



# Agriculture Act (Northern Ireland) 1949

## 1949 CHAPTER 2

### PART II <sup>F1</sup>

#### GOOD HUSBANDRY

##### RULES OF GOOD HUSBANDRY

#### **15 Good husbandry.**

For the purposes of this Act, agricultural land shall be deemed to be maintained in good condition and to be farmed in accordance with the rules of good husbandry if it is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) so as, having regard to its nature, situation and other relevant circumstances (including the methods of farming practised in the locality), to maintain a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while being kept in a condition to enable such a standard to be maintained in the future. In determining whether land is being farmed as aforesaid, regard shall be had not only to the extent to which the fertility of the soil is being maintained but also to the protection and treatment of crops and pasture and to the general care, upkeep and management of the farm as a whole for the purposes of the particular type of farming carried out on the farm.

#### **16 Service of improvement notice in respect of badly farmed land.**

- (1) Where the Ministry is satisfied that any agricultural land is not being maintained in good condition or farmed in accordance with the rules of good husbandry, the Ministry may, after affording to the occupier of that land an opportunity of having representations made in writing or, if the occupier so desires, orally by the occupier in person or by some other occupier of agricultural land or other person nominated by the occupier for the purpose, to the Ministry or to a person or persons appointed by the Ministry to report to it on the condition of, and method of farming, the land, serve

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on the occupier a written notice (in this Act referred to as an “improvement notice”) to that effect.

<sup>F1</sup>(2) Any improvement notice served under this Part of this Act shall be registered by the Ministry in accordance with the provisions of Part X of the Land Registration Act (Northern Ireland) 1970 and, so long as such notice continues in force, shall apply to the land to which the notice relates.]

- (3) The Ministry shall, on the request of any person who—
- (a) claims by virtue of any conveyance, agreement or other agreement any right to use any agricultural land as such; or
  - (b) satisfies the Ministry that he is the owner of any agricultural land or of any estate or interest therein or that an estate or interest therein may vest in him on or at any time subsequent to the determination of the estate or interest of the occupier therein,

afford both to such person and to the occupier an opportunity of making representations to the Ministry under sub-section (1) of this section against the service of an improvement notice relating to that land.

- (4) If while an improvement notice is in force in relation to any agricultural land additional land becomes occupied by the same occupier and is farmed in conjunction therewith the notice shall, if the Ministry so determines, extend by virtue of such determination to the additional land and shall be registered accordingly [<sup>F1</sup> by the Ministry pursuant to the provisions of Part X of the Land Registration Act (Northern Ireland) 1970 ]:

Provided that nothing in this or the next succeeding sub-section shall be construed as imposing on any occupier any liability with respect to the additional land on a date before the commencement of his occupation thereof.

- (5) For the purposes of giving effect to the last preceding sub-section references in this Act to the land to which an improvement notice relates shall be construed as including references to any additional land to which the notice extends by virtue of a determination of the Ministry under that sub-section; and references in this Act to the service of an improvement notice shall be construed as references to the date on which the notice was originally served as well in relation to such additional land as in relation to any other land to which the notice relates.

<p><b>F1</b>    1970 c.18 (NI)</p>
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## 17    **Appeal against an improvement notice.**

- (1) Within one month from the service of an improvement notice, the person served with such notice and any person entitled to make representations against the service thereof may in accordance with such county court rules as may be made in that behalf appeal to the county court <sup>F2</sup>... and that court, whose decision shall be final, shall have power to confirm, modify or cancel the notice.
- (2) For the purpose of hearing appeals under this section the county court judge shall be assisted by two assessors, one of whom shall be appointed by the Ministry and the other shall be appointed by such organisation as appears to the Ministry to represent the interests of the farmers in the area in which the land is situate:

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Provided that where such organisation neglects or fails to appoint such other assessor within a period of ten days after being asked by the Ministry to do so, the Ministry may itself appoint such other assessor.

<sup>F3</sup>(3) .....

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| <b>F2</b> | Words in s. 17(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 45(a), <b>Sch. 9 Pt. 1</b> (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3) |
| <b>F3</b> | S. 17(3) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 45(b), <b>Sch. 9 Pt. 1</b> (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)          |

## 18 Duration of improvement notices.

- (1) Where an improvement notice is in force and the Ministry is satisfied that it is no longer necessary that such improvement notice should continue in force, the Ministry may cancel the notice either in whole or in part, but the cancellation of the notice or part thereof shall not affect any direction made thereunder in so far as such direction is in force immediately before such cancellation.
- (2) <sup>F4</sup> any transfer of any interest in land to which an improvement notice relates other than a transfer by a testamentary disposition or by operation of law, whereby some other person becomes the occupier of that land, shall not affect the continued operation of the notice in relation to that land and accordingly the notice shall, subject to the provisions of this section, continue in force in so far as it relates to that land.
- (3) So long as an improvement notice continues in force the Ministry shall, from time to time, review the condition of the land to which the notice relates, and—
  - (a) a review shall be held under this sub-section as soon as may be after the expiration of twelve months from the service of the notice and, where one or more than one review of the notice has already been held under this sub-section, a further review shall be held as soon as may be after the expiration of twelve months from the last such review;
  - (b) the Ministry shall, on any review held under this sub-section, afford to any person, who, if an improvement notice were being served immediately before that review, would be entitled to make representations against the service thereof, a like opportunity of making representations for the cancellation or modification of the improvement notice under review.
- (4) Subject to the foregoing provisions of this section an improvement notice shall, to the extent to which it has not been cancelled by the Ministry or by a county court pursuant to the provisions of this Part of this Act, remain in force for the period of five years occurring next after the service thereof, so however that, without prejudice to the provisions of sub-section (1) of section thirty-two of the Interpretation Act, 1889, as applied to Acts of the Parliament of Northern Ireland by the Interpretation Act, 1921 <sup>F5</sup>, the Ministry, notwithstanding the foregoing provisions of this sub-section, may, where it is satisfied that the land to which the improvement notice relates should after the expiration of such period continue to be, or should at any subsequent time be, treated as unsatisfactorily farmed, serve, at any time during the two months immediately preceding such expiration or at any subsequent time, a further improvement notice or notices relating to the land or any part thereof. For the removal of doubt it is hereby declared that the provisions of this Part of this Act relating to the service, duration and effect of improvement notices and to appeals against such notices shall apply with

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respect to every further improvement notice served by the Ministry in accordance with this sub-section.

- (5) The provisions of this Part of this Act relating to the duration of improvement notices and to the operation of directions given thereunder shall have effect notwithstanding anything contained in section fifty-five of the Irish Land Act, 1903 , regarding the compulsory sale of certain holdings by the Ministry of Finance.

**F4** [1951 c.3 \(NI\)](#)

**F5** [1954 c.33 \(NI\)](#)

**Changes to legislation:**

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