



Hill Farming Act 1946

1946 CHAPTER 73 9 and 10 Geo 6

General

^{F1}32 **Advisory committees.**

.....

Textual Amendments

F1 S. 32 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, Sch. 11 para. 2, 12; S.I. 2006/2541, art. 2 (with Sch.)

33 ^{F2}

Textual Amendments

F2 S. 33 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62, SIF 2:1\)](#), s. 26(3)(4), [Sch. 6](#)

34 **Power to enter on and inspect land.**

- (1) For the purposes of this Act, an officer of the appropriate Minister authorised in that behalf by general or special directions given by him, ^{F3} . . . shall, on producing, if so required written evidence of his authority, have power at all reasonable times to enter on and inspect—
- (a) any land which he has reason to believe to be used, or to be capable of being used, for hill farming purposes; and
 - (b) any land which he has reason to believe to be used in connection with the use for hill farming purposes of other land:

Provided that admission to any land shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

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- (2) If any person obstructs or impedes an officer of the appropriate Minister authorised as aforesaid^{F3} . . . in the exercise of his powers under the preceding subsection, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F4}level 2 on the standard scale] in the case of a first offence or [^{F4}level 2 on the standard scale] in the case of a second or any subsequent offence.
- [^{F5}(3) This section applies in relation to land in England as if, for the purposes of an agreement under Chapter 1 of Part 8 of the Natural Environment and Rural Communities Act 2006 (agreements with designated bodies), references to an officer of the appropriate Minister authorised by general or special directions given by him were references to a person authorised by the appropriate Minister by general or special directions given by him.]

Textual Amendments

- F3** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62, SIF 2:1\), s. 26\(3\)\(4\), Sch. 6](#)
- F4** Words in s. 34(2) substituted by virtue of: (E.W.) [Criminal Law Act 1977 \(c. 45\), s. 31](#) and [Criminal Justice Act 1982 \(c. 48\), ss. 35, 37, 38, 46](#); (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), ss. 289C, 289E, 289G](#); and (N.I.) [The Fines and Penalties \(Northern Ireland\) Order 1984 \(S.I. 1984/703 \(N.I. 3\)\), arts. 5, 6, 9](#)
- F5** S. 34(3) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 3; S.I. 2006/2541, art. 2 \(with Sch.\)](#)

[^{F6}34A Offences by bodies corporate etc.

- (1) Where an offence under this Act has been committed by a body corporate and it is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body; or
 - (b) a person who purported to act in any such capacity,
- he (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) Where an offence under this Act has been committed by a Scottish partnership or other unincorporated association and it is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of—
- (a) in relation to a Scottish partnership, any partner or any person who was purporting to act in such capacity;
 - (b) in relation to an unincorporated association other than a Scottish partnership, any person who was concerned in the management or control of the association or any person who was purporting to act in any such capacity,
- he (as well as the partnership or, as the case may be, other unincorporated association) is guilty of the offence and is liable to be proceeded against and punished accordingly.]

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Textual Amendments

F6 S. 34A inserted (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. 35, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(g)

35 Recovery of sums by Ministers.

Any sum recoverable under this Act by the Ministers or either of them may be recovered as a debt due to the Crown or summarily as a civil debt, and a complaint made for the purposes of recovering any such sum summarily as a civil debt may be made at any time within twelve months from the time when the matter of the complaint arose.

36 Expenses of, and disposal of sums accruing to Ministers.

- (1) Any expenses which are incurred for the purposes of this Act by the Ministers or either of them, and which are not hereinbefore directed to be defrayed out of moneys provided by Parliament, shall be defrayed out of moneys so provided.
- (2) All sums recovered under any provision of this Act from any person by the Ministers or either of them^{F7}... shall be paid into the Exchequer.

Textual Amendments

F7 Words in s. 36(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1

37 Provisions as to laying before Parliament of instruments made under this Act.

- (1) Any such instrument as the following made under this Act shall be laid before Parliament forthwith after it is made, that is to say—
 - (a) an order modifying the kinds of operations that are to be treated as improvements for the purposes of this Act;
 - ^{F8}(b)
 - (c)^{F9}
 - (f) any regulations made under the provisions of this Act relating to the keeping of rams and uncastrated ram lambs on land in England or Wales; and
 - (g) any regulations made under the provisions of this Act relating to the burning of heather [^{F10}grass, bracken, gorse and vaccinium]in England or Wales,
 and if either House of Parliament within the period of forty days after any such instrument is laid before it resolves that it be annulled, it shall thereupon become void, but without prejudice to the validity of anything done thereunder in the meantime or to the making of a new order or scheme or new regulations.

.....^{F11}

(2).....^{F12}

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Textual Amendments

- F8** S. 37(1)(b) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1
- F9** S. 37(1)(c)(d)(e) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), [s. 1\(1\)](#), Pt. II
- F10** Words substituted by [Hill Farming Act 1985 \(c. 32, SIF 2:8\)](#), [s. 1](#)
- F11** Para. repealed by [Statute Law Revision Act 1953 \(c. 5\)](#)
- F12** S. 37(2) repealed by [Statute Law Revision Act 1953 \(c. 5\)](#)

38 Interpretation.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

“the appropriate Minister” means, in relation to England, Wales or Northern Ireland or functions exercisable with respect to England, Wales or Northern Ireland, the Minister of Agriculture and Fisheries, and, in relation to Scotland, the Secretary of State; and “the Ministers” means the Minister of Agriculture and Fisheries and [^{F13}the Secretary of State for Scotland and the Secretary of State for Wales]

“hill farming land” and “hill farming purposes” have respectively the meanings assigned to them by section one of this Act.

Textual Amendments

- F13** Words substituted by [S.I. 1978/272, art. 1](#), [Sch. 5 para. 1](#)

Modifications etc. (not altering text)

- C1** Style and title of Minister of Agriculture and Fisheries now changed to Minister of Agriculture, Fisheries and Food by [S.I. 1955/554 \(1955 I, p. 1200\)](#)

39 Provisions as to Scotland.

(1) This Act shall, in its application to Scotland, have effect subject to the following modifications:—

- (a) **F14**
- (c) **F15**
- (d) **F16**
- (e) in section thirty-five the word “summarily” and the words from “and a complaint” to the end of the section shall be omitted;
- (f) unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them respectively, that is to say—

“lease” in relation to a common pasture of grazing includes regulations made or approved by the Land Court under the Small Landholders (Scotland) Acts, 1886 to 1931;

“making muirburn” includes setting fire to or burning any heath or muir; and

“tenant” means a tenant for agricultural or pastoral purposes, and, in the case of a common pasture or grazing, includes the committee appointed under the Small Landholders (Scotland) Acts, 1886 to 1931.

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- (2) The provisions of the Small Landholders (Scotland) Acts, 1886 to 1931, with regard to the Land Court shall, with any necessary modifications, apply for the purpose of the determination of any matter which they are required by or under this Act to determine, in like manner as those provisions apply for the purpose of the determination by the Land Court of matters referred to them under those Acts.

Textual Amendments

- F14** S. 39(1)(a)(b) repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 35(1), 113(3), **Sch. 5 Pt. II**
- F15** S. 39(1)(c) repealed with savings by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\)](#), ss. 97-99, **Sch. 8**
- F16** S. 39(1)(d) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. II**

40 Application to Northern Ireland.

- (1) This Act shall, in its application to Northern Ireland, have effect subject to the modifications specified in the succeeding provisions of this section.
- (2) The burning of heather or grass shall not be treated as an improvement for the purposes of this Act.

(3) **F17**

F18(4)

- (5) For section eleven there shall be substituted the following section:—

The Settled Land Act, 1882, as amended by any subsequent enactment, shall have effect as if the improvements enumerated in section twenty-five thereof (being improvements on which capital trust money may be expended) included any operation which is to be treated as an improvement for the purposes of this Act, and which is of a kind prescribed by regulations made by the Minister of Agriculture and Fisheries as being of a permanent character.”

- (6) Section thirty-four shall have effect as if references therein to an officer of the appropriate Minister authorised as therein mentioned by general or special directions given by him included references to an officer of the Ministry of Agriculture for Northern Ireland authorised to act under that section by general or special directions given by that Ministry on behalf of the appropriate Minister.

(7) **F19**

Textual Amendments

- F17** S. 40(3) repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 35(1), 113(3), **Sch. 5 Pt. II**
- F18** S. 40(4) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. II**
- F19** S. 40(7) repealed by [Northern Ireland Act 1962 \(c. 30\)](#), **Sch. 4 Pt. IV**

41 Short title.

This Act may be cited as the Hill Farming Act, 1946.

Changes to legislation:

There are currently no known outstanding effects for the Hill Farming Act 1946, Cross Heading: General.