



Agriculture Act 1947

1947 CHAPTER 48

PART V

ADMINISTRATIVE AND GENERAL.

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;
 - (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.

83 Acquisition by Minister of land for research, experiment and demonstration.

The Minister may acquire by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf any land for the purposes of agricultural research or experiment or of demonstrating agricultural methods.

84 Acquisition of land by Minister to ensure full and efficient use thereof.

- (1) Where—

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- (a) the Minister is satisfied in the case of any agricultural land that the full and efficient use of the land for agriculture is being prevented by reason of work not being carried out or fixed equipment not being provided, and that having regard to the nature of the work or equipment required for such use of the land as aforesaid it cannot reasonably be expected to be carried out or provided unless the Minister exercises his powers under this subsection; or
- (b) the Minister is satisfied in the case of any agricultural land that the full and efficient use of the land for agriculture will be prevented if existing fixed equipment thereon is not maintained, and that having regard to the nature of the equipment it cannot reasonably be expected to be maintained unless the Minister exercises his powers under this subsection; or
- (c) agricultural land has been severed from other such land in the exercise of powers conferred, for purposes other than agricultural purposes, by or under any enactment, or has been otherwise injuriously affected in the exercise of such powers, or such powers have been conferred and the Minister is satisfied that they will be exercised so that agricultural land will be severed or otherwise injuriously affected as aforesaid, and (in any case) the Minister is satisfied that the full and efficient use of the land for agriculture cannot be achieved unless the land is used therefor in conjunction with other land and that it cannot reasonably be expected to be so used unless the Minister exercises his powers under this subsection,

then, if the Minister proposes to secure the carrying out of the work, the provision or maintenance of the equipment, or the use of the land in conjunction with other land, as the case may be, he may acquire the land, or any part thereof, by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf.

- (2) Before proceeding with the acquisition of land under paragraph (a) or paragraph (b) of the last foregoing subsection, the Minister shall refer to the Agricultural Land Commission for their report thereon the question whether the conditions are fulfilled as to which under the said paragraph (a) or (b), as the case may be, the Minister must be satisfied before acquiring the land, and shall take into consideration the report of the Commission.
- (3) On any such reference the Commission, after inspecting the land in question and making such other enquiries as appear to them requisite, shall prepare a draft report to the Minister on the question referred to them, containing such information as to work to be carried out, or fixed equipment to be provided or maintained, as mentioned in the said paragraph (a) or (b), as appears to the Commission necessary for indicating whether such work or equipment can reasonably be expected to be carried out, provided or maintained without the exercise by the Minister of his powers under subsection (1) of this section.
- (4) The Commission shall publish, in such manner as appears to them best suited for informing owners, lessees and occupiers of land to which a draft report under the last foregoing subsection relates, a notice stating a place where copies of the draft report may be obtained by owners, lessees or occupiers of any of the said land, and the time within which representations may be made to the Commission by any such owners, lessees or occupiers, either orally or in writing, as to the question referred to the Commission.
- (5) The Commission shall consider any such representations as aforesaid duly made, and any technical or other evidence adduced on the making of the representations, and shall then submit a report to the Minister, either in the terms of the draft or subject

to such modifications as appear to the Commission expedient in the light of the said representations and evidence.

- (6) The Minister shall cause any report of the Commission under this section to be published.
- (7) The Minister may acquire by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf any land as to which he is satisfied that its acquisition by him is necessary in order to put to full and efficient use for agriculture land acquired by him under subsection (1) of this section.

85 Power of Minister to retain possession of land in interests of agricultural production.

- (1) The following provisions of this section shall have effect for the purpose of enabling the Minister to secure or maintain the full and efficient use for agriculture—
 - (a) of agricultural land of which the Minister or a person acting under his authority is in possession, or
 - (b) of other such agricultural land in conjunction with which in the opinion of the Minister the land mentioned in paragraph (a) of this subsection ought to be farmed.
- (2) Where the Minister or any person acting under his authority is in possession of the land mentioned in paragraph (a) of the last foregoing subsection under powers conferred by regulations made under the Emergency Powers (Defence) Acts, 1939 to 1945, or is in possession thereof under section twenty-three of the Agriculture (Miscellaneous War Provisions) Act, 1940, and the Minister is satisfied that it is necessary for the purpose mentioned in the last foregoing subsection that possession of the land should be retained by him or on his behalf, and certifies accordingly, the Minister may purchase the land compulsorily in accordance with the provisions of this Act in that behalf.
- (3) Where the Minister or any person acting under his authority is in possession of the land mentioned in paragraph (a) of subsection (1) of this section by virtue of having acquired the land under section nine of the Agriculture (Miscellaneous Provisions) Act, 1941, or section sixteen of the Agriculture (Miscellaneous Provisions) Act, 1943 (which empower the Minister in certain circumstances to acquire land, but subject to an obligation to offer it for re-sale as provided in section ten of the said Act of 1941) and the Minister is satisfied that it is necessary for the purposes mentioned in the said subsection (1) that the said obligation shall not apply to the land, and certifies accordingly, the said obligation shall not apply in relation to the land.
- (4) The Minister shall not give a certificate under this section until, after affording—
 - (a) in the case of a proposed certificate under subsection (2) of this section, to every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any direction under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land to which the proposed certificate is to relate,
 - (b) in the case of a proposed certificate under subsection (3) of this section, to any person to whom apart from the certificate the Minister would be under an obligation to offer to re-sell the land under section ten of the said Act of 1941,an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, he has given notice in writing to

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every such person as is mentioned in paragraph (a) or paragraph (b) of this subsection, as the case may be, of the Minister's proposal to give the certificate.

- (5) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under this Part of this Act, and the provisions in that behalf of this Part of this Act shall apply accordingly.
- (6) Nothing in section nine or ten of the said Act of 1941 or section sixteen of the said Act of 1943 shall require the Minister, in the case of land acquired by him under the said section nine or sixteen, to re-sell the land except in pursuance of an offer made and duly accepted under subsections (1) to (4) of the said section ten.

86 Control of subdivision of agricultural units.

- (1) If while this section is in force a major disposition to which this section applies is made of land forming part only of an agricultural unit, and the consent of the Minister to the disposition is not obtained either before or after the making thereof, then subject to the provisions of this section the Minister may within three years from the making of the disposition purchase compulsorily in accordance with the provisions of this Act in that behalf the said land and any other land which when the disposition was made formed part of the agricultural unit:

Provided that the Minister shall not have power under this subsection to purchase any such other land which since the disposition was made has been the subject of a disposition to which the consent of the Minister has been obtained or a major disposition to which when it was made this section did not apply.

- (2) If while this section is in force any minor disposition to which this section applies is made of land forming part only of an agricultural unit, and the consent of the Minister to the disposition is not obtained either before or after the making thereof, the land shall be treated for the purposes of this section as continuing to form part of the unit notwithstanding the disposition or anything done in pursuance thereof:

Provided that where at any time it is shown that land has throughout the last preceding three years been farmed as part of the same agricultural unit as other land, nothing in this subsection shall require the first-mentioned land to be treated at the said time as being outside the agricultural unit comprising that other land.

- (3) Subject to the provisions of the Eleventh Schedule to this Act as to mortgages and charges, in this section the expression "disposition" means a conveyance, assignment, surrender, grant, or agreement for the grant of an interest in land; the expression "major disposition" means a conveyance of the fee simple, a grant or agreement for the grant of a tenancy for an interest greater than from year to year, or an assignment or surrender of a tenancy granted for any such interest; and the expression "minor disposition" means any other disposition; and subject to the provisions of the said Eleventh Schedule the dispositions to which this section applies are all dispositions except—
 - (a) a conveyance, assignment or surrender of an interest where the disposition comprises the whole of the land in an agricultural unit to which that interest extends, or a grant or agreement for the grant of an interest out of another interest if the disposition comprises the whole of the land in an agricultural unit to which the said other interest extends;

- (b) a conveyance of the fee simple, or an assignment, grant or agreement for the grant of a tenancy, made in pursuance of a specific devise, bequest or direction in that behalf contained in any testamentary instrument;
 - (c) any disposition made in pursuance of a contract in writing entered into at a time when this section is not in force.
- (4) The Minister shall not refuse his consent under this section to any disposition, or exercise any power of compulsory purchase under subsection (1) of this section, unless, after affording—
 - (a) in the case of an application for the Minister's consent to a disposition, to the parties thereto;
 - (b) in the case of a compulsory purchase of land, to every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any directions under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land,
an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, the Minister is satisfied that it is expedient so to do in order to avoid a less efficient use for agriculture of the land in question, and certifies accordingly.
- (5) Before giving a certificate in a case falling within paragraph (b) of the last foregoing subsection the Minister shall give notice in writing to every such person as is specified in that paragraph of his proposal to give the certificate.
- (6) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal, and the provisions of this Part of this Act in that behalf shall apply accordingly.
- (7) This section shall be in force during any such period as the Minister may by order determine, and any order under this subsection may have effect either generally or in relation to such area as may be specified therein.
- (8) Any order under the last foregoing subsection shall be of no effect unless approved by resolution of each House of Parliament.

87 Experimental schemes for readjustment of farm boundaries.

- (1) Where it appears to the Minister, in the case of any area, that it is for consideration whether in the interests of the full and efficient use of land for agriculture adjustments should be made in the boundaries between agricultural units in the area, or whether any such agricultural units or parts thereof should be amalgamated with other such agricultural units or parts thereof, the Minister may refer the matter for consideration to the Agricultural Land Commission (hereafter in this section referred to as " the Commission ").
- (2) On any such reference the Commission shall, after causing the area to which the reference relates to be inspected and affording an opportunity to persons appearing to them to be likely to be affected by any such adjustment or amalgamation to make representations to the Commission, submit a report to the Minister—
 - (a) stating whether in the opinion of the Commission it is desirable to promote a scheme for securing such adjustments or amalgamations as are mentioned in subsection (1) of this section, and

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(b) if they report that it is desirable so to do, setting out a provisional scheme for that purpose;

and if after considering the report of the Commission the Minister is of opinion that it is desirable to promote such a scheme as aforesaid, he shall, subject to the provisions of the next following subsection, direct the Commission to proceed with the preparation of a final scheme for submission to the Minister and confirmation by him.

(3) The Minister shall not, save as hereinafter provided, direct the Commission to proceed with the preparation of a final scheme under this section in the case of more than three areas:

Provided that the Minister may by order direct that the foregoing provisions of this subsection shall have effect with the substitution therein of such greater number of areas as may be specified in the order, but any order made under this proviso shall be of no effect unless approved by resolution of each House of Parliament.

(4) The provisions of the Twelfth Schedule to this Act shall have effect in relation to references to the Commission under this section and to the form, confirmation, variation, validity and coming into operation of schemes thereunder.

(5) The Commission may by notice in writing served on any person require him to furnish to them any such information as to the owners of interests in, and occupiers of, land specified in the notice as appears to the Commission requisite for the purposes of their functions under this section and the said Twelfth Schedule, and if without reasonable excuse any person on whom such a notice is served fails within a reasonable time to furnish to the Commission the information required, he shall be liable on summary conviction to a fine not exceeding ten pounds, and to a further fine not exceeding five pounds for each day after conviction on which the failure continues.

(6) It shall be the duty of the Commission to secure the carrying out of any final scheme which has come into operation under this section, either as confirmed or, with the consent of persons appearing to the Commission to be affected and the approval of the Minister, subject to such modifications as appear to the Commission expedient for the purposes of the scheme.

(7) Where—

(a) the Commission report to the Minister at any time after the coming into operation of a final scheme that the carrying out of the scheme is being hindered by failure to reach agreement in relation to the disposal of, or of any interest in, any land in the area to which the scheme relates, and

(b) the Minister is satisfied that it is necessary in order to carry out the scheme that he should exercise his powers under this subsection,

the Minister may purchase that land compulsorily in accordance with the provisions of this Act in that behalf.

(8) The owner of any land to which a final scheme under this section relates may at any time after the expiration of seven years from the coming into operation of the scheme, if the purchase under the last foregoing subsection of his interest in the land has not then become obligatory, give notice in writing to the Minister that he desires to avail himself of the provisions of this subsection, and where such a notice is given then unless within three months from the giving of the notice either—

(a) the purchase of the interest under the last foregoing subsection has become obligatory, or

- (b) the Minister has made to the owner an offer to purchase his interest at a price to be agreed, or, in default of agreement, at the like price, determined in the like manner, as if the purchase were compulsory,

his interest shall be treated as excepted from compulsory purchase under the last foregoing

In this subsection the expression "owner", in relation to any land, means 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, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired period whereof exceeds three years.

- (9) On the completion of the carrying out of any final scheme under this section the Commission shall submit to the Minister a report on the carrying out of the scheme and the Minister shall, as soon as may be, lay copies of the report before Parliament.
- (10) Where for the purposes of a final scheme under this section the landlord of a holding gives notice to quit part of the holding, then unless—
 - (a) under section twenty-seven of the Agricultural Holdings Act, 1923, the tenant accepts the notice to quit as a notice to quit the entire holding, and
 - (b) in consequence of the tenant so doing he becomes entitled under section thirty of this Act to compensation for disturbance in respect of the entire holding,the tenant shall notwithstanding proviso (a) of subsection (2) of the said section thirty not be entitled to any compensation under that section in excess of the loss or expense referred to in the said subsection (2) proved to have been suffered or incurred by him.

88 Transfer to Minister of land vested in other Government departments.

- (1) The appropriate Ministers may by order provide for the transfer to the Minister, by virtue of the order and without further assurance.—
 - (a) of any interest in land vested in the Minister of Works which was acquired by that Minister for the purposes of any functions of the Minister,
 - (b) of any interest in other land, being an interest held on behalf of His Majesty for the purposes of any Government department, in any case where it appears to the appropriate Ministers to be expedient that the interest should be transferred to the Minister either on the ground that it is no longer required to be held for the purpose for which it was acquired or otherwise,and any order under this section may contain such incidental and supplementary provisions as appear to the appropriate Ministers necessary or expedient for giving effect to the order.
- (2) In this section the expression "the appropriate Ministers" means the Minister and—
 - (a) in relation to paragraph (a) of the last foregoing subsection, the Minister of Works;
 - (b) in relation to paragraph (b) thereof, the Minister in charge of the Government department in question.

89 Transfer of land from Land Settlement Associations to Minister.

Where any body of persons having as its object or one of its objects the promotion of land settlement agrees with the Minister for the transfer to him of land owned by the said body, the Minister shall have power to acquire the land notwithstanding that not

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all of it is agricultural land; and the agreement may with the approval of the Treasury provide for the remission by the Minister, in consideration of the acquisition by him of the land or of the land and other property, of debts due to the Minister from the said body.

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.

91 Repeal of sections 1 to 4 of 21 and 22 Geo. 5. c. 41.

Sections one to four of the Agricultural Land (Utilisation) Act, 1931 (which enable the Minister to acquire land for demonstration farms and for reclamation) shall cease to have effect.