



Hill Farming Act 1946

1946 CHAPTER 73

General

32 Advisory committees

(1) There shall be constituted, with the function of advising the appropriate Minister as to the exercise of his powers under this Act, an advisory committee for England, Wales and Northern Ireland, a sub-committee of that committee for Wales and Monmouthshire, and an advisory committee for Scotland.

(2) The members of each of the said committees and of the said sub-committee shall be appointed by the appropriate Minister, and he shall have power to determine the constitution thereof:

Provided that not less than one half of the members of the said sub-committee shall be persons who are members of the advisory committee for England, Wales and Northern Ireland.

(3) The reference in section five of this Act to the appropriate advisory committee to be consulted as to revoking or varying a hill farming land improvement scheme shall be construed as a reference to the said sub-committee where the scheme is concerned only with land in Wales or Monmouthshire.

(4) The appropriate Minister may defray expenses incurred by the committee or sub-committee to be appointed by him under this section.

33 Local committees

(1) The appropriate Minister may constitute local committees for such areas as he may determine with the function of assisting him in the exercise, as respects those areas, of his powers under this Act, and may appoint the members thereof.

(2) The appropriate Minister may delegate to a local committee constituted under this section functions of his under this Act, other than the making of improvement grants or subsidy payments, the approval, making, revocation or variation of any scheme, or the making of any order or regulations.

- (3) For the purposes of a delegation by the appropriate Minister to such a local committee of his power to do work under the provisions of this Act relating to the making of improvements for the benefit of hill farming land that is subject to rights of common 6f. pasture, references in those provisions to work done by the appropriate Minister shall include references to work done by the committee.
- (4) The appropriate Minister may defray expenses incurred by such a local committee.
- (5) If any question arises as to which of two or more such local committees is or was the appropriate local committee for any purpose, that question shall be determined by the appropriate Minister.

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, and a member or officer so authorised of a local committee constituted under this Act, 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.

- (2) If any person obstructs or impedes an officer of the appropriate Minister authorised as aforesaid or a member or officer so authorised of any such local committee as aforesaid 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 five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

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, or retained by them out of the proceeds of any sale of sheep or cattle forfeited under an order made under the provisions of this Act relating to sheep or cattle imported or brought into the United Kingdom, shall be paid into the Exchequer.

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 ;
- (b) any regulations made under the provisions of this Act relating to the imposition of conditions with respect to the occupation and maintenance of cottages.
- (c) a hill sheep scheme or a hill cattle scheme ;
- (d) an order prescribing the amount of a subsidy payment or an order varying or revoking any such order ;
- (e) any order made under the provisions of this Act relating to sheep or cattle imported or brought into the United Kingdom ;
- (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 and grass 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.

In reckoning the period of forty days aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(2) Section one of the Rules Publication Act, 1893, shall not apply to any such order, scheme or regulations as aforesaid.

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 the Secretary of State ;

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

39 Provisions as to Scotland

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

- (a) in subsection (2) of section three there shall be inserted after the words " having an interest " the words " as proprietor or as tenant " ;
- (b) any question which under section five is to be determined by an official arbitrator shall be determined by the Land Court;

Status: This is the original version (as it was originally enacted).

- (c) in section nine for a reference to any provision of the Agricultural Holdings Act, 1923, there shall be substituted a reference to the corresponding provision of the Agricultural Holdings (Scotland) Act, 1923 ;
- (d) in section fourteen for subsections (1) and (2) there shall be substituted the following subsection—

“(1) Subject to the provisions of the next succeeding section, subsidy payments falling to be made, in accordance with a hill sheep scheme, in respect of . sheep comprised in a flock on any of the relevant days shall be made to the person maintaining the flock on that day ; and subsidy payments falling to be made, in accordance with a hill cattle scheme, in respect of cattle grazed on any land shall be paid to the person who, at the beginning of such day as may be specified in the scheme, is the occupier of the land:

Provided that, in the case of sheep or cattle belonging to a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931, and grazed on land which is a common pasture or grazing, provision may be made by a hill sheep scheme or a hill cattle scheme for the making of the subsidy payments to the clerk of the committee appointed under those Acts for the management of such common pasture or grazing.”

- (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 or 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.

- (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.

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) Subsection (5) of section one shall have effect as if the reference therein to public moneys included a reference to moneys provided by the Parliament of Northern Ireland.

- (4) The reference in subsection (3) of section five to the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be construed as a reference to that Act as amended by any Act of the Parliament of Northern Ireland.
- (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) The expression " summary conviction " means conviction subject to, and in accordance with, the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland) amending that Act.

41 Short title

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