



# Agriculture Act 1947

1947 CHAPTER 48 10 and 11 Geo 6

An Act to make further provision for agriculture.

[6th August 1947]

## Modifications etc. (not altering text)

- C1** Certain functions of Minister of Agriculture, Fisheries and Food under this Act now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1969/388, art. 3, Sch. 2 Pt. I para. 2, Pt. II paras. 4, 5\(b\)\(f\)](#) and [1978/272, art. 2, Sch. 1](#)
- C2** The definition of "agriculture" in this Act is applied (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), [ss. 221\(1\), 225\(2\)](#) (with [ss. 16\(6\), 179, 222\(3\)](#) and [Sch. 22 para. 1](#))
- C3** Act (except s. 105): Functions of a Minister of the Crown (subject to [art.2\(b\)-\(f\)](#) of the amending S.I.) transferred (1.7.1999) to the National Assembly for Wales (W.) by [S.I. 1999/672, art. 2, Sch. 1](#)

## Commencement Information

- I1** Act not in force at Royal Assent by s. 111(2) (now repealed); Act wholly in force as at 1.2.1991

## <sup>F1</sup>PART I

### GUARANTEED PRICES AND ASSURED MARKETS

## Textual Amendments

- F1** [Pt. I](#) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993 but 4.8.1993 so far as relating to potatoes) by [1993 c. 37, s. 64, Sch.5](#) (subject to provision at the end of [Sch. 8](#)); [S.I. 1993/2038, art.2](#).

## Modifications etc. (not altering text)

- C4** [Pt. I](#) amended by [Agriculture Act 1957 \(c. 57\), s. 36\(2\)](#)

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**[<sup>F2</sup>1 Provisions for securing efficient agricultural production and proper agricultural conditions.**

(1) The following provisions of this Part of this Act shall have effect for the purpose of promoting and maintaining, by the provision of guaranteed prices and assured markets for the produce mentioned in the First Schedule to this Act, a stable and efficient agricultural industry capable of producing such part of the nation’s food and other agricultural produce as in the national interest it is desirable to produce in the United Kingdom, and of producing it at minimum prices consistently with proper remuneration and living conditions for farmers and workers in agriculture and an adequate return on capital invested in the industry.

(2) This Part of this Act shall extend to Scotland and Northern Ireland.]

**Textual Amendments**

**F2** Pt. I (ss.1-8) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993, but 4.8.1993 so far as relating to potatoes) by 1993 c.37, s. 64, **Sch. 5** (with Sch.5, Note 2); **S.I. 1993/2038, art.2**

**[<sup>F3</sup>2 † Annual and special reviews of condition of agricultural industry.**

(1) As at such date in each year as the Ministers may determine, they shall review the general economic condition and prospects of the agricultural industry.

(2) ..... <sup>F4</sup>

(3) In holding any review under this section the Ministers shall consult with such bodies of persons as appear to them to represent the interests of producers in the agricultural industry.]

**Textual Amendments**

**F3** Pt. I (ss.1-8) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993, but 4.8.1993 so far as relating to potatoes) by 1993 c.37, s. 64, **Sch. 5** (with Sch.5, Note 2); **S.I. 1993/2038, art.2**

**F4** S. 2(2) repealed by **European Communities Act 1972 (c. 68), s. 4, Sch. 3 Pt. IV**

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

**C5** Unreliable margin note

**3—7. .... <sup>F5</sup>**

**Textual Amendments**

**F5** Ss. 3–7 repealed by **Agriculture Act 1957 (c. 57), Sch. 4 Pt. I**

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[<sup>F6</sup> **Interpretation of Part I.**

- (1) In this Part of this Act the expression “the Ministers” means [<sup>F7</sup>the Minister of Agriculture, Fisheries and Food] and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland, acting jointly . . . <sup>F8</sup>
- (2) Reference in this Part of this Act to the provision of guaranteed prices for producers shall include references to the provision of payments to them (whether by reference to acreage or otherwise) in respect of produce mentioned in the First Schedule to this Act, as an alternative to the provision of guaranteed prices. ]

**Textual Amendments**

- F6** Pt. I (ss.1-8) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993, but 4.8.1993 so far as relating to potatoes) by 1993 c.37, s. 64, **Sch. 5** (with Sch.5, Note 2); S.I. 1993/2038, **art.2**
- F7** Words substituted by virtue of S.I. 1955/554 (1955 I, p. 1200), art. 3
- F8** Words repealed by **Agriculture Act 1957 (c. 57), Sch. 4 Pt. I**

**PART II**

GOOD ESTATE MANAGEMENT AND GOOD HUSBANDRY

9 . . . . . <sup>F9</sup>

**Textual Amendments**

- F9** S. 9 repealed by **Agriculture Act 1958 (c. 71), Sch. 2 Pt. I**

*Rules of good estate management and good husbandry*

**10 Good estate management.**

- (1) For the purposes of this Act, an owner of agricultural land shall be deemed to fulfil his responsibilities to manage it in accordance with the rules of good estate management in so far as his management of the land and (so far as it affects the management of that land) of other land managed by him is such as to be reasonably adequate, having regard to the character and situation of the land and other relevant circumstances, to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as respects both the kind of produce and the quality and quantity thereof.
- (2) In determining whether the management of land is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which the owner is providing, improving, maintaining and repairing fixed equipment on the land in so far as is necessary to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as aforesaid.
- (3) The responsibilities under the rules of good estate management of an owner of land in the occupation of another person shall not in relation to the maintenance and repair of

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fixed equipment include an obligation to do anything which that other person is under an obligation to do by virtue of any agreement.

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

C6 Ss. 10, 11 applied by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 96(3)

**11 Good husbandry.**

- (1) For the purposes of this Act, the occupier of an agricultural unit shall be deemed to fulfil his responsibilities to farm it in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the unit is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) is such that, having regard to the character and situation of the unit, the standard of management thereof by the owner and other relevant circumstances, the occupier is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while keeping the unit in a condition to enable such a standard to be maintained in the future.
- (2) In determining whether the manner in which a unit is being farmed is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which—
  - (a) permanent pasture is being properly mown or grazed and maintained in a good state of cultivation and fertility and in good condition;
  - (b) the manner in which arable land is being cropped is such as to maintain that land clean and in a good state of cultivation and fertility and in good condition;
  - (c) the unit is properly stocked where the system of farming practised requires the keeping of livestock, and an efficient standard of management of livestock is maintained where livestock are kept and of breeding where the breeding of livestock is carried out;
  - (d) the necessary steps are being taken to secure and maintain crops and livestock free from disease and from infestation by insects and other pests;
  - (e) the necessary steps are being taken for the protection and preservation of crops harvested or lifted, or in course of being harvested or lifted;
  - (f) the necessary work of maintenance and repair is being carried out.
- (3) The responsibilities under the rules of good husbandry of an occupier of an agricultural unit which is not owned by him shall not include an obligation to carry out any work of maintenance or repair which the owner of the unit or any part thereof is under an obligation to carry out in order to fulfil his responsibilities to manage in accordance with the rules of good estate management.

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

C7 Ss. 10, 11 applied by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 96(3)

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**Textual Amendments**

**F10** Ss. 12–20 repealed by Agriculture Act 1958 (c. 71), **Sch. 2 Pt. I** without prejudice to the operation of s. 95 of this Act: **Agricultural Act 1958 (c. 71), s. 10(2)**

**21** ..... **F11**

**Textual Amendments**

**F11** S. 21 repealed by Agriculture Act 1958 (c. 71), **Sch. 2 Pt. I** without prejudice to the operation of Mineral Workings Act 1951 (c. 60), **s. 20(5)**: **Agricultural Act 1958 (c. 71), s. 10(3)**

**PART III**

**22—** ..... **F12**  
**46.**

**Textual Amendments**

**F12** Ss. 22–46 repealed by Agricultural Holdings Act 1948 (c. 63), ss. 98-100, **Sch. 8**

**PART IV**

SMALLHOLDINGS

**47—** ..... **F13**  
**52.**

**Textual Amendments**

**F13** Ss. 47–52 repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**

**53** ..... **F14**

**Textual Amendments**

**F14** S. 53 repealed by Agriculture Act 1958 (c. 71), **Sch. 2 Pt. I**

**54—** ..... **F15**  
**57.**

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**Textual Amendments**

**F15** Ss. 54–57, 60–66, 67(1) repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**

*Financial provisions*

**F16 58 Contributions by Minister to losses incurred by smallholdings authorities.**

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**Textual Amendments**

**F16** S. 58 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 3**

**F17 59 Winding-up of Small Holdings and Allotments Account.**

.....

**Textual Amendments**

**F17** S. 59 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 3**

**60** ..... **F18**

**Textual Amendments**

**F18** Ss. 54–57, 60–66, 67(1) repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**

*Supplementary provisions*

**61—** ..... **F19**

**66.**

**Textual Amendments**

**F19** Ss. 54–57, 60–66, 67(1) repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**

**†67 Application and repeal of provisions of Small Holdings and Allotments Acts, 1908 to 1931.**

(1) ..... **F20**

(2) Subject to the foregoing provisions of this Part of this Act, the said Acts, . . . **F21** are hereby repealed in so far as they relate to smallholdings:  
Provided that—

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- (a) without prejudice to [<sup>F22</sup>subsection (1) of section 16 of the <sup>M1</sup>Interpretation Act 1978] (which relates to the effect of repeals), the provisions of the said Acts specified in the first column of Part II of the Eighth Schedule to this Act, which relate to the matters specified in that column, shall continue in operation to the extent specified in the second column of the said Part II, but subject to any modification so specified;
- (b) nothing in this subsection shall affect the provisions of the said Acts relating to the acquisition, and to proceedings in relation to the acquisition, of land for the purposes of small holdings as those provisions apply, by virtue of section seventeen of the <sup>M2</sup>Land Settlement (Facilities) Act 1919, to the acquisition of land by county councils for allotments.

**Textual Amendments**

- F20** Ss. 54–57, 60–66, 67(1) repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**
- F21** Words repealed by Agriculture Act 1970 (c. 40), s. 113(3), **Sch. 5 Pt. III**
- F22** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 25(2)

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

- C8** Unreliable margin note
- C9** “The said Acts” means Small Holdings and Allotments Acts 1908 to 1931

**Marginal Citations**

- M1** 1978 c. 30.
- M2** 1919 c. 59.

**PART V**

ADMINISTRATIVE AND GENERAL

68, 69. .... <sup>F23</sup>

**Textual Amendments**

- F23** Ss. 68, 69 repealed by Agriculture (Miscellaneous Provisions) Act 1963 (c. 11), **Sch. Pt. I**

70 ..... <sup>F24</sup>

**Textual Amendments**

- F24** S. 70 repealed by Agriculture (Miscellaneous Provisions) Act 1963 (c. 11), **Sch. Pt. I** except as respects any financial year commencing before the dissolution of the Agricultural Land Commission

71, 72. .... <sup>F25</sup>

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#### Textual Amendments

**F25** Ss. 71, 72 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)

### *Agricultural Land Tribunals*

#### **73 Establishment, constitution and procedure of Agricultural Land Tribunals.**

- (1) For the purposes of this section, [<sup>F26</sup>the Lord Chancellor] shall by order constitute such number of areas, together comprising the whole of England and Wales, as he may consider expedient, and for each area so constituted there shall be established an Agricultural Land Tribunal which shall be charged with the duty of [<sup>F27</sup>hearing and determining references and applications made to them under any enactment]
- (2) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of Agricultural Land Tribunals and otherwise in relation thereto.
- (3) [<sup>F28</sup>The Lord Chancellor] may by order make provision for the procedure of Agricultural Land Tribunals, and in particular—
  - [<sup>F29</sup>(aa) as to the manner in which applications are to be made to the Tribunals and the time within which they are made;]
    - (a) for the taking of evidence on oath, affirmation or otherwise, the cross-examination of witnesses, and for the summoning of witnesses in like manner as for the purposes of an arbitration under [<sup>F30</sup>the <sup>M3</sup>Agricultural Holdings Act 1986];
    - (b) for the recording and proof of the decisions of the Tribunals, and for enabling the Tribunals to decide by a majority;
    - (c) ..... <sup>F31</sup>
- (4) An order under the last foregoing subsection may make different provision for the procedure on different classes of reference [<sup>F32</sup>or application] to the Tribunals.
- [<sup>F33</sup>(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 application or reference by such a division, that division shall be deemed to be the Tribunal.]

#### Textual Amendments

- F26** Words substituted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(a\)](#)
- F27** Words substituted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(b\)](#)
- F28** Words substituted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(a\)](#)
- F29** S. 73(3)(aa) inserted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(c\)](#)
- F30** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 18](#)
- F31** S. 73(3)(c) repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)
- F32** Words inserted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(d\)](#)
- F33** S. 73(5) added by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 3\(e\)](#)



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

**C10** S. 73(3) extended by [Agriculture \(Miscellaneous Provisions\) Act 1954 \(c. 39\), s. 6\(4\)\(6\)](#) and [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\), s. 20\(14\)](#)

**Marginal Citations**

**M3** [1986 c. 5 \(2:3\)](#)

**74 Proceedings before Agricultural Land Tribunal on reference of Minister's proposals.**

- (1) In any case where by any of the provisions of this Act a person is empowered to require that a proposal of the Minister to take any action shall be referred to the Agricultural Land Tribunal, then if within the prescribed time and in the prescribed manner the said person so requires, the proposal shall be referred accordingly.
- (2) On any such reference the Tribunal shall determine—
  - (a) whether the conditions as to which the Minister must be satisfied before taking the action are fulfilled, and
  - (b) whether, having regard to their determination under the foregoing paragraph and to all the circumstances of the case, the Minister should or should not take the action proposed,and shall report to the Minister accordingly; and the Minister shall forward a copy of the report to any person who availed himself of an opportunity to make representations to the Minister afforded to him under the provisions in question of this Act.
- (3) In any such case as is mentioned in subsection (1) of this section the Minister shall not give effect to the proposal until the expiration of the period within which a reference to the Tribunal may be required.
- (4) Where such a reference is duly required the Minister shall act in accordance with the report of the Tribunal and not otherwise.
- (5) Forthwith after taking action in any such case as is mentioned in subsection (1) of this section the Minister shall serve notice thereof in writing on any person who under the provisions in question of this Act was entitled to be afforded an opportunity to make representations to the Minister.

*Supplementary administrative provisions.*

**75 Provisions as to land lying partly in one area and partly in another.**

Where any land lies . . . <sup>F34</sup> partly in the area of one Agricultural Land Tribunal and partly in the area of another, the Minister may direct that for the purposes of anything required or authorised to be done . . . <sup>F35</sup> by or before such a . . . <sup>F36</sup> tribunal, . . . <sup>F35</sup> in relation to that land the whole of the land shall be deemed to be comprised in the area comprising such part of the land as may be specified in the direction.

**Textual Amendments**

**F34** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\), Sch. Pt. I](#) and [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\), Sch. 6](#)

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- F35** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**
- F36** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

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

- C11** [S. 75](#) modified by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 4**

**76** ..... **F37**

**Textual Amendments**

- F37** [S. 76](#) repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 3** and [Weeds Act 1959 \(c. 54\)](#), **Sch.**

*Statistics of Agriculture in Great Britain*

**77** ..... **F38**

**Textual Amendments**

- F38** [S. 77](#) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

**[<sup>F39</sup>78 Power to obtain agricultural statistics.**

[ Where it appears to the Minister expedient so to do for the purpose of obtaining <sup>F40</sup>(1) statistical information relating to agriculture, he may serve on any owners or occupiers of land used for agriculture, or of land which the Minister has reason to believe may be so used, notices requiring them to furnish in writing, in such form and manner and to such person as may be specified in the notice, and within such time and with respect to such date or dates or such period or periods as may be specified in the notice, the information referred to in the notice (including, as respects paragraphs (c) to (e) of this subsection, the information referred to in the notice as to quantities, values, expenditure and receipts) relating to—

- (a) The situation, area and description of relevant land owned or occupied by them, the date of acquisition of the land, and the date at which so much thereof as is comprised in any agricultural unit became comprised therein, and the rates payable in respect of the land,
- (b) the names and addresses of the owners and occupiers of the land, whether the land or any, and if so what, part thereof is let and at what rent,
- (c) the character and use of different parts of the land, the time at which any use thereof was begun or will become fully effective, and their produce at any time during the period beginning one year before, and ending one year after, the time at which the information is required to be furnished,
- (d) fixed and other equipment, livestock, and the stocks of agricultural produce and requisites held in respect of the land, and the provision and maintenance of such equipment, livestock and requisites and the provision of agricultural services for the benefit of the land,
- (e) the methods and operations used on the land, the marketing or other disposal of the produce thereof, any payments received under any enactment in respect

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- of such produce, and the provision of agricultural services otherwise than for the benefit of the land,
- (f) the number and description of persons employed on, or employed by the occupier in disposing of the produce of, the land, and the remuneration paid to, and hours worked by, persons so employed or such persons of different descriptions.
- (1A) In the foregoing subsection—
- “livestock” includes any animal;
- “relevant land” in the case of any owner or occupier of land used for agriculture, means the aggregate of—
- (a) the land owned or occupied by him which is comprised in any agricultural unit; and
- (b) any other land owned or occupied by him which is either—
- (i) used for forestry; or
- (ii) not used for any purpose, but capable of use for agriculture or forestry, but which, if used as agricultural land by the occupier of that agricultural unit, would be comprised in that unit.]
- (2) For the purpose of obtaining statistical information relating to agriculture, any person authorised by the Minister in that behalf may, after giving not less than twenty-four hours notice and on producing if so required evidence of his authority to act for the purposes of this subsection, orally require the owner or occupier of land to furnish to him within a reasonable time, and either orally or in writing as the said owner or occupier may elect, such information, whether or not specified in the said notice, as the said person authorised by the Minister may require, being information which the owner or occupier, as the case may be, could have been required to furnish under the last foregoing subsection.
- (3) References in the two last foregoing subsections to the owner of land include references to a person exercising, as servant or agent of the owner, functions of estate management in relation to the land, and references in those subsections to the occupier of land include references to a person responsible for the control of the farming of the land as servant or agent of the occupier thereof.
- (4) No person shall be required under the foregoing provisions of this section to furnish any balance sheet or profit and loss account, but this subsection shall not prevent the requiring of information by reason only that it is or might be contained as an item in such a balance sheet or account.
- (5) Without prejudice to the general provisions of this Part of this Act as to the service of notices, any notice authorised or required by subsection (1) or (2) of this section to be served on an occupier shall be deemed to be duly served if it is addressed to him by the description of “the occupier” of the land in question and sent by post to, or delivered to some person on, the land.
- (6) For the purposes of this and the three next following sections the expression “owner” means, in relation to land, a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement.
- (7) The provisions of this and the three next following sections shall extend to Scotland with the substitution for references to the Minister of references to the Secretary of

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State, and with the substitution for the definition of the expression “owner” in the last foregoing subsection of the following definition—

“The expression “owner,” in relation to land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking, and includes also a lessee under a lease.”

[ The <sup>M4</sup>Agricultural Returns Act 1925, shall cease to have effect, and the reference to <sup>F41</sup>(8) that Act in subsection (2) of section thirty-four of the <sup>M5</sup>Agricultural Development Act 1939, shall be construed as a reference to this section.]]

#### Textual Amendments

- F39** S. 78 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), [Sch. 2](#)
- F40** S. 78(1)(1A) substituted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\)](#), s. 6, [Sch. 2](#)
- F41** S. 78(8) repealed as it applies to Scotland by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. II](#)

#### Marginal Citations

- M4** 1925 c. 39.
- M5** 1939 c. 48.

### [<sup>F42</sup>79 Information as to dealings in land used for agriculture.

The Minister may by regulation require the parties to any sale of land which immediately before the completion of the transaction was being used for agriculture, or to any grant, assignment or surrender of a tenancy of such land for an interest not less than that of a tenant for a year, shall within the prescribed period from the completion of the transaction furnish to the Minister, in such manner as may be prescribed, information as to the names and addresses of the parties to the transaction and the situation and extent of the land thereby affected.]

#### Textual Amendments

- F42** S. 79 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), [Sch. 2](#)

### [<sup>F43</sup>80 Restriction on disclosure of information.

No information relating to any particular land or business, being information which has been obtained under section seventy-eight or seventy-nine of this Act, shall be published or otherwise disclosed without the previous consent in writing of the person by whom the information was furnished and every other person whose interests may in the opinion of the Minister be affected by the disclosure, being an owner or the occupier of the land:

Provided that nothing in this section shall restrict the disclosure of information—

- (a) to the Minister in charge of any Government department, to any authority acting under an enactment for regulating the marketing of any agricultural produce, or to any person exercising functions on behalf of any such Minister or authority for the purpose of the exercise of those functions;
- (b) to an authority having power under any enactment to give permission for the development of land, for the purpose of assisting that authority in the

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preparation of proposals relating to such development or in considering whether or not to give such permission;

- (c) if the disclosure is confined to situation, extent, number and kind of livestock, character of land, and name and address of owner and occupier, to any person to whom the Minister considers that the disclosure thereof is required in the public interest;
- (d) to any person for the purposes of any criminal proceedings under the next following section or for the purposes of any report of such proceedings, or the use of information in any manner which the Minister thinks necessary or expedient in connection with the maintenance of the supply of food in the United Kingdom.]

[<sup>F44</sup>(e) to the Food Standards Agency for purposes connected with the carrying out of any of its functions,]

#### Textual Amendments

**F43** S. 80 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), [Sch. 2](#)

**F44** Para. (e) in proviso to s. 80 inserted (1.4.2000) by [1999 c. 28, s. 40\(1\)](#), [Sch. 5 para. 2](#) (with [ss. 38, 40\(2\)](#)); [S.I. 2000/1066](#), [art. 2](#)

#### [<sup>F45</sup>81 Penalties.

(1) Any person who without reasonable excuse fails to furnish information in compliance with a requirement under section seventy-eight or seventy-nine of this Act shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) If any person—

- (a) in purported compliance with a requirement imposed under section seventy-eight or seventy-nine of this Act knowingly or recklessly furnishes any information which is false in any material particular, or
- (b) publishes or otherwise discloses any information in contravention of the last foregoing section,

he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.]

#### Textual Amendments

**F45** S. 81 repealed (E.W.) by [Agricultural Statistics Act 1979 \(c. 13\)](#), [Sch. 2](#)

### *General powers of acquisition and management of land by Minister*

#### 82 Powers of Minister to acquire land by agreement.

- (1) The Minister may acquire by agreement—
- (a) any land used for agriculture;

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- (b) any other land falling within the definition in this Act of the expression agricultural land;
- (c) where any such land as aforesaid is offered to the Minister for acquisition by him on the condition that he also acquires other land not falling within the two foregoing paragraphs, that other land;
- (d) any other land as respects which power is conferred on the Minister by this Act to purchase the land compulsorily in accordance with the provisions of this Act in that behalf.

(2) Where in pursuance of this section the Minister purchases land under the Ecclesiastical Leasing Acts, the consent of the patron to the sale shall not be necessary.

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

C12 S. 82 extended by [Agriculture Act 1967 \(c. 22\)](#), [s. 29](#) and [Agriculture Act 1970 \(c. 40\)](#), [s. 55](#)

<sup>F46</sup>**83 Acquisition by Minister of land for research, experiment and demonstration.**

.....

**Textual Amendments**

F46 S. 83 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1

<sup>F47</sup>**84 Acquisition of land by Minister to ensure full and efficient use thereof.**

.....

**Textual Amendments**

F47 S. 84 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1

**85** ..... <sup>F48</sup>

**Textual Amendments**

F48 S. 85 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. VIII](#)

<sup>F49</sup>**86 Control of subdivision of agricultural units.**

.....

**Textual Amendments**

F49 S. 86 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1

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**87** ..... **F50**

**Textual Amendments**

**F50** S. 87 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

**F5188** **Transfer to Minister of land vested in other Government departments.**

**Textual Amendments**

**F51** S. 88 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

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

**C13** Functions of Minister of Works now exercisable by Secretary of State: [S.I. 1962/1549](#), **art. 2** and [1970/1681](#), arts. 2, 3

**F5289** **Transfer of land from Land Settlement Associations to Minister.**

**Textual Amendments**

**F52** S. 89 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

**90** **Powers of management, etc., of land acquired by Minister.**

(1) The Minister may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him—

- (a) in such manner as appears to him expedient for the purpose for which the land was acquired; or
- (b) if he is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to him expedient therefor:

Provided that—

- (i) the Minister shall not sell land acquired by him except where it appears to him that, having regard to the use proposed to be made of the land, it is expedient that it should be sold by him;
- (ii) this section shall have effect subject to any restrictions imposed by or under any enactment on the powers of the Minister.

(2) The powers of management conferred on the Minister by subsection (1) of this section shall include power to provide such facilities for the welfare of tenants of, or other persons employed in agriculture on, land managed by him as the Minister thinks expedient.

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

- C14** S. 90 extended by [Agriculture Act 1967 \(c. 22\)](#), **s. 29**
- C15** Functions of Minister of Agriculture, Fisheries and Food under s. 90 as it applies to land acquired for certain purposes now exercisable (W.) by Secretary of State: [S.I. 1965/319](#), **art. 4(1)** and 1967/156, art. 2(3)

**91** ..... <sup>F53</sup>

**Textual Amendments**

- F53** S. 91 repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 3**

*Provisions as to compulsory acquisition of land*

<sup>F54</sup>**92 Procedure for compulsory purchase of land.**

.....

**Textual Amendments**

- F54** Ss. 92-95 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

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

- C16** S. 92 extended (1.7.1999) by [S.I. 1999/672](#), art. 2, **Sch. 1**

<sup>F54</sup>**93 Compulsory hiring of land.**

.....

**Textual Amendments**

- F54** Ss. 92-95 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

<sup>F54</sup>**94 Limitation of period of compulsory hiring.**

.....

**Textual Amendments**

- F54** Ss. 92-95 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1



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*Special directions to secure production*

**F<sup>54</sup>95 Special directions to secure production.**

.....

**Textual Amendments**

**F54** Ss. 92-95 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

*Continuation of contributions to cost of drainage, water supply and application of lime.*

**F<sup>55</sup>96** .....

**Textual Amendments**

**F55** S. 96 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.II.

**97** ..... **F<sup>56</sup>**

**Textual Amendments**

**F56** S. 97 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. II

*Pest and weed control*

**98 Prevention of damage by pests.**

- (1) If it appears to the Minister that it is expedient so to do for the purpose of preventing damage to crops, pasture, animal or human foodstuffs, livestock, trees, hedges, banks or any works on land, he may by notice in writing served on any person having the right so to do require that person to take, within such time as may be specified in the notice, such steps (including such steps, if any, as may be so specified) as may be necessary for the killing, taking or destruction on land so specified of such animals or birds to which this section applies as may be so specified or the eggs of such birds.
- (2) A requirement shall not be imposed under the last foregoing subsection if apart from this subsection the killing, taking or destruction in question would be prohibited by law:  
Provided that a requirement may be so imposed to kill or destroy game within the meaning of the <sup>M6</sup>Game Act 1831, at a time of year at which apart from this proviso the killing or destruction would be prohibited by section three of that Act; and for the purposes of the last foregoing subsection a person shall not be deemed not to have the right to comply with a requirement falling within this proviso by reason only that apart from this proviso compliance therewith would be prohibited as aforesaid.

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- (3) Section four of the <sup>M7</sup>Prevention of Damage by Rabbits Act 1939 (which allows the use in rabbit holes of poisonous gas, and the placing in rabbit holes of substances generating poisonous gas by evaporation or in contact with moisture) shall apply to the use of such gas and the placing of such substances in any hole, burrow or earth for the purpose of killing animals to which this section applies.
- (4) The animals to which this section applies are rabbits, hares and other rodents, deer, foxes and moles, and the birds to which this section applies are, in relation to any area, wild birds other than those [<sup>F57</sup>included in the <sup>M8</sup>First Schedule to the Protection of Birds Act 1954] as it applies in that area whether by virtue of the terms thereof . . . <sup>F58</sup> or by virtue of an order of the Secretary of State; and this section shall apply to such other animals as may be prescribed:  
Provided that regulations under this subsection may provide that for the purposes of subsection (3) of this section any such other animals specified in the regulations shall not be treated as animals to which this section applies.
- (5) . . . . . <sup>F59</sup>
- (6) . . . . . <sup>F60</sup>
- [<sup>F61</sup>(7) Where it appears to [<sup>F62</sup>the Minister of Agriculture, Fisheries and Food] expedient for the purpose of preventing damage by rabbits to crops, pasture, trees, hedges, banks or any works on land, he may by notice in writing served on the occupier of any land (or, in the case of unoccupied land, the person entitled to occupy it) require him to take on the land, within the time specified in the notice, such steps as may be so specified to destroy or reduce the breeding places or cover for rabbits or to exclude rabbits therefrom, or to prevent the rabbits living in any place on the land from spreading to or doing damage in any other place; but every such notice shall specify a time within which the occupier or any person interested in the land may submit to the Minister written objections to the notice, and shall be provisional only and of no effect, unless confirmed after the expiration of that time by a further notice in writing served on the occupier of the land; and, where the occupier holds the land under a contract of tenancy, a copy of any notice under this subsection shall be served on any person to whom the occupier pays rent under the tenancy.

A provisional notice under this subsection may be confirmed either without modifications or with such modifications as appear to the Minister desirable having regard to any objections submitted to him.]

#### Textual Amendments

- F57** Words substituted by [Protection of Birds Act 1954 \(c. 30\), Sch. 5](#)
- F58** Words repealed by [Protection of Birds Act 1954 \(c. 30\), Sch. 5](#)
- F59** [S. 98\(5\)](#) repealed by [Pests Act 1954 \(c. 68\), Sch.](#)
- F60** [S. 98\(6\)](#) repealed by [Agriculture Act 1958 \(c. 71\), Sch. 3](#)
- F61** [S. 98\(7\)](#) added by [Pests Act 1954 \(c. 68\), s. 2\(1\)](#)
- F62** Words substituted by virtue of [S.I. 1955/554 \(1955 I, p. 1200\), art. 3](#)

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

- C17** [S. 98](#) restricted by [Prevention of Damage by Pests Act 1949 \(c. 55\), s. 20\(1\)](#); extended by [Pests Act 1954 \(c. 68\), ss. 1\(6\)\(9\), 3\(1\)](#); amended by [Pests Act 1954 \(c. 68\), ss. 4\(1\)\(2\), 9\(4\)](#)

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#### Marginal Citations

- M6 1831 c. 32.
- M7 1939 c. 43.
- M8 1954 c. 30.

### 99 Prevention of escape of captive animals.

If it appears to the Minister that, for the purpose of preventing such damage as is mentioned in the last foregoing section, it is expedient to prevent the escape of any animals from land on which they are kept in captivity, the Minister may by notice in writing served on the occupier of the land require him to take within such time as may be specified in the notice such steps as may be necessary to prevent the escape thereof, including such steps, if any, as may be specified in the notice.

### 100 Supplementary provisions relating to sections ninety-eight and ninety-nine.

- (1) If any person fails to comply with a requirement imposed under either of the two last foregoing sections he shall be liable on summary conviction to a fine not exceeding [<sup>F63</sup>level 2 on the standard scale], and to a further fine not exceeding five pounds for each day after conviction on which the failure continues.
- (2) Without prejudice to any proceedings under the last foregoing subsection, where a requirement imposed under either of the two last foregoing sections has not been complied with, any person authorised by the Minister to act for the purposes of this subsection may at any time enter on the land to which the requirement relates and take such steps as the Minister may direct to secure compliance with the requirement; and the reasonable cost of taking such steps shall be recoverable by the Minister from the person on whom the requirement was imposed.

Any dispute arising under this subsection as to what is the reasonable cost of taking any such steps as aforesaid shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.

- (3) The Minister may give such directions as appear to him to be expedient authorising the keeping of animals, birds, or eggs killed or taken in pursuance of the provisions of this or the last but one foregoing section and authorising the disposal of such animals, birds or eggs, whether for the purpose of being used as food or otherwise.
- (4) Any person authorised or required to kill or take any animal or bird in pursuance of the provisions of this or the last but one foregoing section shall not be required to obtain for that purpose a licence to kill game, and shall have the same power of selling any such animal or bird in pursuance of any such authorisation or requirement as if he had such a licence . . . <sup>F64</sup>
- (5) Where a person incurs any expense reasonably necessary for the purpose of complying with any requirement imposed on him under either of the two last foregoing sections, or where any cost is recovered from a person under subsection (2) of this section, then if he alleges that the expense or cost ought to be borne wholly or in part by some other person having an interest in the land to which the requirement in question relates, he may apply to the county court in accordance with rules of court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such order for securing that the applicant is wholly or in part indemnified by that other

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person in respect of the said expense or cost as the court considers just and equitable in the circumstances of the case.

- (6) Any notice to be served under either of the two last foregoing sections on the occupier of land used for agriculture shall, where an agent or servant of the occupier is responsible for the control of the farming of the land, be duly served if served on the said agent or servant.

**Textual Amendments**

**F63** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

**F64** Words repealed by [Local Government Act 1966 \(c. 42\)](#), **Sch. 6 Pt. I**

**101 Provision by Minister of equipment and services for pest control.**

- (1) The Minister may, for the purpose of assisting in the killing, taking or destruction of animals or birds to which section ninety-eight of this Act applies, and the eggs of such birds, provide such services and equipment, appliances and other material as appear to the Minister to be requisite for that purpose.
- (2) The Minister may make such reasonable charges, if any, as he thinks fit in respect of any assistance rendered under the last foregoing subsection, and may recover the amount of any such charge from the person at whose request the assistance was rendered.

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

**C18** [S. 101](#) extended by [Pests Act 1954 \(c. 68\)](#), s. 2(2)

**102** ..... <sup>F65</sup>

**Textual Amendments**

**F65** [S. 102](#) repealed by [Weeds Act 1959 \(c. 54\)](#), **Sch.**

*Supplementary*

**103** ..... <sup>F66</sup>

**Textual Amendments**

**F66** [S. 103](#) repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), s. 24(5), **Sch. 4** (the repeal being in force 25.9.1986 unless consequential on sections 8 to 10 of the 1986 Act as mentioned in s. 24 of that Act which latter repeals are (*prosp.*) )

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## 104 Provisions as to representations.

- (1) Any enactment in this Act providing, in relation to the taking of any action by the Minister, for his taking the action after affording a person an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, shall be construed as a provision that the Minister shall comply with the following requirements.
- (2) The Minister shall give notice to the said person specifying the action proposed to be taken and informing him of the effect of the three following subsections.
- (3) If within the prescribed time and in the prescribed manner the said person makes representations to the Minister in writing, the Minister shall not take the action in question until he has considered the representations.
- (4) If, whether or not representations are made to the Minister in writing, the said person within the prescribed time and in the prescribed manner requires that an opportunity be afforded to him of being heard by a person appointed by the Minister for the purpose, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) of this section the Minister is required to afford such an opportunity, and the Minister shall not take the action in question until he has considered any representations made at the hearing.
- (5) . . . . .<sup>F67</sup>
- (6) If for the purposes of any such hearing the person to whom the opportunity is afforded so desires, the like opportunity shall be afforded to a person chosen by him to represent his views to the Minister.

### Textual Amendments

**F67** S. 104(5) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

## 105 Expenses and receipts.

- (1) All expenses incurred by any Minister under this Act shall be defrayed out of moneys provided by Parliament.
- (2) All sums received by the Minister under this Act, including sums received on his behalf by . . .<sup>F68</sup> any . . .<sup>F68</sup> person or body of persons exercising functions on behalf of the Minister, shall be paid into the Exchequer.

### Textual Amendments

**F68** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

## 106 Provisions as to entry and inspection.

- (1) Any person authorised by the Minister in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.

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- (2) Any person authorised by the Minister . . . <sup>F69</sup> who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid—
- (a) if the power is being exercised for determining whether the land is to be acquired under Part IV of this Act or this Part thereof; or
  - (b) if the land is being used for residential purposes;
- unless twenty-four hours notice of the intended entry has been given to the occupier of the land.
- (4) Save as provided by the last foregoing subsection, admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid . . . <sup>F70</sup> unless notice has been given to the occupier of the land that it is proposed to enter during a period, specified in the notice, not exceeding fourteen days and beginning at least twenty-four hours after the giving of the notice, and the entry is made on the land during the period specified in the notice:  
Provided that where the power of entry is being exercised for the purpose of taking measures to secure compliance with a direction or requirement under the foregoing provisions of this Part of this Act, and notice is given in accordance with this subsection on the first occasion on which the power is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with the taking of the measures.
- (5) Where notice is served in a case falling within the proviso to the last foregoing subsection, and the person to whom the direction therein referred to was given, or on whom the requirement therein referred to was imposed, is not the occupier of the land, a like notice shall be served on that person.
- (6) Any notice served in pursuance of the last foregoing subsection or the proviso therein referred to may be served in like manner as the notice giving the said direction or imposing the said requirement.
- (7) Any person who, in any case for which no penalty is provided by the foregoing provisions of this Act [<sup>F71</sup>obstructs the exercise of any such power as aforesaid or of any other power conferred by subsection (2) of section one hundred of this Act] shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F72</sup>£25] in the case of a first offence or [<sup>F72</sup>£50] in the case of a second or any subsequent offence.

#### Textual Amendments

- F69** Words repealed by [Agriculture Act 1970 \(c. 40\), s. 113\(3\)](#), [Sch. 5 Pt. III](#)
- F70** Words repealed by [Agriculture Act 1958 \(c. 71\), Sch. 2 Pt. I](#)
- F71** Words substituted by [Pests Act 1954 \(c. 68\), s. 5\(1\)](#)
- F72** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45\), s. 31\(5\)\(6\)\(9\)](#)

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

- C19** [S. 106](#) explained by [Pests Act 1954 \(c. 68\), s. 1\(13\)](#)

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**C20** S. 106(7): Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

## 107 Services of notices.

- (1) Any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter.
- (2) Any such document required or authorised to be given to or served on an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body.
- (3) For the purposes of this section and of [<sup>F73</sup>section 7 of the <sup>M9</sup>Interpretation Act 1978], the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.
- (4) Where any document is to be given to or served on a person as being the person having any interest in land, and it is not practicable after reasonable inquiry to ascertain his name or address, the document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.
- (5) Where any such document as aforesaid is to be given to or served on any person as being the owner of land and the land belongs to an ecclesiastical benefice, a copy thereof shall be served on [<sup>F74</sup>the Church Commissioners].

### Textual Amendments

**F73** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 25(2)

**F74** Words substituted by virtue of Church Commissioners Measure 1947 (No. 2), s. 18(2)

### Marginal Citations

**M9** 1978 c. 30.

## 108 Regulations and orders.

- (1) Any regulations made by the Minister under this Act, and any Order made by the Minister under section seventy-three thereof, shall be laid before Parliament forthwith after being made, and if either House of Parliament, within the period of forty days beginning with the day on which the regulations or order are or is laid before it, resolves that an Address be presented to His Majesty praying that the regulations or order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the regulations or order so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the regulations or order or to the making of new regulations or a new order.

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- (2) In this Act the expression “prescribed” means prescribed by regulations made by the Minister.
- (3) Any power conferred by this Act to make an order shall include a power, exercisable in the like manner and subject to the like conditions, to revoke or vary the order.

#### Textual Amendments

F75 Words repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

### 109 Interpretation.

- (1) In this Act the expression “agricultural land” means land used for agriculture which is so used for the purposes of a trade or business, or which is designated by the Minister for the purposes of this subsection, and includes any land so designated as land which in the opinion of the Minister ought to be brought into use for agriculture:

Provided that no designation under this subsection shall extend—

- (a) to land used as pleasure grounds, private gardens or allotment gardens, or
  - (b) to land kept or preserved mainly or exclusively for the purposes of sport or recreation, except where the Minister is satisfied that its use for agriculture would not be inconsistent with its use for the said purposes and it is so stated in the designation.
- (2) In this Act the expression “agricultural unit” means land which is occupied as a unit for agricultural purposes, including—
    - (a) any dwelling-house or other building occupied by the same person for the purpose of farming the land, and
    - (b) any other land falling within the definition in this Act of the expression “agricultural land” which is in the occupation of the same person, being land as to which the Minister is satisfied that having regard to the character and situation thereof and other relevant circumstances it ought in the interests of full and efficient production to be farmed in conjunction with the agricultural unit, and directs accordingly:

Provided that the Minister shall not give a direction under this subsection as respects any land unless it is for the time being not in use for any purpose which appears to him to be substantial having regard to the use to which it might be put for agriculture.

- (3) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“allotment garden” means an allotment not exceeding [<sup>F76</sup>0·10 hectare] in extent which is wholly or mainly cultivated by the occupier for the production of vegetables or fruit for consumption by himself or his family;

“fixed equipment” includes any building or structure affixed to land and any works on, in, over or under land, and also includes anything grown on



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land for a purpose other than use after severance from the land, consumption of the thing grown or of produce thereof, or amenity, and references to fixed equipment on land shall be construed accordingly;

“functions” includes powers and duties;

“livestock” includes any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land;

“pasture” includes meadow;

“prescribed” has the meaning assigned to it by the last foregoing section;

“produce” includes anything (whether live or dead) produced in the course of agriculture;

“relevant circumstances,” in relation to an owner or occupier, includes all circumstances affecting management or farming other than the personal circumstances of the owner or occupier.

- (4) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any other enactment, including this Act.
- (5) References in this Act to the farming of land include references to the carrying on in relation to the land of any agricultural activity; and in relation to any agricultural activity the person having the right to carry it on shall be deemed to be the occupier of the land.
- (6) References in this Act to the use of land for agriculture include, in relation to land forming part of an agricultural unit, references to any use of the land in connection with the farming of the unit.

**Textual Amendments**

**F76** Words substituted by [S.I. 1978/446, reg. 2\(1\)](#)

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

**C21** In s. 109 the definitions of "agriculture", "agricultural" and "agricultural land" are applied (30.11.1991) by [Coal Mining Subsidence Act 1991 \(c. 45, SIF 86\), s. 52\(1\)](#) (with [s. 37\(4\), Sch. 7](#)); [S.I. 1991/2508, art.2](#)

**C22** In s. 109(3) the definition of "agriculture" is applied (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\), ss. 221\(1\), 225\(2\)](#) (with [ss. 16\(6\), 179, 222\(3\)](#) and [Sch. 22 para. 1](#))

In s. 109(3) the definitions of "agriculture" and "agricultural" are applied (27.7.1993) by [1993 c. 37, s. 58\(3\)](#).

**110** ..... **F77**

**Textual Amendments**

**F77** [Ss. 110, 111\(2\)](#) repealed by [Agriculture Act 1958 \(c. 71\), Sch. 3](#)

**111** † **Short title, commencement and extent.**

- (1) This Act may be cited as the Agriculture Act 1947.

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(2) ..... F78

(3) This Act, except in so far as is expressly provided therein, shall not extend to Scotland or Northern Ireland.

**Textual Amendments**

F78 Ss. 110, 111(2) repealed by Agriculture Act 1958 (c. 71), Sch. 3

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

C23 Unreliable margin note

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## SCHEDULES

### <sup>F79</sup>F79 FIRST SCHEDULE

#### Textual Amendments

**F79** Sch. 1 repealed by [Agriculture Act 1957 \(c. 57\)](#), [Sch. 4 Pt. I](#)

.....  
F79

### <sup>F80</sup>SECOND SCHEDULE

Sections 15, 36, 95.

#### Textual Amendments

**F80** Sch. SECOND repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1

### <sup>F81</sup>F81 THIRD TO SEVENTH SCHEDULES

#### Textual Amendments

**F81** Schs. 3–7 repealed by [Agricultural Holdings Act 1948 \(c. 63\)](#), ss. 98–100, [Sch. 8](#)

.....  
F81

### EIGHTH SCHEDULE

Section 67.

#### PROVISIONS OF SMALL HOLDINGS AND ALLOTMENTS ACTS APPLIED OR SAVED

### <sup>F82</sup>F82 PART I

#### Textual Amendments

**F82** Sch. 8 Pt. I repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 113(3), [Sch. 5 Pt. III](#)

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F82  
 . . .

## PART II

### PROVISIONS SAVED

<i>Enactment saved</i>	<i>Extent of saving</i>
<p>In the Smallholdings and Allotments Act 1926 (16 &amp; 17 Geo. 5. c. 52):—</p> <p>F83            . . .</p> <p>Sections five to seven (provisions as to payment for sales of holdings by terminable annuities, as to conditions binding on holdings sold or let, and as to recovery of possession where condition broken.)</p>	<p>F83            . . .</p> <p>(1) The sections shall, subject to the modification hereinafter provided, continue in operation in relation to smallholdings sold or let before the commencement of Part IV of this Act, except in so far as they provide for the sale of smallholdings or any other disposition thereof [<sup>F84</sup>not authorised by Part III of the Agriculture Act 1970] and except in so far as subsection (1) of section six renders the consent of the Minister unnecessary where no contribution is payable by him.</p> <p>(2) The requirement in paragraph (c) of subsection (1) of section six that the holding shall be cultivated in accordance with the rules of good husbandry as defined in the M10</p> <p>Agricultural Holdings Act 1923, shall be construed as a requirement that the owner or occupier, as the case may be, shall fulfil his responsibilities to farm the holding in accordance with the rules of good husbandry, and section eleven of this Act shall apply accordingly.</p>
<p>Sections thirteen and fourteen (provisions as to loans for purchase and equipment of holdings).</p>	<p>The sections shall continue in operation in relation to loans made before the commencement of Part IV of this Act.</p>

#### Textual Amendments

**F83** Sch. EIGHTH Pt. II entry repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 3

**F84** Words substituted by Agriculture Act 1970 (c. 40), Sch. 4

#### Marginal Citations

**M10** 1923 c. 9.

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## NINTH SCHEDULE

Sections 68, 71, 73.

## CONSTITUTION ETC. OF COMMISSION, SUB-COMMISSION, COMMITTEES AND TRIBUNALS

F85

1—6.

**Textual Amendments****F85** Sch. 9 paras. 1–6 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

F86

7—12.

**Textual Amendments****F86** Sch. 9 paras. 7–12 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6***Agricultural Land Tribunals*

[<sup>F87</sup>13 (1) The Lord Chancellor shall appoint a chairman for each Agricultural Land Tribunal, who shall be a [<sup>F88</sup>person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.]

(2) [<sup>F89</sup>Subject to sub-paragraph (2A) of this paragraph,] the chairman shall hold office for [<sup>F90</sup>such period as may be specified in the terms of his appointment], and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.

[ No appointment of a person to be the chairman shall be such as to extend beyond the <sup>F91</sup>(2A) day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).]

(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 with his creditors, the Lord Chancellor may revoke the appointment of the chairman.]

**Textual Amendments****F87** Sch. 9 paras. 13–16, 16A substituted for paras. 13–16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)****F88** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 6(1)****F89** Words in Sch. 9 para. 13(2) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 46(2)(a)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2.**

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- F90** Words in Sch. 9 para. 13(2) substituted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 46(2)(b)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**.
- F91** Sch. 9 para. 13(2A) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 46(3)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**.

[<sup>F92</sup>14 [<sup>F93</sup>(1)]The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of deputy-chairmen, who shall be [<sup>F94</sup>persons eligible for appointment under paragraph 13(1).]

[<sup>F93</sup>(2) A member of the panel of deputy-chairmen shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).]

#### Textual Amendments

- F92** Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by *Agriculture Act 1958 (c. 71)*, **Sch. 1 Pt. I para. 5(1)(2)**
- F93** Sch. 9 para. 14 renumbered as sub-paragraph (1) and sub-paragraph 14(2) added (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 46(4)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**.
- F94** Words substituted by *Courts and Legal Services Act 1990 (c. 41, SIF 37)*, s. 71(2), **Sch. 10 para. 6(2)**

[<sup>F95</sup>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.

[ A member of either of the panels drawn up under sub-paragraph (1) of this paragraph <sup>F96</sup>(1A) shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).]

(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 of 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.]

#### Textual Amendments

- F95** Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by *Agriculture Act 1958 (c. 71)*, **Sch. 1 Pt. I para. 5(1)(2)**
- F96** Sch. 9 para. 15(1A) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 46(5)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**.

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- [<sup>F97</sup>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 by the chairman either from the panel of deputy-chairmen (whether for that Tribunal or for any other Agricultural Land Tribunal) or from among the chairmen of other Agricultural Land Tribunals, and
  - (b) one person nominated by the chairmen 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.]

#### Textual Amendments

**F97** Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)**

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

**C24** Sch. 9 para. 16(1) modified by [Land Drainage Act 1976 \(c. 70\)](#), **s. 42(1)**

**C25** Sch. 9 para. 16(1)(b) excluded (1.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), **ss. 31(2), 76(2)** (with **ss. 67(3)(5)(8), 72(6), 74(3)(4)**)

- [<sup>F98</sup>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]

#### Textual Amendments

**F98** Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(2)**

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

**C26** Sch. 9 para. 16A extended by [Land Drainage Act 1976 \(c. 70\)](#), **s. 42(2)**

**C27** Sch. 9 para. 16A applied (1.12.1991) by [Land Drainage Act 1991 \(c. 59, SIF 73:1\)](#), **ss. 31(3), 76(2)** (with **ss. 67(3)(5)(8), 72(6), 74(3)(4)**)

- 17 (1) [<sup>F99</sup>The Lord Chancellor] may by order direct that the foregoing provisions of this Schedule as to the nominated members of Agricultural Land Tribunals shall have effect subject to such modification of the number of such members, and such additions to the classes of persons referred to in paragraph 15 of this Schedule, as may be specified in the order.

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(2) Any order under this paragraph shall be of no effect unless approved by resolution of each House of Parliament.

**Textual Amendments**

**F99** Words substituted by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(3)**

F100

18

**Textual Amendments**

**F100** Sch. 9 para. 18 repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 2 Pt. I**

*Disqualifications for appointment*

19 (1) ..... **F101**

(2) A person shall be disqualified for being appointed or being a member of, or assessor to, an Agricultural Land Tribunal so long as he is a member of any other body mentioned in the last foregoing sub-paragraph.

**Textual Amendments**

**F101** Sch. 9 para. 19(1) repealed by [House of Commons Disqualification Act 1957 \(c. 20\)](#), **Sch. 4 Pt. I**

*Validity of acts*

20 (1) Any body mentioned in the last foregoing paragraph shall have power to act notwithstanding any vacancy among its members.

(2) All acts done at any meeting of any such body shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment or disqualification of a person purporting to be a member thereof, be as valid as if that defect had not existed.

(3) Nothing in sub-paragraph (1) of this paragraph shall affect any requirement as to the number of members necessary to constitute a meeting of any such body as aforesaid.

F102

21



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#### Textual Amendments

**F102** Sch. 9 para. 21 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

#### *Officers and Servants*

- 22 (1) . . . . . **F103**
- (2) The Minister shall attach to . . . **F104** Agricultural Land Tribunals such officers and servants of the Ministry as he may with the approval of [**F105** the Minister for the Civil Service] determine to be required for providing the . . . **F104** tribunals with the necessary officers and servants.
- (3) . . . . . **F103**

#### Textual Amendments

**F103** Sch. 9 para. 22(1)(3) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

**F104** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

**F105** Words substituted by virtue of [S.I. 1971/2099](#), **arts. 2, 3, 6(5)**

#### *Remuneration and Expenses*

- 23 (1) The Minister may pay to members of . . . **F106** Agricultural Land Tribunals such remuneration (whether by way of salaries or of fees) as he may with the approval of [**F107** the Minister for the Civil Service] determine.
- (2) The Minister may pay to the members of any body mentioned in paragraph 19 of this Schedule and to the assessors to Agricultural Land Tribunals such allowances as he may with the approval of [**F107** the Minister for the Civil Service] determine.
- (3) The expenses of any body mentioned in paragraph 19 of this Schedule shall be defrayed by the Minister.

#### Textual Amendments

**F106** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

**F107** Words substituted by virtue of [S.I. 1971/2099](#), **arts. 2, 3, 6(5)**

#### *Proof of Instruments*

- 24 Any document purporting to be a document duly executed or issued . . . **F108** on behalf of any such body as aforesaid shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

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**Textual Amendments**

**F108** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

**F109**TENTH SCHEDULE

**Textual Amendments**

**F109** Sch. 10 repealed [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

F109

ELEVENTH SCHEDULE

Section 86.

APPLICATION IN RELATION TO MORTGAGES AND CHARGES OF SECTION 86 OF ACT

**F110**<sub>1</sub> .....

**Textual Amendments**

**F110** Sch. 11 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

**F110**<sub>2</sub> .....

**Textual Amendments**

**F110** Sch. 11 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

**F111**TWELFTH SCHEDULE

**Textual Amendments**

**F111** Sch. 12 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

F111

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F112F112-THIRTEENTH  
SCHEDULE

.....  
**Textual Amendments**

**F112** [Sch. 13](#) repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 3](#)

.....  
F112

**Status:**

Point in time view as at 22/07/2004.

**Changes to legislation:**

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