



Agriculture (Miscellaneous Provisions) Act 1968

1968 CHAPTER 34

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](#)

FIF²1 Prevention of unnecessary pain and distress for livestock.

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Textual Amendments

- F1** Pt. I (except ss. 4, 5 and s. 8(1)(3) for specified purposes) repealed (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006](#) (asp 11), s. 55(1), [sch. 2 para. 8\(1\)](#) (with s. 54); [S.S.I. 2006/482](#), art. 2 (with art. 4(2)(3))
- F2** Pt. I repealed (E.W.) (27.3.2007 for W. and 6.4.2007 for E. except for the repeals of ss. 2, 3, 6, 7, 8, 1.10.2007 for E. and 24.10.2007 for W. in so far as not already in force) by [Animal Welfare Act 2006](#) (c. 45), s. 68(3), [Sch. 4](#) (with ss. 1(2), 58(1), 59, 60); [S.I. 2007/499](#), art. 2(2)(m); [S.I. 2007/1030](#), art. 2(1)(m); [S.I. 2007/2711](#), art. 2(b)(i) (with art. 3); [S.I. 2007/3065](#), art. 2(b)(i) (with art. 3)

FIF²2 Regulations with respect to the welfare of livestock.

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Textual Amendments

- F1** Pt. I (except ss. 4, 5 and s. 8(1)(3) for specified purposes) repealed (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **sch. 2 para. 8(1)** (with s. 54); S.S.I. 2006/482, art. 2 (with art. 4(2)(3))
- F2** Pt. I repealed (E.W.) (27.3.2007 for W. and 6.4.2007 for E. except for the repeals of ss. 2, 3, 6, 7, 8, 1.10.2007 for E. and 24.10.2007 for W. in so far as not already in force) by [Animal Welfare Act 2006 \(c. 45\)](#), s. 68(3), **Sch. 4** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/499, art. 2(2)(m); S.I. 2007/1030, art. 2(1)(m); S.I. 2007/2711, art. 2(b)(i) (with art. 3); S.I. 2007/3065, art. 2(b)(i) (with art. 3)

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)

^{F1F2}3 Codes of recommendations for the welfare of livestock.

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Textual Amendments

- F1** Pt. I (except ss. 4, 5 and s. 8(1)(3) for specified purposes) repealed (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **sch. 2 para. 8(1)** (with s. 54); S.S.I. 2006/482, art. 2 (with art. 4(2)(3))
- F2** Pt. I repealed (E.W.) (27.3.2007 for W. and 6.4.2007 for E. except for the repeals of ss. 2, 3, 6, 7, 8, 1.10.2007 for E. and 24.10.2007 for W. in so far as not already in force) by [Animal Welfare Act 2006 \(c. 45\)](#), s. 68(3), **Sch. 4** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/499, art. 2(2)(m); S.I. 2007/1030, art. 2(1)(m); S.I. 2007/2711, art. 2(b)(i) (with art. 3); S.I. 2007/3065, art. 2(b)(i) (with art. 3)

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.**
- C5** S. 3: 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)

[^{F2}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.]

Textual Amendments

- F2** Pt. I repealed (E.W.) (27.3.2007 for W. and 6.4.2007 for E. except for the repeals of ss. 2, 3, 6, 7, 8, 1.10.2007 for E. and 24.10.2007 for W. in so far as not already in force) by [Animal Welfare Act 2006 \(c. 45\)](#), s. 68(3), **Sch. 4** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/499, art. 2(2)(m); S.I. 2007/1030, art. 2(1)(m); S.I. 2007/2711, art. 2(b)(i) (with art. 3); S.I. 2007/3065, art. 2(b)(i) (with art. 3)

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[^{F2}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.]

Textual Amendments

- F2** Pt. I repealed (E.W.) (27.3.2007 for W. and 6.4.2007 for E. except for the repeals of ss. 2, 3, 6, 7, 8, 1.10.2007 for E. and 24.10.2007 for W. in so far as not already in force) by [Animal Welfare Act 2006](#) (c. 45), s. 68(3), [Sch. 4](#) (with ss. 1(2), 58(1), 59, 60); S.I. 2007/499, art. 2(2)(m); S.I. 2007/1030, art. 2(1)(m); S.I. 2007/2711, art. 2(b)(i) (with art. 3); S.I. 2007/3065, art. 2(b)(i) (with art. 3)

Modifications etc. (not altering text)

- C6** S. 5: power to transfer functions conferred (27.12.1999) by [S.I. 1999/3141](#) arts. 2(1)(5), 3, Sch.
C7 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.

[^{FIF2}6 Powers of entry, etc.

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Textual Amendments

- F1** Pt. I (except ss. 4, 5 and s. 8(1)(3) for specified purposes) repealed (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006](#) (asp 11), s. 55(1), [sch. 2 para. 8\(1\)](#) (with s. 54); S.S.I. 2006/482, art. 2 (with art. 4(2)(3))
F2 Pt. I repealed (E.W.) (27.3.2007 for W. and 6.4.2007 for E. except for the repeals of ss. 2, 3, 6, 7, 8, 1.10.2007 for E. and 24.10.2007 for W. in so far as not already in force) by [Animal Welfare Act 2006](#) (c. 45), s. 68(3), [Sch. 4](#) (with ss. 1(2), 58(1), 59, 60); S.I. 2007/499, art. 2(2)(m); S.I. 2007/1030, art. 2(1)(m); S.I. 2007/2711, art. 2(b)(i) (with art. 3); S.I. 2007/3065, art. 2(b)(i) (with art. 3)

[^{FIF2}7 Punishment of offences under Part I.

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Textual Amendments

- F1** Pt. I (except ss. 4, 5 and s. 8(1)(3) for specified purposes) repealed (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006](#) (asp 11), s. 55(1), [sch. 2 para. 8\(1\)](#) (with s. 54); S.S.I. 2006/482, art. 2 (with art. 4(2)(3))
F2 Pt. I repealed (E.W.) (27.3.2007 for W. and 6.4.2007 for E. except for the repeals of ss. 2, 3, 6, 7, 8, 1.10.2007 for E. and 24.10.2007 for W. in so far as not already in force) by [Animal Welfare Act 2006](#)

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(c. 45), s. 68(3), **Sch. 4** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/499, art. 2(2)(m); S.I. 2007/1030, art. 2(1)(m); S.I. 2007/2711, art. 2(b)(i) (with art. 3); S.I. 2007/3065, art. 2(b)(i) (with art. 3)

^{F2}[^{F1}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 ^{M2}Agriculture Act 1947 or, in Scotland, the ^{M3}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)

(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)

(5)]

Textual Amendments

F1 Pt. I (except ss. 4, 5 and s. 8(1)(3) for specified purposes) repealed (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **sch. 2 para. 8(1)** (with s. 54); S.S.I. 2006/482, art. 2 (with art. 4(2)(3))

F2 Pt. I repealed (E.W.) (27.3.2007 for W. and 6.4.2007 for E. except for the repeals of ss. 2, 3, 6, 7, 8, 1.10.2007 for E. and 24.10.2007 for W. in so far as not already in force) by [Animal Welfare Act 2006 \(c. 45\)](#), s. 68(3), **Sch. 4** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/499, art. 2(2)(m); S.I. 2007/1030, art. 2(1)(m); S.I. 2007/2711, art. 2(b)(i) (with art. 3); S.I. 2007/3065, art. 2(b)(i) (with art. 3)

Modifications etc. (not altering text)

C8 S. 8(1) (definition of “livestock”) extended by [S. I. 1980/593](#), **art. 2**

Marginal Citations

M2 1947 c. 48.

M3 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)

^{F4F5}9

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**

^{F6F7}10

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)

^{F8}11

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} [No sum shall be payable by virtue of subsection (1) of this section in respect of any (1A) 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.]

^{F12}(4) If a person is entitled in respect of the same interest in land to a payment both—

- (a) by virtue of subsection (1), and
- (b) under section 33B of the Land Compensation Act 1973 (additional loss payment for agricultural land),

section 33H of that Act (only one payment to be made if a person has dual entitlement) applies.]

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).
- F12** S. 12(4) inserted (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **Sch. 7 para. 4** (with s. 111); [S.I. 2004/2593, art. 2\(d\)](#)

Modifications etc. (not altering text)

- C9** 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)**
- C10** 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

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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 [^{F13}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 ^{M4}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 [^{F14}section 226 or 230 of the Town and Country Planning Act 1990][^{F15}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

- F13** 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](#)
- 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](#)

Marginal Citations

- M4** 1947 c. 48.

^{F16}14

Textual Amendments

- F16** [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](#))

[^{F17}15 Effect of early resumption clauses on compensation.

- [Except where compensation assessed in accordance with this subsection would be less ^{F18}(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

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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.]

^{F19}(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) ^{F20} . . . 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 ^{F20} . . . subsection (3), ^{F20} . . . ; 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) ^{F20} . . . , 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

F17 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)

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

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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)

C11 S. 15(3) excluded by Land Compensation (Scotland) Act 1973 (c. 56), s. 55(2)(b)

F21 16

Textual Amendments

F21 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)

[F22 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;

F23 . . .

“the principal Scottish Act” means the ^{M5}Agricultural Holdings (Scotland) Act 1949:

and unless the context otherwise requires expressions used in this Part of this Act and the ^{F24}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 . . . ^{F25} references to the acquisition of any property are references to the vesting of the property in the person acquiring it.

(3) [^{F26}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

F22 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)

F23 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

F24 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)

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F25 Words repealed by Agricultural Holdings Act 1986 (c.5, SIF 2:3), ss. 99, 100, Sch. 13 para. 3, **Sch. 15 Pt. I**

F26 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

M5 1949 c. 75.

PART III

18–20 **F27**

Textual Amendments

F27 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 **F28**

Textual Amendments

F28 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 **F29**

Textual Amendments

F29 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) **F30**

F31(2) **F32**

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Textual Amendments

F30 S. 41 (1) repealed with saving by [Agriculture Act 1970 \(c. 40\)](#), s. 113(3), Sch. 5 Pt. I

F31 S. 41(1) repealed (5.11.1993) by 1993, c. 50, s. 1(1), Sch. 1, Pt. II

F32 S. 41 (2) repealed by [Agriculture Act 1970 \(c. 40\)](#), s. 113(3), **Sch. 5 Pt. I**

Miscellaneous

[^{F33}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.

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- (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

F33 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)

C12 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”

F34 43

Textual Amendments

F34 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.

..... F35

- (1) Section 1 of the ^{M6}Agricultural and Forestry Associations Act 1962 (which confers exemptions from Part I of the ^{M7}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

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- (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 ^{M8}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 ^{M9}Agricultural and Forestry Associations Act 1962.

Textual Amendments

F35 S. 44 repealed by Restrictive Trade Practices Act 1976 (c. 34), s. 44, Sch. 6

Modifications etc. (not altering text)

C13 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

M6 1962 c. 29.
M7 1956 c. 68.
M8 1965 c. 25.
M9 1962 c. 29.

^{F36}**45**

Textual Amendments

F36 S. 45 repealed (1.3.2000) by S.I. 2000/311, art. 8

46 Further functions of agricultural wages committees.

[^{F37}(1) The Minister may by regulations—

- (a) provide that the functions under the ^{M10}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

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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.]

^{F38}(3)

Textual Amendments

F37 S. 46 repealed (1.10.2013 for E.) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 20 para. 2](#); [S.I. 2013/1455, art. 3\(b\), Sch. 2 \(with art. 4\(2\)\(4\)\)](#) (as amended (7.9.2013) by [S.I. 2013/2271, art. 2](#))

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

Modifications etc. (not altering text)

C14 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

M10 [1948 c. 47.](#)

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

.^{F39}[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 ^{M11}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.

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Marginal Citations

M11 1926 c. 36.

49 F40

Textual Amendments

F40 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) 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.

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- (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 . . . ^{F42}; 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.

^{F43}(2)

- (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.

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(4) This Part of this Act, except sections 41, 42 and 46 to 48, extends to Northern Ireland; . . . ^{F44}

Textual Amendments

F43 S. 54(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 1

F44 Words repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 7(1) words substituted by [2003 c. 44 Sch. 26 para. 21](#)