

*Status: Point in time view as at 01/07/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1947, NINTH SCHEDULE. (See end of Document for details)*

## SCHEDULES

### NINTH SCHEDULE

Sections 68, 71, 73.

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

*F1* .....

1—6.

#### Textual Amendments

**F1** Sch. 9 paras. 1–6 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

*F2* .....

7—12.

#### Textual Amendments

**F2** Sch. 9 paras.7–12 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

#### *Agricultural Land [<sup>F3</sup>Tribunal]*

#### Textual Amendments

**F3** Word in Sch. 9 para. 13 heading substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(2)(a)** (with Sch. 3)

[<sup>F4</sup>13 (1) The Lord Chancellor shall appoint a chairman for [<sup>F5</sup>the Agricultural Land Tribunal], who shall be a [<sup>F6</sup>person who satisfies the judicial-appointment eligibility condition on a 5-year basis].

(2) [<sup>F7</sup>Subject to sub-paragraph (2A) of this paragraph,] the chairman shall hold office for [<sup>F8</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>F9</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.

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- (4) If the Lord Chancellor [<sup>F10</sup>and Lord Chief Justice are both] 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<sup>F11</sup>, with the concurrence of the Lord Chief Justice, ] revoke the appointment of the chairman.]

#### Textual Amendments

- F4** Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 5\(1\)\(2\)](#)
- F5** Words in Sch. 9 para. 13(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 193\(2\)\(b\)](#) (with Sch. 3)
- F6** Words in Sch. 9 para. 13(1) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 4](#); [S.I. 2008/1653](#), [art. 2\(d\)](#) (with arts. 34)
- F7** 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](#).
- F8** 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](#).
- F9** 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](#).
- F10** Words in Sch. 9 para. 13(4) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 33\(2\)\(a\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11(d)
- F11** Words in Sch. 9 para. 13(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 33\(2\)\(b\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11(d)

- [<sup>F12</sup>14 [ <sup>F13</sup> (1)]The Lord Chancellor shall draw up for [<sup>F14</sup>the Agricultural Land Tribunal] and from time to time revise a panel of deputy-chairmen, who shall be [<sup>F15</sup> persons eligible for appointment under paragraph 13(1). ]]

- [<sup>F13</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

- F12** Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 5\(1\)\(2\)](#)
- F13** 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](#).
- F14** Words in Sch. 9 para. 14(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 193\(3\)](#) (with Sch. 3)
- F15** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 6\(2\)](#)

- [<sup>F16</sup>15 (1) The Lord Chancellor shall draw up for [<sup>F17</sup>the 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.

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- [ A member of either of the panels drawn up under sub-paragraph (1) of this paragraph<sup>F18</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

- F16** Sch. 9 paras. 13–16, 16A substituted for paras. 13-16 by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. I para. 5\(1\)\(2\)](#)
- F17** Words in Sch. 9 para. 15(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 193\(4\)](#) (with Sch. 3)
- F18** 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](#).

[<sup>F19</sup>15A(1) A member of the First-tier Tribunal may, at the request of the Chairman of the Agricultural Land Tribunal and with the approval of the Senior President of Tribunals, act as a member of the Agricultural Land Tribunal.

- (2) Every person while acting under this paragraph may perform the functions of a member of the Agricultural Land Tribunal.]

#### Textual Amendments

- F19** Sch. 9 para. 15A inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 193\(5\)](#) (with Sch. 3)

[<sup>F20</sup><sup>F21</sup>6(1) Subject to paragraph 15A, for each hearing by the Agricultural Land Tribunal of an application or reference thereto, the members of the Agricultural Land Tribunal shall be—

- (a) the chairman, or a person nominated by the chairman from the panel of deputy-chairmen, and
- (b) one person nominated by the chairman from each of the panels drawn up under paragraph 15.]

- (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.

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- (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**

- F20** 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)**
- F21** Sch. 9 para. 16(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), **art. 1, Sch. 1 para. 193(6)** (with Sch. 3)

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

- C1** Sch. 9 para. 16(1) modified by [Land Drainage Act 1976 \(c. 70\)](#), **s. 42(1)**

[<sup>F22</sup> 16A [ If the chairman of [<sup>F24</sup>the Agricultural Land Tribunal] is prevented by sickness or [<sup>F23</sup>(1)] 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 [<sup>F25</sup>... by the chairman or, if the chairman is unable to make the appointment, by the [<sup>F26</sup>Lord Chief Justice, after consulting the Lord Chancellor]]

[<sup>F27</sup>(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (1).]

**Textual Amendments**

- F22** 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)**
- F23** Sch. 9 para. 16A(1): Sch. 9 para. 16A renumbered as Sch. 9 para. 16A(1) (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), **s. 148(1)**, **Sch. 4 para. 33(3)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(d)
- F24** Words in Sch. 9 para. 16A(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), **art. 1, Sch. 1 para. 193(7)(a)** (with Sch. 3)
- F25** Words in Sch. 9 para. 16A(1) omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), **art. 1, Sch. 1 para. 193(7)(b)** (with Sch. 3)
- F26** Words in Sch. 9 para. 16A(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), **s. 148(1)**, **Sch. 4 para. 33(3)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(d)
- F27** Sch. 9 para. 16A(2) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), **s. 148(1)**, **Sch. 4 para. 33(3)(c)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(d)

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

- C2** Sch. 9 para. 16A extended by [Land Drainage Act 1976 \(c. 70\)](#), **s. 42(2)**
- C3** 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>F28</sup>The Lord Chancellor] may by order direct that the foregoing provisions of this Schedule as to the nominated members of [<sup>F29</sup>the Agricultural Land Tribunal] shall have effect subject to such modification of the number of such members, and such

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additions to the classes of persons referred to in paragraph 15 of this Schedule, as may be specified in the order.

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

**Textual Amendments**

**F28** Words substituted by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 1 Pt. I para. 5(1)(3)**

**F29** Words in Sch. 9 para. 17(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(8)** (with Sch. 3)

*F30*  
.....

18

**Textual Amendments**

**F30** Sch. 9 para. 18 repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 2 Pt. I**

*Disqualifications for appointment*

19 (1) ..... *F31*

- (2) A person shall be disqualified for being appointed or being a member of, or assessor to, [<sup>F32</sup>the Agricultural Land Tribunal] so long as he is a member of any other body mentioned in the last foregoing sub-paragraph.

**Textual Amendments**

**F31** Sch. 9 para. 19(1) repealed by [House of Commons Disqualification Act 1957 \(c. 20\)](#), **Sch. 4 Pt. I**

**F32** Words in Sch. 9 para. 19(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(9)** (with Sch. 3)

*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.

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F33 .....

21

**Textual Amendments**

**F33** Sch. 9 para. 21 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

*Officers and Servants*

22 (1) ..... F34

(2) The Minister shall attach to . . . <sup>F35</sup>[<sup>F36</sup>the Agricultural Land Tribunal] such officers and servants of the Ministry as he may with the approval of [<sup>F37</sup>the Minister for the Civil Service] determine to be required for providing the . . . <sup>F35</sup> tribunals with the necessary officers and servants.

(3) ..... F34

**Textual Amendments**

**F34** Sch. 9 para. 22(1)(3) repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

**F35** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

**F36** Words in Sch. 9 para. 22(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(10)** (with Sch. 3)

**F37** 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 . . . <sup>F38</sup>[<sup>F39</sup>the Agricultural Land Tribunal] such remuneration (whether by way of salaries or of fees) as he may with the approval of [<sup>F40</sup>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 [<sup>F41</sup>the Agricultural Land Tribunal] such allowances as he may with the approval of [<sup>F40</sup>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**

**F38** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

**F39** Words in Sch. 9 para. 23(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(11)** (with Sch. 3)

**F40** Words substituted by virtue of S.I. 1971/2099, **arts. 2, 3, 6(5)**

**F41** Words in Sch. 9 para. 23(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 193(11)** (with Sch. 3)

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### *Proof of Instruments*

- 24 Any document purporting to be a document duly executed or issued . . . <sup>F42</sup> 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**

**F42** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1963 \(c. 11\)](#), **Sch. Pt. I**

**Status:**

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