

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1958, Part I. (See end of Document for details)*

## SCHEDULES

### FIRST SCHEDULE

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART I

##### ENGLAND AND WALES

##### *Hill Farming Act, 1946*

- 1 On the appointed day, in section twenty-one (which empowers the Minister to avoid or relax covenants in leases prohibiting or restricting the burning of heather or grass), the following subsections shall be substituted for subsection (1)—
- “ (1) Where the lease of the land in England or Wales contains a covenant, condition or agreement whereby the burning of heather or grass by the tenant is prohibited or restricted, the Agricultural Land Tribunal, on an application by the tenant, may if it appears to them that the covenant, condition or agreement is preventing or impeding the proper use for agricultural purposes of the land comprised in the lease or any of that land and that it is expedient in all the circumstances so to do, give such directions for avoiding or relaxing the covenant or agreement as they think fit. ”

.....

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

- C1** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

##### *Agriculture Act, 1947*

- 2 Section fifty-three (which empowers the Minister, where it appears to him that a smallholdings authority have failed to fulfil their responsibilities to manage in accordance with the rules of good estate management land held by them for the purposes of smallholdings, to direct the authority to carry out certain work on the land) shall cease to have effect.

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

- C2** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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- 3 In section seventy-three (which provides for the establishment, constitution and procedure of Agricultural Land Tribunals)—
- (a) for references to the Minister there shall be substituted references to the Lord Chancellor;
  - (b) in subsection (1), for the words “determining matters referred to them under this Act” there shall be substituted the words “hearing and determining references and applications made to them under any enactment”;
  - (c) in subsection (3), the following paragraph shall be inserted after the words “and in particular—” —
    - “(aa) as to the manner in which applications are to be made to the Tribunals and the time within which they are to be made;”
 and paragraph (c) shall be omitted;
  - (d) in subsection (4), the words “or application” shall be inserted after the word “reference”; and
  - (e) after the subsection (4) there shall be inserted the following subsection—
    - “(5) An Agricultural Land Tribunal may, for the purpose of hearing and determining applications and references made to them under any enactment, sit in two or more divisions, and, in relation to the hearing and determination of any such applications or reference by such a division, that division shall be deemed to be the Tribunal.”

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

**C3** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 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.

- 4 In relation to Agricultural Land Tribunals, section seventy-five (which provides for the case where land lies partly in the area of one such tribunal and partly in the area of another) shall have effect (except as respects a reference to such a tribunal under section eighty-five or section eighty-six of the Act of 1947) as if, for the reference therein to the Minister, there were substituted a reference to the Lord Chancellor.
- 5 (1) The Ninth Schedule shall be amended in accordance with the following provisions of this paragraph.
- (2) The following paragraphs shall be substituted for paragraphs 13 to 16—
- “13 (1) The Lord Chancellor shall appoint a chairman for each Agricultural Land Tribunal, who shall be a barrister or solicitor of not less than seven years’ standing.
  - (2) The chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.
  - (3) The chairman may resign his office by notice in writing to the Lord Chancellor.
  - (4) If the Lord Chancellor is satisfied that the Chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or if the chairman is adjudged bankrupt or makes a composition or arrangement

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- with his creditors, the Lord Chancellor may revoke the appointment of the chairman.
- 14 The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of deputy-chairman, who shall be barristers or solicitors of not less than seven years' standing.
- 15 (1) The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of persons appearing to him to represent the interests of farmers and a panel of persons appearing to him to represent the interests of owners of agricultural land.
- (2) Subject to the following sub-paragraph, the persons to be placed on either panel shall be selected by the Lord Chancellor from nominations made at his request by persons appearing to him to represent the interests of farmers or owners of agricultural land, as the case may be.
- (3) The last foregoing sub-paragraph shall not prevent the Lord Chancellor from placing on either of the panels a person not nominated in accordance with that sub-paragraph, if the persons requested to make the nominations for that purpose do not make the required number of nominations, or the nominations they make do not include enough persons who appear to the Lord Chancellor to be suitable.
- 16 (1) For each hearing by an Agricultural Land Tribunal of an application or reference thereto the members of the Tribunal shall be—
- (a) the chairman, or a person nominated from the panel of deputy-chairmen (whether for that Tribunal or for any other Agricultural Land Tribunal) or from the chairmen of other Agricultural Land Tribunals, and
- (b) one person nominated by the chairman from each of the panels for that Tribunal drawn up under the last foregoing paragraph or from a corresponding panel for any other Agricultural Land Tribunal.
- (2) The chairman may, if it appears to him expedient so to do, nominate two assessors to be added to the Tribunal for the hearing of an application or reference thereto in order to assist the Tribunal in the hearing.
- (3) The assessors shall be selected by the chairman from a panel of persons nominated by the President of the Royal Institution of Chartered Surveyors
- 16A If the chairman of an Agricultural Land Tribunal is prevented by sickness or any other reason from making nominations under sub-paragraphs (1) and (2) of the last foregoing paragraph or from otherwise discharging the duties of his office, those duties may be discharged by a person appointed from the panel of deputy-chairmen for that Tribunal by the chairman or, if the chairman is unable to make the appointment, by the Lord Chancellor.”
- (3) In paragraph 17, for the reference to the Minister there shall be substituted a reference to the Lord Chancellor.
- (4) Paragraph 18 shall cease to have effect.

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

**C4** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 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.

*Agricultural Holdings Act, 1948*

6—7 ..... **F1**

**Textual Amendments**

**F1** Sch. 1 paras. 6, 7, 14–18, 20, 21 and Sch. 4 paras. 5, 9, 11 repealed by [Agricultural Holdings Act 1986](#) (c. 5, SIF 2:3), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. 1**

8 ..... **F2**

**Textual Amendments**

**F2** Sch. 1 paras. 8, 19, 23, 24 repealed by [Agricultural Holdings \(Notices to Quit\) Act 1977](#) (c. 12), s. 13, **Sch. 2** (subject to a saving in s. 14 in relation to notices to quit given before 7.4.1978)

9 On the appointed day, in section twenty-five—  
(a) subsections (2) to (4) shall cease to have effect;  
(b) ..... **F3**  
(c) ..... **F3**

**Textual Amendments**

**F3** Sch. 1 paras. 9(b)(c), 10, 11, 13 repealed (with saving) by [Agricultural \(Notices to Quit\) Act 1977](#) (c. 12), s. 14, **Sch. 2**

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

**C5** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 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.

10—11 ..... **F4**

**Textual Amendments**

**F4** Sch. 1 paras. 9(b)(c), 10, 11, 13 repealed (with saving) by [Agricultural \(Notices to Quit\) Act 1977](#) (c. 12), s. 14, **Sch. 2**

12 Section twenty-eight (which empowers the Minister to give the tenant of an agricultural holding, being a holding in respect of which a certificate of bad husbandry under section twenty-four of the Act of 1948 is in force, directions for

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securing that the holding does not further deteriorate before the termination of the tenancy) shall cease to have effect.

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

**C6** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 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.

13 ..... F5

**Textual Amendments**

**F5** Sch. 1 paras. 9(b)(c), 10, 11, 13 repealed (with saving) by [Agricultural \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, [Sch. 2](#)

14–18 ..... F6

**Textual Amendments**

**F6** Sch. 1 paras. 6, 7, 14–18, 20, 21 and Sch. 4 paras. 5, 9, 11 repealed by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 101, Sch. 13 para. 3, [Sch. 15 Pt. 1](#)

19 ..... F7

**Textual Amendments**

**F7** Sch. 1 paras. 8, 19, 23, 24 repealed by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 13, [Sch. 2](#) (subject to a saving in s. 14 in relation to notices to quit given before 7.4.1978)

20, 21 ..... F8

**Textual Amendments**

**F8** Sch. 1 paras. 6, 7, 14–18, 20, 21 and Sch. 4 paras. 5, 9, 11 repealed by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 101, Sch. 13 para. 3, [Sch. 15 Pt. 1](#)

22 ..... F9

**Textual Amendments**

**F9** Sch. 1 para. 22 repealed by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), s. 10, [Sch. 2](#)

23, 24 ..... F10

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**Textual Amendments**

**F10** Sch. 1 paras. 8, 19, 23, 24 repealed by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 13, [Sch. 2](#) (subject to a saving in s. 14 in relation to notices to quit given before 7.4.1978)

25

F11

**Textual Amendments**

**F11** Sch. 1 para. 25 and Sch. 4 paras. 6–8, 13(d)(e) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), s. 1(1), [Sch. 1 Pt. XIX](#)

*Agriculture (Miscellaneous Provisions) Act, 1954*

26

In section five, in subsection (1) (which empowers an Agricultural Land Tribunal to award costs against a person concerned in a reference to them who has acted frivolously, vexatiously or oppressively), after the word “reference” in each place where it occurs there shall be inserted the words “ or application ”.

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

**C7** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 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.

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In section six—

- (a) subsection (3) (which entitles the Minister to appear and be heard on a reference or application to the High Court in respect of a question of law arising in the course of proceedings before an Agricultural Land Tribunal) shall cease to have effect; and
- (b) the power to make orders conferred by subsection (6) shall be exercisable by the Lord Chancellor and not by the Minister.

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

**C8** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 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.

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F12

**Textual Amendments**

**F12** Sch. 1 para. 28 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55, SIF 2:1\)](#), s. 26, [Sch. 4 Pt. II](#)

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*Landlord and Tenant Act, 1954*

- 29 Subsection (1) of section forty-three shall have effect, and be deemed always to have had effect, as if, at the end of paragraph (a) thereof, there were inserted the words “ or a tenancy which would be a tenancy of an agricultural holding if the proviso to subsection (1) of section two of the Agricultural Holdings Act, 1948, did not have effect or, in a case where the approval of the Minister of Agriculture, Fisheries and Food was given as mentioned in the said subsection (1), if that approval has not been given ”.

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

- C9** The text of Sch. 1 paras. 1, 2, 3(b)–(e), 5(2)(4), 9(a), 12, 26, 27(a), 29–34, 35(b)(c), 36(a)(b), 37–40, 41(b)(c), 42, 43(b), 44, 45(b)(c), 46 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.

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