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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]

Commencement Information

II Act not in force at Royal Assent; Act wholly in force at 3.9.1968 see [s. 54\(2\)](#).

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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](#)

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 [^{F1}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;

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- (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.
- 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

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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 ^{M1}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.

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 ^{M2}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

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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,—
- (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

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- 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 ^{M3}Agriculture Act 1947 or, in Scotland, the ^{M4}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.

- (2) Subsections (2) and (3) of [^{F2}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 [^{F2}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.

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[^{F3}PART II

ADDITIONAL PAYMENTS TO TENANT FARMERS

Textual Amendments

- F3** Part II (ss. 9-17) repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13 Pt.I** (with s. 45(3), Sch. 12 paras. 1, 3)

F4F5⁹

Textual Amendments

- F4** S. 9 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13, Pt.I** (with s. 45(3), Sch. 12 paras. 1, 3)
- F5** Ss. 9, 10 repealed (E.W.) by [Agricultural Holdings Act 1984 \(c.41\)](#), s. 10, **Sch. 4** and by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. I**

F6F7¹⁰

Textual Amendments

- F6** Ss. 9, 10 repealed (E.W.) by [Agricultural Holdings Act 1984 \(c.41\)](#), s. 10, **Sch. 4** and by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. I**
- F7** S. 10 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13, Pt. I** (with s. 45(3), Sch. 12 paras. 1, 3)

F8¹¹

Textual Amendments

- F8** S. 11 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13, Pt. I** (with s. 45(3), Sch. 12 paras. 1, 3)

[^{F9}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, [^{F10}subsection (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

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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]].

^{F11}(1A) [No sum shall be payable by virtue of subsection (1) of this section in respect of any land comprised in a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995.]

(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
- (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

- F9** S. 12 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), **ss. 88(2), 89(2)** Sch. 13, Pt. I (with s. 45(3), Sch. 12 paras. 1, 3)
- F10** Words substituted (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), **ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 44**
- F11** S. 12(1A) inserted (1.9.1995) by [1995 c. 8, ss. 40, 41\(2\)](#), **Sch. para. 23** (with s. 37).

Modifications etc. (not altering text)

- C10** 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)**
- C11** 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 ^{F12}section 2(2) of the Agricultural Holdings Act

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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 ^{M5}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 [^{F15}section 226 or 230 of the Town and Country Planning Act 1990][^{F14}section 10 of the New Towns Act 1981]. . . , 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

- F12** Words substituted (E.W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 45](#)
- F13** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 19](#)
- F14** Words substituted by [New Towns Act 1981 \(c. 64\)](#), s. 81, [Sch. 12 para. 4](#)

Marginal Citations

- M5** 1947 c. 48.

^{F15}14

Textual Amendments

- F15** [S. 14](#) repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13](#), Pt.I (with s. 45(3)), [Sch. 12 paras. 1, 3](#))

[^{F16}15 **Effect of early resumption clauses on compensation.**

[Except where compensation assessed in accordance with this subsection would be less ^{F17}(1) 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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^{F18}(2)

- (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) ^{F19} . . . 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 ^{F19} . . . subsection (3), ^{F19} . . .; 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) ^{F19} . . ., 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.]

Textual Amendments

- F16** S. 15 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), **Sch. 13**, Pt.I (with s. 45(3), Sch. 12 paras. 1, 3)
- F17** 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
- F18** 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**
- F19** 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)

- C12** S. 15(3) excluded by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), s. 55(2)(b)

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^{F20}16

Textual Amendments

F20 S. 16 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13, Pt.I](#) (with s. 45(3), [Sch. 12 paras. 1, 3](#))

[^{F21}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;

^{F22} . . .

“the principal Scottish Act” means the ^{M6}Agricultural Holdings (Scotland) Act 1949:

and unless the context otherwise requires expressions used in this Part of this Act and the [^{F23}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 . . . ^{F24} references to the acquisition of any property are references to the vesting of the property in the person acquiring it.

(3) [^{F25}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.]

Textual Amendments

F21 S. 17 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13, Pt. I](#) (with s. 45(3), [Sch. 12 paras. 1, 3](#))

F22 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](#)

F23 Words substituted (E. W.) by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3, Sch. 14 para. 46\(1\)\(2\)](#)

F24 Words repealed by [Agricultural Holdings Act 1986 \(c.5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3, Sch. 15 Pt. I](#)

F25 Words substituted (E.W.) 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

M6 1949 c. 75.

Status: Point in time view as at 01/10/1998.

Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART III

18–20 F26

Textual Amendments

F26 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 F27

Textual Amendments

F27 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 F28

Textual Amendments

F28 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) F29

^{F30}(2) F31

Textual Amendments

F29 S. 41 (1) repealed with saving by [Agriculture Act 1970 \(c. 40\)](#) , s. 113(3), Sch. 5 Pt. I

F30 S. 41(1) repealed (5.11.1993) by 1993, c. 50, s. 1(1), Sch. 1, Pt.II

F31 S. 41 (2) repealed by [Agriculture Act 1970 \(c. 40\)](#), s. 113(3), **Sch. 5 Pt. I**

Status: Point in time view as at 01/10/1998.

Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Miscellaneous

[^{F32}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.
- (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.]

Status: Point in time view as at 01/10/1998.

Changes to legislation: Agriculture (Miscellaneous Provisions) Act 1968 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F32 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)

C13 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”

^{F33} **43**

Textual Amendments

F33 S. 43 repealed (8.5.1998) by [1997 c. 66, s. 52, Sch. 4](#); [S.I. 1998/1028, art. 2](#)

44 Extension of Agricultural and Forestry Associations Act 1962.

F34

- (1) Section 1 of the ^{M7}Agricultural and Forestry Associations Act 1962 (which confers exemptions from Part I of the ^{M8}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 ^{M9}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

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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 ^{M10}Agricultural and Forestry Associations Act 1962.

Textual Amendments

F34 S. 44 repealed by Restrictive Trade Practices Act 1976 (c. 34), s. 44, **Sch. 6**

Modifications etc. (not altering text)

C14 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

M7 1962 c. 29.

M8 1956 c. 68.

M9 1965 c. 25.

M10 1962 c. 29.

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

- (1) For the purposes of the [^{F35}Restrictive Trade Practices Act 1976], the definition of “trade association” in [^{F35}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 ^{M11}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), [^{F35}the said Act of 1976] shall not apply to the agreement if—
- the board have served notice of the terms of the agreement on the Minister before entering into it; and
 - 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
 - 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

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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, [^{F35}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 [^{F35}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.

[^{F36}(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 section were there substituted a reference to the powers mentioned in subsection (1) of section 14 of the ^{M12}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 [^{F35}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 [^{F35}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 [^{F35}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 [^{F37}and 1964] which are mentioned in subsections (2) [^{F37}and (4)] of this section.

(7) In this section—

“agreement” means an agreement within the meaning of [^{F35}Restrictive Trade Practices Act 1976] to which, apart from this section, the [^{F35}said Act of 1976] applies;

“board” means a board constituted by a scheme made or having effect as if made under the ^{M13}Agricultural Marketing Act 1958 and [^{F38}in subsection 1 of this section, includes a board constituted by a scheme made, or having effect as if made, under [^{F39}the Agricultural Marketing Act (Northern Ireland) 1964 or] the Agricultural Marketing (Northern Ireland) Order 1982]

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

“the Minister”, [^{F39}except in relation to a Northern Ireland board] has the same meaning as in the said Act of 1958 [^{F39}and, in relation to a Northern Ireland board, has the same meaning as in the ^{M14}Agricultural Marketing Act (Northern Ireland) 1964; and]

[^{F40}“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, [^{F39}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

- F35** Words substituted by [Restrictive Trade Practices Act 1976 \(c. 34\), Sch. 5](#)
- F36** [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
- F37** 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
- F38** Words substituted by [S.I. 1982/1080](#), (N.I. 12) art. 46(1), Sch. 8
- F39** 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
- F40** 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)

- C15** 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](#)
- C16** [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

- M11** [1958 c. 47.](#)
- M12** [1964 c. 13 \(N.I.\).](#)
- M13** [1958 c. 47.](#)
- M14** [1964 c. 13 \(N.I.\).](#)

46 Further functions of agricultural wages committees.

- (1) The Minister may by regulations—

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- (a) provide that the functions under the ^{M15}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) ^{F41}

Textual Amendments

F41 S. 46(3) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

Modifications etc. (not altering text)

C17 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

M15 [1948 c. 47.](#)

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

..... ^{F42}[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

F42 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 ^{M16}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

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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

M16 1926 c. 36.

49 F43

Textual Amendments

F43 S. 49 repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

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) F44

(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

F44 S. 50(2) repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

Status: Point in time view as at 01/10/1998.

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

52 Repeals. ^{X1}

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 . . . ^{F45}; 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

- F45** 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.

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- (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; . . . ^{F46}

Textual Amendments

F46 Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

Status: Point in time view as at 01/10/1998.

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SCHEDULES

^{F47}SCHEDULES 1, 2

Textual Amendments

F47 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 [^{F48}section 9(2) of this Act][^{F48}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 [^{F48}section 8 or section 9 of the principal Act][^{F48}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

F48 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 [^{F49}section 8 of the principal Act][^{F49}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 [F49 section 9(2)][F49 section 60(4)] by reference to the appropriate rent instead of by reference to the rent to which the application relates.

Textual Amendments

- F49** 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 ^{M17}Land Compensation Act 1961;
- (b) the following provisions of the ^{M18}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

- M17** 1961 c. 33.
M18 1965 c. 56.

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F50 SCHEDULE 4 . . .

Textual Amendments

F50 Sch. 4 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13](#), Pt. I (with s. 45(3), [Sch. 12 paras. 1, 3](#))

F51₁

Textual Amendments

F51 Sch. 4 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13](#), Pt.I (with s. 45(3), [Sch. 12 paras. 1, 3](#))

F52₂

Textual Amendments

F52 Sch. 4 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13](#), Pt. I (with s. 45(3), [Sch. 12 paras. 1, 3](#))

F53₃

Textual Amendments

F53 Sch. 4 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13](#), Pt.I (with s. 45(3), [Sch. 12 paras. 1, 3](#))

F54₄

Textual Amendments

F54 Sch. 4 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13](#), Pt. I (with s. 45(3), [Sch. 12 paras. 1, 3](#))

F55₅

Textual Amendments

F55 Sch. 4 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13](#), Pt. I (with s. 45(3), [Sch. 12 paras. 1, 3](#))

F56₆

Textual Amendments

F56 Sch. 4 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13](#), Pt. I (with s. 45(3), [Sch. 12 paras. 1, 3](#))

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^{F57}SCHEDULE 5 . . .

Textual Amendments

F57 Sch. 5 repealed (S.) (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(2), 89(2), Sch. 13, Pt.I (with s. 45(3), Sch. 12 paras. 1, 3)

F58₁

Textual Amendments

F58 Sch. 5 repealed (S.) (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(2), 89(2), Sch. 13, Pt.I (with s. 45(3), Sch. 12 paras. 1, 3)

F59₂

Textual Amendments

F59 Sch. 5 repealed (S.) (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(2), 89(2), Sch. 13, Pt.I (with s. 45(3), Sch. 12 paras. 1, 3)

F60₃

Textual Amendments

F60 Sch. 5 repealed (S.) (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(2), 89(2), Sch. 13, Pt.I (with s. 45(3), Sch. 12 paras. 1, 3)

F61₄

Textual Amendments

F61 Sch. 5 repealed (S.) (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(2), 89(2), Sch. 13, Pt. I (with s. 45(3), Sch. 12 paras. 1, 3)

F62₅

Textual Amendments

F62 Sch. 5 repealed (S.) (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(2), 89(2), Sch. 13, Pt.I (with s. 45(3), Sch. 12 paras. 1, 3)

F63₆

Textual Amendments

F63 Sch. 5 repealed (S.) (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(2), 89(2), Sch. 13, Pt. I (with s. 45(3), Sch. 12 paras. 1, 3)

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F647

Textual Amendments

F64 Sch. 5 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13, Pt.I](#) (with s. 45(3), [Sch. 12 paras. 1, 3](#))

F658

Textual Amendments

F65 Sch. 5 repealed (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(2), 89(2), [Sch. 13, Pt.I](#) (with s. 45(3), [Sch. 12 paras. 1, 3](#))

F66SCHEDULE 6

Textual Amendments

F66 Sch. 6 repealed by [Land Drainage Act 1976 \(c. 70\)](#), [Sch. 8](#)

F67SCHEDULE 7

Textual Amendments

F67 Sch. 7 repealed (8.5.1998) by [1997 c. 66, s. 52](#), [Sch. 4](#); [S.I. 1998/1028, art. 2](#)

X2SCHEDULE 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

Status: Point in time view as at 01/10/1998.

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

Status:

Point in time view as at 01/10/1998.

Changes to legislation:

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