F15** Words substituted by [New Towns Act 1981 \(c. 64\)](#), s. 81, [Sch. 12 para. 4](#)

**F16** Words inserted by [Development of Rural Wales Act 1976 \(c. 75\)](#), [Sch. 7 para. 7](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 23 May 2023. 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)*

#### Marginal Citations

M13 1947 c. 48.

### 14 Provisions supplementary to s. 12 in Scotland.

- (1) For the purposes of subsection (1) of section 12 of this Act, a tenant of an agricultural holding shall be treated as not being a tenant of it in so far as, immediately before the acquiring of the interest or taking of possession mentioned in that subsection, he was neither in possession nor entitled to take possession of any land comprised in the holding; and in determining for those purposes whether a tenant was so entitled, any such lease relating to the land as is mentioned in section 2(1) of the principal Scottish Act which has not taken effect as a lease of the land from year to year shall be disregarded.
- (2) Section 12(1) of this Act shall not apply where the acquiring authority require the land comprised in the holding or part in question for the purposes of agricultural research or experiment or of demonstrating agricultural methods, or for the purposes of the enactments relating to smallholdings, nor where the Secretary of State acquires the land under section 57(1)(c) or section 64 of the <sup>M14</sup>Agriculture (Scotland) Act 1948; but where an acquiring authority exercise in relation to any land any power to acquire or take possession of land compulsorily which is conferred on the authority by virtue of [<sup>F17</sup>section 102 or 110 of the Town and Country Planning (Scotland) Act 1972] or section 7 of the <sup>M15</sup>New Towns (Scotland) Act 1968, the authority shall be deemed for the purposes of this subsection not to require the land for any of the purposes aforesaid.
- (3) The provisions of Schedule 4 to this Act shall have effect for the purposes of section 12 of this Act in its application to Scotland.

#### Textual Amendments

F17 Words substituted by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\), Sch. 21 Pt. II](#)

#### Marginal Citations

M14 1948 c. 45.

M15 1968 c. 16.

### 15 Effect of early resumption clauses on compensation.

- [<sup>F18</sup>(1) Except where compensation assessed in accordance with this subsection would be less than if this subsection were disregarded, in assessing the compensation payable by an acquiring authority to the tenant of an agricultural holding in connection with such an acquiring of an interest or taking of possession as is mentioned in section 12(1) of this Act, any provision in the contract of tenancy authorising the resumption of possession of the holding or part of it for some specified purpose other than the use of the land for agriculture shall—
- (a) in the case of an acquisition, be treated as if that provision authorised resumption of possession for the purpose in question on the expiration of twelve months from the end of the year of the tenancy current when notice to treat in respect of the acquisition was served or treated as served on the tenant; and
  - (b) in the case of a taking of possession, be disregarded.]

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- [<sup>F19</sup>(2) Where the tenancy of an agricultural holding or part of it terminates by reason of a notice to quit the holding or part given in pursuance of such a provision in the contract of tenancy as is mentioned in subsection (1) of this section and the tenant quits the holding or part in consequence of the notice, compensation shall be payable by the landlord to the tenant, in addition to any other compensation so payable apart from this subsection in respect of the holding or part, of an amount which is equal to the value of the additional benefit (if any) which would have accrued to the tenant if the tenancy had, instead of being terminated as provided by the notice, been terminated by it on the expiration of twelve months from the end of the year of tenancy current when the notice was given.]
- (3) Where the landlord of an agricultural holding in Scotland resumes land in pursuance of such a provision in the lease as is mentioned in subsection (1) of this section, compensation shall be payable by the landlord to the tenant, in addition to any other compensation so payable apart from this subsection in respect of the land, of an amount which is equal to the value of the additional benefit (if any) which would have accrued to the tenant if the land had, instead of being so resumed, been resumed at the expiration of twelve months from the end of the year of tenancy current at a date two months before the date of resumption.
- (4) [<sup>F20</sup>Subsections (4) to (6) of section 10 of this Act shall apply to compensation claimed or payable under subsection (2) of this section, and] subsections (4) to (6) of section 11 of this Act shall apply to compensation claimed or payable under subsection (3) of this section, as if for references to sums claimed or payable in pursuance of section 9 of this Act there were substituted references to compensation claimed or payable under the said [<sup>F20</sup>subsection (2) or] subsection (3), [<sup>F20</sup>as the case may be]; and section 12(3) of this Act shall apply to any increase of compensation in pursuance of subsection (1) of this section as it applies to a sum payable by virtue of section 12(1) of this Act as if for references to the said section 12(1) there were substituted references to subsection (1) of this section.
- (5) For the purposes of subsections (1) to (3) of this section, the current year of a tenancy for a term of two years or upwards is the year beginning with such day in the period of twelve months ending—
- (a) for the purposes of subsection (1) [<sup>F20</sup>or subsection (2)], with the date on which the notice mentioned in that subsection is served; and
  - (b) for the purposes of subsection (3), with a date two months before the resumption mentioned in that subsection.
- as corresponds to the day on which the term would expire by the effluxion of time.
- (6) In the application of this section to Scotland,—
- (a) in subsection (1), for the words from “contract” to “agriculture” there shall be substituted the words “lease entitling the landlord to resume land for building, planting, feuing or other purposes (not being agricultural purposes)” and in paragraph (a) for the word “possession” there shall be substituted the word “land”; and
  - (b) subsection (2) shall be omitted.



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#### Textual Amendments

- F18** S. 15(1) repealed with saving by [Land Compensation Act 1973 \(c. 26\)](#), ss. 48(4)(6), 89(3), [Sch. 3](#) except in relation to compensation falling to be assessed by reference to prices current on a date before 23. 5. 1973 and except for the purposes of s. 48(6) of that Act
- F19** S. 15(2) repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 15 Pt. I](#)
- F20** Words repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 15 Pt. I](#)

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

- C13** S. 15(2) excluded by [Land Compensation Act 1973 \(c. 26\)](#), [s. 59\(2\)\(b\)](#)
- C14** S. 15(3) excluded by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [s. 55\(2\)\(b\)](#)

### 16 Application of Part II to statutory small tenants in Scotland.

This Part of this Act shall apply to statutory small tenants as defined in the <sup>M16</sup>Small Landholders (Scotland) Act 1911 subject to 1911 modifications set out in Schedule 5 to this Act.

#### Marginal Citations

- M16** 1911 c. 49.

### 17 Interpretation etc. of Part II.

- (1) In this Part of this Act—
- “acquiring authority” has the meaning assigned to it by section 12(1) of this Act;
  - “the initial date” means 1st November 1967;
  - “possession” means actual possession;
  - <sup>F21</sup>“the principal Act” means the <sup>M17</sup>Agricultural Holdings Act 1948; and]
  - “the principal Scottish Act” means the <sup>M18</sup>Agricultural Holdings (Scotland) Act 1949:
- and unless the context otherwise requires expressions used in this Part of this Act and the [<sup>F22</sup>principal Act][<sup>F22</sup>Agricultural Holdings Act 1986] or, as the case may be, the principal Scottish Act have the same meanings in this Part of this Act as in that Act.
- (2) In this Part of this Act . . . <sup>F23</sup> references to the acquisition of any property are references to the vesting of the property in the person acquiring it.
- (3) [<sup>F24</sup>Section 87(1) and (2) of the principal Act][<sup>F24</sup>Section 95(1), (2) and (3) of the Agricultural Holdings Act 1986] and section 86(1) and (2) of the principal Scottish Act (Crown land) shall have effect as if references to that Act included references to this Part of this Act.
- (4) References in this section to this Part of this Act include references to Schedules 1 to 4 to this Act.
- (5) In the application of this section to Scotland, in subsection (2) the words from “references to the termination” to “and” shall be omitted.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 23 May 2023. 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)*

**Textual Amendments**

- F21** Definition repealed (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 15 Pt. I**
- F22** Words “Agricultural Holdings Act 1986” substituted (E. W.) for words “principal Act” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 46(1)(2)**
- F23** Words repealed by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 15 Pt. I**
- F24** Words “Section 95(1), (2) and (3) of the Agricultural Holdings Act 1986” substituted (E.W.) for words “Section 87(1) and (2) of the principal Act” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 46(1)(3)**

**Marginal Citations**

- M17** 1948 c. 63.
- M18** 1949 c. 75.

**PART III**

**18–20** ..... **F25**

**Textual Amendments**

- F25** Pt. III (ss. 18–20) repealed by [Agricultural Holdings \(Amendment\) \(Scotland\) Act 1983 \(c.46, SIF 2:3\)](#), s. 6, **Sch. 2**

**PART IV**

**21–37** ..... **F26**

**Textual Amendments**

- F26** Ss. 21–37 repealed by [Land Drainage Act 1976 \(c. 70\)](#), **Sch. 8**

**PART V**

MISCELLANEOUS AND GENERAL

*Payments in respect of bacon, break crops and water supply*

**38–40** ..... **F27**

*Status: Point in time view as at 01/02/1991.*

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**Textual Amendments**

**F27** Ss. 38–40 repealed by Statute Law (Repeals) Act 1986 (c.12), s. 1(1), **Sch. 1 Pt II**

**41 Grants towards cost of water supply to agricultural buildings.**

- (1) ..... **F28**  
(2) ..... **F29**

**Textual Amendments**

**F28** S. 41 (1) repealed with saving by Agriculture Act 1970 (c. 40), s. 113(3), Sch. 5 Pt. I

**F29** S. 41 (2) repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. I**

*Miscellaneous*

**[<sup>F30</sup>42 Compensation in connection with compulsory acquisition etc. of agricultural holdings.**

- (1) Subject to the following provisions of this section, where in pursuance of any enactment providing for the acquisition or taking of possession of land compulsorily an acquiring authority acquire the interest in an agricultural holding or any part of it of the tenant of the holding or take possession of such a holding or any part of it, the compensation payable by the authority to the tenant in connection with the acquisition or taking of possession shall be assessed without regard to the tenant’s prospects, if any, of remaining in possession of the holding after the relevant date.
- (2) In subsection (1) of this section “the relevant date” means the earliest date on which, apart from the acquisition or taking of possession, the landlord could obtain possession of the holding in pursuance of such a notice to quit as is mentioned in paragraph (c) below if—
- (a) the tenant exercised any tenant’s option to extend or renew the tenancy in any case where, apart from this section, he would benefit from doing so; and
  - (b) the landlord disregarded any provision in the contract of tenancy or lease enabling him to resume possession of the holding or to determine the tenancy by notice before the date fixed for the expiration of its term or before the termination of the stipulated endurance of the lease; and
  - (c) the landlord served a valid notice to quit on the tenant in respect of the holding on the date of service of notice to treat in respect of the acquisition or the date of the taking of possession, as the case may be, or as soon thereafter as he became entitled to serve such a notice to quit; and
  - (d) the provisions of section 24 of the principal Act or section 25 of the principal Scottish Act (which restrict the operation of notices to quit) did not apply to the said notice to quit;

and for the purposes of this subsection any such notice as is mentioned in section 3(1) of the principal Act (which refers to notices of intention to terminate the tenancy of an agricultural holding granted for a term of two years or upwards) shall be deemed to be a notice to quit.

*Status: Point in time view as at 01/02/1991.*

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- (3) Subsection (1) of this section shall not apply to such an acquisition or taking of possession as is there mentioned—
- (a) in the case of such an acquisition, unless the date on which notice to treat in respect of the interest to be acquired is served or treated as served on the tenant by the acquiring authority is after the date of the passing of this Act;
  - (b) where in the case of such a taking of possession prior notice of the taking of possession is by virtue of any enactment required to be served on the tenant by the acquiring authority, unless the date on which the notice is so served is after the date of the passing of this Act.
- (4) Section 17 of this Act shall have effect as if any reference to Part II of this Act, other than the reference in subsection (4), included a reference to the foregoing provisions of this section.
- (5) Nothing in this section shall be construed as prejudicing the provisions of any other enactment under which, apart from this section, compensation in respect of any such compulsory acquisition or taking of possession as is mentioned in subsection (1) of this section falls to be assessed without regard to the prospects there mentioned.]

#### Textual Amendments

**F30** S. 42 repealed with saving by [Land Compensation Act 1973 \(c. 26\)](#), ss. 48(4)(6), 89(3), [Sch. 3](#) except in relation to compensation falling to be assessed by reference to prices current on a date before 23. 5. 1973 and except for the purposes of s. 48(6) of that Act

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

**C15** By [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 47](#) it is provided that in s. 42(2), as it has effect for the purposes of s. 48(6) of the Land Compensation Act 1973 for “section 24 of the principal Act/ “ there is substituted (E.W.)”section 26 of the Agricultural Holdings Act 1986” and for “principal Act” in the second place where occurring there is substituted “Agricultural Holdings Act 1986”

### 43 Amendments of Plant Varieties and Seeds Act 1964.

- (1) In Part I of the <sup>M19</sup>Plant Varieties and Seeds Act 1964, after section 5, there shall be inserted the following section:—

**“5A Requirement to use registered names on sale of reproductive material.**

- (1) Where a name is registered under section 5 of this Act for any plant variety, it shall be unlawful for any person to use, in selling or offering for sale, material of that variety being—
- (a) reproductive material ; or
  - (b) material to which plant breeders’ rights are extended under paragraph 1 of Schedule 3 to this Act,
- any name which serves or is intended by him to serve or distinguish that material from material of other plant varieties within the same class but is not the name so registered.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 23 May 2023. 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)*

- (2) Subsection (1) of this section shall not apply to a person who reasonably believes that the material is to be exported from Great Britain.
- (3) Subsection (1) of this section shall have effect in relation to any plant variety from the date on which the grant of plant breeders' rights in respect of that variety takes effect, and shall continue to apply after the period for which the rights are exercisable.
- (4) Subsection (1) of this section shall not preclude the use, in connection with the registered name of a plant variety, of any trade mark or trade name (whether registered under the Trade Marks Act 1938 or not) other than a mark or name which is used or is intended to be used exclusively in connection with the first-mentioned name.
- (5) A person who contravenes 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 to both ; but it shall be a defence in proceedings under this section to prove—
  - (a) that the accused took all reasonable precautions against committing an offence of the kind alleged and had not at the time of the alleged offence any reason to suspect that an offence was being committed by him; and
  - (b) where the accused obtained the reproductive material to which the alleged offence relates from some other person, that on demand by or on behalf of the prosecutor the accused gave all the information in his power with respect to the name and address of that other person, and with respect to any relevant document in his possession or power relating to the material and the contract of the sale.
- (6) Subsection (7) of section 5 of this Act shall apply for the interpretation of this section.”
- (2) The said Act of 1964 shall have effect subject to the further amendments set out in Schedule 7 to this Act, being miscellaneous minor amendments.
- (3) Section 39 of the said Act of 1964 shall have effect as if this section (together with the said Schedule 7) were contained in that Act and had been extended to Northern Ireland by Order in Council under subsection (2) of the said section 39.

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

**C16** The text of ss. 43(1)(2), 52, Schs. 7, 8 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**

**M19** 1964 c. 14.

**44 Extension of Agricultural and Forestry Associations Act 1962.**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 23 May 2023. 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)*

- (1) Section 1 of the <sup>M20</sup>Agricultural and Forestry Associations Act 1962 (which confers exemptions from Part I of the <sup>M21</sup>Restrictive Trade Practices Act 1956 for certain co-operative associations formed for purposes of agriculture or forestry) shall apply to corresponding associations of persons engaged in the business of catching or taking fish or shellfish, and accordingly shall have effect as if—
- (a) references to persons occupying land used for agriculture or forestry or both included references to persons engaged in the business aforesaid;
  - (b) references to produce produced by members of an association on land so occupied and used, and to the production of such produce on such land, included references to fish or shellfish caught or taken by such members, and to the catching or taking of fish or shellfish, in the course of their business.
- (2) Without prejudice to the foregoing provision, the said section 1 shall apply to any co-operative association having as its object or primary object to assist its members—
- (a) in the carrying on of the businesses of agriculture or forestry or both on land occupied by them; or
  - (b) in the carrying on of businesses consisting in the catching or taking of fish or shellfish,
- whether or not the conditions specified in paragraphs (a) to (c) of subsection (1) of that section are satisfied; and for the purposes of this subsection “co-operative association” has the meaning assigned by subsection (9) of section 70 of the <sup>M22</sup>Finance Act 1965, and references to members of a co-operative association include references to members of any such association which is a member of that association.
- (3) The restrictions in respect of which exemption from Part I of the Restrictive Trade Practices Act 1956 is conferred by subsection (2) of the said section 1 shall include restrictions accepted or treated as accepted as mentioned in that subsection in respect of the production of produce, the catching or taking of fish or shellfish, or the supply of produce, fish or shellfish by members of an association to which the section applies.
- (4) This section shall be construed as one with the <sup>M23</sup>Agricultural and Forestry Associations Act 1962.

#### Textual Amendments

**F31** S. 44 repealed by [Restrictive Trade Practices Act 1976 \(c. 34\), s. 44, Sch. 6](#)

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

**C17** S. 12 amended by (E.W.) [Land Compensation Act 1973 \(c. 26\), s. 48\(5\)](#) and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\), s. 44\(4\)](#)

#### Marginal Citations

**M20** 1962 c. 29.

**M21** 1956 c. 68.

**M22** 1965 c. 25.

**M23** 1962 c. 29.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 23 May 2023. 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)*

#### **45 Modification of Restrictive Trade Practice Act 1956 in relation to agricultural marketing boards.**

- (1) For the purposes of the [<sup>F32</sup>Restrictive Trade Practices Act 1976], the definition of “trade association” in [<sup>F32</sup>section 43(1)] of that Act shall not include, and shall be deemed never to have included, a board within the meaning of this section.
- (2) Where a board enter into an agreement on or after the commencement date in the exercise only of such powers as are mentioned in subsection (1) of section 20 of the <sup>M24</sup>Agricultural Marketing Act 1958 (which section provides, among other things, that certain of a board’s powers with respect to products must be exercised in accordance with any directions given by the Minister for the purpose of safeguarding the public interest) or of such powers as are mentioned in section 36 of that Act (under which a board are empowered, subject to the directions of the Minister, to provide artificial insemination services), [<sup>F32</sup>the said Act of 1976] shall not apply to the agreement if—
  - (a) the board have served notice of the terms of the agreement on the Minister before entering into it; and
  - (b) either the period of twenty-eight days beginning with the date of service of the board’s notice on the Minister has expired and the Minister has not during that period served notice on the board that he objects to those terms for the purposes of this subsection or the Minister has served on the board during that period notice that he does not so object; and
  - (c) the board have furnished a copy of the agreement to the Minister within the period of twenty-eight days beginning with the date on which they entered into it or within such longer period as the Minister may allow in any particular case.
- (3) Where a board have entered into an agreement before the commencement date wholly or partly in the exercise of any of the powers mentioned in subsection (2) of this section and either the board served on the Minister, before they entered into the agreement, notice of its terms in pursuance of a requirement to do so contained in a scheme administered by them or the board furnish a copy of the agreement to the Minister within the period of three months beginning with the commencement date, [<sup>F32</sup>the said Act of 1976] shall not apply to the agreement—
  - (a) subject to paragraph (c) below, as respects the period of fifteen months beginning with the commencement date;
  - (b) if during the said period of fifteen months or that period as previously extended under this paragraph the Minister serves notice on the board extending or further extending that period in relation to the agreement, then, subject to paragraph (c) below, as respects the extended period;
  - (c) if during the said period or extended period the Minister serves notice on the board that he objects to the agreement for the purposes of this subsection, only as respects the period beginning with the commencement date and ending with the date of service of the notice;
  - (d) if during the said period or extended period the Minister serves notice on the board that he does not so object, as respects any period after the commencement date;

and the [<sup>F32</sup>said Act of 1976] shall, as respects any period before the commencement date, be deemed not to have applied to an agreement to which it does not apply by virtue of this subsection as respects a subsequent period.

- [<sup>F33</sup>(4) Subsections (2) and (3) of this section shall have effect in relation to a Northern Ireland board as if for any reference to the powers mentioned in subsection (2) of this

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section were there substituted a reference to the powers mentioned in subsection (1) of section 14 of the <sup>M25</sup>Agricultural Marketing Act (Northern Ireland) 1964 (which section corresponds to the said section 20).]

(5) Where by virtue of any of the provisions of subsections (2) to (4) of this section [<sup>F32</sup>the said Act of 1976] does not apply, or does not apply or is deemed not to have applied as respects any period, to an agreement made between a board and a trade association within the meaning of [<sup>F32</sup>section 43(1)] of that Act, being an agreement as to the terms for other agreements between the board and persons who are members of the association or are represented thereon by such members, the said [<sup>F32</sup>Act of 1976] shall not apply or, as the case may be, shall not apply or shall be deemed not to have applied as respects that period—

- (a) to any such other agreement containing only terms contemplated by the agreement made between the board and the association;
- (b) to any agreement made between two or more of those persons of which the purpose is confined to promoting the agreements mentioned in paragraph (a) of this subsection or any of them.

(6) Nothing in this section shall be construed as derogating from the powers of the Minister to give directions at any time under the provisions of the said Acts of 1958 [<sup>F34</sup>and 1964] which are mentioned in subsections (2) [<sup>F34</sup>and (4)] of this section.

(7) In this section—

“agreement” means an agreement within the meaning of [<sup>F32</sup>Restrictive Trade Practices Act 1976] to which, apart from this section, the [<sup>F32</sup>said Act of 1976] applies;

“board” means a board constituted by a scheme made or having effect as if made under the <sup>M26</sup>Agricultural Marketing Act 1958 and [<sup>F35</sup>in subsection 1 of this section, includes a board constituted by a scheme made, or having effect as if made, under [<sup>F36</sup>the Agricultural Marketing Act (Northern Ireland) 1964 or] the Agricultural Marketing (Northern Ireland) Order 1982]

“the commencement date” means the date of the passing of this Act;

“the Minister”, [<sup>F36</sup>except in relation to a Northern Ireland board] has the same meaning as in the said Act of 1958 [<sup>F36</sup>and, in relation to a Northern Ireland board, has the same meaning as in the <sup>M27</sup>Agricultural Marketing Act (Northern Ireland) 1964; and]

[<sup>F37</sup>“Northern Ireland board” means a board constituted by a scheme made or having effect as if made under the said Act of 1964;]

and for the purposes of subsection (2) of this section an agreement shall be treated as entered into by a board in the exercise only of the powers mentioned in that subsection, [<sup>F36</sup>or that subsection as modified by subsection (4) of this section], notwithstanding that the agreement contains provisions entered into by the board in the exercise of other powers if the Minister is of opinion that those provisions are incidental provisions only.

#### Textual Amendments

**F32** Words substituted by [Restrictive Trade Practices Act 1976 \(c. 34\)](#), [Sch. 5](#)

**F33** [S. 45\(4\)](#) repealed (*prosp.*) by [S.I. 1982/1080](#), (N.I. 12) arts. 1(2), 46(2)(3) Sch. 9 but by S.R.s [1984 No. 422](#) and [1989 No. 47](#) the repeal came into operation in relation to the Pigs Marketing Board (Northern Ireland) on 31.12.1984 and in relation to the Milk Marketing Board for Northern Ireland on 1.4.1989 respectively

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- F34** Words “and 1964” and words “and (4)” repealed (*prosp.*) by [S.I. 1982/1080 \(N.I. 12\)](#) arts. 1(2), 46(2)(3), Sch. 9 but by S.R.s [1984 No. 422](#) and [1989 No. 47](#) the repeal came into operation in relation to the Pigs Marketing Board (Northern Ireland) on 31.12.1984 and in relation to the Milk Marketing Board for Northern Ireland on 1.4.1989 respectively
- F35** Words substituted by [S.I. 1982/1080](#), (N.I. 12) art. 46(1), Sch. 8
- F36** Words repealed (*prosp.*) by [S.I. 1982/1080](#), (N.I. 12) arts. 1(2), 46(2)(3), Sch. 9, but by S.R.s [1984 No. 422](#) and [1989 No. 47](#) the repeal came into operation in relation to the Pigs Marketing Board (Northern Ireland) on 31.12.1984 and in relation to the Milk Marketing Board for Northern Ireland on 1.4.1989 respectively
- F37** Definition repealed (*prosp.*) by [S.I. 1982/1080](#), (N.I. 12) arts. 1(2), 46(2)(3), Sch. 9, but by S.R.s [1984 No. 422](#) and [1989 No. 47](#) the repeal came into operation in relation to the Pigs Marketing Board (Northern Ireland) on 31.12.1984 and in relation to the Milk Marketing Board for Northern Ireland on 1.4.1989 respectively

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

- C18** Certain functions of the Minister of Agriculture, Fisheries and Food under s. 45 now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S. I. 1969/388](#), [art.3](#), [Sch. 2 Pt. II para. 6\(b\)](#) and [1978/272](#), art. 2, Sch. 1
- C19** [S. 12](#) modified by (E.W.) [Land Compensation Act 1973 \(c. 26\)](#), [ss. 59\(2\)\(a\)](#), 61(3) and (S.) [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), [ss. 55\(2\)\(a\)](#), 56(8), 57(3), 58(3)(6), Sch. 1

**Marginal Citations**

- M24** [1958 c. 47](#).
- M25** [1964 c. 13 \(N.I.\)](#).
- M26** [1958 c. 47](#).
- M27** [1964 c. 13 \(N.I.\)](#).

**46 Further functions of agricultural wages committees.**

(1) The Minister may by regulations—

- (a) provide that the functions under the <sup>M28</sup>Agricultural Wages Act 1948 of agricultural wages committees established in pursuance of that Act shall include such further functions as the Minister considers appropriate for the purpose of enabling or requiring those committees to give effect to orders made or which may be made by the Agricultural Wages Board for England and Wales under that Act and (without prejudice to the generality of the foregoing provisions in this paragraph) to determine whether any person is a member of any special class of workers as defined in such an order;
- (b) make provision with respect to the procedure to be followed in connection with the exercise of the further functions aforesaid and provide that section 15 of that Act (which relates to evidence of resolutions and orders) shall apply with such modifications as the Minister considers appropriate to decisions made in the exercise of those functions.

(2) In this section “functions” means powers and duties.

(3) . . . . . <sup>F38</sup>

**Textual Amendments**

- F38** [S. 46\(3\)](#) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)

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

- C20** S. 46: power to amend conferred (1.4.1999) by 1998 c. 39, s. 47(2)(d)(3) (with s. 36); S.I. 1999/685, art. 2, Sch.
- S. 46: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

**Marginal Citations**

- M28** 1948 c. 47.

**47 Further exemptions of transfers of land from control of Rural Development Boards.**

.....<sup>F39</sup>[A]fter paragraph (f) of section 50(3) of the said Act of 1967 (which exempts certain transfers from the requirement aforesaid) there shall be inserted the following paragraphs:—

- “(g) a river authority (including the Conservators of the River Thames and the Lee Conservancy Catchment Board);
- (h) an internal drainage board within the meaning of the Land Drainage Act 1930”.

**Textual Amendments**

- F39** Words repealed 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. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27

**48 Extension of s. 3 of Parks Regulation (Amendment) Act 1926.**

In section 3 of the<sup>M29</sup>Parks Regulation (Amendment) Act 1926 (under which, among other things, the Minister of Agriculture, Fisheries and Food has power to regulate the conduct of persons using the Royal Botanic Gardens at Kew), the second reference to the said Gardens shall include a reference to any park, garden, recreation ground, open space and other land for the time being vested in or under the control or management of the said Minister.

**Marginal Citations**

- M29** 1926 c. 36.

**49** .....<sup>F40</sup>

**Textual Amendments**

- F40** S. 49 repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

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### *Supplemental*

#### **50 Interpretation etc.—general.**

- (1) Subject to subsection (7) of section 45 of this Act, in this Act—
- “the Minister” means, except in the application of this Act to Scotland, the Minister of Agriculture, Fisheries and Food and, in the application of this Act to Scotland, the Secretary of State;
- “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly; and
- “notice” means notice in writing.
- (2) ..... F41
- (3) Any reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment including an enactment in this Act.
- (4) Where an offence under this Act committed by a body corporate 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 subsection “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 undertaking or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

#### **Textual Amendments**

**F41** S. 50(2) repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

#### **51 Orders, regulations and schemes.**

- (1) Any power conferred by this Act to make regulations or a scheme or an order (other than an order under section 23(1)(a)) shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing an order or regulations made under any provision of this Act, other than an order under section 23(1)(b) and regulations under section 2, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No scheme shall be made under this Act unless a draft of the scheme has been approved by each House of Parliament.
- (4) Any order or scheme made under any provision of this Act may be revoked or varied by a subsequent order or scheme made thereunder.
- (5) Any order, scheme or regulations under this Act may make different provision for different circumstances; and nothing in any other provision of this Act authorising the making of different provision for such different cases as may be specified in that

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provision shall be construed as prejudicing the generality of the power conferred by this subsection.

## 52 Repeals. <sup>X1</sup>

The enactments mentioned in Schedule 8 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

### Editorial Information

- X1** The text of ss. 43(1)(2), 52, Schs. 7, 8 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.

## 53 Financial provisions.

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by virtue of this Act by any Minister or government department . . . <sup>F42</sup>; and
- (b) any increase attributable to the provisions of this Act in the sums payable out of such moneys under any other Act;

and any sums received by the Minister or the Ministers by virtue of this Act shall be paid into the Exchequer.

### Textual Amendments

- F42** Words repealed by [Post Office Act 1969 \(c. 48\)](#), [Sch. 11 Pt. II](#)

## 54 Short title, commencement and extent, etc.

- (1) This Act may be cited as the Agriculture (Miscellaneous Provisions) Act 1968.
- (2) Part I of this Act shall come into operation on the expiration of two months beginning with the date on which this Act is passed.
- (3) This Act, except Part IV and sections 10, 13, 47 and 48, extends to Scotland, and sections 11, 14 and 16 and Part III of this Act extend to Scotland only.
- (4) This Part of this Act, except sections 41, 42 and 46 to 48, extends to Northern Ireland; . . . <sup>F43</sup>

### Textual Amendments

- F43** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)



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## SCHEDULES

### <sup>F44</sup>SCHEDULES 1, 2

#### Textual Amendments

**F44** Schs. 1, 2 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XIX

### SCHEDULE 3

Section 13(3)

#### SUPPLEMENTARY PROVISIONS WITH RESPECT TO PAYMENTS UNDER S. 12(1) IN ENGLAND AND WALES

- 1 Subject to paragraph 4 of this Schedule, any dispute with respect to any sum which may be or become payable by virtue of section 12(1) of this Act shall be referred to and determined by the Lands Tribunal.
- 2 If in any case the sum to be paid by virtue of the said section 12(1) to the tenant of an agricultural holding by an acquiring authority would, apart from this paragraph and paragraph 3 of this Schedule, fall to be ascertained in pursuance of [<sup>F45</sup>section 9(2) of this Act][<sup>F45</sup>section 60(4) of the Agricultural Holdings Act 1986] by reference to the rent of the holding at a rate which was not determined by arbitration under [<sup>F45</sup>section 8 or section 9 of the principal Act][<sup>F45</sup>section 12 or section 13 of the Agricultural Holdings Act 1986] and which the authority consider is unduly high, the authority may make an application to the Lands Tribunal for the rent to be considered by the tribunal.

#### Textual Amendments

**F45** Words “section 60(4) of the Agricultural Holdings Act 1986” substituted (E.W.) for words “section 9(2) of this Act” and “section 12 or section 13 of the Agricultural Holdings Act 1986” substituted (E.W.) for “section 8 or section 9 of the principal Act” by Agricultural Holdings Act 1986 (c.5, SIF 2:3), ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 48(1)(2)(a)(b)

- 3 Where, on an application under paragraph 2 above, the tribunal are satisfied that—
  - (a) the rent to which the application relates is not substantially higher than the rent which in their opinion would be determined for the holding in question on a reference to arbitration duly made in pursuance of [<sup>F46</sup>section 8 of the principal Act][<sup>F46</sup>section 12 of the Agricultural Holdings Act 1986] on the date of the application (hereafter in this paragraph referred to as “the appropriate rent”); or

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- (b) the rent to which the application relates is substantially higher than the appropriate rent but was not fixed by the parties to the relevant contract of tenancy with a view to increasing the amount of any compensation payable, or of any sum to be paid by virtue of the said section 12(1), in consequence of the compulsory acquisition or taking of possession of any land included in the holding,

they shall dismiss the application; and if the tribunal do not dismiss the application in pursuance of the foregoing provisions of this paragraph they shall determine that, in the case to which the application relates, the sum to be paid by virtue of the said section 12(1) shall be ascertained in pursuance of the said [F46section 9(2)][F46section 60(4)] by reference to the appropriate rent instead of by reference to the rent to which the application relates.

#### Textual Amendments

**F46** Words “section 12 of the Agricultural Holdings Act 1986” substituted (E.W.) for words “section 8 of the principal Act” and words “section 60(4)” substituted (E.W.) for words “section 9(2)” by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\), ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 48\(1\)\(3\)\(a\)\(b\)](#)

- 4 The enactments mentioned in paragraph 5 of this Schedule shall, subject to any necessary modifications, have effect in their application to such an acquiring of an interest or taking of possession as is mentioned in subsection (1) of section 12 of this Act (hereafter in this paragraph referred to as “the relevant event”)—
- (a) in so far as those enactments make provision for the doing, before the relevant event, of any thing connected with compensation (including in particular provision for determining the amount of or the liability to pay compensation or for the payment of it into court or otherwise), as if references to compensation, except compensation for damage or injurious affection, included references to any sum which will become payable by virtue of the said subsection (1) in consequence of the relevant event; and
- (b) subject to sub-paragraph (a) above, as if references to compensation (except as aforesaid) included references to sums payable or, as the context may require, to sums paid by virtue of the said subsection (1) in consequence of the relevant event.
- 5 The enactments aforesaid are—
- (a) Part I and section 32 of the <sup>M30</sup>Land Compensation Act 1961;
- (b) the following provisions of the <sup>M31</sup>Compulsory Purchase Act 1965, that is to say, sections 6, 9, 11, 12, 20(4) and (5), 22 (except subsection (4)) and 26; in Schedule 1, paragraphs 6 to 8 and 10; Schedule 2 and Schedule 3;
- (c) any provision of the Lands Clauses Acts or of any other enactment or any instrument having effect by virtue of an enactment, being a provision corresponding to a provision mentioned in sub-paragraph (b) of this paragraph.

#### Marginal Citations

**M30** 1961 c. 33.  
**M31** 1965 c. 56.

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## SCHEDULE 4

Section 14(3)

SUPPLEMENTARY PROVISIONS WITH RESPECT  
TO PAYMENTS UNDER s. 12(1) IN SCOTLAND

1 Subject to paragraph 4 of this Schedule, any dispute with respect to any sum which may be or become payable by virtue of section 12(1) of this Act shall be referred to and determined by the Lands Tribunal for Scotland.

2 If in any case the sum to be paid by virtue of the said section 12(1) to the tenant of an agricultural holding by an acquiring authority would apart from this paragraph and paragraph 3 of this Schedule, fall to be ascertained in pursuance of section 9(2) of this Act by reference to the rent of the holding at a rate which was not determined by arbitration under section 7 or section 8, or by the Scottish Land Court in pursuance of section 78, of the principal Scottish Act and which the authority consider is unduly high, the authority may make an application to the Lands Tribunal for Scotland for the rent to be considered by the tribunal.

3 Where, on an application under paragraph 2 above, the tribunal are satisfied that—

- (a) the rent to which the application relates is not substantially higher than the rent which in their opinion would be determined for the holding in question on a reference to arbitration duly made in pursuance of section 7 of the principal Scottish Act (hereafter in this paragraph referred to as “the appropriate rent”); or
- (b) the rent to which the application relates is substantially higher than the appropriate rent but was not fixed by the parties to the relevant lease with a view to increasing the amount of any compensation payable, or of any sum to be paid by virtue of the said section 12(1), in consequence of the compulsory acquisition or taking of possession of any land included in the holding,

they shall dismiss the application; and if the tribunal do not dismiss the application in pursuance of the foregoing provisions of this paragraph they shall determine that, in the case to which the application relates, the sum to be paid by virtue of the said section 12(1) shall be ascertained in pursuance of the said section 9(2) by reference to the appropriate rent instead of by reference to the rent to which the application relates.

For the purposes of sub-paragraph (a) of this paragraph, section 7(1) of the principal Scottish Act shall have effect as if for the reference to the next ensuing day there mentioned there were substituted a reference to the date of the application mentioned in the said sub-paragraph (a).

4 The enactments mentioned in paragraph 5 of this Schedule shall, subject to any necessary modifications, have effect in their application to such an acquiring of an interest or taking of possession as is mentioned in subsection (1) of section 12 of this Act (hereafter in this paragraph referred to as “the relevant event”)—

- (a) in so far as those enactments make provision for the doing, before the relevant event, of any thing connected with compensation (including in

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- particular provision for determining the amount of or the liability to pay compensation or for the deposit of it in a Scottish bank or otherwise), as if references to compensation, except compensation for damage or injurious affection, included references to any sum which will become payable by virtue of the said subsection (1) in consequence of the relevant event; and
- (b) subject to sub-paragraph (a) above, as if references to compensation (except as aforesaid) included references to sums payable or, as the context may require, to sums paid by virtue of the said subsection (1) in consequence of the relevant event.

5 The enactments aforesaid are—

- (a) the following provisions of the <sup>M32</sup>Lands Clauses (Scotland) Act 1845, that is to say, sections 56 to 60, 62, 63 to 65, 67 to 70, 72, 74 to 79, 83 to 87, 114, 115 and 117;
- (b) paragraph 3 of Schedule 2 to the <sup>M33</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
- (c) Parts I and II and section 40 of the <sup>M34</sup>Land Compensation (Scotland) Act 1963;
- (d) paragraph 4 of Schedule 6 to the <sup>M35</sup>New Towns (Scotland) Act 1968;
- (e) any provision in any local or private Act, in any instrument having effect by virtue of an enactment or in any order or scheme confirmed by Parliament or brought into operation in accordance with special parliamentary procedure, corresponding to a provision mentioned in sub-paragraph (a), (b) or (d) of this paragraph.

**Marginal Citations**

**M32** 1845 c. 19.

**M33** 1947 c. 42.

**M34** 1963 c. 51.

**M35** 1968 c. 16.

6 Until sections 1 to 3 of the <sup>M36</sup>Lands Tribunal Act 1949 come into force as regards Scotland, this Schedule shall have effect as if for any reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under Part I of the Land Compensation (Scotland) Act 1963; and sections 3 to 5 of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Schedule by an arbiter so appointed.

**Marginal Citations**

**M36** 1949 c. 42.

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## SCHEDULE 5

Section 16.

## MODIFICATIONS OF PART II FOR STATUTORY SMALL TENANTS IN SCOTLAND

- 1 In section 9(3), at the end there shall be added the words “and the reference to compensation for disturbance becoming payable to the tenant of an agricultural holding under the principal Scottish Act shall include a reference to the like compensation becoming payable to a statutory small tenant under section 13 of the <sup>M37</sup>Small Landholders and Agricultural Holdings (Scotland) Act 1931”.

**Marginal Citations**

**M37** 1931 c. 44.

- 2 In section 11(5) after the words “Scottish Act”, there shall be inserted the words “and that Act as read with section 32 of the Act of 1911” and for the words “that Act” there shall be substituted the words “the principal Scottish Act”.
- 3 In section 11(6), in paragraph (b) after the word “lease”, there shall be inserted the words “, or of the holding or part of the holding of a statutory small tenant on being so authorised by the Scottish Land Court under section 32(15) of the Act of 1911,”.
- 4 In section 15(1), at the end there shall be added the following subsection—
- “(1A) Except where compensation assessed in accordance with this subsection would be less than if this subsection were disregarded, in assessing the compensation payable by an acquiring authority to a statutory small tenant as defined in the Act of 1911 in connection with such an acquiring of an interest or taking of possession as is mentioned in section 12(1) of this Act, any authorisation of resumption of the holding or part thereof by the Scottish Land Court under section 32(15) of the Act of 1911 for any purpose (not being an agricultural purpose) specified therein shall—
- (a) in the case of an acquisition, be treated as if it became operative only on the expiration of twelve months from the end of the year of the tenancy current when notice to treat in respect of the acquisition was served or treated as served on the tenant; and
- (b) in the case of a taking of possession, be disregarded.”
- 5 In section 15(3), after the word “section” there shall be inserted the words “or the landlord of the holding of a statutory small tenant resumes the holding or part thereof on being so authorised by the Scottish Land Court under section 32(15) of the Act of 1911”.
- 6 In Schedule 4, in paragraph 2 after the words “Scottish Act”, there shall be inserted the words “or in the case of a statutory small tenant was not fixed by the Scottish Land Court in pursuance of subsections (7) and (8) of section 32 of the Act of 1911”.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 23 May 2023. 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)*

- 7 In Schedule 4, in paragraph 3(a) after the word “Act” there shall be inserted the words “or in the case of a statutory small tenancy, the equitable rent which in their opinion would be fixed by the Scottish Land Court in pursuance of the said subsections (7) and (8)”.
- 8 In this Schedule, “the Act of 1911” means the <sup>M38</sup>Small Landholders (Scotland) Act 1911.

#### Marginal Citations

**M38** 1911 c. 49.

### <sup>F47</sup>SCHEDULE 6

#### Textual Amendments

**F47** Sch. 6 repealed by [Land Drainage Act 1976 \(c. 70\)](#), **Sch. 8**

### SCHEDULE 7

Section 43(2).

#### MINOR AMENDMENTS OF <sup>M39</sup>PLANT VARIETIES AND SEEDS ACT 1964

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

**C21** The text of ss. 43(1)(2), 52, Schs. 7, 8 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

**M39** 1964 c. 14.

In section 1, in subsection (4), at the end there shall be added the words “or any decision preliminary to the determination of such an application as to the conditions laid down in section 2 of this Act”.

In section 20, subsection (5) shall be omitted.

In section 21, in subsection (1), the words “but which is not in the Index” shall be omitted, and at the end there shall be added the words “but is not given in that section of the Index or is not so given for that variety”.

In section 22, in subsection (6), after the words “for the purpose” there shall be inserted the words “of increasing the stock of the person who acquired it, or for the purpose”.

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In section 23, for the words “any of the three last foregoing sections”, wherever those words occur, there shall be substituted the words “section 21 or section 22 of this Act”.

After section 23, there shall be inserted the following section:—

**“23A Co-ordination of applications under sections 20 and 22.**

The power of the Ministers to make regulations for the purposes of sections 20 and 22 of this Act shall include power to make such provision as they consider appropriate for requiring the making of applications under each of these sections in respect of any plant variety, for synchronising or co-ordinating such application, and for regulating the commencement of trials pursuant thereto.”

In Schedule 1, in paragraph 1(3), for the words “the applicant from making” there shall be substituted the words “the making of”.

In Schedule 1, in paragraph 1(5), for the words “shall not give” there shall be substituted the words “may refuse”, and at the end there shall be added the words “or that the rule set out in paragraph 2 of Part II of Schedule 2 to this Act is not complied with in the case of the variety”.

In Schedule 1, in paragraph 3(2), at the end there shall be added the words “not being a decision given on the application of the applicant in whose favour the direction was made”.

In Schedule 1, in paragraph 4, after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) An appeal shall lie to the Tribunal against a decision under this paragraph to terminate the period for which plant breeders’ rights are exercisable.”

In Part II of Schedule 2, in paragraph 2(5), the words “which having been”, and the words from “has been found” to the end, shall be omitted.

<sup>X2</sup>SCHEDULE 8

Section 52.

REPEALS.

**Editorial Information**

**X2** The text of ss. 43(1)(2), 52, Schs. 7, 8 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.

Chapter	Short title	Extent of repeal
1944 c. 28.	The Agriculture (Miscellaneous Provisions) Act 1944.	Section 5, except in its application to Scotland.
1958 c. 47.	The Agricultural Marketing Act 1958.	In section 53(2), the words from “as subserving” to “them”.



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1961 c. 48.	The Land Drainage Act 1961.	<p>Sections 1(2) and (3), 2 and 4(2) and (4).</p> <p>In section 6(2), the words from “affixed” to “and”.</p> <p>Section 7.</p> <p>In section 8, subparagraph (ii) of subsection (1)(c), subsection (2), and in subsection (3) the words “or of the said subsection (2)” and the words “owner and”.</p> <p>Section 9(4).</p> <p>In section 10(3), the words “section 7 or”.</p> <p>Section 14.</p> <p>Section 22(3).</p>
1963 c. 25.	The Finance Act 1963.	<p>In Schedule 12, subparagraphs (1) to (6) of paragraph 24.</p>
1964 c. 14.	The Plant Varieties and Seeds Act 1964.	<p>Section 20(5).</p> <p>In section 21(1), the words “but which is not in the Index”.</p> <p>In Part II of Schedule 2, in paragraph 2(5), the words “which having been” and the words “has been found” onwards.</p> <hr/>

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 23 May 2023. 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.