



# Agriculture Act 1970

## 1970 CHAPTER 40

An Act to make provision with respect to agriculture and related matters and with respect to flood warning systems; and to amend the Diseases of Animals Act 1950. [29th May 1970]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### EGGS

##### *Preliminary*

#### **1 Interpretation of Part I**

In this Part of this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

" accounting period " means—

- (a) the period beginning with 28th March 1971 and ending with 1st April 1972;
- (b) any subsequent period appointed by the Authority as an accounting period, being a period of such duration not exceeding fifteen months as may be so appointed beginning with 2nd April 1972 or with the date thereafter of the day after that with which the last preceding accounting period ends ;

" authorised officer ", in relation to any function, means an officer of the Authority authorised by the Authority to act in connection with that function and, in relation to Northern Ireland, except when qualified by the words " of the Authority ", includes an officer of the Ministry of Agriculture for

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Northern Ireland acting in connection with that function with the authority of that Ministry on behalf of the Authority, being in either case an officer with written evidence of his authority which he shall produce on request at any time while acting thereunder;

" the Authority " means the Eggs Authority constituted under section 2 of this Act;

" egg products " means any product which is obtained to any substantial extent, with or without any process of manufacture, from eggs, being, except when qualified by the word " imported ", a product so obtained in the United Kingdom from eggs laid in the United Kingdom;

" eggs " means eggs in shell laid by domestic fowls, being, except when qualified by the word " imported ", eggs so laid in the United Kingdom;

" independent member of the Authority " means a member of the Authority appointed by virtue of section 2(2)(a) of this Act;

" marketing ", in relation to eggs or egg products, does not include the sale by retail of eggs or egg products purchased by the seller for the purpose of such sale;

" the Minister " means the Minister of Agriculture, Fisheries and Food;

" the Ministers ", except in section 25 of this Act, means the Minister, the Secretary of State for Wales, the Secretary of State for Scotland and the Secretary of State concerned with agriculture in Northern Ireland and, in the case of anything falling to be done by the Ministers, means those Ministers acting jointly;

" producer " means a person engaged by way of business in the production of eggs.

### *Constitution and functions of Eggs Authority*

## **2 Constitution of Eggs Authority**

- (1) There shall be established an Authority, to be called the Eggs Authority, who shall have the general duty of improving the marketing of eggs and who shall, for the purposes of any period falling after 27th March 1971, in particular have the functions assigned to them by or under this Part of this Act.
- (2) The Authority shall consist of not less than twelve and not more than fourteen members appointed by the Ministers; and of those members—
  - (a) not less than three and not more than five shall be appointed as being independent persons, of whom—
    - (i) one shall be appointed as being a person who in the opinion of the Ministers is specially conversant with the interests of consumers of eggs;
    - (ii) two (neither being the member appointed pursuant to subparagraph (i) of this paragraph) shall also be appointed by the Ministers to be chairman and deputy chairman respectively of the Authority;
  - (b) five shall be appointed after consultation with such organisations appearing to the Ministers to represent the interests of producers as the Ministers consider appropriate;

- (c) four shall be appointed after consultation with such organisations as the Ministers consider appropriate, being organisations appearing to the Ministers to represent the interests of persons engaged in activities comprised in the marketing, distribution or sale by retail of eggs, in activities ancillary to the production of eggs, being activities comprised in the hatching or rearing of domestic fowls, or in activities comprised in the production, marketing or distribution of egg products, or the use of egg products as materials for the purposes of manufacturing businesses carried on by the persons in question.
- (3) The Authority shall—
- (a) pay to the members of the Authority such remuneration and such travelling or other allowances as the Ministers may, with the approval of the Minister for the Civil Service, determine; and
  - (b) in the case of any member of the Authority to whom the Ministers, with the like approval, determine that this paragraph is to apply, pay such pension, or make such payments towards the provision of a pension, to or in respect of him as the Ministers and the Minister for the Civil Service may determine in his case.
- (4) The provisions of Schedule 1 to this Act shall have effect with respect to the Authority.

### **3 Functions of Authority as to market support**

If in the case of any accounting period it appears to the Authority to be expedient in the interests of producers and consumers of eggs so to do with a view to reducing fluctuations in the price of eggs—

- (a) they may at any time during that accounting period purchase eggs at such prices and in such manner as they think fit; and
- (b) where they have so purchased any eggs, they may deal with those eggs in such manner as they think fit, and, without prejudice to the generality of their discretion as to the manner of dealing with those eggs, may in particular—
  - (i) sell them to any person for any purpose ;
  - (ii) process them, or arrange for their processing by some other person on the Authority's behalf, and sell the resulting egg products ;
  - (iii) make such provision for their storage or transport, whether by the Authority themselves or by some other person on the Authority's behalf, as the Authority consider necessary or expedient.

### **4 Functions of Authority as to market intelligence**

- (1) The Authority may—
- (a) collect, collate or prepare information or estimates with respect to—
    - (i) prices, supply, demand and other market conditions (whether actual or prospective) relating to eggs or egg products, including imported eggs and imported egg products; and
    - (ii) activities ancillary to the production of eggs, being activities comprised in the hatching or rearing of domestic fowls or the disposal of domestic fowls at end of lay ; and
  - (b) subject to section 21 of this Act, publish or disseminate any such information or estimates, and any other information compiled, or estimates prepared, in the course of the performance of their functions under this Part of this Act;

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and in publishing or disseminating any such information or estimates the Authority may include recommendations as to prices (other than retail prices) which would in their opinion be appropriate in selling eggs otherwise than by retail having regard to any prices specified in the information or estimates.

- (2) If the Authority consider it desirable for the purpose of their functions under subsection (1) of this section, they may prepare and submit to the Ministers a scheme for requiring persons of such classes as may be specified in the scheme who are engaged by way of business in activities comprised in the production, marketing or distribution of eggs or egg products, or in activities ancillary to the production of eggs and comprised in the hatching or rearing of domestic fowls, to register with the Authority in accordance with the requirements of the scheme and to comply with any requirements in the scheme regarding the supply to the Authority of information as to the quantities and prices of eggs purchased by those persons from producers or sold by those persons otherwise than by retail, as to the numbers of domestic fowls hatched, reared or disposed of at end of lay by those persons in the course of activities ancillary to the production of eggs, and as to the prices at which any such fowls have been sold by those persons, and any such scheme may—
- (a) vary or revoke any scheme previously brought into force under this subsection; and
  - (b) contain such supplemental, incidental or transitional provisions as appear to the Authority to be expedient, including in particular provision—
    - (i) conferring exemptions from requirements of the scheme;
    - (ii) for persons contravening or failing to comply with the requirements of the scheme to be guilty of an offence against the scheme ; and
    - (iii) for a person guilty of such an offence to be liable on summary conviction to a fine not exceeding a specified amount, being an amount not exceeding £100;

and if the Ministers are satisfied that it is desirable that any such scheme submitted to them should be brought into force, they may bring it into force by order.

- (3) The Ministers may by order revoke any scheme brought into force under subsection (2) of this section if it appears to them, after consultation with the Authority, that the scheme is not serving the purposes for which it was made or that the continued operation of the scheme would be contrary to the public interest; and any such order may contain such supplemental, incidental or transitional provisions as appear to the Ministers to be expedient.
- (4) Any order under subsection (2) or (3) of this section may revoke any order previously made under the said subsection (2).

## **5 Functions of Authority as to research and development**

The Authority may engage in the promotion or carrying out of—

- (a) investigations or research into any matters affecting the marketing, storage or distribution of eggs or egg products or the processing of eggs ;
- (b) research into the demand for eggs or egg products and into matters connected therewith, including the collection and analysis of information as to that demand and as to the prices paid for eggs or egg products, including imported eggs and imported egg products, and the effect of price changes on the level of supplies;

- (c) the dissemination or demonstration of "the results of any investigation or research into any such matter as aforesaid, whether or not the Authority have exercised any functions under paragraph (a) or (b) of this section with respect to that investigation or research ;

and the Authority may engage in any form of collaboration or co-operation with other persons in performing any of their functions under this section, and shall enter into such consultations with other authorities and persons as appear to the Authority to be required to ensure that duplication of such research or investigations as aforesaid is avoided so far as practicable.

## **6 Functions of Authority as to quality control**

- (1) The Authority may prepare and submit to the Ministers schemes with respect to the quality testing or weight grading of eggs for sale by wholesale, and any such scheme may in particular—

- (a) specify the class or classes of persons to whom the requirements of the scheme are to apply;
- (b) provide for the registration of such persons with the Authority;
- (c) specify quality standards or weight grades and assign designations to those standards or grades;
- (d) provide for eggs for sale otherwise than by retail or any containers in which eggs are packed for such sale to be marked with the appropriate quality or weight designation, with or without an indication of the date on which the eggs were packed after being tested or graded;
- (e) vary or revoke any scheme previously brought into force under this subsection ;
- (f) contain such supplemental, incidental or transitional provisions as appear to the Authority to be expedient, including in particular provision—
  - (i) conferring exemptions from requirements of the scheme;
  - (ii) for persons contravening or failing to comply with requirements of the scheme to be guilty of an offence against the scheme ;
  - (iii) as to the circumstances in which warranty or other matters are to be a defence for a person charged with such an offence ;
  - (iv) for a person guilty of such an offence to be liable on summary conviction to a fine not exceeding a specified amount, being an amount not exceeding £100 or, in the case of a second or subsequent offence, £200;
  - (v) conferring powers of entry for the purposes of the scheme on authorised officers;

and if the Ministers are satisfied that it is desirable that any such scheme submitted to them should be brought into force, they may bring it into force by order.

- (2) The Ministers may by order revoke any scheme brought into force under subsection (1) of this section if it appears to them, after consultation with the Authority, that the scheme is not serving the purposes for which it was made or that the continued operation of the scheme would be contrary to the public interest; and any such order may contain such supplemental, incidental or transitional provisions as appear to the Ministers to be expedient.
- (3) Any order under subsection (1) or (2) of this section may revoke any order previously made under the said subsection (1).

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- (4) In section 2(4) of the Trade Descriptions Act 1968 (which provides that certain descriptions or marks shall be deemed not to be trade descriptions for the purposes of that Act), the word " and " in the last place where it occurs shall be omitted and at the end there shall be added the words " and any designation, mark or description applied in pursuance of a scheme brought into force under section 6(1) or an order made under section 25(1) of the Agriculture Act 1970 ".

## **7 Other functions of Authority as to improvement of marketing of eggs**

### **(1) The Authority—**

- (a) may devise and disseminate, or otherwise encourage the adoption of, new, improved or standardised arrangements for, or procedures or forms for use in connection with, the production, marketing or preparation for marketing of eggs ;
- (b) if it appears to them that a scheme with respect to any matter would improve the marketing of eggs, whether by the improvement of quality standards or otherwise, may prepare such a scheme and bring it into operation for any persons prepared to take part in it;
- (c) may give advice and information to the Central Council for Agricultural and Horticultural Co-operation—
  - (i) on matters relating to the commercial and technical aspects of the marketing of eggs ; and
  - (ii) for the purpose of assisting the Council in deciding whether to make grants in aid of co-operative activities in the marketing of eggs.

- (2) The Ministers may, after consultation with the Secretary of State for Employment and Productivity, direct that any agreement specified in the direction, being an agreement submitted to them in draft into which the Authority propose to enter in connection with a scheme made by virtue of subsection (1)(b) of this section, shall be an agreement to which Part I of the Restrictive Trade Practices Act 1956 does not apply.

## **8 Functions of Authority as to advertising etc.**

The Authority may—

- (a) for the purpose of promoting the sale of eggs, engage in advertising or other methods of promoting such sales;
- (b) assist in co-ordinating any advertising campaigns undertaken by or on behalf of any class of persons engaged in the production, marketing or distribution of eggs or the sale of eggs by retail.

## **9 Conferment of additional functions on Authority**

- (1) If it appears to the Ministers, after consultation with the Authority, that for the purpose of improving the marketing of eggs it is expedient for the Authority to perform any functions additional to those conferred by the foregoing provisions of this Part of this Act, and that those additional functions neither—
- (a) consist wholly or in part of the buying or selling of eggs or egg products except in so far as such buying or selling may be requisite for the purposes of research or other experimental work or for purposes of demonstration; nor

(b) are similar in character to functions conferred on the Authority by section 8 of this Act,

then, subject to subsection (2) of this section, the Ministers may, if they think fit, confer those additional functions on the Authority for that purpose by order; and any order under this subsection may be varied or revoked by a subsequent order thereunder.

- (2) An order under subsection (1) of this section, other than an order in the case of which—
- (a) so far as it confers additional functions on the Authority otherwise than by varying a previous order, the Ministers certify that, in their opinion, all the additional functions so conferred are similar in character to functions conferred on the Authority by sections 4 to 7 of this Act; or
  - (b) so far as it varies a previous order, the Ministers certify that, in their opinion, all the functions conferred by the original order as it will have effect in consequence of the varying order will be functions similar in character as aforesaid; or
  - (c) so far as it revokes any previous order without itself conferring any functions on the Authority, a certificate under this section was given under the previous order,

shall not be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

## **10 Functions of Authority to include power to make certain payments to other persons**

The functions conferred on the Authority by or under any of sections 3 to 9 of this Act shall include power for the Authority—

- (a) to make payments to any person for the purpose of promoting, procuring or facilitating the attainment of the objects of the functions conferred on the Authority by or under that section; or
- (b) to make provision for reimbursing any person, whether by making payments to him or by deduction from amounts which would otherwise fall to be paid by him to the Authority, for expenditure incurred by him in assisting the Authority in the performance of any of the functions conferred on the Authority by or under that section;

and any amount so paid or deducted shall be treated for the purpose of this Part of this Act as expenditure incurred by the Authority under, and for the purposes of the functions conferred on them by or under, that section.

## **11 Functions of Authority in connection with guaranteed prices**

- (1) As respects any period beginning on or after 28th March 1971 and ending not later than 30th March 1974, it shall be the duty of the Authority to carry out such functions as the Ministers may confer on the Authority in connection with any arrangements in force during that period by virtue of an order under section 1 or 5 of the Agriculture Act 1957 with respect to eggs and duck eggs, but not including any functions conferred on the Ministers or any of them by or under an Act of Parliament other than functions which the Ministers may delegate under section 9(4) of the said Act of 1957 or any other enactment.
- (2) So far as relates to eggs and duck eggs, in subsection (1)(d) of the said section 5 (which relates to powers of entry in connection with such arrangements as aforesaid)

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references to authorised officers of the Minister shall include references to authorised officers of the Authority.

- (3) Any information obtained by the Ministers or any of them in the administration of any such order as aforesaid may, for the purpose of assisting the Authority in the performance of their functions under this section, be disclosed to any person who is either an independent member of the Authority or an authorised officer of the Authority, and any such disclosure shall not be treated as a breach of contract, trust or confidence.

### *Financial provisions as to Eggs Authority*

## **12 Contributions, etc. by Minister**

- (1) The Minister may, with the consent of the Treasury, make to the Authority—
- (a) contributions towards expenditure incurred or to be incurred by the Authority for the purposes of any functions conferred on them by or under any of the following provisions of this Act, namely, sections 2, 4 to 7 and 9 and Schedule 1 ;
  - (b) payments of such sums as the Minister may, with the approval of the Treasury, determine towards meeting any expenditure (including an appropriate proportion of overheads and other fixed and general expenses) incurred or to be incurred by the Authority in performing any functions in pursuance of section 11 of this Act.
- (2) Any contributions or other payments made to the Authority under subsection (1) of this section may be made subject to any conditions regulating or restricting the functions of the Authority, imposing requirements as to the inspection of accounts or records, or relating to other matters, which the Minister may specify; and the Minister may recover the whole or any part of any such contribution or other payment which is made subject to a condition if that condition is not complied with.

## **13 Provision for levy**

- (1) Before the beginning of each accounting period the Authority shall prepare and submit to the Ministers an estimate of the amounts, if any, required to be raised by levy for that accounting period for the purposes of the following functions respectively of the Authority under this Part of this Act, namely, subject to the provisions of section 10 of this Act—
- (a) functions conferred by or under any provision of this Part of this Act other than section 3, 8 or 11 or paragraph (b) or (c) of section 17(1);
  - (b) functions under the said section 3 or paragraph (b) of the said section 17(1);
  - (c) functions under the said section 8 or paragraph (c) of the said section 17(1).
- (2) As soon as practicable after the submission to the Ministers of estimates for any accounting period under subsection (1) of this section, the Ministers shall—
- (a) determine the respective amounts, if any, to be raised by levy for that accounting period for the purposes of the functions referred to in paragraphs (a), (b) and (c) respectively of that subsection; and
  - (b) make an order for that accounting period specifying such rate of levy as appears to the Ministers to be sufficient (but not more than sufficient) to meet the aggregate of the amounts so determined.



- (3) If at any time during an accounting period for which an order has been made under subsection (2)(b) of this section it appears to the Authority that the amount determined by the Ministers under subsection (2)(a) of this section as the amount to be raised by levy for that accounting period for the purposes of the functions referred to in paragraph (a), (b) or (c), as the case may be, of subsection (1) of this section will fall short of the amount required to be so raised for that accounting period, the Authority may prepare and submit to the Ministers an estimate of the amount of the deficiency, and as soon as practicable after the submission to the Ministers of one or more estimates for any accounting period under this subsection the Ministers shall—
- (a) determine what additional amount, if any, is to be raised by levy for that accounting period for the purposes of the functions referred to in the said paragraph (a), (b) or (c), as the case may be ; and
  - (b) make an order for that accounting period specifying as respects such part of that accounting period as falls after such date as may be specified in the order such rate of additional levy as appears to the Ministers to be sufficient (but not more than sufficient) to meet the amount or, as the case may be, the aggregate of the amounts determined under paragraph (a) of this subsection;
- and where an order is made under this subsection the provisions of sections 15 and 16 of this Act shall have effect in relation to the part of that accounting period falling after the date so specified as if any reference in those provisions to the rate specified in the order for that accounting period made under subsection (2)(b) of this section were a reference to the aggregate of that rate and the rate of additional levy specified in the order under paragraph (b) of this subsection.
- (4) Before determining any amount under subsection (2)(a) or (3)(a) of this section as one to be raised for an accounting period the levy for which is, by virtue of section 14 of this Act, to be imposed in accordance with section 16(7) of this Act, the Ministers shall consult with such organisations appearing to them to represent the interests of producers as the Ministers consider appropriate, and, if the levy will or may be imposed on persons other than producers, with such other organisations as the Ministers consider appropriate having regard to that fact.
- (5) Where under subsection (2)(a) or (3)(a) of this section the Ministers determine that an amount is to be raised by levy for the purposes of the functions referred to in two or all of paragraphs (a), (b) and (c) of subsection (1) of this section, any order under subsection (2)(b) or (3)(b) of this section specifying the rate of the levy shall indicate how much of that rate is attributable to functions referred to in each respectively of those paragraphs.
- (6) The rate of levy specified in any order under this section may be expressed either by reference to numbers of eggs or by reference to numbers of domestic fowl or partly in the one way and partly in the other; and the order shall include provision as to the manner of determining any such numbers for the purposes of the levy which, in the case of a levy to be imposed in accordance with a scheme under section 16 of this Act, may be made by reference to the provisions of that scheme.
- (7) For the purposes of a levy, any sums paid by the Authority (whether by way of remuneration or otherwise) to or in respect of officers or servants of the Authority employed wholly or mainly in connection with functions referred to in paragraph (b) or (c) of subsection (1) of (this section and an appropriate proportion of overheads and other fixed and general expenses of the Authority (including an appropriate proportion of any sums paid as aforesaid in respect of other officers or servants of the Authority)

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shall be taken to be expenditure incurred for the purposes of those functions and not for the purposes of functions referred to in paragraph (a) of that subsection.

#### **14 Method of raising levy**

- (1) Any levy imposed for the purposes of this Part of this Act for the accounting period beginning with 28th March 1971. and ending with 1st April 1972 shall be imposed in accordance with section 15 of this Act.
- (2) Subject to subsection (3) of this section, any levy imposed for the purposes of this Part of this Act for any subsequent accounting period shall be imposed in accordance with section 16(7) of this Act.
- (3) If any accounting period beginning on or after 2nd April 1972. and ending with a date not later than 30th March 1974 is the same as a guarantee period prescribed by an order under section 1 of the Agriculture Act 1957 with respect to eggs and duck eggs, then, notwithstanding subsection (2) of this section, any levy imposed for the purposes of this Part of this Act for that accounting period shall be imposed in accordance with section 15 of this Act unless before the beginning of that accounting period the Authority by resolution determine that any said levy shall be imposed in accordance with section 16(7) of this Act; and where such a resolution is passed by the Authority they shall publish notice of it in the London, Edinburgh and Belfast Gazettes.
- (4) Where in the case of any accounting period, any levy for the purposes of this Part of this Act for that accounting period is to be imposed in accordance with section 16(7) of this Act and either—
  - (a) no scheme under the said section 16 is for the time being in force ; or
  - (b) the Authority intend that the scheme for the time being in force under that section shall be varied for the purposes of that accounting period,
 the Authority shall submit such a scheme or, as the case may be, a further scheme varying the existing scheme to the Ministers before the beginning of that accounting period and shall publish notice of the submission of that scheme or further scheme in the London, Edinburgh and Belfast Gazettes.

#### **15 Levy by deduction**

- (1) Where for any accounting period a levy is by virtue of section 14 of this Act to be imposed in accordance with this section, that levy—
  - (a) shall be imposed on all persons to or in respect of whom, as being producers of eggs, a payment would apart from this section fall to be made in respect of that accounting period in pursuance of an order under section 1 of the Agriculture Act 1957; and
  - (b) shall be so imposed at the rate specified in the order for that accounting period made under subsection (2)(b), and in accordance with any provisions contained in that order by virtue of subsection (6), of section 13 of this Act.
- (2) In the case of each such person as aforesaid the amount of the levy which by virtue of this section is imposed on him for any accounting period shall be deducted from the payment, or, if more than one, from the aggregate of the payments, which would apart from this section fall to be made as aforesaid to or in respect of him, and the payment or payments shall be reduced accordingly.

- (3) The Minister shall pay to the Authority any amounts deducted in pursuance of subsection (2) of this section.
- (4) The reference in subsection (2) of this section to deducting an amount from a payment shall, when the amount in question is equal to the payment, be construed as including a reference to setting off the amount against the payment so as to extinguish any claim to the payment, and the reference to reducing a payment shall be construed accordingly.
- (5) References in this section to payments falling to be made as mentioned in subsection (1) thereof include references to a payment in advance on account of any payment so falling to be made; and references to payments in respect of a person as being a producer of eggs are references to payments which, apart from this section, would be paid to a person other than that producer—
  - (a) for transmission to that producer; or
  - (b) as being a person to whom the interest of that producer in the payment has passed.

## **16 Levy by scheme**

- (1) The Authority may prepare and submit to the Ministers a scheme for imposing in such circumstances and subject to such exemptions, and for recovering in such manner otherwise than in accordance with section 15 of this Act, as may be specified in the scheme a levy for the purposes of this Part of this Act on such persons as may be so specified, being persons engaged in the production, marketing or distribution of eggs, in the hatching or rearing of domestic fowls, in the bringing (otherwise than only as carriers) of live domestic fowls into Great Britain or Northern Ireland from outside those areas, or in the distribution within those areas of live domestic fowls so brought.
- (2) So far as is necessary for determining the liability of persons to any levy which is to be imposed for an accounting period in accordance with a scheme under this section, such a scheme may confer on the Authority power as from such date as may be specified in the scheme, which may be a date before the beginning of that accounting period, to require persons engaged as aforesaid of such descriptions as may be so specified—
  - (a) to be registered in a register kept for the purpose by the Authority;
  - (b) to furnish returns and other information, and to produce for examination on behalf of the Authority books and other documents in their custody or under their control;
  - (c) to keep records and to produce them for examination on behalf of the Authority;
  - (d) to permit authorised officers to enter at all reasonable times upon any land or premises used by way of business for the production, marketing or distribution of eggs or the hatching or rearing of domestic fowls and to inspect any eggs or domestic fowls found on those premises.
- (3) A scheme under this section which provides for imposing a levy on a person engaged in the hatching or rearing of domestic fowls for resale, on a person engaged in bringing live domestic fowls as mentioned in subsection (1) of this section for resale or in the distribution for resale of live domestic fowls so brought, or on a person purchasing eggs for resale from a producer, may make provision for enabling any such person—
  - (a) to recover the amount of the levy imposed on him from the person to whom he sells any of the domestic fowls so hatched, reared, brought or distributed by him, or from whom he purchases the eggs, as the case may be;

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- (b) to deduct from the amount otherwise payable by him by way of the levy, or to be otherwise reimbursed by the Authority, a sum calculated in such manner as the Authority may determine in respect of any expenses incurred by him in so recovering that amount.
- (4) Any scheme under this section may be varied or revoked by a subsequent scheme thereunder.
- (5) A scheme under this section shall not have effect unless it is approved by the Ministers by order; and any such order may approve the scheme with or without modifications, and may be revoked by a subsequent order whether the subsequent order is made for the purpose of approving another scheme under this section or not; and an order under this subsection shall be of no effect unless it is approved by a resolution of each House of Parliament.
- (6) Any person who fails to comply with a requirement imposed by or under a scheme by virtue of subsection (2) of this section shall be liable on summary conviction to a fine not exceeding £100 ; and any person who—
  - (a) in furnishing any information for the purposes of a scheme under this section, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular; or
  - (b) wilfully makes a false entry in any document which is required to be produced in pursuance of any such scheme,shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.
- (7) Where for any accounting period a levy is, by virtue of section 14 of this Act, to be imposed in accordance with this subsection, a levy for that accounting period shall be imposed at the rate specified in the order for that accounting period made under subsection (2)(b), and in accordance with any provisions contained in that order by virtue of subsection (6), of section 13 of this Act on the persons made liable to that levy by, and in accordance with the provisions of, any scheme for the time being in force under this section.
- (8) If the Ministry of Agriculture for Northern Ireland discharge on behalf of the Authority any functions of the Authority in connection with a levy under this section, the Ministry may deduct from any amount collected by the Ministry by way of the levy, or shall otherwise be reimbursed by the Authority for, any expenditure incurred by the Ministry in discharging those functions.
- (9) Where a scheme under this section makes provision for imposing a levy on persons engaged in bringing live domestic fowls as mentioned in subsection (1) of this section, then, if the Authority so request at any time and the Commissioners of Customs and Excise are satisfied that the Authority require the information for the purpose of determining whether or not a person is liable to pay an amount by way of the levy and that the Authority will not use the information for any other purpose, the Commissioners may supply the Authority with such information in relation to any live poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) imported into Great Britain or Northern Ireland as may be requested by the Authority.

## **17 Reserve funds of Authority**

- (1) The Authority may establish and thereafter maintain—

- (a) a reserve fund for the purposes of any functions conferred on the Authority by or under any provision of this Part of this Act other than section 3, 8 or 11;
  - (b) a reserve fund for the purposes of their functions under the said section 3 ;
  - (c) a reserve fund for the purposes of their functions under the said section 8.
- (2) Any moneys for the time being comprised in a reserve fund maintained under this section, and any other moneys of the Authority which are not for the time being required for any other purpose, may be invested in accordance with subsection (3) of this section.
- (3) Sections 1, 2, 5, 6, 12 and 13 of the Trustee Investments Act 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Authority were the trustees of that trust fund.

## **18 Borrowing powers of Authority**

- (1) Subject to the following provisions of this section, the Authority may borrow money and may pledge, mortgage or charge any of their property, including the proceeds of any levy under this Part of this Act.
- (2) The Ministers may by order made with the consent of the Treasury, direct that the aggregate amount outstanding in respect of the principal of any moneys borrowed by the Authority shall not at any time exceed such a sum as may be specified in the order; and, at any time while such an order is in force, that aggregate amount shall not exceed the sum so specified.
- (3) Any order under this section may be revoked by a subsequent order thereunder.
- (4) An order under this section shall not have effect unless it is approved by a resolution of each House of Parliament.

### *Supplementary provisions as to Eggs Authority*

## **19 Powers of Ministers with respect to Authority**

The Ministers, after consultation with the Authority, may give to the Authority such directions of a general character with respect to the performance of any functions of the Authority as appear to the Ministers to be requisite in the public interest; and it shall be the duty of the Authority to comply with any such directions.

## **20 Reports and accounts of Authority**

- (1) As soon as may be—
  - (a) after the end of the period beginning with the constitution of the Authority and ending with 27th March 1971; and
  - (b) after the end of each accounting period,the Authority shall prepare and submit to the Ministers a report on the discharge of their functions under this Part of this Act during that period- and the Ministers shall lay a copy of the report before each House of Parliament; and that report shall set

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out any direction given by the Ministers to the Authority under section 19 of this Act during that period.

- (2) The Authority shall keep proper accounts and shall prepare in respect of each such period as is referred to in subsection (1) of this section statements of account in such form as the Ministers, with the approval of the Treasury, may direct; and the accounts of the Authority for each such period shall be audited by auditors appointed for the purpose by the Authority ; and no person shall be so appointed who is not either a member, or a firm all the persons wherein are members, of one or more of the following bodies, namely—
- The Institute of Chartered Accountants in England and Wales;
  - The Institute of Chartered Accountants of Scotland ;
  - The Association of Certified and Corporate Accountants;
  - The Institute of Chartered Accountants in Ireland ;
  - Any other body of accountants established in the United Kingdom for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Board of Trade.
- (3) As soon as may be after the accounts of the Authority for any such period have been audited, the auditors shall transmit to the Ministers copies of the statements of account together with their report thereon, and the Ministers shall lay a copy of the statements and report before each House of Parliament.
- (4) Copies of reports and statements of account prepared by the Authority under this section shall be made available to the public at a reasonable price.

## **21 Disclosure of information**

- (1) The furnishing of returns or other information with respect to any particular undertaking, or the production of books or other records of the undertaking, shall not be required in pursuance of any powers conferred by or under the preceding provisions of this Part of this Act except to, or as the case may be, for examination of those books or records by, an independent member of the Authority or an authorised officer.
- (2) Without prejudice to subsection (1) of this section, returns or other information furnished or obtained by any person in pursuance of a requirement made under a scheme for the time being in force under section 16 of this Act, and any other information with respect to any particular undertaking which has been obtained under or by virtue of this Part of this Act, shall not be disclosed except—
- (a) with the consent of the person by whom the information was furnished; or
  - (b) to an independent member of the Authority or an authorised officer; or
  - (c) to one or more of the Ministers, or to an officer or servant appointed by, or by one or more of, the Ministers, or to a person exercising functions on behalf of the Ministers or one or more of them ; or
  - (d) in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to any one person or undertaking to be ascertained from it; or
  - (e) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to or arising out of this Part of this Act.

- (3) Any person who discloses any information in contravention of this section shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.

## **22 Prosecution of offences**

- (1) No proceedings for an offence under the preceding provisions of this Part of this Act or against any scheme made thereunder shall be instituted in England or Wales except—
- (a) by the Authority ; or
  - (b) by, or with the consent of, the Director of Public Prosecutions.
- (2) No proceedings for such an offence as aforesaid shall be instituted in Northern Ireland except—
- (a) by the Authority; or
  - (b) by, or with the consent of, the Attorney General for Northern Ireland.

### *Provisions as to guaranteed prices and Egg Marketing Board*

## **23 Amendments as to guaranteed prices**

The Agriculture Act 1957 shall have effect—

- (a) in respect of any period beginning on or after 28th March 1971, as if in Part II of Schedule 1 to that Act the words " Eggs (Hen and Duck in Shell)" were omitted;
- (b) in respect of any period beginning as aforesaid and ending not later than 30th March 1974, as if the words omitted as aforesaid were inserted at the end of Part I of that Schedule and as if the words " CROPS " and the words " LIVESTOCK AND LIVESTOCK PRODUCTS " were omitted from that Schedule ;
- (c) in respect of any period beginning on or after 31st March 1974, as if no order under section 1 of that Act with respect to eggs and duck eggs had been in force in respect of any period ending before that date;

but the said Act of 1957 and any instrument made thereunder shall continue to operate in relation to any period in respect of which paragraph (a), (b) or (c) of this section does not apply as if that paragraph had not been enacted.

## **24 Revocation of scheme establishing British Egg Marketing Board**

- (1) The British Egg Marketing Scheme (Approval) Order 1956 and the scheme approved thereby (being the scheme establishing the British Egg Marketing Board) are hereby revoked as from 31st March 1971.
- (2) After the passing of this Act, nothing in the said scheme shall have effect so as to require the election of new members to the said Board; and the said Board may, by a resolution passed at any time before 31st March 1971, extend until the making of an order for the winding-up of the Board the term of office of any elected or co-opted member whose term would otherwise expire at the end of that day.
- (3) The Board aforesaid may at any time before a petition for the winding-up of the Board is presented pass a resolution providing for the disposal on the winding-up of the Board of any assets of the Board remaining after the discharge of the debts and liabilities of

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the Board and the payment of the costs, charges and expenses incurred in the winding-up, being provision either—

- (a) for the transferring of those assets to a person or persons specified in the resolution for use by those persons for purposes so specified, being purposes which appear to the Board to be for the general benefit of persons engaged by way of business in the production of eggs ; or
- (b) for the distribution of those assets among such of the persons registered as producers under the scheme aforesaid as may be specified in the resolution in such proportions as may be so specified,

and any such resolution may make different provision according to the amount of those assets to be disposed of; and where such resolution has been passed as aforesaid by the Board, then, notwithstanding anything in the Companies Act 1948, the assets remaining as aforesaid shall be disposed of in accordance with the resolution.

### *Consumer protection*

## **25 Power to regulate retail sales of eggs**

- (1) If the Ministers are satisfied, after consultation with the Authority and with such other organisations appearing to the Ministers to be representative of interests substantially affected as they consider appropriate, that it is desirable so to do in the interests of consumers of eggs, they may by order make provision for all or any of the following matters, namely—
- (a) requiring eggs to be sold by retail in accordance with such designations indicating such weight gradings or such standards of quality as may be prescribed by the order;
  - (b) requiring any description under which eggs are sold, or offered or exposed for sale, by retail which gives an indication of the weight of the eggs to be such description indicating such grade by weight as may be so prescribed;
  - (c) imposing requirements as to, or otherwise regulating, the marking or labelling of eggs sold, or offered or exposed for sale, by retail or any container in which eggs are packed for such sale ;

and any such order may vary or revoke any previous order under this section and may contain such supplemental, incidental or transitional provisions as appear to the Ministers to be expedient, including in particular—

- (i) provision conferring exemptions from requirements of the order;
- (ii) provision for persons contravening or failing to comply with requirements of the order to be guilty of an offence against the order ;
- (iii) provision as to the circumstances in which warranty or other matters are to be a defence for a person charged with such an offence ;
- (iv) provision, for the purpose of the enforcement of the order so far as it relates to weight, conferring on officers of, and duly authorised by, local weights and measures authorities powers of entry, of making test purchases and of requiring the production of books and other records;

and an order under this subsection may make in relation to imported eggs any provision which might be made in relation to eggs.

- (2) Any person guilty of an offence against an order under this section shall be liable on summary conviction to a fine not exceeding £100.



- (3) It shall be the duty of every local weights and measures authority to enforce within their area the provisions of any order under this section so far as those provisions relate to weight; and section 37 of the Weights and Measures Act 1963 (power of local authorities to combine) shall apply with respect to the functions of such authorities under this section as it applies with respect to their functions under that Act; but nothing in this subsection shall be taken as authorising such an authority in Scotland to institute proceedings for an offence.
- (4) In relation to indications of quality the reference in subsection (1)(c) of this section to labelling includes a reference to labelling by means of any mark, label, tag or ticket made on, attached to or displayed with eggs for sale by retail, and, without prejudice to the construction of the expression " label" in section 6 of the Food and Drugs Act 1955 or in section 6 of the Food and Drugs (Scotland) Act 1956 or elsewhere, that expression in either of the said sections 6 shall include any such mark, label, tag or ticket.
- (5) The provisions of any order under this section shall have effect notwithstanding anything in section 63(4) of the Weights and Measures Act 1963 but shall be without prejudice to any provision of the Food and Drugs Act 1955 or the Food and Drugs (Scotland) Act 1956 or any order or regulations for the time being in force under either of those Acts.
- (6) In this section the expression " the Ministers " means the Minister and the Secretary of State for Scotland acting jointly.
- (7) This section does not extend to Northern Ireland.

*Assistance in sea transport of eggs*

**26 Assistance for certain transport of eggs by sea**

As from 28th March 1971—

- (a) the Minister may pay into the Exchequer of Northern Ireland such sums as he may with the agreement of the Treasury determine for the purpose of enabling the Ministry of Agriculture for Northern Ireland to make payments to persons engaged in Northern Ireland in the marketing of eggs in respect of expenditure incurred by them in transporting eggs by sea from Northern Ireland to Great Britain ;
- (b) the Secretary of State may make such payments to persons engaged in the County of Orkney in the marketing of eggs in respect of expenditure incurred by them in transporting eggs by sea from that County to other parts of Great Britain as he may with the agreement of the Treasury think fit.

*General provision*

**27 Supplementary provisions as to schemes and orders under Part I**

- (1) Any scheme or order made under this Part of this Act may make different provision for different circumstances.
- (2) Any power to make an order or regulations conferred by this Part of this Act shall be exercisable by statutory instrument.

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- (3) Any order under any of the following provisions of this Act namely, sections 4(2) and (3), 6(1) and (2), 13(2)(b) and (3)(b) and 25, and any order under section 9 of this Act to which subsection (2) of that section does not apply, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## PART II

### CAPITAL AND OTHER GRANTS

#### 28 Interpretation of Part II

In this Part of this Act, except where the context otherwise requires, the following expressions have the following meaning respectively, that is to say—

" agricultural business " means a business consisting in, or such part of any business as consists in, the pursuit of agriculture;

" agriculture " and cognate expressions shall be construed, except in relation to Scotland, in accordance with section 109 of the Agriculture Act 1947 and, in relation to Scotland, in accordance with section 86 of the Agriculture (Scotland) Act 1948;

" the appropriate authority ", in relation to any order, scheme or regulations under this Part of this Act, means the appropriate Minister, or the appropriate Ministers acting jointly, for the part or parts of the United Kingdom for which the order, scheme or regulations is or are made ;

" the appropriate Minister ", except in sections 31 to 33 of this Act, means—

- (a) in relation to England, the Minister;
- (b) in relation to Wales, the Minister and the Secretary of State acting jointly;
- (c) in relation to Scotland, the Secretary of State;
- (d) in relation to Northern Ireland, the Minister;

" the Minister ", except in section 35 of this Act, means the Minister of Agriculture, Fisheries and Food ;

" Wales " includes Monmouthshire and references to England shall be construed accordingly.

#### 29 Farm capital grants

- (1) The appropriate authority may with the approval of the Treasury by scheme provide for the making, subject to such exceptions or restrictions as may be provided for by the scheme, of grants of amounts determined in such manner as may be provided for by or under the scheme towards expenditure incurred or to be incurred for the purposes of, or in connection with, the carrying on or establishment of an agricultural business, being expenditure which—

- (a) has been or is to be incurred in respect of any such matters as may be specified in the scheme, or in respect of works or facilities certified under section 26(6) of the Agriculture Act 1967 as amended by subsection (2)(e) of section 32 of this Act; and
- (b) appears to the appropriate Minister to be of a capital nature or incurred in connection with expenditure of a capital nature; and
- (c) is approved by the appropriate Minister for the purposes of a grant under the scheme.

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- (2) Any scheme under this section shall be made by statutory instrument and—
- (a) may be made for any one, or jointly for any two or for all three, of the following, namely—
    - (i) England and Wales ;
    - (ii) Scotland;
    - (iii) Northern Ireland;
  - (b) may make different provision for different circumstances ;
  - (c) may vary or revoke any previous scheme under this section if or so far as that previous scheme is made for the same part or parts of the United Kingdom as the revoking or varying scheme ;
  - (d) shall be laid before Parliament after being made and cease to have effect (without prejudice to anything previously done thereunder or to the making of a new scheme) after the expiration of a period of forty days (calculated in accordance with section 7(1) of the Statutory Instruments Act 1946) beginning with the day on which it is made unless within that period it has been approved by resolution of each House of Parliament ;

and the duration of such a scheme (that is to say, the period within which expenditure must qualify in accordance with the provisions of the scheme for consideration for a grant thereunder) shall be a period not exceeding seven years, but that period may from time to time be extended by further schemes under this section for periods not exceeding seven years at a time.

- (3) Any grant under such a scheme may be made, and any approval under such a scheme may be given, subject to such conditions as the appropriate Minister thinks fit; and any payment by way of such a grant shall be made at such time, or by such instalments at such intervals or times, as the appropriate Minister may determine—
- (a) where the expenditure in question is incurred for the purposes of activities on land situated in England, Wales or Northern Ireland, by the Minister;
  - (b) where that expenditure is incurred for the purposes of activities on land situated in Scotland, by the Secretary of State.
- (4) If at any time after the appropriate Minister has approved any expenditure for the purposes of a grant under such a scheme it appears to that Minister—
- (a) that any condition subject to which the approval was given or the grant has been made has not been complied with; or
  - (b) that any work in respect of expenditure on which the approval was given has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed; or
  - (c) that the person by whom the application for that approval was made (hereafter in this subsection referred to as " the applicant ") gave information on any matter relevant to the giving of the approval which was false or misleading in a material respect,

the appropriate Minister may revoke the approval in respect of the whole or part of the expenditure and, where in pursuance of subsection (3)(a) or (b) of this section any payment has been made by the Minister or the Secretary of State by way of grant, the Minister or, as the case may be, the Secretary of State may on demand recover an amount equal to that payment or such part thereof as the appropriate Minister may specify; but before revoking an approval in whole or in part under this subsection the appropriate Minister—

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- (i) shall give to the applicant a written notification of the reasons for the revocation ; and
  - (ii) shall accord to the applicant an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister; and
  - (iii) shall consider the report by any person so appointed and supply a copy of that report to the applicant.
- (5) If any person, for the purpose of obtaining for himself or any other person any grant under such a scheme, knowingly or recklessly makes a false statement, he shall be liable on summary conviction to a fine not exceeding £400.
- (6) As from such date as the appropriate authority may by order made by statutory instrument appoint, and subject to subsection (7) of this section, the enactments mentioned in Part I of Schedule 5 to this Act and any instrument made thereunder shall to the extent specified in the third column of the said Part I, or, as the case may be, to the extent that the instrument was made by virtue of any provision of those enactments so specified, cease to have effect.
- (7) Notwithstanding subsection (6) of this section, the appropriate authority may with the approval of the Treasury by order provide for any such enactment or instrument as is referred to in that subsection to continue in force for such period after the date appointed under that subsection as may be specified in the order (and, in the case of the provisions of section 26 of the Agriculture Act 1967 so referred to, as if the further amendments to that section made by section 32 of this Act had not been made) for the purposes of cases of any description so specified ; and any order under this subsection shall be made by statutory instrument and—
- (a) may make different provision for different circumstances ;
  - (b) may be varied or revoked by a subsequent order under this subsection; and
  - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **30 Supplementary provisions as to farm capital grants**

- (1) The provisions of the Settled Land Act 1925 relating to improvements authorised by that Act (including those provisions as extended to trusts for sale by section 28 of the Law of Property Act 1925) shall, if it is so provided by regulations made with the approval of the Treasury by the appropriate authority, have effect as if such as may be specified in the regulations of the matters in respect of which expenditure may be approved for grant under a scheme made under section 29 of this Act were included in Schedule 3 to that Act (which sets out the improvements so authorised, distinguishing in Parts I, II and III of that Schedule between improvements the costs of which are not liable to be replaced, may be required to be replaced, and must be required to be replaced) and were contained in the Part of that Schedule specified in the regulations.
- (2) In the application of subsection (1) of this section to Northern Ireland—
- (a) for any reference to the Settled Land Act 1925 or to Schedule 3 to that Act there shall be substituted a reference to the Settled Land Act 1882 or, as the case may be, to section 25 of the said Act of 1882;
  - (b) the words from " (including those provisions " to " Law of Property Act 1925)" and the words from " distinguishing in " onwards shall be omitted.
- (3) The appropriate authority may with the approval of the Treasury by regulations make provision for subsections (1) to (12) of section 12 of the Hill Farming Act 1946 (which

in England and Wales enable the appropriate Minister to carry out improvements to certain land that is subject to rights of common of pasture and to recover a proportion of the expenditure of his so doing from persons claiming to enjoy rights over that land) to apply, with such modifications appearing to the appropriate authority to be necessary or expedient as may be specified in the regulations, to such as may be so specified of the matters in respect of which expenditure may be approved for grant under section 29 of this Act as they apply to improvements within the meaning of that Act.

- (4) Regulations under subsection (1) of this section may be made for England and Wales and for Northern Ireland respectively either separately or jointly; and any regulations under that subsection or subsection (3) of this section shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In section 83(4) of the Capital Allowances Act 1968 (which specifies certain grants the making of which in respect of any expenditure disentitles a grantee to an initial allowance in respect of that expenditure) at the end of the paragraph (d) added by section 3(2) of the Transport (London) Act 1969 there shall be inserted the words “or  
(e) a grant made under section 29 of the Agriculture Act 1970”.

### **31 Amendments as to grants for horticultural improvements**

- (1) In section 1(1) of the Horticulture Act 1960 (under which the appropriate Minister for the purposes of that Act may, in accordance with a scheme made with the approval of the Treasury, make grants in respect of horticultural production businesses), after the word “Treasury” there shall be inserted the words “and subject to such exceptions or restrictions as may be provided for by the scheme”; and in consequence of the foregoing provisions of this subsection the following provisions of that Act, namely, section 1(4) from the word “and” onwards, section 1(5), section 2(1) from the word “and” onwards, in section 2(3) the words from “whether” to “matter”, section 2(4), and in section 3 the words “and (4)” and the words “and subsection (1) of section two”, shall cease to have effect as from the date of commencement of this subsection except in relation to a proposal submitted for approval before that date.
- (2) In section 7(1) of the Agriculture and Horticulture Act 1964 (which provides that the aggregate amount of grants under sections 1 and 4 of the said Act of 1960 and sections 2 to 5 of the said Act of 1964 shall not exceed £24 million or if so provided by order £27 million)—
  - (a) for the words “twenty-four million pounds” there shall be substituted the words “£42 million”;
  - (b) for the words “twenty-seven million pounds” there shall be substituted the words “£47 million”.
- (3) Subsection (1) of this section shall come into operation on such date as the appropriate Minister for the purposes of the said Act of 1960 may by order made by statutory instrument appoint.

### **32 Amendments as to grants in connection with alterations of farm structure**

- (1) Part II of the Agriculture Act 1967 (which relates to grants in connection with alterations in farm structure) shall have effect with the amendments specified in the subsequent provisions of this section.

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(2) In section 26—

- (a) in subsection (1)—
- (i) for the words preceding paragraph (a) there shall be substituted the words " The appropriate Minister may in accordance with a scheme approve, and (subject to section 50 of the Agriculture Act 1970) make grants out of money provided by Parliament towards expenditure incurred in connection with the carrying out of—  
; and in paragraphs (a), (b) and (c) the word " of " in the first place where it occurs in each of those paragraphs shall be omitted ;
  - (ii) in paragraph (a) (which relates to the carrying out of transactions for securing that agricultural land which is an uncommercial unit, but which together with some other agricultural land could form an intermediate unit or commercial unit, shall be owned and occupied with that other land), after the word " is " there shall be inserted the words " or forms part of ";
  - (iii) for the words " improvements and works which will be carried out" there shall be substituted the words " works and facilities which will be carried out or provided ";
- (b) in subsection (3) as amended by subsection (6) of section 29 of this Act (which defines the expenditure towards which a grant may be made under section 26 in connection with an amalgamation or boundary adjustment) for the words from " shall be " onwards there shall be substituted the words " shall be any costs of the amalgamation or boundary adjustment of any description specified in the scheme ";
- (c) in subsection (4) as amended by subsection (6) of section 29 of this Act (which specifies certain matters for which different provision may be made by a scheme under section 26) for the words from " amalgamations " onwards there shall be substituted the words " different circumstances ";
- (d) in subsection (5) (which relates to the amount of a grant under that section) for the words from " shall be " onwards there shall be substituted the words " shall be determined in such manner as may be provided for by or under the scheme ";
- (e) for subsection (6) (which relates to the matters by reference to which grant is to be payable under that section) there shall be substituted the following:—
- “(6) A scheme under this section shall provide for grant in respect of such of any expenditure such as is mentioned in subsection (3) above as is approved for the purposes of grant by the appropriate Minister in connection with an amalgamation or boundary adjustment approved by that Minister in pursuance of the scheme, and any such approval—
- (a) may be given either before or, in any case where the appropriate Minister thinks fit, after the expenditure has been incurred or the amalgamation or boundary adjustment has been carried out;
  - (b) may be given subject to such conditions as the appropriate Minister may specify, and in particular subject to any condition as to the time within which the amalgamation or boundary adjustment is to be carried out or as to the carrying out or provision within a specified period of specified works or facilities appearing to the appropriate Minister to be

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- necessary as a consequence of the amalgamation or boundary adjustment ;
- (c) may be varied or withdrawn by the appropriate Minister with the written consent of the person on whose application the approval was given;
- and the appropriate Minister may, if he thinks fit, for the purposes of a claim for grant under section 29 of the Agriculture Act 1970 issue a certificate with respect to any work or facility that he considers it to be necessary or desirable as a consequence of an amalgamation, or to be necessary as a consequence of a boundary adjustment, approved by that Minister in pursuance of the scheme”;
- (f) in subsection (7) (which provides that after certain payments the provisions of Schedule 3 shall apply) for the word " or " in the first place where it occurs there shall be substituted the words " any grant under section 29 of the Agriculture Act 1970 in respect of any work or facility certified under subsection (6) above or any grant under ";
- (g) in subsection (7)(a) (which provides that the proposals for an amalgamation shall not be approved unless the appropriate Minister is satisfied that certain persons have given their consent to the application of Schedule 3) the words " the proposals for " shall be omitted ;
- (h) in subsection (7)(b) for the word " proposals" there shall be substituted the word " amalgamation ";
- (i) for subsection (7)(c)(i) there shall be substituted the following—
- “(i) any such grant as aforesaid in respect of such expenditure as the appropriate Minister may certify as being expenditure related to the relevant unit, and”;
- (j) in subsection (8), after the word " section ", there shall be inserted the words " or any such grant under section 29 of the Agriculture Act 1970 as is referred to in the last foregoing subsection " and for the word " proposals " there shall be substituted the words " boundary adjustment ";
- (k) in subsection (11), for the words " in consequence of the carrying out of proposals approved under this section " there shall be substituted the words " as a consequence of an amalgamation or boundary adjustment approved in pursuance of a scheme under this section or in consequence of the carrying out or provision of works or facilities certified under subsection (6) thereof ".
- (3) In section 27—
- (a) in subsection (1)(a) (which relates to certain circumstances in which a grant under section 27 may be made) for the words from " amalgamation " onwards there shall be substituted the words " amalgamation approved in pursuance of a scheme under section 26 of this Act, or ";
- (b) after subsection (5) there shall be inserted the following subsection—
- “(5A) A scheme under this section may make provision, in a case where a person who has submitted an application for a grant under this section, and who has in prescribed circumstances either relinquished or become under an obligation to relinquish occupation of the uncommercial unit of agricultural land in question, subsequently dies before the application has been dealt with, for the application to be proceeded with after the death and for grants under this section of such

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respective amounts as may be determined by or under the scheme to be payable either—

- (a) by way of annuity—
  - (i) in respect of any period after the relinquishment and before the death, for the benefit of the deceased's estate; and
  - (ii) in respect of any period falling after both the relinquishment and the death, to any person who was both at the date of the death and at the time when the application was made the spouse of the deceased ; or
- (b) by way of a lump sum payment for the benefit of the deceased's estate.”.

- (4) In section 28(1) (which relates to loans to assist amalgamations and boundary adjustments)—
  - (a) for the words from " incurred " to " applies " there shall be substituted the words " incurred in connection with an amalgamation or boundary adjustment approved by the appropriate Minister in pursuance of a scheme under section 26 of this Act ";
  - (b) in paragraph (a), after the word " section ", there shall be inserted the words " or incurred in the carrying out or provision of works or facilities certified under subsection (6) thereof ".
- (5) In section 35(b) (which provides that a scheme under section 26 or section 27 may authorise the making of different grants in different circumstances) for the word " may" there shall be substituted the words " without prejudice to the provisions of subsection (4) of the said section 26 as to schemes under that section, may, in the case of a scheme under the said section 27 ";
- and in section 35(f) (under which a scheme may contain such incidental and supplemental provisions as appear to the appropriate Minister expedient for the purposes of the scheme) for the words " for the purposes of the scheme " there shall be substituted " including transitional provisions treating as having been done under or in pursuance of the scheme anything done under or in pursuance of a previous scheme ".
- (6) Section 37 (which relates to recovery of grant) shall apply in relation to the approval of an amalgamation or boundary adjustment in pursuance of a scheme under section 26 as amended by this Act and to that amalgamation or boundary adjustment as it applies in relation to the approval of proposals under that section as originally enacted or, as the case may be, to those proposals.
- (7) Section 38 (which relates to the recovery of possession of farmhouses made redundant by amalgamation) or, as the case may require, Case 13 in Schedule 3 to the Rent Act 1968 (which replaces the provisions of the said section 38 for England and Wales) shall apply in relation to an amalgamation approved in pursuance of a scheme under section 26 as amended by this Act as it applies in relation to proposals for amalgamation approved for the purposes of a scheme under that section as originally enacted and, as so applied, shall have effect as if for references therein to the time when the proposals were submitted or the date on which the proposals were approved there were substituted a reference to the time when the application for approval of the amalgamation was made or, as the case may be, the date on which the amalgamation was approved.



- (8) Subject to the provisions of any order under subsection (7) of section 29 of this Act, the provisions of this section shall have effect as respects any period beginning on or after the date appointed under subsection (6) of the said section 29; but the appropriate Minister for the purposes of section 26 may by order made by statutory instrument provide for any provision of this section to come into force from such earlier date as may be specified in the order; and the provisions of section 26, as amended by this section and the said subsection (6), are set out in Schedule 2 thereto.

### **33 Miscellaneous amendments relating to amalgamations**

- (1) In Schedule 3 to the Agriculture Act 1967 (which relates to the conditions applying to amalgamated agricultural units)—
- (a) paragraph 1 (which relates to the duration of the application of that Schedule to a unit of land) shall have effect, and be deemed always to have had effect, with the substitution for the words " forty years " of the words " fifteen years " ;
  - (b) for sub-paragraph (4) of paragraph 2 (which relates to registration of conditions in Scotland) there shall be substituted the following sub-paragraph—
    - “(4) In the case of a unit of land in Scotland—
      - (a) where the conditions specified in this Schedule first come to apply to the unit, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice of that fact;
      - (b) the said conditions shall not be enforceable against any third party who shall have in good faith and for value acquired right (whether completed by infeftment or not) to his estate or interest in the unit prior to the said notice being recorded as aforesaid, or against any person deriving title from such a third party ;
      - (c) where the conditions or any of them cease to apply to the unit or part of the unit in pursuance of paragraph 6(1) or 7(8) of this Schedule, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice stating that the conditions or condition no longer apply, or applies, to that unit of land or that part”;
  - (c) in paragraph 5 (which requires the owner of a unit of land in certain circumstances to furnish certain information) after the word " land " in the first place where it occurs there shall be inserted the words " or any such other person having an estate or interest in the unit of land as may be agreed between the appropriate Minister, the owner and that other person " and for the words " furnish to him " there shall be substituted the words " or, if the tenant has been informed of such an agreement as aforesaid, by the other person in question, furnish to the owner or, as the case may be, to that other person ";
  - (d) in paragraph 7(2) (which relates to the maximum additional amount to be payable under paragraph 7(1)(b) where certain conditions are breached) for the words from " not exceed" onwards there shall be substituted the words " not exceed £1500 ".

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- (2) In section 29(3) and in section 48(2) of the Agriculture Act 1967 (which require certain persons to be parties to certain deeds) for the words " are parties to " there shall in each case be substituted the words " have executed " ; but—
- (a) in the case of any land in England, Wales or Northern Ireland which is comprised in a settlement or is held under a trust for sale, or
  - (b) in the case of any land in Scotland in which an estate or interest is held by a liferenter or an heir of entail,
- the person having the powers of a tenant for life, the trustees for sale, the liferenter or the heir of entail, as the case may be, may execute the deed referred to in the said section 29(3) or 48(2), or give the consent referred to in section 26(7)(a) or 28(6)(a) of that Act, or make the application for ministerial consent referred to in paragraph 6(1) of Schedule 3 to that Act, on behalf of all other persons who are or may become entitled to benefit under the settlement or trust in question or, as the case may be, to a right in that estate or interest as well as on his own behalf, and in that case the deed, consent or application shall not be required to be executed, given or made by any of those other persons.
- (3) The Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 thereof (which relates to the general powers of trustees) there were included a power to execute such a deed, give such a consent or make such an application as is referred to in subsection (2) of this section relating to the trust estate or any part thereof.
- (4) Where an application is made to the court by any person for a direction as to whether or not that person should exercise a power conferred on him by virtue of subsection (2) or (3) of this section in any particular case, other than the power to execute such a deed as is referred to in section 29(3) or 48(2) of the Agriculture Act 1967 relating to land which constitutes or forms part of a commercial unit within the meaning of Part II of that Act, the costs or expenses of that application shall, whatever the direction given by the court, be treated as expenditure towards which a grant may be made under section 26 of that Act.
- (5) In the application to Scotland of sections 26(7)(a), 28(6)(a), 29(3) and 48(2) of, and Schedule 3 to, the Agriculture Act 1967 and of subsection (2) of this section, references to an estate or interest in land shall not include and shall be deemed never to have included a reference to an estate of superiority within the meaning of section 3 of the Conveyancing (Scotland) Act 1874.

### **34 New provision as to standard costs, etc. for certain grants**

- (1) In such cases, and subject to such conditions, as may from time to time be determined by the Minister or Ministers concerned with the making in any part of the United Kingdom' of any description of grants to which this section applies, the cost of any works, or the amount of any other cost or expenditure, shall, if the applicant for grant so elects, be taken for the purpose of determining the amount of the grant as such standard cost or amount as the Minister or Ministers in question may from time to time fix with the approval of the Treasury.
- (2) The grants to which this section applies are as follows—
- (a) grants under section 16 of the Agriculture Act 1937 or section 15 of the Agriculture (Miscellaneous War Provisions) Act 1940 (drainage and water supply);

- (b) improvement grants under the Hill Farming and Live stock Rearing Acts 1946 to 1956;
  - (c) grants under section 1 of the Horticulture Act 1960 (horticultural improvements) or section 3 of the Agriculture and Horticulture Act 1964 (orchard clearing); and
  - (d) grants under section 30 (farm improvements), section 41 (hill land improvements) or section 61 (co-operative activities) of the Agriculture Act 1967.
- (3) Section 1(4)(c) of the Agricultural Improvement Grants Act 1959 (which authorises standard cost regulations for the purposes of section 3 of the Pests Act 1954) shall cease to have effect.

### **35 Termination of grants under Hill Farming Act 1946 s. 1**

- (1) The Minister may by order specify a date (hereafter in this section referred to as " the terminal date "), not being earlier than 5th November 1973, after which no payment shall be made under section 1(1) of the Hill Farming Act 1946 except in pursuance of a claim made on or before the terminal date in respect of work done before the making of the claim, being a claim made in such form and manner and containing such particulars as the Minister may from time to time direct.
- (2) Without prejudice to section 2(3) of the said Act of 1946 or subsection (3)(b) of this section, a grant under section 1(1) of that Act may be paid in pursuance of a claim made as aforesaid in respect of any work done not later than the terminal date which is required for making an improvement proposed by a scheme approved under the said section 1(1) whether or not the improvement is completed on or before the terminal date.
- (3) Where a scheme approved under the said section 1(1) is not completed on or before the terminal date—
- (a) the scheme is hereby revoked as from immediately after the terminal date ; and
  - (b) section 6 of the said Act of 1946 (which relates to the power of the Minister in certain circumstances to revoke a scheme approved, or to recover the whole or part of any payments made by way of grant, under the said section 1(1)) shall cease to apply to that scheme, but, subject to paragraph (c) of this subsection, the Minister may on demand recover an amount equal to any payment made by way of grant under the said section 1(1)—
    - (i) if or so far as the payment was in respect of any work done under the scheme which has been badly done; or
    - (ii) if, otherwise than in such circumstances as may be prescribed, the total cost of all work done under the scheme on or before the terminal date is excessive in relation to the agricultural benefit which is likely to be derived from that work ; or
    - (iii) except in such circumstances as may be prescribed, if or so far as the payment was in respect of work required for making an improvement under the scheme and that improvement is not completed on or before the terminal date ;
  - (c) before making a demand under paragraph (b) of this subsection on the recipient of any payment by way of grant under the said section 1(1), the Minister—

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- (i) shall give to that recipient a written notification that he proposes to make the demand and of the reason therefor; and
  - (ii) shall accord to that recipient an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister; and
  - (iii) shall consider the report by any person so appointed and supply a copy of that report to that recipient.
- (4) In this section—
- (a) the expression " the Minister " means the appropriate Minister for the purposes of the Hill Farming Act 1946;
  - (b) the expression " prescribed " means prescribed by the Minister by order, whether or not the same order as one made for the purposes of subsection (1) of this section.
- (5) Any order under this section shall be made by statutory instrument and—
- (a) may include such incidental, supplemental or transitional provision as appears to the Minister to be necessary or expedient;
  - (b) may be varied or revoked by a subsequent order under this section; and
  - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **36 Amendment of Agriculture (Ploughing Grants) Act 1952**

In section 3 of the Agriculture (Ploughing Grants) Act 1952, for subsection (4) (which provides that no scheme shall be made under that Act unless a draft has been approved by resolution of each House of Parliament) there shall be substituted the following:—

“(4) Any statutory instrument making, varying or revoking a scheme under this Act shall be laid before Parliament after being made and cease to have effect (without prejudice to anything previously done thereunder or to the making of a new scheme) after the expiration of a period of forty days (calculated in accordance with section 7(1) of the Statutory Instruments Act 1946) beginning with the day on which it is made unless within that period it has been approved by resolution of each House of Parliament.”

## **PART III**

### SMALLHOLDINGS IN ENGLAND AND WALES

#### *Preliminary*

### **37 Interpretation of Part III**

- (1) In this Part of this Act, except in so far as the context otherwise requires, the following expressions have the following meanings respectively, that is to say—
- " existing smallholding " means a unit of land which, being held by a smallholdings authority or (as the case may be) by the Minister for the purposes of smallholdings, is for the time being let as a smallholding (whether

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under this Act or under the previous enactments relating to smallholdings) or, if it is not for the time being in use, was so let when it was last in use;

" the Minister " (subject to section 62 of this Act) means the Minister of Agriculture, Fisheries and Food ;

" the Ministers " means the Minister and the Secretary of State for Wales and, in the case of anything falling to be done by the Ministers, means those Ministers acting jointly;

" smallholdings estate ", in relation to anything falling to be done by a smallholdings authority, means the aggregate of the land which is for the time being held by the authority for the purposes of smallholdings ;

" the previous enactments relating to smallholdings " means any of the following, that is to say, the Small Holdings and Allotments Acts 1908 to 1931 and Part IV of the Agriculture Act 1947 ;

" working capital ", in relation to a smallholding, includes any sum paid or payable by an incoming tenant (whether to the landlord or to the outgoing tenant) in respect of compensation paid or payable to an outgoing tenant.

(2) In this Part of this Act—

- (a) any reference to land held by a smallholdings authority for the purposes of smallholdings shall be construed as including a reference to any land in which an interest is so held by the authority, other than a right to take possession arising under the provisions of the Small Holdings and Allotments Acts 1908 to 1931 ;
- (b) any reference to smallholdings provided by a small holdings authority is a reference to any land which is for the time being held by the authority for the purposes of smallholdings and let as a smallholding, whether under this Part of this Act or under the previous enactments relating to smallholdings ;
- (c) any reference to the purposes of smallholdings, in relation to any time before the commencement of this Part of this Act, shall be construed as a reference to the purposes which were the purposes of smallholdings in accordance with Part IV of the Agriculture Act 1947.

(3) Any reference in this Part of this Act to the creation of a new smallholding shall be construed as a reference to any letting of land by a smallholdings authority or by the Minister where—

- (a) the land is for the time being held by the authority or the Minister for the purposes of smallholdings and the letting is a letting of the land as a smallholding ;
- (b) immediately before it is so let, the land or part of it is being used (or, if it is not then in use, is land which was last used) otherwise than as land held and let as mentioned in the preceding paragraph ; and,
- (c) the land so let is not a holding resulting from such an enlargement or amalgamation as is mentioned in section 40(2)(a) of this Act or resulting from a similar enlargement or amalgamation effected by the Minister.

(4) Subsections (1), (3) and (5) of section 109 of the Agriculture Act 1947 (interpretation) shall have effect for the purposes of this Part of this Act as they have effect for the purposes of that Act.

(5) It is hereby declared that the provisions of sections 46 and 47 of this Act with respect to the powers of smallholdings authorities relate only to their capacity as corporations; and nothing in those provisions shall be construed as authorising, on the part of any

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smallholdings authority, any act or omission which apart from those provisions would be actionable at the suit of any person on any grounds other than a limitation imposed by law on the capacity of the authority as a corporation.

*Reorganisation of smallholdings*

**38 Smallholdings authorities**

The following councils shall be smallholdings authorities, that is to say—

- (a) the Greater London Council;
- (b) the council of every county in England and Wales;
- (c) every county borough council who immediately before the commencement of this Part of this Act hold any land for the purposes of smallholdings, except any such council in respect of whom a direction is given under section 57(2) of this Act; and
- (d) any county borough council in respect of whom a direction under section 57(1) of this Act is for the time being in force.

**39 General aim of statutory smallholdings**

- (1) In the performance of their functions under this Part of this Act smallholdings authorities, having regard to the general interests of agriculture and of good estate management, shall make it their general aim to provide opportunities for persons to be farmers on their own account by letting holdings to them being persons who satisfy the requirements of subsection (2) and of any regulations made under subsection (6) of section 44 of this Act and holdings which, unless let in accordance with proposals approved by virtue of section 41(4) of this Act, fall within the upper limit for a smallholding.
- (2) For the purposes of the foregoing subsection and section 41(3) and (4) of this Act, a holding shall be treated as falling within the upper limit for a smallholding if in the opinion of the Minister it is capable, when farmed under reasonably skilled management, of providing full-time employment for not more than two men (including the person to whom it is let) with or without additional part-time employment for another man, and in any other case shall be treated as exceeding that upper limit, the number of men for whom it is capable of providing full-time employment being estimated in such manner as the Ministers may by regulations prescribe.

**40 Reorganisation of smallholdings estates**

- (1) Every smallholdings authority who immediately before the commencement of this Part of this Act hold any land for the purposes of smallholdings shall review the authority's smallholdings estate and (subject to any direction given under subsection (4) of this section) shall, before the end of the period of eighteen months beginning with the commencement of this Part of this Act or such extended period as in any particular case the Minister may allow, submit to the Minister proposals with respect to the future management of that estate.
- (2) For the purposes of this section each smallholdings authority shall in particular consider to what extent (if any), with a view to giving effect to the general aim specified in section 39(1) of this Act and having regard to the general interests of

agriculture and of good estate management, the authority's smallholdings estate should be reorganised—

- (a) by enlarging one or more existing smallholdings or amalgamating the whole or part of one or more existing smallholdings with other land (whether that other land is or forms part of an existing smallholding, or is otherwise comprised in the authority's smallholdings estate, or not) with or without the carrying out of improvements in connection with any such enlargement or amalgamation, or
  - (b) by improving one or more existing smallholdings with out any enlargement or amalgamation, or
  - (c) by creating one or more new smallholdings, with or without the carrying out of improvements in connection therewith.
- (3) Any proposals of a smallholdings authority under this section shall be formulated so as to comply with any general directions given by the Ministers, or with any special directions given to the authority by the Minister, as to the form of the proposals or as to the particulars to be contained in them.
- (4) If, on the application of a smallholdings authority, the Minister is satisfied that the authority's smallholdings estate is not suitable to be reorganised as mentioned in subsection (2) of this section, he may give a direction exempting the authority from the duty to submit proposals under this section.

#### **41 Approval by Minister of proposals for reorganisation**

- (1) Where any proposals have been submitted to the Minister by a smallholdings authority under section 40 of this Act, the Minister, subject to the following provisions of this section, may approve the proposals, or may reject them and direct the authority to submit to him new proposals under that section within such time as may be specified in the direction.
- (2) Where the Minister approves any such proposals, he may approve them either as submitted or with such modifications as he considers appropriate, and may approve them (with or without such modifications) either unconditionally or subject to conditions; and in the following provisions of this Part of this Act any reference to the approval of any such proposals by the Minister is a reference to his approving them in any way authorised by the preceding provisions of this subsection.
- (3) Subject to subsection (4) of this section, the Minister shall not approve any proposals of a smallholdings authority under section 40 of this Act in so far as it appears to him that an existing smallholding as enlarged or improved in accordance with the proposals, or a holding resulting from a proposed amalgamation, or a new smallholding proposed to be created, would exceed the upper limit for a smallholding.
- (4) The Minister may approve any such proposals of a smallholdings authority notwithstanding that it appears to him that, in the case of one or more holdings, the upper limit for a smallholding would be exceeded, if it is represented to him by the authority, and he is satisfied—
  - (a) that the holdings are to be let as smallholdings in accordance with section 44 of this Act, and
  - (b) that, by reason of the nature or extent of fixed equipment on the holding or holdings, or of the special qualities of the soil, or of other exceptional circumstances, it is necessary or expedient for them to exceed that limit.

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- (5) Subject to subsections (3) and (4) of this section, in determining whether to approve any proposals of a smallholdings authority submitted under section 40 of this Act the Minister shall have regard to the considerations specified in subsection (2) of that section.
- (6) Where any proposals of a smallholdings authority under section 40 of this Act have been approved by the Minister, then, until those proposals are amended or superseded by subsequent proposals so approved, it shall be the duty of the smallholdings authority—
  - (a) to perform their functions under the following provisions of this Part of this Act in such a way as to give effect to those proposals as so approved, and
  - (b) if the approval of the Minister is given subject to conditions, to comply with those conditions.

#### **42 Subsequent reviews and proposals for further reorganisation**

- (1) Where proposals have been submitted to the Minister by a smallholdings authority under section 40 of this Act, and the Minister has approved those proposals, the Minister, at any time after the end of the period of five years beginning with the date of approval, may direct the smallholdings authority to carry out a further review of their smallholdings estate and to submit to him further proposals with respect to the future management of that estate.
- (2) A smallholdings authority to whom the Minister has given a direction under subsection (1) of this section shall comply with that direction within such period as may be specified in the direction or such extended period as the Minister may allow; and any proposals submitted in compliance with such a direction shall indicate how far the authority's previous proposals, as approved by the Minister, are intended to remain unaltered and how far they are to be amended or superseded by the new proposals.
- (3) Subsections (2) and (3) of section 40 and subsections (1) to (5) of section 41 of this Act shall have effect (subject to the necessary modifications) in relation to proposals submitted to the Minister under this section as they have effect in relation to proposals submitted to him under the said section 40.
- (4) The power of the Minister under subsection (1) of this section to direct a further review shall include power to direct subsequent reviews where proposals have been approved by him by virtue of this section, but with intervals of not less than five years between the date of approval and any direction requiring a further review ; and accordingly—
  - (a) in subsection (1) of this section the reference to proposals submitted to the Minister under section 40 of this Act shall be construed as including a reference to proposals submitted to him in accordance with subsections (1) and (2) of this section, and
  - (b) in subsection (2) of this section the reference to a direction given by the Minister under subsection (1) of this section shall be construed accordingly.
- (5) Where by virtue of this section the Minister has approved proposals amending or superseding proposals previously approved by him, then, until further proposals amending or superseding the proposals for the time being in force are approved by the Minister, it shall be the duty of the smallholdings authority—
  - (a) to perform their functions under the subsequent provisions of this Part of this Act in such a way as to give effect to the proposals as approved by the Minister and for the time being in force, and



- (b) if the approval of the Minister to the proposals for the time being in force has been given subject to conditions, to comply with those conditions.
- (6) Where under subsection (4) of section 40 of this Act the Minister has given a direction exempting a smallholdings authority from the duty to submit proposals under that section, the Minister may revoke that direction at any time after the end of the period of five years beginning with the date on which it was given; and where such a direction is revoked the provisions of sections 40 and 41 of this Act shall have effect in relation to that authority as if, in subsection (1) of the said section 40, the reference to the commencement of this Part of this Act were a reference to the date of the revocation, and any reference in this Part of this Act to proposals submitted under the said section 40 or approved under the said section 41 shall be construed accordingly.
- (7) In relation to proposals of which different parts are approved by the Minister on different dates, any reference in this section to the date of approval shall be construed as a reference to the latest of those dates.

#### **43 Submission and approval of proposals otherwise than in connection with reviews**

- (1) Where a smallholdings authority, other than an exempt smallholdings authority, propose to carry out any such transaction as is mentioned in paragraph (a), paragraph (b) or paragraph (c) of section 40(2) of this Act, and the transaction—
- (a) would be inconsistent with any previous proposals of the authority as approved by the Minister and for the time being in force under the preceding provisions of this Part of this Act, and has not been provided for by any proposals previously approved under this section, and
  - (b) is intended to be carried out at a time when no review of the authority's smallholdings estate is required to be carried out by a direction given by the Minister under those provisions,
- the authority shall submit to the Minister proposals under this section for carrying out that transaction.
- (2) Any proposals submitted by a smallholdings authority under subsection (1) of this section shall be by way of amending the previous proposals of the authority approved by the Minister under the preceding provisions of this Part of this Act, in the form in which (whether as originally approved or as subsequently amended) those proposals are for the time being in force.
- (3) Where an exempt smallholdings authority propose to carry out any such transaction as is mentioned in paragraph (a) or paragraph (c) of section 40(2) of this Act, and the transaction has not been provided for by any proposals of the authority previously approved by the Minister under this section, the authority shall submit to the Minister proposals under this section for carrying out that transaction.
- (4) An exempt smallholdings authority proposing to carry out any such transaction as is mentioned in paragraph (b) of section 40(2) of this Act may, if (having regard to the provisions of section 51 of this Act) it appears to the authority to be expedient to do so, submit to the Minister proposals under this section for carrying out that transaction.
- (5) Subsection (3) of section 40 and subsections (1) to (5) of section 41 of this Act shall have effect (subject to the necessary modifications) in relation to proposals submitted to the Minister under this section as they have effect in relation to proposals submitted to him under the said section 40.

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- (6) Subject to subsection (7) of this section, where the Minister has approved any proposals under this section, subsection (5) of section 42 of this Act shall have effect as if those proposals had been approved under that section.
- (7) In the case of proposals submitted by an exempt smallholdings authority and approved by the Minister under this section, subsection (6) of section 41 of this Act shall have effect as if those proposals had been approved under that section.
- (8) In this section " exempt smallholdings authority " means a smallholdings authority in respect of which a direction given under section 40(4) of this Act is for the time being in force.

### *Management of smallholdings*

#### **44 Letting of smallholdings**

- (1) Any land held by a smallholdings authority for the purposes of smallholdings may be let by them as a smallholding in accordance with the following provisions of this section.
- (2) Subject to subsection (3) of this section, no land shall be so let except to a person who is to farm the holding and either—
  - (a) is regarded by the authority as being qualified by reason of his agricultural experience to farm the holding on his own account, or
  - (b) is a person in respect of whom the authority are satisfied that within a reasonably short time he will become eligible to be so regarded.
- (3) Notwithstanding anything in subsection (2) of this section, a smallholdings authority may let land under this section as a smallholding, or as part of a group of two or more smallholdings, to two or more persons proposing to farm the land together on a co-operative system if, having regard to the aggregate agricultural experience of those persons, the authority are satisfied that they are, or will within a reasonably short time become, qualified to farm the land together on such a system on their own account.
- (4) Subject to subsection (5) of this section, a smallholdings authority shall not under this section—
  - (a) let any holding resulting from such an enlargement or amalgamation as is mentioned in section 40(2)(a) of this Act, or
  - (b) create any new smallholding,
 unless the enlargement or amalgamation, or the creation of a new smallholding, as the case may be, is in accordance with proposals which have been approved by the Minister and are for the time being in force under the preceding provisions of this Part of this Act.
- (5) Subsection (4) of this section shall not apply to the letting of any holding, or the creation of a new smallholding, if—
  - (a) the letting or creation is effected by the smallholdings authority with the consent in writing of the Minister, and
  - (b) that consent is given before any proposals have been submitted by the authority under section 40 of this Act or before any proposals so submitted by the authority have been approved by the Minister.

- (6) Regulations made by the Ministers may make provision as to the selection of tenants to whom land may be let under this section, and in particular—
- (a) may specify requirements (whether as to agricultural experience or otherwise) to be fulfilled by persons to whom land is to be let under this section, and
  - (b) may require smallholdings authorities, before letting land under this section, to take such preparatory steps as may be prescribed by the regulations.

#### **45 Rent to be charged for smallholdings**

- (1) A smallholdings authority in determining the rent at which any land is to be let by them under section 44 of this Act, shall have regard to the rent which, in their opinion, might reasonably be expected to be determined to be the rent properly payable if—
- (a) the land were already let as an agricultural holding;
  - (b) the terms of that letting (other than terms relating to rent) were those on which the smallholdings authority propose to let the land in question; and
  - (c) the question what rent should be payable in respect of that agricultural holding had been referred to arbitration under the enactments relating to agricultural holdings which are for the time being in force.
- (2) For the purposes of the foregoing subsection it shall be assumed that, on any such arbitration as is mentioned in paragraph (c) of that subsection, there would be no improvements, or matters treated as equivalent to improvements, and no dilapidation, deterioration or damage, of which, in accordance with the enactments referred to in that paragraph, special account (whether by way of reducing or increasing the rent determined) would fall to be taken in determining what rent should be payable.
- (3) Subsection (1) of this section (but without the assumptions specified in subsection (2) thereof) shall have effect in relation to any revision by agreement of the rent at which any land has been let by a smallholdings authority as a smallholding (whether under section 44 of this Act or under the previous enactments relating to smallholdings) as it has effect in relation to determining the rent at which any land is to be let under the said section 44.

#### **46 Equipment of smallholdings**

- (1) A smallholdings authority shall have power to provide, improve, maintain and repair fixed equipment on land held by the authority for the purposes of smallholdings, and to carry out any other improvements on or for the benefit of any such land.
- (2) The power conferred by the foregoing subsection shall include power to enter into an agreement with a tenant of any such land for—
- (a) the provision, improvement, maintenance or repair by the tenant of fixed equipment on the land, or
  - (b) the carrying out by the tenant of other improvements on or for the benefit of the land,
- on such terms as may be specified in the agreement.

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#### **47 General powers of management**

- (1) Subject to the provisions of this Part of this Act, a smallholdings authority shall have all such powers as are required by the authority for the management of land held by them for the purposes of smallholdings.
- (2) A smallholdings authority shall have power, for the benefit of the occupiers of smallholdings provided by the authority, to further the formation of bodies of persons, whether corporate or unincorporate, having for their object or one of their objects the promotion of efficiency in the conduct of smallholdings through co-operative methods, and in particular through co-operative purchase and hiring of requisites for the smallholdings or the co-operative sale, marketing or preparation for marketing of the produce of the smallholdings, and to assist the carrying on and extension of the activities of such bodies.
- (3) To such extent as appears to a smallholdings authority to be expedient for the purpose of assisting the conduct of smallholdings provided by the authority, or of promoting co-operative schemes for the conduct of such smallholdings, the authority shall have power—
  - (a) to acquire by purchase or hiring machinery and other equipment, live or dead stock, seeds, fertilisers and any other requisites and to sell or let them on such terms as may be decided by the authority, and
  - (b) to provide services on such terms as may be so decided.
- (4) A smallholdings authority shall have power to carry out arrangements made by the authority for the disposal by the authority of the produce of smallholdings provided by them.

#### **48 Acquisition of land for purposes of smallholdings**

- (1) Where in the exercise of their powers under section 157 of the Local Government Act 1933 (power of local authorities to acquire land by agreement) a smallholdings authority propose to acquire for the purposes of smallholdings any land outside their area, they shall consult the council of the county or county borough in whose area the land is situated.
- (2) Notwithstanding anything in that Act or in any other enactment, a smallholdings authority shall not be authorised to acquire any land compulsorily for the purposes of smallholdings.

#### **49 Surplus land held for purposes of smallholdings**

- (1) Where any land held by a smallholdings authority for the purposes of smallholdings is not for the time being required for use for those purposes, the authority may let it for such period and for such purpose as they think fit, at the best rent which appears to them to be obtainable for it for that purpose and on such other terms as they may determine.
- (2) In subsection (1) of this section the reference to letting land shall be construed as including references—
  - (a) to the grant, with the approval of the Minister, of a licence to a person to occupy the land for use as agricultural land, and
  - (b) to the grant of a licence to a person to occupy the land, where the land is to be used only for grazing or mowing during a specified period of the year.

- (3) Section 164 of the Local Government Act 1933 (power to let land) shall not have effect so as to enable a smallholdings authority by virtue of that section to let, otherwise than in accordance with section 44 of this Act or subsection (1) of this section, any land which is for the time being held by the authority for the purposes of smallholdings.
- (4) The preceding provisions of this section shall have effect without prejudice to any power exercisable by a smallholdings authority under section 163 (power to appropriate land) or section 165 (power to sell or exchange land) of the Local Government Act 1933.

### *Financial aid for smallholdings*

## **50 Grants in respect of certain amalgamations, etc.**

Any scheme under section 26 of the Agriculture Act 1967 as amended by Part II of this Act which makes provision for grants to smallholdings authorities in respect of expenditure incurred in connection with the carrying out of transactions to give effect to proposals approved and for the time being in force under sections 40 to 43 of this Act and which provides that this section is to have effect in relation to the scheme shall provide for such grants to be payable only in such cases as the Minister may, with the approval of the Treasury, determine; and no such grant shall be made under that scheme to a smallholdings authority in respect of expenditure incurred in connection with any particular transaction unless an application for the making of the grant has been made by the authority in accordance with the scheme within five years from the date when the scheme comes into operation ; but—

- (a) the application may be made at any time after the authority have submitted to the Minister proposals under the said section 40 which include proposals relating to that transaction or have submitted to the Minister proposals relating to that transaction under the said section 43 ; and
- (b) where the transaction is comprised in proposals submitted under the said section 40, the grant may be made at any time after the Minister has approved so much of those proposals as relates to that transaction whether any other part of the proposals submitted by the authority has then been approved or not.

## **51 Increase of certain capital grants**

- (1) Where a grant is made to a smallholdings authority under a scheme made under any provision of this Act in respect of expenditure which—
  - (a) was or is to be incurred in the carrying out or provision of works or facilities of such description as the Minister may specify for the purposes of this section in that scheme which are, in the opinion of the Minister, required for giving effect to proposals approved by him under section 41 or 43 of this Act; and
  - (b) qualified in accordance with the provisions of the scheme for consideration for the grant before the expiration of the period of five years beginning with the date when the first scheme under the provision of this Act in question providing for grants to smallholdings authorities came into operation,

the Minister may increase the amount of that grant by an amount equal to one-tenth of the expenditure in respect of which the grant was made; but no such increase shall be granted if the land on which the works or facilities were or are to be carried out or provided constitutes or forms part of a holding which, in the opinion of the Minister,

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would without those works or facilities be a commercial unit within the meaning of Part II of the Agriculture Act 1967.

- (2) An application to the Minister for an increase of grant by virtue of subsection (1) of this section in respect of any works or facilities may be made by a smallholdings authority at any time after the authority—
- (a) have submitted to the Minister proposals under section 40 of this Act which include the proposals in connection with which the authority claim that the works or facilities are required (hereafter in this subsection referred to as "the relevant proposals"); or
  - (b) have submitted the relevant proposals to the Minister under section 43 of this Act;

and, where the relevant proposals are comprised in proposals submitted under the said section 40, the increase may be granted at any time after the Minister has approved so much of the proposals submitted under that section as consists of the relevant proposals, whether any other part of the proposals so submitted by the authority has been so approved or not.

## **52 Contributions under previous enactments**

- (1) The Minister shall not approve any proposals and estimates under section 58 of the Agriculture Act 1947 (contributions by Minister to losses incurred by smallholdings authorities) if the estimates are submitted to him under subsection (1) of that section after the passing of this Act.
- (2) Regulations made by the Ministers with the approval of the Treasury—
- (a) may require any smallholdings authority to furnish the Minister with such particulars as may be determined in accordance with the regulations of any sale or exchange of land which immediately before the commencement of this Part of this Act is held by the authority for the purposes of smallholdings, of any appropriation of such land for other purposes, and of any letting of such land otherwise than under section 44 of this Act;
  - (b) may empower the Minister to adjust, in such manner as he thinks fit having regard to any such particulars furnished by a smallholdings authority, the amount or aggregate amount of any contributions payable to that authority under section 2 of the Small Holdings and Allotments Act 1926 or section 58 of the Agriculture Act 1947, in a case where the land sold, exchanged, appropriated or let is land which has been or formed part of—
    - (i) land in respect of which payments have been made under section 27 of the Land Settlement (Facilities) Act 1919 ; or
    - (ii) land in the case of which contributions have been made or undertaken to be made under the said section 2 or the said section 58 in connection with proposals and estimates relating to that land;
  - (c) may provide for withholding or reducing any such contributions where any requirement imposed on a smallholdings authority by or under this Part of this Act or section 58 of the Agriculture Act 1947 is not complied with;
  - (d) may make provision as to the making of applications for the payment of any such contributions which have been agreed to be made, and as to the time at which payments of any such contributions may be made, and for enabling the Minister to require a smallholdings authority to whom any such contributions have been paid to furnish the Minister with any particulars required by the Minister before payment of contributions is continued ; and

- (e) may make provision for empowering persons authorised by the Minister to inspect books and other documents of a smallholdings authority relating to transactions in connection with which any such contributions are payable to the authority.
- (3) Any regulations made under this section may revoke—
- (a) so much of any regulations for the time being in force under section 58 of the Agriculture Act 1947 as was made in pursuance of any provisions of that section which are repealed by this Act, and
  - (b) any regulations made under section 2 of the Small Holdings and Allotments Act 1926 in their application to holdings other than cottage holdings;
- but nothing in this subsection shall be construed as affecting the exercise of any power to revoke or vary so much of any regulations made under the said section 58 as was made in pursuance of any provisions not repealed by this Act.
- (4) Where any regulations exercise a power of revocation conferred by subsection (3) of this section, the regulations may contain such transitional provisions with respect to matters in progress under the regulations so revoked as the Ministers may consider appropriate having regard to the provisions of subsection (2) of this section and of section 62 of this Act.
- (5) In this section " contributions " includes any payments; and in subsection (2) (b) of this section the reference to adjusting the amount or aggregate amount of any contributions payable to a smallholdings authority shall be construed as including a reference to terminating all or any contributions so payable.

### **53 Loans and guarantees by smallholdings authorities**

- (1) A smallholdings authority may make loans for the purpose of providing working capital for a tenant of a smallholding provided by the authority, or for a person intending to become such a tenant, or may guarantee the repayment of, and the payment of interest on, any loan made for that purpose by another person.
- (2) A loan made or guaranteed by a smallholdings authority under this section in respect of a smallholding (or, if two or more loans are so made or guaranteed, the aggregate amount of those loans) shall not exceed three-quarters of the aggregate working capital which in the opinion of the authority is required for the proper working of the smallholding.
- (3) Subject to subsection (4) of this section, every loan made by a smallholdings authority under this section shall bear interest at a rate of one-half of one per cent, above the rate which, on the date of the agreement to make the loan, is the rate for the time being determined by the Treasury in accordance with section 5 of the National Loans Act 1968 in respect of local loans made on the security of local rates on that date and for the same period as that loan.
- (4) Where, on the date of the agreement for a loan under this section, there are two or more rates of interest for the time being determined by the Treasury as mentioned in subsection (3) of this section, the reference in that section to the rate so determined shall be construed as a reference to such one of those rates as may be specified in a direction given by the Treasury for the purposes of this section.
- (5) The Treasury shall cause any direction given under subsection (4) of this section to be published in the London Gazette as soon as may be after giving it.

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- (6) A smallholdings authority shall not guarantee a loan under this section which bears a rate of interest in excess of the rate which would be chargeable if the loan were made by the authority under this section.
- (7) No loan shall be made or guaranteed under this section except in pursuance of an agreement in writing specifying the maximum period of the loan or guarantee and the rate of interest on the loan.
- (8) In this section " local loans " and " made on the security of local rates " have the same meanings as in section 6(2) of the National Loans Act 1968.

*Additional powers of Minister in relation to smallholdings*

**54 Land held by Minister for purposes of smallholdings**

- (1) This section applies to any land which is for the time being held by the Minister for the purposes of smallholdings.
- (2) Subject to the following provisions of this section, in relation to land to which this section applies the Minister shall have the like duties and powers as smallholdings authorities have under the provisions of sections 44 to 47 and 49(1) and (2) of this Act in relation to land held by them for the purposes of smallholdings, as if in those provisions any reference to smallholdings provided by a smallholdings authority were a reference to smallholdings on land to which this section applies.
- (3) Where for the purpose of assisting the conduct of smallholdings on land to which this section applies the Minister has (whether before or after the commencement of this Part of this Act) acquired by purchase or hiring machinery or other equipment, live or dead stock, seeds, fertilisers or other requisites, or provides any services, the powers of the Minister under section 47(3) of this Act, as applied by subsection (2) of this section, shall include power to sell or let them to, or (as the case may be) to provide the services for, any persons, whether they are tenants of smallholdings or not.
- (4) Where any arrangements are made by the Minister under section 47(4) of this Act, as applied by subsection (2) of this section, and it appears to the Minister that any facilities provided in accordance with the arrangements are not required to be reserved exclusively for disposing of the produce of smallholdings on land to which this section applies, the arrangements may include provision for the use of those facilities for disposing of the produce of other agricultural holdings.
- (5) Subject to subsection (6) of this section, the Minister may, in accordance with arrangements made by him with the approval of the Treasury, make loans for the purpose of providing working capital for a tenant of a smallholding on land to which this section applies, or for a person intending to become such a tenant.
- (6) A loan made by the Minister under subsection (5) of this section in respect of a smallholding (or, if two or more loans are so made, the aggregate amount of those loans) shall not exceed three-quarters of the aggregate working capital which in the opinion of the Minister is required for the proper working of the smallholding.
- (7) The Minister may designate any land for the time being vested in him as being land held by him for the purposes of smallholdings, and may at any time revoke any such designation ; and—



- (a) any land comprised in such a designation which is for the time being in force shall for the purposes of this section be taken to be land held by the Minister for the purposes of smallholdings, whether apart from the designation it would be taken to be so held or not, and
- (b) any land in respect of which such a designation has been revoked under this subsection shall be conclusively presumed to be land not held by the Minister for those purposes.

## **55 Acquisition of land by Minister for purposes of smallholdings**

The power of the Minister to acquire land under section 82 of the Agriculture Act 1947 shall include power to acquire by agreement any land which in his opinion is required by him for the purposes of smallholdings.

## **56 Default powers of Minister**

- (1) If the Minister is satisfied that the functions of a smallholdings authority under this Part of this Act are not being satisfactorily performed by the authority, the Minister, subject to the following provisions of this section, may—
  - (a) direct the authority to perform those functions in such manner as may be specified in the direction, or
  - (b) by order transfer such of the functions of the authority under this Part of this Act (including the expenditure of money whether on revenue or capital account) as may be specified in the order.
- (2) Any functions transferred by an order in accordance with subsection (1)(b) of this section shall be so transferred to the Minister.
- (3) Before the Minister—
  - (a) makes an order under subsection (1)(b) of this section, or
  - (b) comes to a decision on an application made by the smallholdings authority for the revocation of such an order relating to the authority, where the application is made not earlier than twelve months after the making of the order and (if one or more previous applications for the revocation of the order have been made) not earlier than twelve months after the last such application was made,he shall give to the smallholdings authority an opportunity of making representations to him, and shall take into consideration any representations made by the authority, and, if the authority so require, shall afford to them an opportunity of being heard by a person appointed by the Minister for the purpose.
- (4) The performance by the Minister of any functions transferred to him by an order in accordance with subsection (1)(b) of this section shall have effect as if he were an agent of the smallholdings authority duly authorised to perform them ; but—
  - (a) any expenses incurred by the Minister in the performance of those functions shall be defrayed in the first instance by the Minister, and
  - (b) the Minister shall certify, in respect of such successive periods as he may determine, the amount of the expenses so incurred in each such period and the amount of any receipts of the Minister in each such period from the performance of those functions, and the difference between those amounts, as certified by the Minister, shall be recoverable by him from the smallholdings authority or payable by him to the authority, as the case may require.

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- (5) Where any functions of a smallholdings authority have been transferred by an order in accordance with subsection (1)(b) of this section, and any property has been acquired or any liabilities have been incurred in the performance of those functions while so transferred, any order varying or revoking that order may contain such provisions with respect to the transfer, vesting or discharge of any such property or liabilities as appear to the Minister to be expedient in the circumstances.
- (6) The power conferred on the Minister by subsection (1)(a) of this section shall have effect without prejudice to the exercise of any other power of the Minister to give directions under this Part of this Act.
- (7) Section 104 of the Agriculture Act 1947 (provisions as to representations), any regulations for the time being in force under that section, and section 107 of that Act (service of notices) in its application to notices under that section, shall (with the necessary modifications) have effect in relation to subsection (3) of this section as they have effect in relation to enactments contained in that Act.

*General and supplementary provisions*

**57 County borough councils**

- (1) On the application of any county borough council who are not for the time being a smallholdings authority, the Minister may direct that the council shall be a smallholdings authority.
- (2) Where a county borough council are a smallholdings authority, whether by virtue of a direction under subsection (1) of this section or otherwise, then, if at any time no land is held by that council for the purposes of smallholdings, the Minister may direct that the council shall cease to be a smallholdings authority.

**58 Accounts and records of smallholdings authorities**

- (1) A smallholdings authority shall keep a separate account of their receipts and expenses (including capital receipts and expenses) with respect to smallholdings.
- (2) Every smallholdings authority shall compile and keep, and, if so required at any time by a person authorised by the Minister in that behalf, shall produce to him—
  - (a) a record of all land which is or has at any time been held by the authority for the purposes of smallholdings, of the persons in occupation of such of that land as is for the time being let by the authority as smallholdings and of the rents at which it is let to them, and of the purchasers of so much of that land as has been sold by the authority, and
  - (b) a map or plan showing the size, boundaries and situation of each smallholding provided by the authority.

**59 Annual reports**

- (1) Every smallholdings authority shall, before such date in each year as the Minister may direct, send to the Minister a report, relating to such matters as the Minister may direct, of the proceedings of the authority during the preceding financial year.

- (2) The Ministers shall lay before Parliament a report in respect of each financial year, summarising for that year the proceedings of smallholdings authorities and the proceedings of the Minister, and of the Ministers acting jointly, in relation to smallholdings.

## **60 Cottage holdings**

- (1) No land shall after the commencement of this Part of this Act—
- (a) be sold by a county council, a county borough council or the Greater London Council as a cottage holding, or
  - (b) be let by such a council as a cottage holding by a letting effected after the commencement of this Part of this Act, whether the land was previously so let or not, or
  - (c) be acquired (whether by way of purchase or lease) by such a council for the purpose of being sold or let as a cottage holding.
- (2) The provisions of section 52(2) of this Act shall have effect in relation to land which immediately before the commencement of this Part of this Act is held by any such council for the purposes of cottage holdings as they have effect in relation to land then held by a smallholdings authority for the purposes of smallholdings, as if in those provisions—
- (a) any reference to a smallholdings authority were a reference to such a council, and
  - (b) the reference to section 2 of the Small Holdings and Allotments Act 1926 included a reference to that section as applied to cottage holdings by section 12 of that Act or by section 12 of the Agricultural Land (Utilisation) Act 1931.
- (3) Any regulations made by the Ministers in the exercise of the powers conferred by section 52(2) of this Act as applied by subsection (2) of this section may revoke any regulations for the time being in force under section 2 of the Small Holdings and Allotments Act 1926 in their application to cottage holdings.
- (4) Where any regulations exercise the power of revocation conferred by subsection (3) of this section, the regulations may contain such transitional provisions with respect to matters in progress under the regulations so revoked as the Ministers may consider appropriate having regard to the provisions of sections 52(2) and 62 of this Act.

## **61 Special classes of land**

- (1) Land forming part of the possessions of the Duchy of Lancaster or of the Duchy of Cornwall may be leased to a smallholdings authority or to the Minister for the purposes of smallholdings for a term not exceeding 35 years, with or without a right of renewal for a further term not exceeding 35 years.
- (2) The powers of leasing conferred by subsection (1) of this section shall be exercisable—
- (a) in the case of land forming part of the possessions of the Duchy of Lancaster, by the Chancellor and Council of the Duchy by deed under the seal of the Duchy in the name of Her Majesty, Her heirs and successors, and
  - (b) in the case of land forming part of the possessions of the Duchy of Cornwall, by the Duke of Cornwall or such other persons as for the time being have power to dispose of land belonging to the Duchy.

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- (3) In the case of glebe land—
- (a) the like powers of leasing may be exercised by the incumbent of the ecclesiastical benefice to which the land belongs, but shall not be so exercised except with the consent of the Church Commissioners;
  - (b) the consent of any person, other than the Church Commissioners, shall not be required to enable the land to be sold to a smallholdings authority or to the Minister for the purposes of smallholdings.
- (4) Where any glebe land has, whether before or after the commencement of this Part of this Act, been leased to a smallholdings authority or to the Minister for the purposes of smallholdings—
- (a) the provisions of the Ecclesiastical Dilapidations Measures 1923 to 1951, or of any other enactment or Measure relating to dilapidations of ecclesiastical property which is for the time being in force, shall not have effect in relation to buildings on that land during the tenancy of the smallholdings authority or of the Minister, and
  - (b) at any time within twelve months from the date on which possession of the land is delivered up by the smallholdings authority or the Minister at the end of the tenancy the incumbent of the ecclesiastical benefice to which the land belongs may apply to the Church Commissioners for their consent to the removal of any buildings which have been erected on the land for the purpose of adapting it to the purposes of smallholdings.
- (5) Where an application is made to the Church Commissioners under subsection (4)(b) of this section, and it is proved to the satisfaction of the Commissioners that any buildings to which the application relates are useless, and that it is to the interest of the benefice that they should be removed, the incumbent may, with the consent of the Commissioners, and subject to such directions as they may give, pull down those buildings and dispose of the materials from them, and any proceeds shall be paid to the Commissioners to be applied by them to the improvement of the benefice in such manner as the Commissioners may direct.
- (6) Where, in any case not falling within any of the preceding subsections, a person, by virtue of the Settled Land Act 1925, the Universities and College Estates Act 1925 or any other enactment, has power, whether subject to any consent or conditions or not, to lease any land for agricultural purposes for a term not exceeding that specified in the enactment, he shall (without prejudice to that power) have power by virtue of this subsection, subject to the like consent and conditions (if any), to lease the land to a smallholdings authority or to the Minister for the purposes of smallholdings for a term not exceeding 35 years, with or without a right of renewal for a further term not exceeding 35 years.

## **62 Provisions as to Wales (including Monmouthshire)**

- (1) Where by or under any provision to which this section applies (including any enactment as applied by such a provision) anything is authorised or required to be done—
- (a) by the Minister in relation to the council of a county or county borough in Wales, or
  - (b) by such a council in relation to the Minister,
- whether (in either case) the council fall within that provision in their capacity as a smallholdings authority or otherwise, any reference in that provision to the Minister

shall, for the purposes of the application of that provision in relation to that council, be construed as a reference to the Ministers.

- (2) This section applies to the following provisions, that is to say—
- (a) all the provisions of this Part of this Act except sections 37, 52(1), 54, 55, 56(2) and (4), 59(2) and 61 and Schedule 3 ;
  - (b) section 2(7) and the proviso to section 6(1) of the Small Holdings and Allotments Act 1926, as those provisions have effect (in relation to certain matters in existence before 1st October 1949) by virtue of paragraph (a) of the proviso to section 67(2) of the Agriculture Act 1947; and
  - (c) the provisions of the Small Holdings and Allotments Acts 1908 to 1926, as applied to cottage holdings by section 12 of the Agricultural Land (Utilisation) Act 1931, with the exception of section 2(2) of the Small Holdings and Allotments Act 1926 as so applied.
- (3) In this section any reference to Wales includes Monmouthshire.

### **63 Provisions as to regulations**

- (1) The Ministers shall have power to make regulations for any purpose for which regulations are authorised or required to be made under this Part of this Act; and any such regulations may make different provision for different circumstances.
- (2) Any power to make regulations under this Part of this Act shall be exercisable by statutory instrument; and any statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **64 Transitional provisions and amendments**

- (1) The transitional provisions contained in Schedule 3 to this Act shall have effect.
- (2) Subject to those provisions, the enactments specified in Schedule 4 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential upon the preceding provisions of this Part of this Act.

### **65 Commencement and extent of Part III**

- (1) This Part of this Act shall come into operation on such day as the Ministers may by order made by statutory instrument appoint, and different days may be so appointed for different provisions of this Part of this Act or for different purposes ; and any reference in any provision of this Part of this Act to the commencement of this Part of this Act shall be construed as a reference to the day so appointed for the coming into operation of that provision; and for the purposes of this subsection Part III of Schedule 5 to this Act shall be deemed to be included in this Part of this Act.
- (2) This Part of this Act extends to England and Wales only.

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## PART IV

### FERTILISERS AND FEEDING STUFFS

#### *Preliminary*

#### 66 Interpretation of Part IV

(1) In this Part of this Act—

" agricultural analyst " means an agricultural analyst appointed under section 67 of this Act and, unless the context otherwise requires, includes a deputy agricultural analyst so appointed for the same area;

" analysis " includes any process for determining any fact as to the nature, substance or quality of any material;

" animal " includes any bird, insect or fish;

" enforcement authority " has the meaning assigned by section 67(3) of this Act;

" feeding stuff " means feeding stuff for such descriptions of animals as may be prescribed, being animals which, or kinds of which, are commonly kept for the production of food, wool, skins or fur or for the purpose of their use in the farming of land ;

" fertiliser " means a fertiliser used for the cultivation of crops or plants of any description, including trees ;

" fish " includes shellfish ;

" inspector " means an inspector appointed under section 67 of this Act;

" the Minister " means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State;

" the Ministers " means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;

" prescribed " means prescribed by regulations;

" prescribed metric substitution ", in relation to a quantity specified in any provision of this Part of this Act in terms of tons, pounds, or gallons, means any quantity expressed in terms of metric units of measurement which regulations may direct to be substituted in that provision, either generally or in prescribed circumstances, for the quantity so specified, being a quantity so expressed appearing to the Ministers appropriate to be so substituted having regard to the convenience of persons likely to be affected and with a view to the effective execution of this Part of this Act;

" regulations " means regulations made as provided in section 84 of this Act;

" sampled portion ", in relation to any material, means a prescribed amount of that material from which a sample has been taken by an inspector in the prescribed manner, being an amount—

(a) consisting either—

(i) entirely of material packed in one or more containers; or

(ii) entirely of material not so packed ; and

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- (b) not exceeding, in the case of an amount consisting of material so packed, the requisite quantity, that is to say, five tons or 1,000 gallons or the prescribed metric substitution, except where—
    - (i) it consists of material packed in a single container; or
    - (ii) it consists of material packed in two or more containers each of which holds less than the requisite quantity, in which case the prescribed amount may be the contents of the lowest number of those containers which together hold the requisite quantity ;" statutory statement " has the meaning assigned by section 68(1) of this Act.
- (2) For the purposes of this Part of this Act material shall be treated as sold for use as a fertiliser or feeding stuff whether it is sold to be so used by itself or as an ingredient in something which is to be so used.
- (3) Any material consigned to a purchaser shall not for the purposes of this Part of this Act be deemed to be delivered to him until it arrives at the place to which it is consigned whether the consignment is by direction of the seller or the purchaser.
- (4) Where any material is delivered to a purchaser in two or more consignments this Part of this Act shall apply separately to each consignment.
- (5) For the purposes of this Part of this Act, the appropriation of any material by one person for use—
- (a) in the performance for hire or reward of services to another person in pursuance of a contract in that behalf, or
  - (b) under arrangements with another person not constituting a sale of the material to that other person, being arrangements which are intended to benefit both the person appropriating the material and that other person but under which the probability or extent of any benefit to that other person may be affected by the quality of the material,
- shall be treated as a sale of that material to that other person by the person so appropriating it, and references to sale or purchase and cognate expressions shall be construed accordingly.

## **67 Enforcement authorities and appointment of inspectors and analysts**

- (1) In England and Wales it shall be the duty of the council of a county, county borough or London borough and of the Common Council of the City of London to enforce this Part of this Act within their respective areas; and the health authority of the Port of London shall have the like duty as respects the district of the Port of London, which shall accordingly be treated for the purposes of this subsection as not forming part of the area of any of those councils.
- (2) In Scotland it shall be the duty of the town council as respects a large burgh within the meaning of the Local Government (Scotland) Act 1947, and the county council as respects a county inclusive of any burgh other than as aforesaid, to enforce this Part of this Act within their respective areas.
- (3) For the purpose of performing their duty under the foregoing provisions of this section each of the bodies there mentioned (in this Part of this Act referred to as an enforcement authority) shall appoint—
- (a) such inspectors as may be necessary; and

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- (b) an agricultural analyst and, if they think fit, one or more deputy agricultural analysts.
- (4) An inspector shall not exercise his powers under this Part of this Act in respect of any premises outside the area for which he is appointed except with the consent of the enforcement authority for the area in which those premises are situated.
- (5) A person shall not be appointed as agricultural analyst or deputy agricultural analyst unless he has the prescribed qualifications.
- (6) A person may be appointed as an inspector or as agricultural analyst or deputy agricultural analyst for the areas of two or more enforcement authorities by those authorities acting jointly.
- (7) Each enforcement authority shall, whenever the Minister so directs, make to him a report on the exercise of their functions under this Part of this Act in such form and containing such particulars as he may direct, and the agricultural analyst for the area of the authority shall furnish to the authority such information as may be necessary for the report.
- (8) If the Minister is of opinion that this Part of this Act has been insufficiently enforced in the area of any enforcement authority he may himself appoint one or more inspectors to exercise in that area the powers exercisable by inspectors appointed by the authority; and any expenses certified by him as having been incurred by him under this subsection in respect of that area shall be repaid to him, on demand, by the authority in question.
- (9) Nothing in this section shall be taken as authorising an enforcement authority in Scotland to institute proceedings for an offence.

*Obligations relating to material sold and prepared for sale*

**68 Duty of seller to give statutory statement**

- (1) Subject to the provisions of this section, a person who sells material of a prescribed description for use as a fertiliser or feeding stuff shall give to the purchaser a statement in writing (in this Part of this Act referred to as a statutory statement) in such form, if any, as may be prescribed containing—
  - (a) such particulars as may be prescribed of the nature, substance or quality of the material; and
  - (b) such information or instructions as to the storage, handling or use of the material as may be prescribed.
- (2) Subsection (1) of this section shall not apply—
  - (a) to sales of two or more materials which are mixed at the request of the purchaser before delivery to him; or
  - (b) to sales of small quantities (that is to say, sales in quantities of not more than fifty-six pounds or the prescribed metric substitution) if the material sold is taken in the presence of the purchaser from a parcel bearing a conspicuous label on which are marked in the prescribed manner the matters which would, apart from this subsection, be required to be contained in a statutory statement on the sale of the material.



- (3) Any statutory statement required to be given on the sale of any material shall be given not later than the time when the material is delivered to the purchaser and, if given before that time, shall be deemed to have been given at that time; but regulations may permit the statutory statement to be given later in such cases and subject to compliance with such conditions, if any, as may be specified in the regulations.
- (4) Any person who—
- (a) fails to give a statutory statement within the time or in the form required by or under this section, or gives a statutory statement which does not contain all or any of the information or instructions required to be contained in it by virtue of subsection (1)(b) of this section; or
  - (b) gives a statutory statement which, as respects a sampled portion of the material—
    - (i) does not contain all or any of the particulars required to be contained in the statement by virtue of subsection (1)(a) of this section; or
    - (ii) contains any such particulars which are false to the prejudice of a purchaser; or
  - (c) sells or exposes for sale material from a parcel purporting to be labelled as mentioned in subsection (2)(b) of this section in a case where the label does not contain all or any of the said particulars or contains any such particulars which are false as aforesaid,
- shall be liable on summary conviction to a fine not exceeding £400 or, on a second or subsequent conviction under this subsection, to a fine not exceeding £400 or imprisonment for a term not exceeding three months or both.
- (5) In proceedings for an offence under paragraph (b) of subsection (4) of this section the fact that any particulars ought to have been included or are false shall be proved by evidence of the result of an analysis of the sample taken from the portion in question ; and in proceedings for an offence under paragraph (c) of that subsection the fact that any particulars ought to have been included or are false shall be proved by evidence of the result of an analysis of a sample taken by an inspector in the prescribed manner from the material sold or, where the alleged offence is exposing for sale, from the parcel bearing the label.
- (6) Failure to comply with this section shall not invalidate a contract of sale ; and a statutory statement shall, notwithstanding any contract or notice to the contrary, have effect as a warranty by the person who gives it that the particulars contained in it are correct; but in Scotland a contract of sale may not be treated as repudiated by reason only of a breach of that warranty.

## **69 Marking of material prepared for sale**

- (1) Subject to the provisions of this section, a person who has material of a prescribed description on his premises for the purpose of selling it in the course of trade for use as a fertiliser or feeding stuff shall—
- (a) as soon as practicable after it is made ready for sale, or
  - (b) if it is ready for sale when it comes on to the premises and is not then already marked as required by this section, as soon as practicable after it comes on to the premises,
- and in either case before it is removed from the premises, mark it in such manner, if any, as may be prescribed with the matters required to be contained in a statutory

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statement relating to that material, and shall secure that the material continues to be so marked until it leaves the premises.

- (2) For the purposes of the foregoing subsection material which is normally packed before being delivered to a purchaser shall not be treated as ready for sale until it is so packed if the packing takes place on the premises where the material is manufactured but, if the packing takes place elsewhere, shall be treated as ready for sale when it is ready for packing.
- (3) In the case of material which has been imported, subsections (1) and (2) of this section shall have effect subject to such modifications as may be prescribed.
- (4) Where, at a time when subsection (1) of this section applies to any person, that person has on his premises for the purpose of selling it as mentioned in that subsection any material to which that subsection applies which is ready for sale and which—
  - (a) is not marked in the manner required by or under this section; or
  - (b) is not marked with all the information or instructions referred to in section 68(1)(b) of this Act with which it is required by this section to be marked; or
  - (c) is marked with a mark which, as respects a sampled portion of the material—
    - (i) does not contain all the particulars referred to in section 68(1)(a) of this Act with which the material is required by this section to be marked; or
    - (ii) contains any such particulars which are false to the prejudice of a purchaser,

that person shall be liable on summary conviction to a fine not exceeding £400, or, on a second or subsequent conviction under this subsection, to a fine not exceeding £400 or imprisonment for a term not exceeding three months or both ; but, except where the time in question is the time of the removal of the material from the premises, it shall be a defence for a person charged with an offence under this subsection to show that it was not practicable for the material to be marked in accordance with the requirements of this section by the time in question.
- (5) In proceedings for an offence under subsection (4)(c) of this section the fact that any particulars ought to have been included or are false shall be proved by evidence of the result of an analysis of the sample taken from the portion in question.
- (6) Regulations may provide for enabling the matters required by this section to be marked on any material to be denoted by a mark whose meaning can be ascertained by reference to a register kept in such manner and form as may be specified in the regulations ; and any material marked in accordance with the regulations shall be treated for the purposes of this Part of this Act as marked with the matters which the mark denotes.
- (7) A person keeping a register pursuant to regulations under subsection (6) of this section shall preserve the register for such period as may be prescribed and a person who has such a register in his possession or under his control shall on demand by an inspector produce it for his inspection and allow him to take copies of it; and any person who fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding £50.

## **70 Use of names or expressions with prescribed meanings**

- (1) Subject to the provisions of this section, where a person sells for use as a fertiliser or feeding stuff any material—
- (a) which he describes, in a statutory statement or any document given by him to the purchaser in connection with the sale, by a name or expression to which a meaning has been assigned by regulations made for the purposes of this section; or
  - (b) which is marked with such a name or expression as aforesaid,
- there shall, notwithstanding any contract or notice to the contrary, be implied a warranty by the seller that the material accords with that meaning; but in Scotland a contract of sale may not be treated as repudiated by reason only of a breach of that warranty.
- (2) Subject to the provisions of this section, where a person—
- (a) sells for use as a fertiliser or feeding stuff any material—
    - (i) which he describes, in such a statement or document as is mentioned in subsection (1) of this section, by such a name or expression as is there mentioned ; or
    - (ii) which is marked with such a name or expression as aforesaid; or
  - (b) has on his premises for the purpose of selling it in the course of trade for such use any material which is ready for sale and marked as aforesaid,
- then, if a sampled portion of the material fails, to the prejudice of a purchaser, to accord with the meaning which has been assigned to that name or expression, he shall be liable on summary conviction to a fine not exceeding £400 or, on a second or subsequent conviction under this subsection, to a fine not exceeding £400 or imprisonment for a term not exceeding three months or both.
- (3) In the case of any material which has been imported subsections (1) and (2) of this section shall have effect subject to such modifications as may be prescribed.
- (4) In proceedings for an offence under subsection (2) of this section the fact that a sampled portion of any material fails to accord with the meaning in question shall be proved by evidence of the result of an analysis of the sample taken from that portion.
- (5) For the purposes of this section material shall be treated as marked whether the mark is on the material itself, on a label attached to the material, on a package or container enclosing the material or, in a case within subsection (2)(b) of this section, in such a place on the premises in question that it is likely to be taken as referring to the material.

## **71 Particulars to be given of certain attributes if claimed to be present**

- (1) A person shall not—
- (a) sell for use as a fertiliser or feeding stuff any material—
    - (i) which he describes, in a statutory statement or any document given by him to the purchaser in connection with the sale, as having any attribute prescribed for the purposes of this section (not being an attribute of which particulars are required to be contained in the statutory statement); or
    - (ii) which is marked with a statement that it has any such attribute ; or
  - (b) have on his premises for the purpose of selling it in the course of trade for such use any material which is ready for sale and marked as aforesaid,

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unless the statement, document or mark, as the case may be, also states such particulars of that attribute as may be prescribed.

- (2) Any person who—
- (a) fails to comply with subsection (1) of this section; or
  - (b) in purported compliance with that subsection describes or marks any material with particulars which, as respects a sampled portion of that material, are false to the prejudice of a purchaser,
- shall be liable on summary conviction to a fine not exceeding £400 or, on a second or subsequent conviction under this subsection, to a fine not exceeding £400 or imprisonment for a term not exceeding three months or both.
- (3) In proceedings for an offence under subsection (2)(b) of this section the fact that any particulars are false as respects a sampled portion of any material shall be proved by evidence of the result of an analysis of the sample taken from that portion.
- (4) Failure to comply with subsection (1) of this section shall not invalidate a contract of sale ; and on the sale of any material in relation to which particulars are or purport to be stated as required by that subsection there shall, notwithstanding any contract or notice to the contrary, be implied a warranty by the seller that the particulars are correct; but in Scotland a contract of sale may not be treated as repudiated by reason only of a breach of that warranty.
- (5) For the purposes of this section material shall be treated as marked whether the mark is on the material itself, on a label attached to the material, on a package or container enclosing the material or, in a case within subsection (1)(b) of this section, in such a place on the premises in question that it is likely to be taken as referring to the material.

## **72 Warranty of fitness of feeding stuff**

- (1) On the sale of any material for use as a feeding stuff there shall be implied a warranty by the seller that the material is suitable to be used as such ; but—
- (a) if the material is sold as suitable only for animals of a particular description, no warranty shall be implied by virtue of this subsection that the material is suitable for other animals; and
  - (b) if the material is sold to be used as a feeding stuff only after being mixed with something else, no warranty shall be implied as aforesaid that the material is suitable to be so used without being so mixed.
- (2) On the sale of any material of a prescribed description for use as a feeding stuff there shall be implied a warranty by the seller that the material does not, except as stated in the statutory statement, contain any ingredient prescribed for the purposes of this subsection.
- (3) This section shall have effect notwithstanding any contract or notice to the contrary ; but in Scotland a contract of sale may not be treated as repudiated by reason only of a breach of such a warranty as is referred to in subsection (1) or (2) of this section.

## **73 Deleterious ingredients in feeding stuff**

- (1) Subject to the provisions of this section, any person who—
- (a) sells any material for use as a feeding stuff; or

- (b) has on his premises for the purpose of selling it in the course of trade for such use any material which is ready for sale,  
shall be guilty of an offence if a sampled portion of the material is shown by an analysis of the sample taken from it to contain any ingredient which is deleterious to animals of any description prescribed for the purpose of the definition of " feeding stuff " in section 66(1) of this Act.
- (2) If in proceedings for an offence under subsection (1) of this section, the person charged proves that he sold the material in question, or, in a case under paragraph (b) of that subsection, that he intended to sell it—
- (a) as suitable only for animals of a particular description ; or  
(b) for use in accordance with written instructions given by him to the purchaser, he shall not be convicted by reason of the fact that the sampled portion of the material contains an ingredient which is deleterious only to other animals or, as the case may be, only if used otherwise than in accordance with those instructions.
- (3) For the purposes of this section it shall be presumed, until the contrary is proved—
- (a) that any substance prescribed for the purposes of this subsection, or  
(b) in such cases as may be so prescribed, that any substance so prescribed if present in a sampled portion of any material to an amount exceeding such quantity as may be so prescribed,  
is an ingredient which is deleterious to animals of any such description as aforesaid in relation to which that substance is so prescribed.
- (4) A person guilty of an offence under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding £400 or, on a second or subsequent conviction under that subsection, to a fine not exceeding £400 or imprisonment for a term not exceeding three months or both.

## **74 Limits of variation**

- (1) No action shall lie on any warranty arising under the foregoing provisions of this Part of this Act for any misstatement as to the nature, substance or quality of any material if the misstatement does not exceed any limits of variation prescribed in relation thereto for the purposes of this section; but if the misstatement exceeds any such limits the purchaser's rights under the warranty shall not be affected by the limits.
- (2) Particulars with respect to any material which are contained in a statutory statement or in any document, or which are marked on, or denoted by a mark on, the material, shall not for the purposes of this Part of this Act be treated as false by reason of any misstatement therein as to the nature, substance or quality of the material if the misstatement does not exceed the said limits of variation.

### *Sampling and analysis*

## **75 Purchaser's right to have sample taken and analysed**

- (1) Subject to the provisions of this section, the purchaser of any material which was sold to him for use as a fertiliser or feeding stuff and in respect of which a warranty was given, or is treated by virtue of this Part of this Act as having been given, by the seller shall be entitled to have a sample of the material taken in the prescribed manner by an inspector and analysed by the agricultural analyst for the inspector's area.

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- (2) A purchaser of any material who requests a sample of it to be taken under this section shall, if so required by the inspector—
- (a) tell him the name and address of the seller ; and
  - (b) furnish him with, or with a copy of, any statutory statement or document containing or giving rise to the warranty relating to the material and, in the case of a warranty which by virtue of section 70(1) or 71(4) of this Act is implied by reason of the material being marked as mentioned in paragraph (b) of the said section 70(1) or subsection (1)(a)(ii) of the said section 71, of the matters stated by the mark in question.
- (3) No sample of any material shall be taken under this section—
- (a) where the warranty is contained in or arises from a statutory statement or document, after the expiration of six months from the delivery of the material to the purchaser or the receipt by him of the statutory statement or document, whichever is the later;
  - (b) in any other case, after the expiration of six months from the delivery of the material to the purchaser.
- (4) Any request for a sample to be taken and analysed under this section shall be accompanied by such fee as may be fixed by the enforcement authority whose inspector is to take the sample; and different fees may be fixed for different materials and for different analyses of the same material.

## **76 Inspector's power to enter premises and take samples**

- (1) An inspector may at all reasonable times enter—
- (a) any premises on which he has reasonable cause to believe that there is any fertiliser or feeding stuff which is kept there for the purpose of being sold in the course of trade and is ready for sale ;
  - (b) any premises (not being premises used only as a dwelling) on which he has reasonable cause to believe that there is any fertiliser or feeding stuff which the occupier of the premises has purchased;
- and the inspector may take a sample in the prescribed manner on those premises of any material on the premises (including any material in a vehicle) which he has reasonable cause to believe to be such a fertiliser or feeding stuff as aforesaid.
- (2) An inspector may require a person who has purchased any fertiliser or feeding stuff—
- (a) to tell him the name and address of the seller; and
  - (b) to produce, and allow him to take copies of—
    - (i) any statutory statement received from the seller;
    - (ii) where the fertiliser or feeding stuff was described or marked as mentioned in section 70(1) or 71(1) of this Act, the document or mark in question ;
- and any person who without reasonable excuse fails to comply with such a requirement shall be liable on summary conviction to a fine not exceeding £50.
- (3) An inspector entering any premises by virtue of this section may take with him such other persons and such equipment as may appear to him to be necessary.
- (4) Without prejudice to his powers and duties as to the taking of samples in the prescribed manner, an inspector may for the purposes of this Part of this Act take a sample in

a manner other than that prescribed of any material which has been sold for use as a fertiliser or feeding stuff or which he has reasonable cause to believe to be intended for sale as such.

- (5) Where for the purpose of taking a sample of any material an inspector takes some of it from each of one or more parcels of the material which are exposed for sale by retail and none of which weighs more than fourteen pounds or the prescribed metric substitution the owner of the parcel or parcels may require the inspector to purchase the parcel or parcels on behalf of the authority for whom he acts.

## **77 Division of samples and analysis by agricultural analyst**

- (1) Where a sample has been taken by an inspector in the prescribed manner, then, subject to subsection (2) of this section, he shall divide it into three parts of as near as may be equal size and cause each part to be marked, sealed and fastened up in the prescribed manner ; and the inspector—
- (a) shall send one part to the agricultural analyst for the inspector's area;
  - (b) shall send another part—
    - (i) where the sample was taken pursuant to the request of a purchaser under section 75 of this Act, to the seller or his agent;
    - (ii) in any other case, if the person on whose premises the sample was taken purchased the material in question for use and not for resale, to the seller or his agent and otherwise to the person on whose premises the sample was taken; and
  - (c) subject to section 78 of this Act, shall retain the remaining part for nine months.
- (2) If the person who manufactured any material of which an inspector has taken a sample in the prescribed manner is not a person to whom a part of the sample is required to be sent under subsection (1) of this section, that subsection shall have effect as if for the reference to three parts there were substituted a reference to four parts, and the inspector shall send the fourth part to the manufacturer unless he does not know the manufacturer's name, or any address of the manufacturer in the United Kingdom, and is unable after making reasonable inquiries to ascertain that name, or, as the case may be, any such address before the expiration of fourteen days from the date when the sample was taken.
- (3) There shall be sent with the part of a sample sent to the agricultural analyst—
- (a) a statement signed by the inspector that the sample was taken in the prescribed manner;
  - (b) a copy of any statutory statement relating to the material sampled, a copy of any matters with which that material had been marked pursuant to this Part of this Act and, where the material sampled was described or marked as mentioned in section 70(1) or 71(1) of this Act, a copy of the document or the matters stated by the mark in question.
- (4) The agricultural analyst shall analyse the part of a sample which is sent to him under subsection (1)(a) of this section in such manner, if any, as may be prescribed and send a certificate of analysis in the prescribed form to the inspector who shall send a copy of it—
- (a) where the sample was taken pursuant to the request of a purchaser under section 75 of this Act, to the purchaser and to the seller or his agent;

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- (b) in any other case, to the person to whom a part of the sample has been sent under subsection (1)(b)(ii) of this section;
- and, in either case, to any person to whom he has sent a part of the sample under subsection (2) of this section.
- (5) If the agricultural analyst to whom a sample is sent for analysis determines that for any reason an effective analysis of the sample cannot be made by him or under his direction he shall send it to the agricultural analyst for another area together with any documents received by him with the sample; and thereupon the foregoing provisions of this section shall apply as if that other analyst were the agricultural analyst for the inspector's area and the sample had originally been sent to him.

## **78 Further analysis by Government Chemist**

- (1) Where a sample of any material has been taken pursuant to the request of a purchaser under section 75 of this Act, any of the following persons, that is to say, the purchaser, the person who sold the material to him and any other person against whom a cause of action may lie in respect of the sale of that material, shall be entitled to require the inspector—
- (a) to send the part retained by the inspector under section 77(1)(c) of this Act (hereafter in this section referred to as " the remaining part") for analysis to the Government Chemist;
  - (b) to supply the person making the request with a copy of the Government Chemist's certificate of analysis of that remaining part, whether that part was sent to the Government Chemist for analysis in pursuance of the request of that person or otherwise.
- (2) Where a sample of any material has been taken by an inspector in the prescribed manner and it is intended to institute proceedings against any person for an offence under this Part of this Act and to adduce on behalf of the prosecution evidence of the result of an analysis of the sample—
- (a) the prosecutor, if a person other than the inspector, shall be entitled to require the inspector—
    - (i) to send the remaining part of the sample for analysis to the Government Chemist;
    - (ii) to supply the prosecutor with a copy of the Government Chemist's certificate of analysis of that remaining part, whether that part was sent to the Government Chemist for analysis in pursuance of the request of the prosecutor or otherwise ;
  - (b) the inspector, if he is the prosecutor, shall be entitled himself so to send that remaining part.
- (3) Where a prosecutor avails himself of his rights under subsection (2) of this section he shall cause to be served with the summons a copy of the agricultural analyst's certificate of analysis and a copy of the Government Chemist's certificate of analysis; and where a prosecutor does not avail himself of his rights under that subsection he shall, not less than fourteen days before the service of the summons, cause to be served on the person charged a copy of the agricultural analyst's certificate of analysis and a notice of intended prosecution, and if, within the period of fourteen days beginning with the service of the notice, that person sends the prosecutor a written request to that effect accompanied by the amount of the fee payable by the prosecutor for the purpose under subsection (8) of this section (which shall be refunded to that person by



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- the prosecutor if the prosecution is not brought) the prosecutor shall exercise his rights under subsection (2) of this section and the proceedings shall not be instituted until he has sent that person a copy of the Government Chemist's certificate of analysis.
- (4) Where proceedings are brought against any person for an offence under this Part of this Act and evidence is given or sought to be given of the result of an analysis of a sample of any material taken by an inspector in the prescribed manner but it appears that the sample has not been analysed by the Government Chemist, the court may, of its own motion or on the application of either party, order the remaining part of the sample to be sent for analysis to the Government Chemist.
- (5) Where under this section a part of a sample is sent for analysis to the Government Chemist there shall be sent with it—
- (a) a copy of any document which was sent with the part of the sample sent to the agricultural analyst; and
  - (b) if the part is sent to the Government Chemist under subsection (2) or (4) of this section, a statement of the particulars on which the proceedings or intended proceedings are based.
- (6) The Government Chemist shall analyse in such manner, if any, as may be prescribed any part of a sample sent to him under this section but, where the part is accompanied by a statement such as is mentioned in subsection (5)(b) of this section, the analysis shall be made only with respect to the particulars in the statement unless the person or court requesting or ordering the analysis requires it to extend also to other matters.
- (7) A certificate of any analysis under this section shall be sent by the Government Chemist—
- (a) if the material analysed was sent to him in pursuance of subsection (1) or (2) of this section, to the inspector
  - (b) if it was sent to him in pursuance of an order of the court under subsection (4) of this section, to the court.
- (8) A request for an analysis under subsection (1) or (2) of this section shall be of no effect unless accompanied by the appropriate fee ; and the appropriate fee for any analysis ordered by the court under subsection (4) of this section shall be paid by such party to the proceedings as the court may direct.
- (9) In the application of this section to Scotland—
- (a) for any reference to the court there shall be substituted a reference to the sheriff;
  - (b) in subsection (2), in paragraph (a) the words "if a person other than the inspector" and paragraph (b) shall be omitted;
  - (c) in subsection (3), for any reference to the summons there shall be substituted a reference to the complaint;
  - (d) for subsection (8) there shall be substituted the following subsection—
    - “(8) A request for an analysis—
      - (a) under subsection (1) of this section; or
      - (b) under subsection (2) thereof where the request is made at the instance of a person charged with an offence who has received a notice of intended prosecution,shall be of no effect unless accompanied by the appropriate fee; and the appropriate fee for any analysis ordered by the sheriff under

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subsection (4) of this section shall be paid by such party to the proceedings as the sheriff may direct.”

- (10) In subsection (8) of this section " the appropriate fee " means such fee as may be fixed by the Minister of Technology with the approval of the Treasury, and different fees may be fixed for different materials and for different analyses of the same material.

## **79 Supplementary provisions relating to samples and analysis**

- (1) The regulations with respect to the taking of samples ; under this Part of this Act may include provision requiring an inspector who proposes to take such a sample, in such circumstances as may be specified in the regulations, to satisfy himself as to such matters affecting the state of the material to be sampled as may be so specified.
- (2) Regulations may make provision with respect to the handling and storage of the parts into which samples are divided and with respect to the period within which analyses are to be carried out.
- (3) Where the method of analysis for determining any fact as to the nature, substance or quality of any material is prescribed, any statement of that fact—
  - (a) in a statutory statement or in, or denoted by, a mark applied to any material in pursuance of this Part of this Act; or
  - (b) in any document or in, or denoted by, any mark, being a document or mark which is not a statutory statement but which gives rise to a warranty by virtue of this Part of this Act,
 shall be taken to be a statement of that fact as determined by analysis in accordance with the method prescribed.
- (4) Any analysis required to be made by an agricultural analyst or the Government Chemist may be made by any person acting under his directions.
- (5) A certificate of analysis by an analyst appointed under section 67(3)(b) of this Act shall be signed by that analyst or another analyst so appointed for the same area, and a certificate of analysis by the Government Chemist shall be signed by him or a person authorised by him to sign the certificate.
- (6) A certificate of analysis by an agricultural analyst or the Government Chemist shall, in any legal proceedings, be received as evidence of the facts stated therein if the party against whom it is to be given in evidence has been served with a copy of it not less than twenty-one days before the hearing and has not, before the seventh day preceding the hearing, served on the other party a notice requiring the attendance of the person who made the analysis.
- (7) In any legal proceedings in Scotland, a certificate of analysis received in evidence by virtue of subsection (6) of this section, or, where the attendance of the person who made the analysis is required under that subsection, the evidence of that person, shall be sufficient evidence of the facts stated in the certificate.
- (8) Any document purporting to be a certificate of the kind mentioned in the foregoing provisions of this section shall be deemed to be such a certificate unless the contrary is proved.
- (9) Any part of a sample, notice, certificate or other document required to be sent to or served on any person under this section or section 77 or 78 of this Act shall be sent or served in such manner, if any, as may be prescribed.

- (10) Any person who—
- (a) tampers with any material so as to procure that any sample of it taken or submitted for analysis under this Part of this Act does not correctly represent the material; or
  - (b) tampers or interferes with any sample taken or submitted for analysis under this Part of this Act,
- shall be liable on summary conviction to a fine not exceeding £400 or, on a second or subsequent conviction under this subsection, to a fine not exceeding £400 or imprisonment for a term not exceeding three months or both.

#### *Prosecutions under Part IV*

### **80 Institution of prosecutions**

- (1) Without prejudice to any other enactment relating to the place where proceedings may be taken, proceedings for an offence under this Part of this Act may be taken in the place where the person charged resides or carries on business.
- (2) No proceedings for an offence under any of the following provisions of this Act, namely, sections 68(4)(b) and (c), 69(4)(c), 70(2), 71(2)(b) and 73, shall be instituted by any person other than the Minister unless the prosecutor has given to the Minister a notice of his intention to institute the proceedings, together with a summary of the facts on which the charges are founded, and either a period of twenty-eight days has elapsed since the giving of the notice or the Minister has signified that the proceedings may be instituted before the expiration of that period.
- (3) A certificate of the Minister that the requirements of subsection (2) of this section have been complied with in relation to any proceedings shall be conclusive evidence that those requirements have been so complied with; and any document purporting to be such a certificate and to be signed on behalf of the Minister shall be deemed to be such a certificate unless the contrary is proved.
- (4) Subsections (2) and (3) of this section shall not apply to Scotland.

### **81 Offences due to fault of other person**

Where the commission by any person of an offence under this Part of this Act is due to the act or default of some other person that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the first-mentioned person.

### **82 Defence of mistake, accident, etc.**

- (1) In any proceedings for an offence under any of the following provisions of this Act, namely, sections 68(4)(b) and (c), 69(4)(c), 70(2), 71(2)(b) and 73, it shall, subject to subsection (2) of this section, be a defence for the person charged to prove—
  - (a) that the commission of the offence was due to a mistake, or to reliance on information supplied to him, or to the act or default of another person, or to an accident or some other cause beyond his control; and
  - (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

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- (2) If in any case the defence provided by the foregoing subsection involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

### *Supplementary provisions*

#### **83 Exercise of powers by inspectors**

- (1) An inspector exercising his powers under this Part of this Act shall, if so required, produce written evidence of his authority.
- (2) Any person who wilfully obstructs an inspector in the exercise of his powers under this Part of this Act shall be liable on summary conviction to a fine not exceeding £50.
- (3) Any person who, not being an inspector, purports to act as such under this Part of this Act shall be liable on summary conviction to a fine not exceeding £200 or, on a second or subsequent conviction under this subsection, to a fine not exceeding £200 or imprisonment for a term not exceeding three months or both.
- (4) Subject to subsection (5) of this section, if any person discloses to any other person—
- (a) any information with respect to any manufacturing process or trade secret obtained by him in premises which he has entered by virtue of this Part of this Act; or
  - (b) any information obtained by him in pursuance of this Part of this Act,
- then, unless the disclosure was made in and for the purpose of the performance by him or any other person of functions under this Part of this Act, he shall be liable on summary conviction to a fine not exceeding £400.
- (5) Subsection (4) of this section shall not prevent an inspector who has taken a sample of any material under section 76(4) of this Act from disclosing to the manufacturer or to the last seller of the material information as to the place where and the person from whom the sample was taken or from disclosing to that manufacturer or last seller or to any person who had the material on his premises for the purpose of sale information as to the results of any analysis of that sample.

#### **84 Regulations**

- (1) Any regulations authorised to be made under this Part of this Act shall be made by the Ministers after consultation with such persons or organisations as appear to them to represent the interests concerned, and anything which under this Part of this Act is authorised to be prescribed shall be prescribed by regulations made as aforesaid.
- (2) Any regulations under this Part of this Act shall be made by statutory instrument, and—
- (a) may make different provision for different circumstances ; and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **85 Exemption for certain sales**

This Part of this Act shall not apply—

- (a) to the sale of any material in the case of which, at the time when apart from section 66(3) of this Act the material would fall to be treated as delivered to the purchaser in pursuance of the contract of sale, the material is not in the United Kingdom or, having been imported, has not been released from customs control;
- (b) to the sale of any material which is to be delivered to the purchaser outside the United Kingdom;
- (c) to the sale of any material in the exercise of a statutory power to enforce a right or to satisfy a claim or lien; or
- (d) where the sale is made by a sheriff, bailiff or other officer to satisfy a writ of execution or warrant or decree of any court, or a distress for rent or warrant of distress.

## **86 Modifications of Part IV in application to Northern Ireland**

- (1) In its application to Northern Ireland, this Part of this Act shall have effect subject to the modifications specified in the following provisions of this section.
- (2) In section 66(1)—
  - (a) there shall be inserted the following definition, namely—

“ chief agricultural analyst ' means the chief agricultural analyst for Northern Ireland”;
  - (b) the definitions of " enforcement authority", " the Minister " and " the Ministers " shall be omitted.
- (3) For section 67 there shall be substituted the following—
  - (1) The Ministry of Agriculture for Northern Ireland (in this Part of this Act referred to as " the Ministry ") shall enforce the provisions of this Part of this Act.
  - (2) For the purpose of enforcing this Part of this Act the Ministry may appoint such agricultural analysts, deputy agricultural analysts and inspectors as appear to the Ministry to be necessary.”
- (4) In section 76(5), for the words " the authority for whom he acts " there shall be substituted the words " the Ministry ".
- (5) In sections 75 and 77, for any reference to the agricultural analyst for an inspector's area there shall be substituted a reference to an agricultural analyst in Northern Ireland, and the expression " agricultural analyst " shall not include the chief agricultural analyst.
- (6) In section 78, for any reference to the Government Chemist there shall be substituted a reference to the chief agricultural analyst; and in subsection (10) of that section for the words " the Minister of Technology with the approval of the Treasury " there shall be substituted the words " the Ministry with the approval of the Ministry of Finance for Northern Ireland ".
- (7) In section 79, for any reference to the Government Chemist there shall be substituted a reference to the chief agricultural analyst, and in subsection (5) the words " (3)(b) " shall be omitted.

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- (8) In section 80, subsections (2) to (4) shall be omitted.
- (9) In section 84, for any reference to the Ministers there shall be substituted a reference to the Ministry, and in subsection (2) thereof the words " shall be made by statutory instrument, and " shall be omitted and for paragraph (b) there shall be substituted the following:—
- “(b) shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.”
- (10) Section 87(1) shall have effect with the substitution for the word " Ministers " of the word " Ministry " and with the omission of the words " made by statutory instrument ".

## **87 Commencement of Part IV, savings and amendments**

- (1) This Part of this Act shall come into force on such date as the Ministers may appoint by order made by statutory instrument, and different dates may be appointed for different provisions; and, for the purposes of this subsection, Part V of Schedule 5 to this Act, so far as it relates to the Fertilisers and Feeding Stuffs Act 1926, shall be deemed to be included in this Part of this Act.
- (2) The appointment of any person under the said Act of 1926 as an inspector, agricultural analyst or deputy agricultural analyst shall continue to have effect as if made under the corresponding provision of this Part of this Act.
- (3) In section 2(4) of the Trade Descriptions Act 1968 (which contains an exemption for descriptions applied to certain articles in pursuance of the said Act of 1926) for the words " any description applied in pursuance of the Fertilisers and Feeding Stuffs Act 1926 to an article included in the first column of Schedule 1 to that Act " there shall be substituted the words " any statement made in respect of, or mark applied to, any material in pursuance of Part IV of the Agriculture Act 1970, any name or expression to which a meaning has been assigned under section 70 of that Act when applied to any material in the circumstances specified in that section ".
- (4) In section 90(3) of the Medicines Act 1968 (which contains an exemption for marks and statements made in pursuance of the said Act of 1926) for paragraphs (a) and (b) there shall be substituted the following—
- “(a) of any mark which is made on a container or package in pursuance of Part IV of the Agriculture Act 1970 ; or
- (b) of any statement which, in pursuance of that Part, is made in any leaflet supplied, or intended to be supplied, with any material.”

## **PART V**

### FLOOD WARNING SYSTEMS IN ENGLAND AND WALES

## **88 Provision of flood warning systems**

- (1) The functions transferred to river authorities by section 5 of the Water Resources Act 1963 (in this Part of this Act referred to as " the Act of 1963 ") shall be deemed always to have included powers for any such authority—
- (a) to provide and operate a flood warning system for their area;

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- (b) both within and outside their area, to provide, install and maintain apparatus required for the purposes of such a system;
  - (c) to carry out within their area any other engineering or building operations so required; and
  - (d) to adapt for the purposes of such a system any apparatus or works to which a hydrometric scheme made by the authority under section 15 of that Act relates;and any reference in that Act to the transferred functions of river authorities shall be construed accordingly.
- (2) Subsection (1) of this section shall have effect in relation to the Isle of Wight River and Water Authority (in this Part of this Act referred to as " the Isle of Wight Authority ") as if in that subsection any reference to a river authority were a reference to the Isle of Wight Authority and any reference to section 5 or section 15 of the Act of 1963 were a reference to that section as applied by section 7 of the Isle of Wight River and Water Authority Act 1964.
- (3) Subsection (1) of this section shall have effect in relation to the Conservators of the River Thames (in this Part of this Act referred to as " the Conservators ") and to the Lee Conservancy Catchment Board (in this Part of this Act referred to as " the Catchment Board ") as if in that subsection—
  - (a) any reference to the functions transferred to river authorities by section 5 of the Act of 1963 were a reference to the functions exercisable by the Conservators or the Catchment Board, as the case may be, immediately before the second appointed day, and
  - (b) any reference to section 15 of the Act of 1963 were a reference to that section as applied to the Thames catchment area or the Lee catchment area, as the case may be, by an order made under section 125 of that Act.
- (4) The Greater London Council shall have power—
  - (a) to provide and operate a flood warning system for the London excluded area as defined by paragraph 15(3) of Schedule 14 to the London Government Act 1963 ;
  - (b) both within and outside that area, to provide, install and maintain apparatus required for the purposes of such a system; and
  - (c) to carry out within that area any other engineering or building operations so required;and section 51 of the Land Drainage Act 1930 and section 40 of the Land Drainage Act 1961 (which relate to powers of entry) and paragraphs 11 to 14 of the said Schedule 14 (which relate to the expenses incurred by the Greater London Council in the discharge of the functions as to land drainage and flood prevention conferred on them by virtue of that Schedule) shall apply—
  - (i) in the case of the said section 51 or 40, in relation to, and to the functions under this subsection of, the Greater London Council as they apply in relation to, and to such functions of, such a council or board as is mentioned in that section, or
  - (ii) in the case of the said paragraphs 11 to 14, in relation to the functions of the Greater London Council under this subsection as they apply in relation to the functions mentioned in those paragraphs.
- (5) In this Part of this Act "flood warning system" means any system whereby, for the purpose of providing warning of any danger of flooding, information with respect to—
  - (a) rainfall, as measured at a particular place within a particular period, or

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- (b) the level or flow of any inland water at a particular time, or
- (c) other matters appearing to the authority providing the system to be relevant for that purpose,

is obtained and transmitted, whether automatically or otherwise, with or without provision for carrying out calculations based on any such information and for transmitting the results of those calculations.

## **89 Grants towards cost of flood warning system**

- (1) The Minister of Agriculture, Fisheries and Food (in this Part of this Act referred to as " the Minister") may make grants, of such amounts as the Treasury may from time to time sanction, towards expenditure incurred by relevant authorities at any time on or after 1st January 1969 in—
  - (a) providing or installing apparatus, or carrying out other engineering or building operations, for the purposes of a flood warning system, or
  - (b) adapting for those purposes any apparatus or works to which a hydrometric scheme relates, being a scheme made by the authority in question under section 15 of the Act of 1963, or under that section as applied to any relevant authority as mentioned in subsection (2) or subsection (3) of section 88 of this Act.
- (2) No grant shall be payable under this section towards expenditure incurred in connection with any work unless the work has been approved by the Minister and the Minister is satisfied that the work is being or has been properly carried out; and grants under this section shall be made subject to such conditions as may be imposed by the Minister with the approval of the Treasury.
- (3) Where any such expenditure as is mentioned in subsection (1) of this section is about to be incurred by a relevant authority, the Minister may, with the approval of the Treasury, make advances to the authority on account of the expenditure.
- (4) In this section " relevant authority " means any of the following, that is to say, any river authority, the Isle of Wight Authority, the Conservators, the Catchment Board and the Greater London Council.

## **90 Contributions by internal drainage boards**

- (1) In subsections (1) and (2) of section 21 of the Land Drainage Act 1930 (which relates to contributions by internal drainage boards), references to the expenses of a river authority shall be deemed always to have included references to expenses in connection with the provision and operation of a flood warning system.
- (2) Subsection (1) of this section shall have effect for the purposes of the application of those subsections in relation to the expenses of the Isle of Wight Authority, the Conservators and the Catchment Board as it has effect for the purposes of their application in relation to the expenses of a river authority.

## **91 Supplementary provision and interpretation and extent of Part V**

- (1) Section 71(1) of the Act of 1963 (which limits the operation of powers conferred on river authorities by that Act) shall apply as if section 88 of this Act were a provision of that Act and as if all the bodies on whom powers are conferred by virtue of the said section 88 were river authorities; and nothing in the said section 88 shall authorise any



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- infringement of the exclusive privilege conferred on the Post Office by section 24(1) of the Post Office Act 1969 (telecommunication systems).
- (2) Before a relevant authority within the meaning of section 89(4) of this Act exercise within the area of another such authority any power conferred on them by section 88(1)(b) or (4)(b) thereof other than the power to maintain apparatus, they shall consult with that other authority; and for the purposes of this subsection the area of the Greater London Council shall be taken to be the London excluded area referred to in section 88(4)(a) of this Act.
  - (3) Section 135(1) of the Act of 1963 (interpretation), except in so far as it defines the expression " the Minister ", shall have effect for the purposes of this Part of this Act as it has effect for the purposes of that Act, but as if in the definition of " inland water " for the words " within any of the river authority areas " wherever they occur there were substituted the words " within Great Britain ".
  - (4) Section 135(2)(b) of the Act of 1963 (whereby, for the purpose of construing references in that Act to the appropriate Minister or Ministers, the Minister of Agriculture, Fisheries and Food is to be taken to be concerned with functions relating to land drainage) shall have effect as if the reference to land drainage included a reference to flood warning systems.
  - (5) Any river authority whose area adjoins Scotland may exercise the powers conferred by section 88(1)(b) or (c) of this Act in an area in Scotland as if that area in Scotland formed part of the authority's area subject (except in the case of the power to maintain apparatus) to prior consultation with the local authority for that area in Scotland within the meaning of section 92 (2)(b) of this Act; but save as aforesaid this Part of this Act extends to England and Wales only.

## PART VI

### FLOOD WARNING SYSTEMS IN SCOTLAND

#### 92 Provision of flood warning systems

- (1) A local authority shall be deemed to have had power on or after 1st January 1969—
  - (a) to provide and operate a flood warning system for their area; and
  - (b) both within and outwith their area, to provide, install and maintain apparatus and to carry out any engineering or building operations required for the purposes of any such system:

Provided that—

  - (i) before a local authority exercise any of the powers conferred on them by paragraph (b) of this subsection (other than the power to maintain apparatus) in the area of another local authority, they shall consult with that authority;
  - (ii) nothing in this subsection shall authorise any infringement of the exclusive privilege conferred on the Post Office by section 24(1) of the Post Office Act 1969 (telecommunication systems).
- (2) In this Part of this Act—
  - (a) " flood warning system " means any system whereby, for the purpose of providing warning of any danger of flooding, information with respect to—
    - (i) rainfall, as measured at a particular place within a particular period, or

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- (ii) the level or flow at a particular time of any inland water (whether natural or artificial) or any tidal waters as defined in the Rivers (Prevention of Pollution) (Scotland) Act 1951, or
- (iii) other matters appearing to the authority providing the system to be relevant for that purpose,

is obtained and transmitted, whether automatically or otherwise, with or without provision for carrying out calculations based on any such information and for transmitting the results of those calculations;

- (b) " local authority ", and " area " in relation to a local authority, have (subject to section 93(3) of this Act) the meanings assigned to them by section 1 of the Flood Prevention (Scotland) Act 1961.

### **93 Combinations of local authorities**

- (1) In exercising their powers under this Part of this Act to provide and operate a flood warning system, a local authority may combine with any other local authority, or with two or more other local authorities, so as to benefit both their area and the other area or areas concerned, on such terms and conditions as may be agreed between the local authorities.
- (2) Subsections (2) to (4) of section 119 of the Local Government (Scotland) Act 1947 (which relates to voluntary combinations of local authorities) shall apply in relation to any such combination as is mentioned in the foregoing subsection as they apply in relation to the combinations mentioned in subsection (1) of the said section 119, and in the said subsections (2) to (4) as so applying any reference to a function of a local authority shall be construed as including a reference to any power or duty of the local authority so far as relating to the flood warning system with which the combination is concerned.
- (3) In relation to a case where local authorities have combined under this section, any reference in this Part of this Act to a local authority shall (unless the context otherwise requires) be construed as including a reference to the combination of local authorities, and " area " shall be construed accordingly.

### **94 Arrangements with other bodies**

- (1) In exercising their powers under this Part of this Act to provide a flood warning system, a local authority may enter into an arrangement with any other person to the effect that apparatus belonging to any such person may be incorporated with apparatus belonging to the local authority for the purposes of a flood warning system.
- (2) A local authority may make a contribution towards any expenses reasonably incurred by any person under the foregoing subsection in the incorporation of their apparatus with the apparatus of the local authority.

### **95 Acquisition of land**

A local authority may be authorised by the Secretary of State to acquire by compulsory purchase any land (whether in their area or not) which they require for the exercise of their powers under this Part of this Act, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this Part of this Act had been in force immediately before the commencement of that Act.

## **96 Powers of entry on land**

- (1) Subject to the provisions of this section, any person authorised by a local authority shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter on any land (whether in the area of the local authority or not) for the purpose of determining whether, and if so in what manner, any power conferred on the local authority by this Part of this Act is to be exercised.
- (2) Admission to any land shall not be demanded as of right under this section unless fourteen days notice of the intended entry has been given to the occupier of the land.
- (3) If on application made to him the sheriff is satisfied—
  - (a) that admission to any land on which any person is entitled to enter under this section has been refused to that person or that refusal is apprehended, or that the land is unoccupied, or that the case is one of urgency,
  - (b) that there is reasonable ground for entry on the land for the purpose for which entry is required, and
  - (c) either that notice of the intention to make the application has been given to the occupier or that it is equitable in the circumstances to dispense with such notice,the sheriff may by warrant under his hand authorise that person to enter on the land; and any warrant so issued shall be expressed to remain in force for such period only as the sheriff, having regard to all the circumstances of the case, shall fix.
- (4) If any person wilfully obstructs any other person exercising a right conferred by this section to enter, or do anything, on any land he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5 in the case of a first conviction or £20 in the case of a second or any subsequent conviction.

## **97 Grants towards cost of flood warning system**

- (1) The Secretary of State may make grants, of such amounts as the Treasury may from time to time sanction, towards expenditure incurred by a local authority at any time on or after 1st January 1969—
  - (a) in providing or installing apparatus or carrying out engineering or building operations for the purposes of a flood warning system; or
  - (b) in making an approved contribution under section 94(2) of this Act.
- (2) No grant shall be payable under this section towards expenditure incurred in connection with any work unless the work has been approved by the Secretary of State and the Secretary of State is satisfied that the work is being or has been properly carried out; and grants under this section shall be made subject to such conditions as may be imposed by the Secretary of State with the approval of the Treasury.
- (3) In subsection (1) of this section " approved ", in relation to any contribution, means approved for the purposes of this section by the Secretary of State.

## **98 Extent of Part VI**

Any local authority whose area adjoins England may exercise the powers conferred by section 92(1) (b) of this Act in an area in England subject (except in the case of the power to maintain apparatus) to prior consultation with the river authority for that

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area within the meaning of section 3 of the Water Resources Act 1963 ; but save as aforesaid this Part of this Act extends to Scotland only.

## PART VII

### MISCELLANEOUS PROVISIONS

#### **99 Agricultural tied cottages**

- (1) Section 33 of the Rent Act 1965 (which enables the court to suspend an order for possession of premises occupied by the tenant under a former tenancy within the meaning of Part III of that Act under the terms of his employment as a person employed in agriculture) shall have effect with the amendments specified in the subsequent provisions of this section; but section 36 of that Act (under which the said section 33 binds the Crown) shall not apply to the subsection added to the said section 33 by subsection (4) of this section.
- (2) After subsection (3) of the said section 33 there shall be inserted the following subsection:—

“(3A) Where the order for possession is made within the period of six months beginning with the date when the former tenancy came to an end, then, without prejudice to any powers of the court under the preceding provisions of this section or apart from this section to postpone the operation or suspend the execution of the order for a longer period, the court shall suspend the execution of the order (on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable) for the remainder of the period of six months aforesaid unless the court—

(a) is satisfied either—

- (i) that other suitable accommodation is, or will within that period be made, available to the occupier ; or
- (ii) that the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced unless the premises are available for occupation by a person employed or to be employed by the owner; or
- (iii) that greater hardship (being hardship in respect of matters other than the carrying on of such a business as aforesaid) would be caused by the suspension of the order until the end of that period than by its execution within that period ; or
- (iv) that the occupier, or any person residing or lodging with the occupier, has been causing damage to the premises or has been guilty of conduct which is a nuisance or annoyance to persons occupying other premises ; and

(b) considers that it would be reasonable not to suspend the execution of the order for the remainder of that period;

but a decision of the court not to suspend the execution of the order under this subsection shall not prejudice any other power of the court to postpone the operation or suspend the execution of the order for the whole or part of the period of six months aforesaid.”

- (3) In subsection (5) of the said section 33 (which sets out the matters to which the court is to have regard in considering whether or how to exercise its powers under that section) for the words " powers under this section " there shall be substituted the words " powers under subsection (3) of this section ".
- (4) After subsection (6) of the said section 33 there shall be inserted the following subsection:—
- “(6A) Where, in the case of an order for possession of the premises to which subsection (3A) of this section applies, the execution of the order is not suspended under that subsection or, the execution of the order having been so suspended, the suspension is terminated, then, if it is subsequently made to appear to the court that the failure to suspend the execution of the order or, as the case may be, the termination of the suspension was—
- (a) attributable to the provisions of paragraph (a)(ii) of that subsection, and
  - (b) due to misrepresentation or concealment of material facts by the owner of the premises,
- the court may order the owner to pay to the occupier such sum as appears sufficient as compensation for damage or loss sustained by the occupier as a result of that failure or termination.”

## **100 Further provisions as to recovery of possession of redundant farmhouses in England and Wales**

Part II of Schedule 3 to the Rent Act 1968 (cases in which a court in England or Wales must order possession of a dwelling-house subject to a regulated tenancy) shall be amended by adding at the end—

### *“Case 14*

Where—

- (a) the last occupier of the dwelling-house before the relevant date was a person, or the widow of a person, who was at some time during his occupation responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of land which formed, together with the dwelling-house, an agricultural unit within the meaning of the Agriculture Act 1947, and
- (b) the tenant is neither—
  - (i) a person, or the widow of a person, who is or has at any time been responsible for the control of the farming of any part of the said land, nor
  - (ii) a person, or the widow of a person, who is or at any time was employed by the landlord in agriculture, and
- (c) the creation of the tenancy was not preceded by the carrying out in connection with any of the said land of an amalgamation approved for the purposes of a scheme under section 26 of the Agriculture Act 1967, and
- (d) not later than the relevant date, the tenant was given notice in writing that possession might be recovered under this Case, and
- (e) the court is satisfied that the dwelling-house is required for occupation either by a person responsible or to be responsible (whether as owner, tenant, or servant

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or agent of another) for the control of the farming of any part of the said land or by a person employed or to be employed by the landlord in agriculture, and

- (f) the proceedings for possession are commenced by the landlord before the expiry of five years from the date on which the occupier referred to in paragraph (a) above went out of occupation;

and for the purposes of this Case " employed " and " agriculture " have the same meanings as in the Agricultural Wages Act 1948 and " amalgamation " has the same meaning as in Part II of the Agriculture Act 1967.”

### **101 Further provisions as to recovery of possession of redundant farmhouses in Scotland**

- (1) This section shall have effect where a dwelling-house in Scotland is let on a regulated tenancy and the last occupier of the dwelling-house before the commencement of the regulated tenancy was a person, or the widow of a person, who was at some time during his occupation responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of land which formed, together with the dwelling-house, an agricultural unit within the meaning of the Agriculture (Scotland) Act 1948.

- (2) If—

- (a) the conditions mentioned in subsection (3) of this section are satisfied, and  
 (b) apart from the Rent Acts the landlord would be entitled to recover possession of the dwelling-house, and  
 (c) the sheriff is satisfied that the dwelling-house is required for occupation either by a person responsible or to be responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the said land or by a person employed or to be employed by the landlord in agriculture,

the sheriff shall make an order for the possession of the dwelling-house whether or not he would have power to do so under section 3 of the Act of 1933, and section 5(2) of the Act of 1920 shall not apply in relation to the order.

- (3) The said conditions are—

- (a) that the tenant of the dwelling-house is neither—  
 (i) a person, or the widow of a person, who is or has at any time been responsible for the control of the farming of any part of the said land, nor  
 (ii) a person, or the widow of a person, who is or at any time was employed by the landlord in agriculture ; and  
 (b) that the creation of the tenancy was not preceded by the carrying out in connection with any of the said land of an amalgamation approved for the purposes of a scheme under section 26 of the Agriculture Act 1967; and  
 (c) that not later than the date of commencement of the regulated tenancy, the tenant was given notice in writing that possession might be recovered under this section; and  
 (d) that the proceedings for possession are commenced by the landlord before the expiry of five years from the date on which the occupier referred to in subsection (1) of this section ceased to occupy the dwelling-house.

- (4) In this section—

" the Rent Acts " means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939, or any of those Acts ;

" the Act of 1920 " and " the Act of 1933 " mean respectively the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 and the Rent and Mortgage Interest Restrictions (Amendment) Act 1933 ;

" employed " and " agriculture " have the same meanings as in the Agricultural Wages (Scotland) Act 1949;

" landlord ", " tenant " and " tenancy " have the same meanings as in the Act of 1920 ;

" regulated tenancy " has the same meaning as in section 1(4) of the Rent Act 1965 ; and

" order for possession " means decree of removing or warrant of ejection or other like order.

## **102 Registration of notices relating to conditions applied to Scottish cottages under Hill Farming Act 1946 s. 10**

- (1) Where conditions, applicable to a cottage in Scotland by virtue of regulations made under section 10 of the Hill Farming Act 1946, and specified in a notice recorded in the Register of Sasines under section 2(3) of the Hill Farming Act 1954, are amended by subsequent regulations made under the said section 10, the notice shall have effect as if for the conditions specified therein there were substituted the conditions as so amended.
- (2) The Secretary of State shall record a notice in the Register of Sasines under the said section 2(3) stating that conditions no longer apply to a cottage only where the conditions have ceased to apply to the cottage by virtue of such a payment to the Secretary of State as is referred to in section 10(2) of the said Act of 1946; and accordingly the said section 2(3) shall have effect as if after the words " cease to apply to a cottage " there were inserted the words " by virtue of such a payment to the appropriate Minister as is referred to in section 10(2) of the Hill Farming Act 1946 ".

## **103 National Agricultural Advisory Service**

The Minister of Agriculture, Fisheries and Food may, instead of maintaining the National Agricultural Advisory Service provided for by section 1(1) of the Agriculture (Miscellaneous Provisions) Act 1944, give effect to the purposes for which that Service was established (which relate to the provision of advice and instruction on agricultural matters) through such other organisation as he may consider appropriate; and accordingly, the said section 1(1) shall be amended by substituting, for the words " shall, as from the appointed day, establish and maintain a National Agricultural Advisory Service " , the words " shall make provision through such organisation as he considers appropriate ".

## **104 Financing of agricultural training**

- (1) Subsections (2) and (3) of this section shall have effect as respects expenses incurred by the Agricultural, Horticultural and Forestry Industry Training Board established under section 1 of the Industrial Training Act 1964 so far as (those expenses are attributable to the exercise of that Board's functions in relation to activities in agriculture within the meaning of section 109(3) of the Agriculture Act 1947 or, as the case may be, section 86(3) of the Agriculture (Scotland) Act 1948 ; and those expenses so far as so attributable are hereafter in this section referred to as " relevant expenses ".

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

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- (2) Notwithstanding anything in section 4(1) of the said Act of 1964, any money towards meeting any relevant expenses incurred in respect of any period beginning on or after 1st September 1969 which, but for this section, would have fallen to be raised by a levy under that Act shall not be so raised, but—
- (a) subject to subsection (5) of this section, the Secretary of State for Employment and Productivity shall from time to time certify an amount as being one required by the Board for meeting such expenses other than expenses by way of payment of interest on, or repayment of, any loan, and shall pay the amount so certified to the Board;
  - (b) the said Secretary of State shall also from time to time pay to the Board any amounts paid or payable by them by way of interest on, or repayment of, any loan made to them by a third party so far as so made for the purpose of defraying relevant expenses ; and
  - (c) the Minister of Agriculture, Fisheries and Food shall pay to the said Secretary of State—
    - (i) any amount certified by that Secretary of State under paragraph (a) of this subsection, and
    - (ii) any amounts certified by that Secretary of State either as payable by him by virtue of paragraph (b) of this subsection or as payable to him by way of interest on, or repayment of, any loan made by him so far as so made for the purpose of defraying relevant expenses.
- (3) In consequence of the provisions of subsection (2) of this section, any proposal by the Board aforesaid under paragraph (b) of section 7(1) of the said Act of 1964 for the raising and collection of a levy shall not be made in relation to any relevant expenses, but the proposals submitted by that Board under paragraph (a) of the said section 7(1) for the exercise of the Board's functions referred to in that paragraph shall include an estimate of any relevant expenses which will be incurred in connection with those proposals.
- (4) If—
- (a) the Ministry of Agriculture for Northern Ireland submits to the Ministry of Finance for Northern Ireland proposals for the provision by the said Ministry of Agriculture of training in relation to activities in agriculture within the meaning of section 43(1) of the Agriculture Act (Northern Ireland) 1949 as being training which (after consultation with any organisation or association of organisations appearing to the said Ministry of Agriculture to be representative of substantial numbers of employers engaged in such activities in Northern Ireland and with any organisation or association of organisations so appearing to be representative of substantial numbers of persons employed in such activities in Northern Ireland) the said Ministry of Agriculture considers to be required ; and
  - (b) those proposals include an estimate of the expenditure which will be incurred in giving effect to them; and
  - (c) the said Ministry of Finance approves those proposals with the concurrence of the Ministers,

then, subject to subsection (5) of this section, the Minister of Agriculture, Fisheries and Food shall pay into the Exchequer of Northern Ireland any amount from time to time certified by the said Ministry of Finance with the approval of the Ministers as being required for meeting expenses incurred on or after 1st April 1970 in giving effect to those proposals.



In this subsection " the Ministers " means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Wales, the Secretary of State for Scotland and the Secretary of State concerned with agriculture in Northern Ireland.

- (5) In the case of expenses to be incurred after 31st March 1971, any certificate of the Secretary of State under subsection (2)(a) of this section, and any approval of the Ministers under subsection (4) of this section to the certifying of any amount by the Ministry of Finance for Northern Ireland, shall be given before the expenses are incurred, and shall be so given by order made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **105 Amendments of Diseases of Animals Act 1950**

- (1) Subsection (1) of section 24 of the Diseases of Animals Act 1950 (which enables a prohibition to be imposed on the landing of animals and things from any specified country whenever it is deemed expedient for the purpose of preventing the introduction of disease into Great Britain) shall be amended as follows:—

- (a) the words " whenever he deems it expedient so to do " shall be omitted;
- (b) for the words " from any specified country out of Great Britain " there shall be substituted the words " from any, or any specified, country out of Great Britain "; and
- (c) at the end there shall be added the words " and any such order may provide for exemptions from any such prohibition by means of licences, whether general or specific and whether conditional or unconditional, issued in accordance with the order ";

and any order expressed to be made before the date of commencement of this subsection under the said section 24 or any enactment replaced thereby, so far as that order has not been revoked before that date, shall have effect as from that date as if made under the said section 24 as amended by this subsection.

- (2) Section 9 of the Diseases of Animals Act 1950 (which contains powers for the treatment with serum or vaccine of any animal or bird which has been in contact with a diseased animal or bird or which has been in any way exposed to infection) shall be amended by the addition at the end of the words " or which is in an infected area ".
- (3) The said section 9 as in force apart from this subsection shall be numbered as section 9(1), and at the end thereof there shall be added the following subsection:—

“(2) The powers conferred by this section shall be construed as extending to the taking of any action which is requisite for enabling the appropriate treatment to be administered or which is otherwise required in connection with that treatment; and for the purpose of exercising those powers any officer of the Minister may, subject to production of his authority on demand, enter any land or premises taking with him such other persons, if any, as he considers requisite.”

- (4) Section 19(6) of the Diseases of Animals Act 1950 shall cease to have effect so far as it authorises the Minister of Agriculture, Fisheries and Food to withhold compensation or other payment in respect of an animal slaughtered at his direction where the owner or person having charge of the animal has, in the judgment of the Minister, been guilty of an offence against the Act in relation to that animal.

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

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- (5) Section 79 of the Diseases of Animals Act 1950 (penalties for offences against that Act) shall be amended as follows:—
- (a) in subsection (1), as amended by Part I of Schedule 3 to the Criminal Justice Act 1967, for the references in paragraphs (a) and (c) to £200 (the normal maximum fine) there shall be substituted references to £400, and for the reference in paragraph (b) to £20 (the maximum fine per animal where the offence is committed with respect to more than ten) there shall be substituted a reference to £50 ; and
  - (b) in subsection (2) (imprisonment in lieu of fine on repetition of certain offences within twelve months), the words " within a period of twelve months " shall be omitted.

## **106 Eradication of brucellosis**

- (1) The appropriate Minister may, in accordance with a scheme made by the appropriate authority with the consent of the Treasury, pay to the owner of any herd of cattle kept in the United Kingdom, or to any person concerned with the management of such a herd, such sums as that Minister thinks fit to expend in connection with the eradication of brucellosis, and may in particular, if the scheme so provides, pay any such sum by way of supplement to, and subject to any terms or conditions governing the payment of, any grant or subsidy payable under or by virtue of any enactment other than this section.
- (2) A board constituted by any scheme relating to the marketing of milk and made under the Agricultural Marketing Act 1958 or any enactment of the Parliament of Northern Ireland shall, in accordance with any scheme in that behalf made by the appropriate authority with the consent of the Treasury, make to producers registered under the scheme constituting the board payments in connection with the eradication of brucellosis, being payments in respect of milk sold, or deemed for the purpose of any payments under the scheme constituting the board to have been produced, on or after 1st April 1970; and the sums from time to time required by such a board for the making of payments under this subsection shall be paid to the board by the appropriate Minister.
- (3) Paragraph (c) of section 5 of the Diseases of Animals Act 1950 (under which the Minister may make orders prohibiting or regulating the movement of cattle into, out of or within any area which is for the time being an eradication area or an attested area) shall be amended by adding at the end of that paragraph the words " or, if the area is an eradication area or an attested area for purposes connected with the control of brucellosis, imposing with respect to cattle in that area such other prohibitions or requirements as he may consider necessary or desirable for the purpose of eradicating that disease ".
- (4) Any person who offers for sale, otherwise than for slaughter, any animal known to him to be a reactor to brucella abortus shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400, or, if the offence is committed with respect to more than ten animals, to a fine not exceeding £50 for each animal.
- (5) Payments made by any Minister under subsection (1) or subsection (2) of this section shall be treated as production grants for the purposes of section 3 of the Agriculture Act 1957.

- (6) Section 13(5) of the Agriculture Act 1967 (under which a levy scheme relating to the expenses of the Meat and Livestock Commission may not impose charges in respect of livestock slaughtered under the Diseases of Animals Act 1950 or any order or arrangements made thereunder) shall be amended by inserting at the end " or in accordance with any scheme under section 106 of the Agriculture Act 1970 ".
- (7) Any person who knowingly or recklessly makes any false statement for the purpose of obtaining for himself or any other person any payment under a scheme under subsection (1) or (2) of this section shall be liable on summary conviction to a fine not exceeding £100 or imprisonment for a term not exceeding three months or both.
- (8) Any of the following officers—
- (a) in England and Wales, any officer of the Minister of Agriculture, Fisheries and Food authorised in writing by that Minister to exercise the powers conferred by this subsection;
  - (b) in Scotland, any officer of the Secretary of State or of the said Minister having the like authority of that Secretary of State, and
  - (c) in Northern Ireland, any officer within paragraph (a) above, and any officer of the Ministry of Agriculture for Northern Ireland having the like authority of that Ministry;

may, for the purpose of obtaining any information which he may consider necessary in connection with a scheme under subsection (1) or (2) of this section, enter upon any land or premises and there inspect any animal, apply any test or take any sample, and examine and take copies of or extracts from any document.

The right of entry under this subsection may be exercised at any reasonable time, but only after production of the officer's authority if so required; and any person who obstructs or impedes an officer acting in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding £20 in the case of a first offence, and, in the case of a second or subsequent offence, to a fine not exceeding £50 or imprisonment for a term not exceeding one month or both.

- (9) In subsections (1) and (2) of this section—
- " the appropriate Minister " means the Minister of Agriculture, Fisheries and Food or, in relation to herds kept in Scotland or sums required for making payments to producers in Scotland, the Secretary of State ; and
  - " the appropriate authority " means the Minister of Agriculture, Fisheries and Food or, for the purposes of a scheme relating to herds or producers in Wales (including Monmouthshire), that Minister and the Secretary of State acting jointly or, for the purposes of a scheme relating to herds or producers in Scotland, the Secretary of State.
- (10) A scheme under subsection (1) or (2) of this section—
- (a) may relate to herds or producers in one part only of the United Kingdom or (the appropriate authorities acting jointly for the purpose, if different) in two or more such parts;
  - (b) may be varied or revoked by a subsequent scheme under that subsection;
  - (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

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### **107 Provision for improving marketing of home-grown maize**

(1) Subsection (2) of this section shall have effect for the purpose of improving the marketing of maize grown in the United Kingdom.

(2) The Cereals Marketing Act 1965 shall have effect—

(a) as if—

(i) in section 6 of that Act (which for the purpose specified in section 1(1) of that Act, that is to say, for the purpose of improving the marketing of homegrown cereals within the meaning of that Act, confers on the Home-Grown Cereals Authority certain non-trading functions with respect to the compilation and dissemination of information, the conducting of research or other experimental work and other matters); and

(ii) in section 7 of that Act (which for the purpose specified as aforesaid enables orders to confer additional non-trading functions on the said Authority),

the reference in subsection (1) of the said section 6 or 7 to the purpose specified in section 1(1) of that Act included a reference to the purpose specified in subsection (1) of this section ; and

(b) as if, notwithstanding the provisions as to interpretation contained in section 24(2) and (3) of that Act, any reference in the said section 6 to cereals or to homegrown cereals included a reference to maize or, as the case may be, to maize grown in the United Kingdom;

but no order under the said section 7 shall confer on the Authority aforesaid for the purpose specified in subsection (1) of this section any functions which could not have been conferred on the Authority by such an order if every reference in Part I of that Act to cereals or to home-grown cereals had included a reference to maize or, as the case may be, to maize grown in the United Kingdom.

### **108 Corn returns**

(1) The Minister may with the approval of the Treasury, and after consultation with the Home-Grown Cereals Authority, by order made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament and which may be varied or revoked by a subsequent order under this subsection, authorise and require the discharge by that Authority instead of by the Minister of such functions of the Minister under the Corn Returns Act 1882 (other than his functions under section 14 of that Act with respect to the making of regulations) as may be specified in the order, subject to such restrictions or directions with respect to the discharge by the Authority of those functions as may be so specified; and while that order remains in force—

(a) the Cereals Marketing Act 1965 shall have effect as if the functions to which the order for the time being relates were included in the functions of the Authority under Part I of that Act; and

(b) if, in accordance with the order, the Authority are required to receive returns made in pursuance of the said Act of 1882, the persons required to make the returns shall make them to the Authority instead of to the Minister;

but nothing in any such order shall authorise the Authority to institute proceedings for an offence under the said Act of 1882 except in pursuance of a direction by the Minister.

(2) The contents of any return furnished to the Authority aforesaid by virtue of any functions of the Minister under the said Act of 1882 which they are required and authorised to discharge by an order under subsection (1) of this section shall not without the consent of the person furnishing the return be published or otherwise disclosed except—

- (a) to a member of the Authority appointed by virtue of section 1(2)(a) of the said Act of 1965 or to an officer of the Authority duly authorised in that behalf; or
- (b) to, or to an officer of, the Minister; or
- (c) in the form of a summary of similar returns furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to any one person or undertaking to be ascertained from it; or
- (d) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to or arising out of the said Act of 1882 ;

and any person who publishes or otherwise discloses the contents of any return in contravention of this subsection shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.

(3) As from such date as the Minister may by order made by statutory instrument appoint, the said Act of 1882 shall have effect subject to the following amendments, being amendments as to the places from which, the persons by whom, and the matters in respect of which returns under that Act are to be made, namely—

- (a) in section 4 (which, as amended by Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1943, provides for the making of returns from such towns as may be prescribed)—
  - (i) the words " under the direction of the Board of Trade " shall cease to have effect; and
  - (ii) for the word " towns " there shall be substituted the word " areas ";
- (b) for sections 5 and 6 (which relate to the weekly returns to be made under the said Act of 1882 and the persons by whom they are to be made) there shall be substituted the following section:—

**“5 Weekly returns of purchases of British corn.**

Every person carrying on in an area for the time being prescribed under section 4 of this Act a business consisting of or including the buying of British corn by wholesale from the growers shall weekly at such times and in such manner as may be prescribed make to the Minister of Agriculture, Fisheries and Food or, in Scotland, to the Secretary of State a return in writing signed by that person specifying with respect to such period of seven days as may be prescribed the aggregate amount of each sort of British corn, if any, bought by that person from the growers and the aggregate purchase price thereof, and giving such additional particulars of the purchases comprised in the return as may be prescribed”;

- (c) in section 14, for the words from " refer " onwards there shall be substituted the words " make different provision for different circumstances ";
- (d) in section 18, in the definition of " British corn ", after the word " barley " in each place where it occurs there shall be inserted the words " rye, maize " .

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- (4) In this section, the expression " the Minister " means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State.
- (5) In the application to Scotland of subsection (1) of this section, the words from " but nothing " to the end shall be omitted.

#### **109 Powers of Parliament of Northern Ireland as to injurious weeds**

The limitations imposed by paragraph (7) of section 4(1) of the Government of Ireland Act 1920 precluding the Parliament of Northern Ireland from making laws in respect of trade with any place out of the part of Ireland within its jurisdiction shall not be construed so as to prevent that Parliament from making laws prohibiting or restricting the importation or removal into Northern Ireland of seeds of any weeds specified by or under an Act of that Parliament as being capable of causing injury to agriculture in Northern Ireland or of plants or parts of plants of any such weeds.

### **PART VIII**

#### **GENERAL**

#### **110 Offences by bodies corporate**

- (1) Where a body corporate is guilty of an offence under this Act or any order or scheme made thereunder and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, the foregoing subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### **111 Expenses and receipts**

- (1) There shall be paid out of moneys provided by Parliament—
- (a) any expenditure incurred by any Minister under or by virtue of this Act; and
  - (b) any increase attributable to any provision of this Act in the sums payable out of moneys so provided under any other enactment.
- (2) All receipts of any Minister under this Act (other than receipts of the Secretary of State under section 104(2) thereof) shall be paid into the Consolidated Fund.

#### **112 Saving for powers of Parliament of Northern Ireland**

Nothing in this Act shall be taken to restrict the power of the Parliament of Northern Ireland to make laws, and any laws made by that Parliament in the exercise of that power shall have effect notwithstanding anything in, or any order or scheme made under, this Act.

### **113 Short title, construction of references and repeals**

- (1) This Act may be cited as the Agriculture Act 1970.
- (2) Except in so far as the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.
- (3) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule but, in the case of the enactments mentioned in any particular Part of that Schedule, subject to any provisions at the end of that Part.
- (4) The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as affecting the operation in relation to this Act of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

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

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### PROVISIONS AS TO EGGS AUTHORITY

- 1       The Authority shall be a body corporate with perpetual succession and a common seal.
- 2       (1) It shall be within the capacity of the Authority as a statutory corporation to do such things and to enter into such transactions as are incidental or conducive to the performance of any of their functions.
- (2) Without prejudice to the generality of the foregoing sub-paragraph, where in the performance of any of their functions the Authority render any services to any person they may make such charges in respect of those services as may be agreed between the Authority and that person.
- 3       For the purposes of the Restrictive Trade Practices Act 1956, the definition of "trade association" in section 6(8) of that Act shall be construed as not including the Authority.
- 4       The validity of any proceedings of the Authority shall not be affected by any vacancy among the members of the Authority or by any defect in the appointment of any of the members of the Authority.
- 5       (1) Subject to the following provisions of this paragraph, a member of the Authority and the chairman and deputy chairman thereof shall hold and vacate office as such in accordance with the terms of his appointment.
- (2) If the chairman or deputy chairman ceases to be a member of the Authority, he shall also cease to be chairman or deputy chairman.
- (3) A member of the Authority may at any time, by notice in writing addressed to the secretary of the Authority, resign his membership, and the chairman or deputy chairman may by the like notice resign his office as such.
- 6       (1) A member of the Authority shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, disclose the nature of his interest at a meeting of the Authority as soon as possible after the relevant circumstances have come to his knowledge.
- (2) Any disclosure made by a member under the foregoing sub-paragraph shall be recorded in the minutes of the Authority, and that member shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract, but may, nevertheless, be taken into account for the purpose of constituting a quorum of the Authority.
- 7       In the case of an equality of votes at any meeting of the Authority, the person who is chairman at that meeting shall have a second or casting vote.



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- 8 Subject to paragraphs 6 and 7 of this Schedule, the authority may determine their own quorum and procedure and the quorum and procedure of any committee of the Authority.
- 9 (1) The Authority may appoint a secretary and such other officers and such servants as the Authority may determine.
- (2) The Authority shall—
- (a) pay to their officers and servants such remuneration and such travelling or other allowances as they may, with the approval of the Ministers and the Minister for the Civil Service, determine, and
- (b) as to any officers or servants in whose case the Authority may determine to do so, pay to or in respect of them such pensions or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), as the Authority may with the like approval determine.
- 10 (1) The Authority may appoint such advisory committees as they think fit, to consider such matters with which the Authority are concerned as the Authority may determine and to report on those matters to the Authority ; and any such committee may include persons who are not members of the Authority.
- (2) The Authority may pay to members of any such committee who are not members of the Authority such allowances as the Ministers may, with the approval of the Minister for the Civil Service, determine.
- 11 The application of the seal of the Authority shall be authenticated by the signature of the secretary of the Authority or some other person authorised by the Authority, either generally or specially, to act for that purpose.
- 12 In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act), there shall (at the appropriate point in alphabetical order) be inserted the following entry :—
- “The Eggs Authority”;
- and the like amendment shall be made in the Part substituted for the said Part II by Schedule 3 to that Act in its application to the Senate and House of Commons of Northern Ireland.

## SCHEDULE 2

Section 32(8).

### S. 26 OF AGRICULTURE ACT 1967 AS AMENDED

- “26 (1) The appropriate Minister may in accordance with a scheme approve, and (subject to section 50 of the Agriculture Act 1970) make grants out of money provided by Parliament towards expenditure incurred in connection with the carrying out of—
- (a) transactions for securing that agricultural land which is or forms part of an uncommercial unit, but which together with some other agricultural land could form an intermediate unit or commercial unit, shall be owned and occupied with that other land, and
- (b) transactions for securing that, where an intermediate unit or a commercial unit is not all in the same ownership, any part of it comes to be in the same ownership as the rest of that unit, or in the same ownership as some other part of that unit, but excluding transactions which bring into the same ownership and occupation

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two or more parts of the unit each of which could by itself form a commercial unit, and

- (c) transfers or exchanges of agricultural land (or estates or interests in agricultural land) for the purpose of giving more satisfactory boundaries to one or more agricultural units ;

and for the purposes of paragraph (a) above, such assumptions as the appropriate Minister may consider reasonable may be made as to the works and facilities which will be carried out or provided for the benefit of the unit to be formed.

Transactions within paragraphs (a) and (b) above are in this Part of this Act referred to as " amalgamations ", and transactions within paragraph (c) are in this Part of this Act referred to as " boundary adjustments ".

- (2) A scheme under this section may restrict the amalgamations and boundary adjustments to which it applies in any way, and may in particular exclude amalgamations of land which has reverted from being in single ownership or occupation.
- (3) The expenditure towards which a grant may be made under this section in connection with an amalgamation or boundary adjustment shall be any costs of the amalgamation or boundary adjustment of any description specified in the scheme.
- (4) A scheme under this section may make different provision for different circumstances.
- (5) The amount of any grant payable under this section towards expenditure shall be determined in such manner as may be provided for by or under the scheme.
- (6) A scheme under this section shall provide for grant in respect of such of any expenditure such as is mentioned in subsection (3) above as is approved for the purposes of grant by the appropriate Minister in connection with an amalgamation or boundary adjustment approved by that Minister in pursuance of the scheme, and any such approval—
- (a) may be given either before or, in any case where the appropriate Minister thinks fit, after the expenditure has been incurred or the amalgamation or boundary adjustment has been carried out;
- (b) may be given subject to such conditions as the appropriate Minister may specify, and in particular subject to any condition as to the time within which the amalgamation or boundary adjustment is to be carried out or as to the carrying out or provision within a specified period of specified works or facilities appearing to the appropriate Minister to be necessary as a consequence of the amalgamation or boundary adjustment;
- (c) may be varied or withdrawn by the appropriate Minister with the written consent of the person on whose application the approval was given ;

and the appropriate Minister may, if he thinks fit, for the purposes of a claim for grant under section 29 of the Agriculture Act 1970 issue a certificate with respect to any work or facility that he considers it to be necessary or desirable as a consequence of an amalgamation, or to be necessary as a consequence of a boundary adjustment, approved by that Minister in pursuance of the scheme.

- (7) After the payment of any grant under this section, any grant under section 29 of the Agriculture Act 1970 in respect of any work or facility certified under subsection (6) above or any grant under subsection (1)(a) of the next following section in connection with an amalgamation the relevant unit shall be subject to the provisions of Schedule 3 to this Act and—

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- (a) the appropriate Minister shall not approve the amalgamation unless satisfied that all persons having an estate or interest in the relevant unit have given their written consent to the application of that Schedule to the relevant unit,
  - (b) the relevant unit shall be, or be the part of, the agricultural unit or units specified for the purposes of this subsection by the appropriate Minister in the document giving his approval to the amalgamation, and
  - (c) in the said Schedule 3 as applied by this subsection " relevant Exchequer payments " shall mean—
    - (i) any such grant as aforesaid in respect of such expenditure as the appropriate Minister may certify as being expenditure related to the relevant unit, and
    - (ii) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with making the grant,and " the relevant date" shall, for any grant and the related administrative expenses, be the date when the grant was paid.
- (8) In the case of the payment of any grant under this section or any such grant under section 29 of the Agriculture Act 1970 as is referred to in the last foregoing subsection in connection with a boundary adjustment the appropriate Minister may, if he thinks fit, designate in the document giving his approval to the boundary adjustment any land appearing to him to benefit from the boundary adjustment as land which, after the payment of that grant, is to be a relevant unit subject to the provisions of Schedule 3 to this Act, and paragraphs (a) and (c) of the last foregoing subsection shall apply in relation to the boundary adjustment as they apply in relation to an amalgamation.
- (9) The duration of a scheme under this section shall be a period not exceeding seven years, but that period may from time to time be extended by further schemes under this section for periods not exceeding seven years.
- (10) A grant shall not be made under section 16 of the Agriculture Act 1957 (which relates to grants towards costs of amalgamation and is superseded by this section) in respect of a transaction proposed in an application made under that section after the coming into force of the first scheme made under this section, and so much of subsection (2) of the said section 16 as limits the time within which applications may be made under that section shall cease to have effect.
- (11) The following enactments—
- (a) section 6(c) of the Hill Farming Act 1946,
  - (b) section 5(3) of the Agriculture (Small Farmers) Act 1959, or
  - (c) section 2(3) of the Agriculture and Horticulture Act 1964,
- (under which grant under those Acts may be recovered by the appropriate Minister if there is a failure to carry out proposals), and any provision to the like effect in regulations made under section 77(3) of the Agriculture (Scotland) Act 1948 or section 22(4)' of the Crofters (Scotland) Act 1955, shall not apply where in the opinion of the appropriate Minister the carrying out of the proposals is, as a consequence of an amalgamation or boundary adjustment approved in pursuance of a scheme under this section or in consequence of the carrying out or provision of works or facilities certified under subsection (6) thereof, impracticable or to no purpose or unduly expensive.”

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

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### SCHEDULE 3

Section 64(1).

#### TRANSITIONAL PROVISIONS FOR PART III

- 1 In this Schedule " the repeal" means the repeal by this Act of the enactments specified in Part III of Schedule 5 thereto, and "the repealed enactments " means the enactments so specified.
- 2 Any land which immediately before the commencement of Part III of this Act is held by a smallholdings authority for the purposes of smallholdings shall, notwithstanding the repeal, continue to be held by that authority for the purposes of smallholdings, subject to any power exercisable by the authority by virtue of any enactment to appropriate or dispose of it for other purposes.
- 3 The repeal shall not affect the validity of any letting effected before the commencement of Part III of this Act.
- 4 The repeal shall not affect the operation of any of the repealed enactments in relation to allotments or in relation to allotment committees.
- 5 The repeal, in so far as it relates to section 48 of the Small Holdings and Allotments Act 1908, shall not affect the operation of that section in relation to cottage holdings.
- 6 The repeal, in so far as it relates to section 54 of the Agriculture Act 1947, shall not affect the power of the Minister to make a loan under that section where the application for the loan has been received by the Minister before the commencement of Part III of this Act.
- 7 The repeal shall not affect any duty of the Minister to give effect to any trust on which any land is held by the Minister or to any scheme established under the Charitable Trusts Acts 1853 to 1939, or any of those Acts, and subsisting immediately before the commencement of Part III of this Act in accordance with section 48(4) of the Charities Act 1960.
- 8 The repeal shall not affect the operation of any regulations made under section 2 of the Small Holdings and Allotments Act 1926 or under section 58 of the Agriculture Act 1947.
- 9 Without prejudice to the preceding provisions of this Schedule, in so far as any agreement made, record, map or plan compiled and kept, or other thing done by virtue of any of the repealed enactments could have been made, compiled and kept or done by virtue of a corresponding provision of Part III of this Act, it shall not be invalidated by the repeal but shall have effect as if made, compiled and kept or done by virtue of that corresponding provision.

### SCHEDULE 4

Section 64(2).

#### ENACTMENTS AMENDED

<i>Enactment</i>	<i>Amendment</i>
<a href="#">The Agricultural Land (Utilisation) Act 1931 (21 &amp; 22 Geo. 5. c. 41)</a>	At the end of section 12 there shall be added the following proviso:—

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<i>Enactment</i>	<i>Amendment</i>
The Agriculture Act 1947 (10 & 11 Geo. 6. c. 48)	“Provided that this section shall have effect subject to section 60 of the Agriculture Act 1970”.
The Agricultural Holdings Act 1948 (11 & 12 Geo. 6. c. 63)	<p>In section 58, in subsection (1), after the words " they may" there shall be inserted the words " at any time before the passing of the Agriculture Act 1970 ".</p> <p>In Schedule 8, in Part II, in the first entry, for the words from " the application " to the end of the entry, there shall be substituted the words " any regulations made under section 52(2) of the Agriculture Act 1970 ", and in the second entry, for the words " not authorised by Part IV of this Act" there shall be substituted the words " not authorised by Part III of the Agriculture Act 1970 ".</p> <p>In section 11(4)(c), for the words from " a smallholding " to " granted " there shall be substituted the words " land let as a smallholding by a smallholdings authority or by the Minister ".</p> <p>In section 24, after subsection (2) there shall be added the following subsection :—</p> <p>“(2A) Where the landlord is a smallholdings authority, or the landlord is the Minister and the holding is on land held by him for the purposes of smallholdings, then, in considering whether the interest of the landlord has been materially prejudiced as mentioned in paragraph (e) of subsection (2) of this section, regard shall be had to the effect of the breach in question not only on the holding itself but also on the carrying out of the arrangements made by the smallholdings authority or the Minister (as the case may be) for the letting and conduct of smallholdings.”</p> <p>In section 31(2), for paragraph (d) there shall be substituted the following paragraph:—</p> <p>“(d) the letting of the land (with or without other land) as a smallholding under Part III of the Agriculture Act 1970”.</p>

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<i>Enactment</i>	<i>Amendment</i>
The London Government Act 1963 (1963 c. 33)	In section 55(3), for the words " that Act", in the second place where they occur, there shall be substituted the words " the Agriculture Act 1947 ".

## SCHEDULE 5

Section 113(3).

## REPEALS

## PART I

*Repeals of enactments relating to capital grants*

Chapter	Short Title	Extent of Repeal
1 Edw. 8 & 1 Geo. 6. c. 70.	The Agriculture Act 1937.	Section 16.
3 & 4 Geo. 6. c. 14.	The Agriculture (Miscellaneous War Provisions) Act 1940.	Save for the purposes of grants to statutory water undertakers, section 15(1).
3 & 4 Geo. 6. c. 50.	The Agriculture (Miscellaneous War Provisions) (No. 2) Act 1940.	Save for the purposes of grants to statutory water undertakers, section 1(1).
4 & 5 Geo. 6. c. 50.	The Agriculture (Miscellaneous Provisions) Act 1941.	Save for the purposes of grants to statutory water undertakers, section 3. Section 12(4).
7 & 8 Geo. 6. c. 28.	The Agriculture (Miscellaneous Provisions) Act 1944.	Section 8(d).
10 & 11 Geo. 6. c. 48.	The Agriculture Act 1947.	Save for the purposes of grants to statutory water undertakers, section 96.
2 & 3 Eliz. 2. c. 39.	The Agriculture (Miscellaneous Provisions) Act 1954.	Save for the purposes of grants to statutory water undertakers, section 1.
7 & 8 Eliz. 2. c. 31.	The Agricultural Improvement Grants Act 1959.	In section 1, subsection (3), paragraphs (a) and (b) of subsection (4), and, in subsection (8), the definition of " the appropriate Minister

The repeal of the enactments specified in this Part of this Schedule shall take effect, subject to subsection (7) of section 29 of this Act, as from the date appointed under subsection (6) of that section, and shall not affect the continuance in force of any instrument made thereunder so far as the instrument is made under or by virtue of any enactment not repealed by this Act.

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Chapter	Short Title	Extent of Repeal
1964 c. 28.	The Agriculture and Horticulture Act 1964.	or Ministers " down to the word " Food ". Section 3.
1967 c. 22.	The Agriculture Act 1967.	<p>In section 26, in subsection (3) the words from " (b) in " to "boundaries", and subsection (4) from " and in particular " onwards.</p> <p>Sections 30, 31 and 32.</p> <p>In section 33(4), paragraphs (a) and (b), in paragraph (c) the word " and ", and paragraph (d).</p> <p>In section 34(1), in paragraph (a), the words "section 31, section 32 or", and paragraphs (b) and (c).</p> <p>In section 34(3), the words " or an order under subsection (1)(b) or (1)(c) above ", and the words " 32(2) or, as the case may be ".</p> <p>Section 36.</p> <p>In section 37, in subsection (1) the words " or section 30 " and subsections (3) and (5).</p> <p>Sections 41, 42 and 69(1)(b).</p> <p>Schedule 4.</p> <p>Save for the purposes of grants to statutory water undertakers, section 41(1).</p> <p>Section 41(2).</p>
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	

The repeal of the enactments specified in this Part of this Schedule shall take effect, subject to subsection (7) of section 29 of this Act, as from the date appointed under subsection (6) of that section, and shall not affect the continuance in force of any instrument made thereunder so far as the instrument is made under or by virtue of any enactment not repealed by this Act.

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

## PART II

*Repeals consequential on s. 35*

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 73.	The Hill Farming Act 1946.	In section 1, subsections (1) and (2), the proviso to subsection (4), and subsection (5). Sections 2 to 8, 39(1)(a) and (b) and 40(3).
14 & 15 Geo. 6. c. 18.	The Livestock Rearing Act 1951.	Sections 1(1), 2, 4 and 11(2).
4 & 5 Eliz. 2. c. 72.	The Hill Farming Act 1956.	The whole Act.
7 & 8 Eliz. 2. c.31.	The Agricultural Improvement Grants Act 1959.	Section 1(1) and (2), and, in section 1(8), the words from the beginning to " jointly ". Section 2(1) from " and " where first occurring onwards. Section 2(21)
1963 c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	Section 1.

The repeals in this Part of this Schedule shall take effect as from such date as the appropriate Minister for the purposes of the Hill Farming Act 1946 may by order made by statutory instrument appoint.

## PART III

*Repeals of enactments relating to smallholdings*

Chapter	Short Title	Extent of Repeal
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act 1908.	In section 40, in subsection (1) the words " small holdings or ". In section 48, the words " small holdings or" in each place where they occur.
6 & 7 Geo. 5. c. 38.	The Small Holding Colonies Act 1916.	The whole Act, except sections 9 and 12.
8 & 9 Geo. 5. c. 26.	The Small Holding Colonies (Amendment) Act 1918.	The whole Act.

The repeals in this Part of this Schedule shall take effect subject to the provisions of Schedule 3 to this Act on such date as may be appointed for the purpose under section 65(1) of this Act.



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

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 59.	The Land Settlement (Facilities) Act 1919.	In section 8, the words " or the Small Holding Colonies Acts, 1916 and 1918".
16 & 17 Geo. 5. c. 52.	The Small Holdings and Allotments Act 1926.	In section 2, subsection (4).
21 & 22 Geo. 5. c. 41.	The Agricultural Land (Utilisation) Act 1931.	Sections 8 to 11.
10 & 11 Geo. 6. c. 48.	The Agriculture Act 1947.	Sections 47 to 52. Sections 54 to 57. In section 58, in subsection (7), the words from " and for withholding or reducing contributions " to the end of the subsection. Sections 60 to 66. In section 67, subsection (1) and, in subsection (2), the words " other than the provisions thereof specified in the said Part I". In section 92(1), the words " or a smallholdings authority" and the words " or the authority, as the case may be, ". In section 94(2), the words " or smallholdings authority" and the words " or authority, as the case may be, ". In section 106, in subsections (2) and (7), the words " or a smallholdings authority". In Schedule 8, Part I.
12 & 13 Geo. 6. c. 37.	The Agriculture (Miscellaneous Provisions) Act 1949.	In section 10, subsection (3).
2 & 3 Eliz. 2. c. 39.	The Agriculture (Miscellaneous Provisions) Act 1954.	In section 3, subsections (1) and (2), and in subsection (4), the words from " and there shall be paid " to the end of the subsection.

The repeals in this Part of this Schedule shall take effect subject to the provisions of Schedule 3 to this Act on such date as may be appointed for the purpose under section 65(1) of this Act.

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act 1959.	In Schedule 7, the entry relating to the Agriculture Act 1947.
1963 c. 33.	The London Government Act 1963.	In section 55, subsection (1), and, in subsection (3), the words from the beginning of the subsection to "council of a county; and ".

The repeals in this Part of this Schedule shall take effect subject to the provisions of Schedule 3 to this Act on such date as may be appointed for the purpose under section 65(1) of this Act.

#### PART IV

*Repeals consequential on s. 108*

Chapter	Short Title	Extent of Repeal
45 & 46 Vict. c. 37.	The Corn Returns Act 1882.	In section 4, the words " under the direction of the Board of Trade ". Section 16.
11 & 12 Geo. 5. c. 35.	The Corn Sales Act 1921.	Section 4.
6 & 7 Geo. 6. c. 16.	The Agriculture (Miscellaneous Provisions) Act 1943.	In Schedule 3, the entry relating to section 5 of the Corn Returns Act 1882.

The repeals in this Part of this Schedule shall have effect as from the date appointed under section 108(3) of this Act.

#### PART V

*Miscellaneous repeals*

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5. c. 45.	The Fertilisers and Feeding Stuffs Act 1926.	As from the date appointed under section 87(1) of this Act, the whole Act.
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	In section 19(6), the words from " where the owner " to " this Act or ".

The repeal of the Agricultural Improvement Grants Act 1959, except so far as it extends to subsections (4) and (8) of section 1 of that Act, shall not have effect until whichever is the later of the dates referred to in Parts I and II of this Schedule; and the repeals in the Horticulture Act 1960 shall take effect as from the date appointed under section 31(3) of this Act, but shall not affect the application of the enactments repealed in relation to a proposal submitted for approval before that date.

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

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 31.	The Agricultural Improvement Grants Act 1959.	<p>In section 24(1), the words " whenever he deems it expedient so to do ".</p> <p>In section 79(2), the words " within a period of twelve months ".</p> <p>The whole Act, so far as not specified in Part I or Part II of this Schedule.</p>
8 & 9 Eliz. 2. c. 22.	The Horticulture Act 1960.	<p>Section 1(4) from the word " and " onwards.</p> <p>Section 1(5).</p> <p>Section 2(1) from the word " and " onwards.</p> <p>In section 2(3), the words from "whether" to "matter".</p> <p>Section 2(4).</p> <p>In section 3, the words " and (4) " and the words " and subsection (1) of section two ".</p>
1968 c. 29.	The Trade Descriptions Act 1968.	<p>In section 2(4), the word " and" in the last place where it occurs.</p>

The repeal of the Agricultural Improvement Grants Act 1959, except so far as it extends to subsections (4) and (8) of section 1 of that Act, shall not have effect until whichever is the later of the dates referred to in Parts I and II of this Schedule; and the repeals in the Horticulture Act 1960 shall take effect as from the date appointed under section 31(3) of this Act, but shall not affect the application of the enactments repealed in relation to a proposal submitted for approval before that date.