



# Hill Farming Act 1946

1946 CHAPTER 73 9 and 10 Geo 6

*Burning of Heather and Grass (England and Wales)*

## 21 Avoidance or relaxation of covenants against heather and grass burning in England and Wales.

[<sup>F1</sup>(1) Where a lease of land in England or Wales contains a covenant, condition or agreement whereby the burning of heather or grass by the tenant is prohibited or restricted, the [<sup>F2</sup>appropriate tribunal], on an application by the tenant, may if it appears to them that the covenant, condition or agreement is preventing or impeding the proper use for agricultural purposes of the land comprised in the lease or any of that land and that it is expedient in all the circumstances so to do, give such directions for avoiding or relaxing the covenant, condition or agreement as they think fit.]

[<sup>F3</sup>(1A) Where the land lies partly in Wales and partly in England, for the purposes of anything required or authorised to be done under this section by or before an appropriate tribunal in relation to that land, the land shall be deemed to be situated entirely in the place where the greater part of the land lies.

(1B) For the purposes of this section, “appropriate tribunal” means—

- (a) in England, the First-tier Tribunal; and
- (b) in Wales, the Agricultural Land Tribunal.]

(2) This section applies to leases made before or after the commencement of this Act and shall have effect notwithstanding any stipulation to the contrary.

(3) In this section the expressions “landlord”, “tenant” and “lease” have the meanings assigned to them respectively by the <sup>M1</sup>Landlord and Tenant Act, 1927.

### Textual Amendments

**F1** S. 21(1) substituted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. 1 para. 1](#)

**F2** Words in s. 21(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 188\(a\)](#) (with Sch. 3)

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*Changes to legislation: There are currently no known outstanding effects  
for the Hill Farming Act 1946, Section 21. (See end of Document for details)*

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**F3** S. 21(1A)(1B) inserted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 188(b)** (with Sch. 3)

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**Marginal Citations**

**M1** 1927 c. 36.

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