



# Agriculture Act (Northern Ireland) 1949

## 1949 CHAPTER 2

An Act to make further provision for agriculture and for purposes connected therewith. [20th January 1949]

### PART I

#### AGRICULTURAL ADMINISTRATION, EDUCATION AND DEVELOPMENT

*S.1 spent*

*Ss.2,3 rep. by 1972 c.15 (NI)*

#### AGRICULTURAL ADVISORY COMMITTEES

#### **4 Advisory committees.**

- (1) The Minister of Agriculture (in this Act referred to as “the Minister”)<sup>F1</sup> may from time to time as he may think necessary establish] a general agricultural advisory committee to advise him on the administration of this Act, together with such other agricultural advisory committees as the Minister may from time to time think necessary to advise him on such other matters, including agricultural education and the improvement of livestock, as he may think proper.
- (2) The Minister shall consult such organisation as appears to him to represent the interests of farmers before appointing the general agricultural advisory committee aforesaid, and shall appoint as members of other agricultural advisory committees such persons as appear to him, after consultation with such organisation and with the interests concerned, to be best qualified to advise on the matters to be referred to the committees.

**F1** 1984 NI 2

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

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## EDUCATION AND RESEARCH

### 5<sup>F2</sup> **Provision for education and instruction, scholarships and undertaking of research.**

[<sup>F3</sup>(1) The Department may provide, equip and maintain colleges and other institutions for the purpose of instructing persons in agriculture and related subjects.

(2) The Department may—

- (a) provide instruction in agriculture and related subjects;
- (b) arrange for the provision by others of such instruction;

and arrangements under paragraph (b) may include the provision by the Department of financial or other assistance.]

<sup>F4</sup>(2B) The Ministry may, with the approval of the Ministry of Finance, make schemes subject to negative resolution providing for the payment by the Ministry of sums by way of grant to or in respect of persons who participate in any course provided under [<sup>F5</sup>this section] or who provide such a course or other facilities.]

(3) The Ministry may, with the approval of the Ministry of Finance, make schemes providing for the payment by the Ministry of sums by way of scholarships for the purposes of enabling or assisting persons to secure instruction (whether at a school, college or other institution provided or maintained by the Ministry or at any university or other institution or selected farm or other establishment in Northern Ireland or elsewhere) or to undertake research in any subject or course of subjects specified in such schemes.

[<sup>F3</sup>(4) The Department may—

- (a) undertake research in agriculture and related subjects for such purposes as the Department thinks appropriate;
- (b) assist such research in any manner it thinks fit, including by the provision of financial assistance.]

[<sup>F3</sup>(5) In this section—

“financial assistance” means assistance by way of grants or loans on such conditions (including conditions as to repayment) as the Department may, with the approval of the Department of Finance and Personnel determine;

“related subjects” includes (in so far as they do not fall within the definition of agriculture)—

- (a) the manufacture, processing, packaging, marketing and supply of food;
- (b) veterinary science and the keeping and care of animals;
- (c) the use of equipment, technology and business practices in the carrying on of agricultural activities;
- (d) the protection of the natural rural environment;
- (e) rural development and enterprise;
- (f) [<sup>F6</sup>forestry within the meaning of the Forestry Act (Northern Ireland) 2010;]
- (g) fisheries;
- (h) any science or applied science relating to any of the above; and
- (i) any other subject appearing to the Department to conduce to a knowledge of the science and practice of agriculture.]

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- F2** 1964 c.13 (NI)
- F3** 2004 NI 23
- F4** 1970 c.20 (NI)
- F5** Words in s. 5(2B) substituted (1.8.2006) by [The Education \(Northern Ireland\) Order 2006 \(S.I.2006/1915 \(N.I.11\)\)](#), arts. 1(2), **42(2)**
- F6** S. 5(5): words in definition of "related subjects" substituted (13.9.2010) by [Forestry Act \(Northern Ireland\) 2010 \(c. 10\)](#), **ss. 38(1), 39(1)** (with s. 37); S.R. 2010/309, **art. 2**, Sch.

#### [<sup>F7</sup>5A Fees for instruction provided by the Department

- (1) The Department may, in accordance with regulations under this section, charge fees for or in connection with the provision by the Department under section 5 of any form of instruction.
- (2) The Department may by regulations make provision as to—
  - (a) the matters in respect of which fees are to be charged under this section;
  - (b) the amount of fees to be charged under this section in respect of any matter;
  - (c) the persons by whom such fees are payable;
  - (d) the time at which, and manner in which, such fees are payable;
  - (e) the reduction or remission of such fees in prescribed circumstances.]

- F7** S. 5A inserted (1.8.2006) by [The Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#), arts. 1(2), **42(1)**

## AGRICULTURAL DEVELOPMENT

### 6 Grants for the improvement of land, etc.

- (1) The Ministry may, with the approval of the Ministry of Finance, make schemes providing for the payment, on such terms and subject to such conditions as are mentioned in the respective schemes, of grants to occupiers of agricultural land for all or any of the following purposes:—
  - (a) <sup>F8</sup> the improvement or reclamation of land used or to be used for agricultural purposes including the drainage of such land;
  - (b) the supply of water to agricultural land and agricultural buildings not being dwelling-houses and, where water of suitable purity for domestic use is available, to dwelling-houses occupied as farmhouses or by agricultural workers;
  - (c) the purchase and installation of machines for the generation of electricity for use in agricultural buildings and dwelling-houses on farms to which a supply of electricity is not, in the opinion of the Ministry, likely to be made available from a distributing main;
  - (d) the provision of proper means of access or egress to and from agricultural land, agricultural buildings or turf bogs;
  - (e) the construction or reconditioning of flax dams; or
  - (f) any other purpose (including the provision of agricultural buildings not being dwelling-houses) which the Ministry is satisfied will increase the fertility of

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any agricultural land or the productive capacity of any farm or is necessary for the more efficient working of any farm.

- (2)<sup>F9</sup> Any scheme made under this section, and any subsequent scheme amending a scheme so made, shall be laid before each House of Parliament, and if either House of Parliament within the next statutory period on which it has sat after the scheme is laid before it, resolves that the scheme shall be annulled, the scheme shall thereupon cease to have effect, but without prejudice to anything done thereunder or to the making of a new scheme.

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| <b>F8</b> <a href="#">1959 c.12</a><br><b>F9</b> <a href="#">1979 NI 12</a> |
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## 7    **Provision of goods and services.**

- (1) For the purpose of promoting efficiency in agriculture or of facilitating the production of food the Ministry may, with the approval of the Ministry of Finance, make goods and services (including advisory services) available to persons farming agricultural land or marketing or distributing agricultural produce and may with the like approval make advisory services available to other persons:

Provided that in making goods available under this section the Ministry shall as far as practicable use such normal trade facilities as appear to it to be appropriate.

*Para. (2) rep. by 1974 c. 39*

- (3) The Ministry may make such reasonable charges, if any, as it thinks fit in respect of goods or services made available by it under this section.
- (4) The Ministry may acquire by agreement any land necessary for the purposes of this section.

## 8<sup>F10</sup>    **Provision of machinery for agricultural drainage or reclamation work.**

Without prejudice to any of the powers conferred on it by the last preceding section, the Ministry may at the request of and by agreement with the occupier of any agricultural land carry out on that land such agricultural drainage or reclamation works by means of mechanical excavators or other machinery or apparatus as may be agreed upon, and may recover from such occupier the whole of the cost of carrying out of such works or such part of that cost as the Ministry of Finance may approve.

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| <b>F10</b> <a href="#">1973 NI 1</a> |
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## 9    **Improvement of livestock and poultry.**

- (1) The Ministry may, with the approval of the Ministry of Finance, make schemes for aiding, improving and developing the breeding of horses, cattle, sheep, pigs and other livestock and poultry.
- (2) Without prejudice to the general powers of the Ministry under the preceding subsection any such scheme may provide for—
- (a) the purchase of animals for the purpose of improving breeds and the making of animals available for stud purposes;

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- (b) the hiring or hire-purchase of animals for stud purposes;
  - (c) the payment by the Ministry of premiums in respect of selected animals;
  - (d) the payment by the Ministry of grants in respect of the keep, carriage, insurance, and other expenses incurred in connection with selected animals; and
  - (e) the keeping of registers or other records in respect of specified animals or their progeny and the issue, on payment of such fees (if any) as may be specified in the scheme, of certified extracts from such registers or records.
- (3)<sup>F11</sup> Any scheme made under this section, and any subsequent scheme amending a scheme so made, shall be laid before each House of Parliament, and if either House of Parliament within the next statutory period on which it has sat after the scheme is laid before it, resolves that the scheme shall be annulled, the scheme shall thereupon cease to have effect, but without prejudice to anything done thereunder or to the making of a new scheme.
- <sup>F12</sup>(4) The Department may, and shall be deemed always to have had power to, impose such charges as it may, with the consent of the Department of Finance, determine in respect of applications made to it for assistance and of services rendered by it under this section.]

**F11** 1979 NI 12

**F12** 1977 NI 12

*S.10 rep. by 1958 c.13 (NI)*

## **11 Propagation of new kinds of plants and crops.**

- (1) The Ministry may either itself propagate or arrange for the propagation by other persons of new species or varieties of any plant or crop.
- (2) An arrangement made by the Ministry with any person for the propagation by that person of any species or variety of plant or crop may provide for the payment by the Ministry, on such terms and subject to such conditions as the Ministry, with the approval of the Ministry of Finance, may think fit, of the expenses incurred by that person in connection with the arrangement.

## **12 Miscellaneous grants for agricultural purposes.**

The Ministry may, with the approval of the Ministry of Finance, make grants on such terms and subject to such conditions and for such purposes as the Ministry thinks proper—

- (a) to any society established for the purpose of holding agricultural, horticultural, poultry, farm produce and industrial shows, displays or exhibitions, and such other shows, displays, exhibitions and competitions as the Ministry may from time to time determine; and
- (b) to any association, institution or club, not being an association, institution or club operated for profit, which has amongst its objects the development of agriculture, horticulture or apiculture or of any branch thereof or the welfare or training of farmers or agricultural workers or of women whose work is associated with farming activities.

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### 13<sup>F13</sup> General provisions as to exercise of powers under this Part of this Act.

- (1) The powers exercisable by the Ministry under or by virtue of any provision contained in this Part of this Act may be exercised in addition to any other power conferred on the Ministry under or by virtue of any other enactment.
- (2) Except in so far as this Part of this Act otherwise provides, any power conferred thereby may be exercised—
  - (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
  - (b) so as to make, as respects the cases in relation to which it is exercised—
    - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
    - (ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of this Act;
    - (iii) any such provision either unconditionally or subject to any specified condition.
- (3) Without prejudice to any specific provision in this Part of this Act, any scheme or arrangement made under this Part of this Act may contain such incidental or supplemental provisions as appear to the Ministry to be expedient for the purposes thereof.
- (4) Any scheme or arrangement made by the Ministry under and in accordance with any provision contained in this Part of this Act may be varied, modified or revoked by a subsequent scheme or arrangement (as the case may be) made in like manner.

**F13** 1954 c.31 (NI)

## PART II<sup>F14</sup>

### GOOD HUSBANDRY

**F14** SI 1965/1536

### 14 Duties of good husbandry, etc.

The following provisions of this Part of this Act shall have effect for the purposes of securing that agricultural land is maintained in good condition and farmed in accordance with the rules of good husbandry and of safeguarding in the public interest the supply of food or other agricultural products.

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

<sup>F15</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>F15</sup> by the Ministry pursuant to the provisions of Part X of the Land Registration Act (Northern Ireland) 1970 ]:

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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.

**F15** 1970 c.18 (NI)

**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>F16</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:

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>F17</sup>(3) .....

**F16** Words in s. 17(1) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 45\(a\), Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k)(m) (with art. 3)

**F17** S. 17(3) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 45\(b\), Sch. 9 Pt. 1](#) (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>F18</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.



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- (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>F19</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 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.

**F18** 1951 c.3 (NI)

**F19** 1954 c.33 (NI)

## 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.

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- (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;
  - (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<sup>F20</sup>.
- (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.

**F20** 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<sup>F21</sup> 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

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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<sup>F21</sup> 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.

F21 1984 NI 3

## EMERGENCY DIRECTIONS TO SECURE PRODUCTION

### 21 Emergency directions to secure production.

- (1) Where it appears to the Ministry necessary in order to safeguard in the public interest the supply of food or other agricultural products, the Ministry may by regulation prescribe that all or any of the powers conferred on it by the next succeeding sub-section shall be exercisable by it for a period of one year from the making of the regulation...<sup>F22</sup>.
- (2) During the period for which the said powers are exercisable the Ministry may give such directions—
  - (a) as to the use of agricultural land for any of the purposes of agriculture and the manner in which and the produce for which it is to be so used;
  - (b) as to the carrying out of any work necessary to enable agricultural land to be used as directed under paragraph (a) of this sub-section;
  - (c) as to any other matters as to which directions may be given to an occupier of agricultural land to which an improvement notice relates;
  - (d) without prejudice to the general powers conferred by the preceding paragraphs, as to the cultivation of agricultural land including directions requiring a minimum proportion of agricultural land to be cultivated and maintained in cultivation;as appear to the Ministry expedient for the purpose aforesaid and reasonable having regard to the circumstances, and such directions may be given either—
  - (i) by order relating to all agricultural land or to land of any class or description specified in the order; or
  - (ii) by notice relating to the land specified therein served on the person who is to comply with the directions.
- (3) If any person refuses or neglects to comply with or acts in contravention of any direction given to him by virtue of this section or served on him under sub-section (2) of the next succeeding section, he shall be liable on summary conviction to a fine

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not exceeding<sup>F23</sup> level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

- (4) Sub-sections (2) to (5) of section twenty of this Act shall apply in relation to directions given by virtue of this section or served under sub-section (2) of the next succeeding section as they apply in relation to directions given under section nineteen of this Act.
- (5) The provisions of sub-section (6) of section nineteen of this Act shall have effect where a direction is given under this section requiring the ploughing-up of permanent pasture or the performing of other acts of cultivation.
- (6) Nothing done or omitted by an occupier in pursuance of a direction under this section shall be treated as a failure to maintain land in good condition or to farm it in accordance with the rules of good husbandry, so long as the act or omission was reasonably necessary in consequence of the giving of the direction.
- (7) Any period for which the powers conferred on the Ministry by sub-section (2) of this section are exercisable shall be extended by a further year if the Ministry by regulation made not earlier than one month before the date on which the said period would otherwise expire prescribes that the said period shall be so extended.
- (8) The expiration of the said period shall not affect the operation of any direction or order previously given or made (as the case may be) under this section.
- (9) Regulations made under this section shall not come into operation unless and until a draft thereof has been laid before each House of Parliament and confirmed by a resolution of each such House.

**F22** SLR 1976

**F23** 1984 NI 3

## SUPPLEMENTARY

### 22 Provisions in respect of conacre and agistment.

- (1) Where under or by virtue of any provision contained in section nineteen of this Act the Ministry has given to an occupier of agricultural land a direction relating to any of the matters specified in paragraphs ( b ), ( c ) or ( d ) of sub-section ( 4 ) of section nineteen of this Act and that occupier satisfies the Ministry that any other person had, before such direction was given, acquired by virtue of any conacre or agistment agreement any right to crop or till the land or to graze or pasture livestock thereon, the Ministry shall serve the like direction on that other person and it shall, notwithstanding anything in that conacre or agistment agreement, be the duty of that other person to comply with the direction so far as it relates to the land over which he has acquired such right and if he refuses or neglects to do so or acts in contravention of the direction he shall, in lieu of the occupier, be liable on summary conviction under sub-section ( 1 ) of section twenty of this Act to a fine not exceeding<sup>F24</sup> level 3 on the standard scale] and the occupier shall cease to be liable in respect of so much of the direction as relates to such last-mentioned land.
- (2) Where under or by virtue of any provision contained in section twenty-one of this Act or in any order made under that section the Ministry has given to an occupier of

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agricultural land a direction relating to any of the matters specified in paragraphs (b), (c) or (d) of sub-section (4) of section nineteen of this Act and that occupier satisfies the Ministry that any other person had, before such direction was given, acquired by virtue of any conacre or agistment agreement any right to crop or till the land or to graze or pasture livestock thereon, the Ministry shall serve the like direction on that other person and it shall, notwithstanding anything in that conacre or agistment agreement, be the duty of that other person to comply with the direction so far as it relates to the land over which he has acquired such right and if he refuses or neglects to do so or acts in contravention of the direction he shall, in lieu of the occupier, be liable on summary conviction under sub-section (3) of section twenty-one of this Act to a fine not exceeding<sup>F24</sup> level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and the occupier shall cease to be liable in respect of so much of the direction as relates to such last-mentioned land.

- (3) Save as provided by the last two preceding sub-sections an occupier of any agricultural land shall be treated as such for the purposes of this Part of this Act notwithstanding that any right to crop or till that land or to graze or pasture livestock thereon is exercisable by any other person under or by virtue of any conacre or agistment agreement.
- (4) If the owner or occupier of any agricultural land enters into any conacre or agistment agreement authorising some other person to use that land for a purpose which is prohibited by or is inconsistent with any direction given under this Part of this Act prior to the making of that agreement, he shall, without prejudice to any civil liability in respect thereof, be liable on summary conviction to a fine not exceeding<sup>F24</sup> level 3 on the standard scale].

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## 23 Service of notices on agents.

Without prejudice to the general provisions of Part V of this Act as to the service of notices, any notice, direction or copy thereof required or authorised by this Part of this Act to be given to or served on any person shall, where an agent or servant of that person is responsible for the direction of agricultural work on the land in question, be duly given or served if given to or served on that agent or servant.

*S.24 rep. by 1951 c.3 (NI)*

## 25 Interpretation of references in Part II to “occupier”.

- (1) Without prejudice to the provisions of section twenty-two of this Act, where, in relation to all or any of the provisions of this Part of this Act—
- (a) all persons appearing to the Ministry to be concerned agree, with the approval of the Ministry, that some person shall be treated as the occupier of the land other than the person who but for the agreement would be so treated; or
  - (b) on an application by the Ministry or any other person interested to the county court, the county court determines, having regard to the interests of the persons owning the land, that some person shall be treated as the occupier of the land other than the person who but for the determination would be so treated;

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that person shall be so treated, but without prejudice to a subsequent agreement or determination or to his ceasing to be so treated if the Ministry withdraws its approval under paragraph ( a ) of this sub-section.

- (2) Where two or more parcels of land are being farmed by the same person any question arising under this Part of this Act as to the occupier thereof shall be determined, if the farming of any of the parcels is under the control of an agent or servant, by reference to the person by whom the agent or servant is employed and not by reference to the agent or servant.

### PART III

#### FINANCIAL PROVISIONS

#### 26 Expenditure of Ministry to be defrayed out of moneys provided by Parliament.

- (1) All expenditure incurred by the Ministry in carrying this Act into effect and all payments made by the Ministry under or in pursuance of any of the provisions of this Act, including the payment of any grant, premium or other sum which the Ministry is authorised to make or pay under or by virtue of Part I of this Act or of any scheme or arrangement made thereunder, shall, to such extent as the Ministry of Finance may approve, be defrayed by the Ministry out of moneys provided by Parliament.
- (2) All sums payable to the Ministry under or by virtue of any provision contained in this Act shall, unless any scheme [<sup>F25</sup>or regulations] made pursuant to that provision otherwise provides, be appropriated in aid of moneys provided by Parliament under the preceding sub-section.

**F25** Words in s. 26(2) inserted (1.8.2006) by [The Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#), arts. 1(2), **42(3)**

#### 27 Expenses of county committees of agriculture and agricultural advisory committees.

- (1) No salaries or fees shall be paid to members of any county committee of agriculture<sup>F26</sup>, or to members of any agricultural advisory committee constituted under section four of this Act, but the Ministry may pay to such members out of moneys provided by Parliament such out-of-pocket expenses (including travelling expenses and subsistence allowances) reasonably and properly incurred in connection with the business of such committees as the Ministry, with the approval of the Ministry of Finance<sup>F27</sup>, may determine.
- (2) Any expenses incurred by a county committee of agriculture<sup>F26</sup>, or by an agricultural advisory committee constituted under section four of this Act, in the performance of their functions under this Act shall, to such extent as may be approved by the Ministry, be defrayed by the Ministry out of moneys provided by Parliament.

**F26** SRO (NI) 1972/124

**F27** SR 1976/281

*S.28 rep. by 1959 c.2 (NI)*

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## 29 Payments to assessors on appeals.

The Ministry shall, with the consent of the Ministry of Finance<sup>F28</sup>, pay out of moneys provided by Parliament to each person appointed to act as an assessor under section seventeen of this Act such fees, travelling expenses and subsistence allowances as the Ministry may determine.

**F28** SR 1976/281

## 30 Expenses under Part IV of this Act.

- (1) There shall be paid out of moneys provided by Parliament—
- (a) any increase attributable to the provisions of Part IV of this Act in the sums which, under the Superannuation Acts (Northern Ireland), 1921 to 1947<sup>F29</sup>, are payable out of moneys so provided; and

*Para.(b) spent*

*Subs.(2) spent*

**F29** 1967 c.24 (NI); 1972 NI 10

## PART IV

### SUPERANNUATION OF TRANSFERRED OFFICERS

## 31 Meaning of “transferred officer”.

In this Part of this Act the expression “transferred officer” means an officer of a committee of agriculture appointed by the council of a county for the purposes of Part II of the Act of 1899 who, by virtue of sub-section (1) of section one of the Act of 1939, was transferred to the employment of the Ministry.

## 32 Provisions as to transferred officers having rights under the 1925 Scheme.

- (1) Subject to the provisions of the next two succeeding sections, where at the passing of this Act a transferred officer—
- (a) is in the employment of the Ministry; and
  - (b) is an officer to whom the Agricultural and Technical Teachers' Superannuation Scheme, 1925 (in this Part of this Act referred to as “the Scheme”) applies;
- the Superannuation Acts shall apply to him notwithstanding that, by virtue of his transfer to the employment of the Ministry under the Act of 1939, he has been admitted into the civil service without a certificate from the Civil Service Commissioners for Northern Ireland.
- (2) For the purposes of section three of the Superannuation Act (Northern Ireland), 1925 (which, as amended by section three of the Teachers' Superannuation Act (Northern Ireland), 1936, provides for the reckoning of prior pensionable service of certain teachers who become civil servants) a transferred officer to whom the Superannuation

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Acts apply by virtue of the preceding sub-section, shall be deemed to become a civil servant at the passing of this Act.

*Ss.33#37 rep. by SLR 1980*

## PART V

### MISCELLANEOUS AND GENERAL

*S.38 rep. by 1960 c.19 (NI)*

*S.39 rep. by 2004 NI 7*

#### 40 Provisions as to entry and inspection.

- (1) Any person authorised by the Ministry in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given or served under any such power has been complied with.
- (2) Any person who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce a duly authenticated document showing that he has been either generally or specially authorised by the Ministry to do so and where an inspection of any land is made for the purpose of enabling the Ministry to determine whether or not an improvement notice should be served under section sixteen of this Act the person making the inspection shall give to the occupier of the land at least two days' notice of the intended inspection.
- (3) <sup>F30</sup> Any person who obstructs any person authorised by the Ministry to exercise any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding<sup>F31</sup> level 3 on the standard scale].

**F30** 1958 c.13 (NI)

**F31** 1984 NI 3

#### 41 Service of notices.

- (1) Any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter<sup>F32</sup>.
- (2) Any such document required or authorised to be given to or served on an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body.
- (3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of a secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.



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- (4) Where any document is to be given to or served on a person as being the person having any interest in land, and it is not practicable after reasonable inquiry to ascertain his name or address, the document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

F32 1963 c.5 (NI)

#### 42 Regulations.

- (1) The Ministry may make regulations for prescribing anything which under this Act is to be prescribed and generally for carrying into effect the provisions of this Act.
- (2) Any regulations made by the Ministry under this Act, other than regulations made under section twenty-one of this Act, shall, as soon as may be after they are made, be laid before each House of Parliament. If either House of Parliament, within the statutory period next after any such regulation has been laid before it, resolves that the regulation shall be annulled, the regulation shall, after the date of the resolution, be void, but without prejudice to the validity of anything done thereunder or to the making of a new regulation.

#### 43 Interpretation.

- (1) In this Act unless the contrary intention appears the following expressions have the meanings hereby assigned to them, that is to say:—

“Act of 1899” means the Agriculture and Technical Instruction (Ireland) Act, 1899 ;

“Act of 1919” means the Local Government (Ireland) Act, 1919 ;

“Act of 1939” means the Agriculture (Emergency Provisions) Act (Northern Ireland), 1939 ;

“agricultural land”<sup>F33</sup> means land used for agriculture, which is so used for the purposes of a trade or business, or which is designated by the Ministry for the purposes of this Act, and includes any land so designated as land which in the opinion of the Ministry ought to be brought into use for agriculture, but no such designation shall extend to any land—

- (a) used as pleasure grounds, private gardens or allotment gardens; or
- (b) kept or preserved mainly or exclusively for the purposes of sport or recreation, except where the Ministry is satisfied that its use for agriculture would not be inconsistent with its use for the said purposes and so states in the designation;

<sup>F34</sup>“agriculture” includes, without prejudice to any other provision of this Act, horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“allotment garden” means an allotment not exceeding [<sup>F35</sup> 0.10 hectare] in extent which is wholly or mainly cultivated by the occupier for the production of vegetables or fruit for consumption by himself or his family;

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

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“civil servant” and “civil service” have the same meanings as in the Superannuation Acts;

“county” shall not include a county borough; and references to the council of a county shall be construed accordingly;

“enactment” includes any provision in any Act (whether public general, local or private) of the Parliament of Northern Ireland or of the Parliament of the United Kingdom and a provision in any Order in Council, order, regulation, rule, bye-law, scheme or other instrument made under any such Act;

*Definition rep. by 1951 c.3 (NI)*

“estate or interest” includes the estate or interest of a mortgagee whether legal or equitable and a right secured by the deposit of a land certificate or other documents of title;

“functions” includes powers and duties;

“hill farming land” has the same meaning as in section one of the Hill Farming Act, 1946 ;

“livestock” includes any animal kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land;

“pasture” includes meadow;

“perform” includes exercise;

“plant” includes fungus;

“prescribed” means prescribed by regulations made by the Ministry;

“produced” means anything (whether alive or dead) produced in the course of agriculture; and “production” shall be construed accordingly;

“relevant circumstances” in relation to any land includes all circumstances affecting the farming thereof other than circumstances personal to the owner or occupier thereof;

“statutory period” means...

*definition in 1954 c.33 (NI) s.41(2) substituted by 1979 NI 12 art.10*

“Superannuation Acts” means the Superannuation Acts (Northern Ireland), 1921 to 1947<sup>F36</sup>.

- (2) References in this Act to the farming of land include references to the carrying on in relation to the land of any agricultural activity.

*Subs.(3)(4) rep. by 1954 c.33 (NI)*

**F33** 1951 c.65

**F34** mod. by 1987 NI 1

**F35** SR 1978/133

**F36** 1967 c.24 (NI); 1972 NI 10

*S.44 with Third Schedule, effects repeals*

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

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**45 Short title.**

This Act may be cited as the Agriculture Act (Northern Ireland), 1949.

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

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*First Schedule rep. by 1972 c.15 (NI)*

*Second Schedule rep. by SLR 1980*

*Third Schedule rep. by SLR (NI) 1953*

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture Act (Northern Ireland) 1949.