



Agriculture Act (Northern Ireland) 1949

1949 CHAPTER 2

PART II ^{F1}

GOOD HUSBANDRY

DIRECTIONS TO SECURE GOOD HUSBANDRY

19 Directions to secure good husbandry.

- (1) After one month from the service of an improvement notice or, if an appeal has been made to the county court on or after the confirmation or modification of such notice, the Ministry may, from time to time, while such notice continues in force, give to the person appearing to the Ministry to be the occupier of the land to which the notice relates such written directions as the Ministry may consider necessary to secure that the land to which the improvement notice relates is maintained in good condition and farmed in accordance with the rules of good husbandry.
- (2) The Ministry shall consider any representations made within reasonable time after the giving of any direction in accordance with the provisions of the preceding sub-section and may confirm, modify or cancel such direction.
- (3) Without prejudice to the generality of the provisions of sub-section (1) of this section, a direction under this section may impose requirements, restrictions or prohibitions as to the carrying out of work and may specify the purpose for which and the manner in which the land or any part thereof is to be farmed.
- (4) Without prejudice to the generality of the foregoing provisions of this section, directions given by the Ministry in accordance with the provisions of sub-section (1) of this section may relate to—
 - (a) the manuring, cultivating, cropping, mowing and grazing of agricultural land, including the cutting or removal of weeds, whins, bracken and scrub;
 - (b) the protection of crops and livestock from disease and from infestation by pests;

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- (c) the harvesting of crops and the protection and preservation of crops harvested or lifted or in the course of being harvested or lifted;
 - (d) methods of handling and treatment of produce intended for sale off the land;
 - (e) the drainage and fencing of the land;
 - (f) the necessary work of repair and maintenance on the farm.
- (5) A direction given under this Part of this Act shall not operate to impose on an occupier of land any obligation to discharge any liability of the Ministry arising under or by virtue of any provision contained in the Drainage Act (Northern Ireland), 1947 ^{F1}.
- (6) Where the Ministry gives to a person a direction under this Act requiring the ploughing-up of any land consisting of permanent pasture, compliance with the direction shall, notwithstanding the provisions of any lease or agreement affecting the land or any custom, not render the said person liable thereby to sow it again at his own expense, or to pay any sum by way of increased rent, damages or penalty, or to suffer any forfeiture by reason of the ploughing-up or of the failure to sow it again; and for the purposes of any provision of any such lease or agreement as aforesaid or any custom, the land shall thereafter be deemed to be arable land and to have been arable land at all material times.

F1 1973 NI 1

20 Non-compliance with directions.

- (1) If any person to whom a direction is given under the last preceding section or on whom a direction given under that section is served under sub-section (1) of section twenty-two of this Act, refuses or neglects to comply with or acts in contravention of the direction, he shall be liable on summary conviction to a fine not exceeding^{F2} level 3 on the standard scale].
- (2) Without prejudice to the bringing of proceedings under the preceding sub-section, where a direction to carry out any work is given under the last preceding section or is served under sub-section (1) of section twenty-two of this Act and such direction is not complied with, any person authorised by the Ministry in that behalf may enter upon the land to which the direction relates and carry out the work required by the direction, and the reasonable and proper cost of carrying out the work in the exercise of powers conferred by this sub-section shall be recoverable by the Ministry as a civil debt from the person to whom the direction is so given or served, as the case may be.
- (3) Any sum so recoverable by the Ministry may be deducted by it from any moneys payable by the Ministry to, or received by the Ministry for payment to, the person to whom the direction is given or on whom the direction is served, as the case may be.
- (4) Any person who obstructs a person acting in the exercise of powers conferred by sub-section (2) of this section shall be liable on summary conviction to a fine not exceeding^{F2} level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (5) Where a direction provides for the doing of anything within a specified time and (whether before or after the expiration of the said time) the Ministry is satisfied that it is reasonable that the said time should be extended, it may be extended accordingly.

Changes to legislation: *There are currently no known outstanding effects for the Agriculture Act (Northern Ireland) 1949. (See end of Document for details)*

F2 1984 NI 3

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