

## SCHEDULES

### SCHEDULE 1

Sections 1 and 2.

#### THE MEAT AND LIVESTOCK COMMISSION.

#### PART I

##### FUNCTIONS

- 1 (1) Promoting greater efficiency in the production of livestock by any means, including those in paragraphs 2 to 6 below, but subject to the exception in sub-paragraph (2) of this paragraph.
- (2) In performing their functions under this paragraph and paragraphs 2 to 5 below the Commission shall not concern themselves
  - (a) with the production of milk or milk products or fleece wool, or
  - (b) with the production of dairy cattle,except so far as matters within paragraphs (a) and (b) above are related to matters (such as the meat-producing characteristics of cattle) which are the Commission's concern, or so far as the Commission concern themselves with matters within paragraphs (a) and (b) above in assisting any Board or other person connected with those matters.
- 2 Promoting or undertaking arrangements for assessing the breeding qualities of livestock and the management of herds and flocks to which they belong on the basis of information derived from the keeping of records.
- 3 Promoting or undertaking performance testing, and progeny testing, of livestock, and acquiring and maintaining establishments where such testing may be carried out (whether by the Commission or by any person on their behalf).
- 4 Promoting or undertaking provision of services of artificial insemination of livestock.
- 5 Maintaining and publishing registers of cattle and pig herds and sheep flocks appearing to the Commission to be efficiently managed and to conform to the standards specified by the Commission.
- 6 Promoting the use for breeding purposes of sires of a quality approved by the Commission.
- 7 (1) Giving advice and information to the Central Council for Agricultural and Horticultural Co-operation—
  - (a) on matters relating to the commercial and technical aspects of livestock production and marketing, and
  - (b) for the purpose of assisting the Council in deciding whether to make grants in aid of co-operative activities in livestock production and marketing.

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- (2) Giving advice and information to livestock producers on the commercial and technical aspects of introducing and developing co-operative arrangements for the production and marketing of livestock.
- 8
  - (1) Advising on suitable and fair terms (other than financial terms) of contracts for the sale of livestock and meat, and preparing model or standard terms for inclusion in such contracts.
  - (2) Giving advice and information to assist buyers and sellers of livestock and meat to make bargains and do business.
- 9
  - (1) Giving advice and information to those owning, conducting or using livestock auction markets on the efficient lay-out, design and operation of such markets, including in particular efficient methods of handling and penning livestock, and generally on matters conducive to efficiency.
  - (2) Compiling standard codes of practice for any of the activities connected with livestock auction markets with a view to their efficient and equitable operation.
- 10
  - (1) Giving advice and information to those owning, conducting or using slaughterhouses—
    - (a) on the efficient lay-out, design and operation of slaughter houses and premises and appliances used in connection with slaughterhouses, and
    - (b) on efficient techniques of slaughtering of livestock and of dressing carcasses, and generally on matters conducive to efficiency.
  - (2) Giving to the Ministers advice and information on any matters connected with slaughterhouses for the purpose of assisting the Ministers to discharge any of their functions, and in particular their functions relating to the licensing of slaughterhouses and to slaughtering charges made at public slaughterhouses.
- 11
  - (1) Disseminating in the livestock industry and livestock products industry information about, and advice based on information about—
    - (a) the supplies of, and demand and market prices paid for, livestock and livestock products, whether produced in Great Britain or elsewhere, and
    - (b) market situations and future supply, demand and market prices.
  - (2) For that purpose—
    - (a) undertaking the collection of information to supplement that available from official sources about supplies of, and demand and market prices paid for, livestock and livestock products and,
    - (b) collating, analysing and interpreting official and other information on those subjects.
- 12 Giving advice and information to the Ministers about current and prospective supplies of livestock and livestock products from all sources.
- 13 Promoting or undertaking investigations and research as to—
  - (a) the production, marketing and distribution of livestock,
  - (b) the production, processing, manufacture, marketing and distribution of livestock products,
  - (c) the demand (whether in Great Britain or elsewhere) for livestock and livestock products and connected matters, including prices paid for livestock and livestock products,

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- and disseminating in the livestock industry and the livestock products industry information about, and advice based on, the results of the investigations and research.
- 14 Collecting the results of investigations and research carried out on any matters relating to the livestock industry or the livestock products industry and disseminating in those industries information about, and advice based on, the results of the investigations and research.
- 15 Promoting or undertaking arrangements for advertising the merits, and increasing the sales (whether in Great Britain or elsewhere), of livestock and livestock products produced in Great Britain.
- 16 Disseminating information and advice useful to consumers of livestock products, and in particular information as to their availability, use, identification and choice.
- 17 (1) In sections of the livestock industry or livestock products industry for which no industrial training board has been established, encouraging and promoting the training of employees.
- (2) Co-operating with the industrial training board for any other section of either industry in the improvement of the training of employees in that section of the industry.
- 18 Accepting, whether as a trustee or otherwise, responsibility for carrying out any trust for purposes connected with the Commission's functions or the intentions of any person making a gift or bequest for any of those purposes.
- 19 Giving financial assistance to any person in order to achieve the objects of the Commission.
- 20 Making available to persons concerned, in a form which does not disclose anything concerning the private affairs of particular persons or undertakings, any information on matters with which the Commission are concerned in the performance of any of their functions, and in particular information collected by the Commission in the performance of their functions.
- 21 Any functions incidental or ancillary to any of the functions specified above in this Part of this Schedule.
- 22 The Commission may engage in any form of collaboration or co-operation with other persons in performing any of their functions, and shall enter into such consultations with other authorities and persons as appear to them required to ensure that duplication of research, advisory services and other activities is avoided so far as practicable.

## **PART II**

### **THE COMMISSION**

- 1 The Commission shall be a body corporate with perpetual succession and a common seal.
- 2 (1) It shall be within the capacity of the Commission 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 sub-paragraph (1) above—

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- (a) where in the performance of any of their functions the Commission render any services to any person, they may make such charges in respect of those services as may be agreed between the Commission and that person, and
  - (b) the Commission may borrow money and pledge, mortgage or charge any of their property (including the proceeds of the charges imposed under a levy scheme).
- (3) The Commission may, with the consent of the Ministers, delegate any functions conferred on them by Part I of this Act, or a scheme or order under Part I of this Act, but, in the case of a development scheme, only so far as the development scheme so provides.
- 3 The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment or any disqualification of any of the members of the Commission.
- 4 (1) Subject to the following provisions of this paragraph, a member of the Commission and the chairman and deputy chairman shall hold and vacate office as such in accordance with the terms of his appointment, and previous tenure of any such office shall not affect eligibility for re-appointment.
  - (2) If the, chairman or deputy chairman ceases to be a member of the Commission, he shall also cease to be chairman or deputy chairman.
  - (3) A member of the Commission may at any time, by notice in writing addressed to the Ministers or either of them, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.
- 5 (1) A member of the Commission shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Commission, disclose the nature of his interest at a meeting of the Commission 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 Commission, and that member shall not take part after the disclosure in any deliberation or decision of the Commission with respect to that contract, but may, nevertheless, be taken into account for the purpose of constituting a quorum of the Commission.
- 6 In the case of an equality of votes at any meeting of the Commission, the person who is chairman at that meeting shall have a second or casting vote.
- 7 (1) Subject to paragraphs 5 and 6 of this Part of this Schedule, the Commission may determine their own quorum and procedure and the quorum and procedure of any committee of the Commission.
  - (2) Subject to Part III of this Schedule, this paragraph applies in relation to the Production Committee, the Distribution Committee and the Consumers Committee as it applies in relation to any committee set up by the Commission.
- 8 (1) The Commission may appoint such officers and servants as the Commission may determine
  - (2) The Commission shall—
    - (a) pay to their officers and servants such remuneration and such travelling or other allowances as they may determine, and

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- (b) as to any officers or servants in whose case the Commission may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes, as the Commission may with the approval of the Ministers determine.
- 9 (1) It shall be the duty of the Commission, except in so far as the Commission are satisfied that adequate machinery exists for achieving the purposes of this paragraph, to seek consultation with any organisation appearing to the Commission to be appropriate with a view to the conclusion between the Commission and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Commission, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements, and
- (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Commission and the discussion of other matters of mutual interest to the Commission and such persons, including efficiency in the discharge of the Commission's functions.
- (2) The Commission shall send to the Ministers and to the Minister of Labour a copy of any agreement concluded in pursuance of this paragraph, and of any instrument varying the terms of any such agreement.
- 10 The application of the seal of the Commission shall be authenticated by the signatures of two members of the Commission and of the chief officer of the Commission or some other person authorised by the Commission to do so in his place.

### **PART III**

#### THE COMMISSION'S COMMITTEES

##### *The Production Committee*

- 1 (1) The Production Committee shall consist of a chairman appointed by the Ministers and not less than eighteen other members so appointed.
- (2) The members, other than the chairman, shall be so appointed as capable of representing the interests of—
- (a) cattle and sheep producers,
- (b) pig producers,
- (c) persons employed in livestock production,
- and so that each member is appointed by reference to one only of the above paragraphs, and one member at least by reference to each of them.
- (3) The Ministers before appointing a person to be a member of the Production Committee as capable of representing the interests of any class of persons shall consult such organisations as appear to them appropriate as representing those interests, taking account of interests in Scotland as well as in England and Wales.

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*The Distribution Committee*

- 2 (1) The Distribution Committee shall consist of a chairman appointed by the Ministers and not less than eighteen other members so appointed.
- (2) The members, other than the chairman, shall be so appointed as capable of representing the interests of—
- (a) livestock traders,
  - (b) livestock auctioneers,
  - (c) local authorities operating slaughterhouses and livestock and meat markets,
  - (d) persons engaged in animal by-products trades,
  - (e) wholesalers of meat and importers of meat (excluding bacon), (f) producers of bacon and other edible livestock products except meat,
  - (g) retailers of meat and other edible livestock products,
  - (h) persons employed in the marketing and distribution of livestock or the production, processing, manufacture, marketing and distribution of livestock products,
- and so that each member is appointed by reference to one only of the above paragraphs, and one member at least by reference to each of them.
- (3) The Ministers before appointing any person to be a member of the Distribution Committee as capable of representing the interests of any class of persons shall consult such organisations as appear to them appropriate as representing those interests, taking account of interests in Scotland as well as in England and Wales.

*The Consumers Committee*

- 3 The Consumers Committee shall consist of a chairman appointed by the Ministers and nine other members, and of those nine other members—
- (a) six shall be persons appointed by the Ministers as capable of representing the interests of consumers,
  - (b) three shall be members of either the Production Committee or of the Distribution Committee and shall be appointed by the Commission.

*Chairmen of Production, Distribution and Consumers Committees*

- 4 (1) The chairman of the Production Committee, of the Distribution Committee and of the Consumers Committee shall each be a member of the Commission.
- (2) If the chairman of any of those Committees ceases to be a member of the Commission he shall also cease to be the chairman, and a member, of the Committee.

*Joint Committees*

- 5 (1) A joint committee shall consist of one or more members of the Production Committee, and one or more members of the Distribution Committee, with or without any number of other members, and need not have any members who are members of the Commission.
- (2) All the members of a joint committee shall be appointed by the Commission and the Commission may, subject to sub-paragraph (1) above, vary the constitution of a joint committee or dissolve it.

- (3) A joint committee shall have a chairman appointed by the Commission from among the members of the joint committee.
- (4) The Commission shall consult the Production Committee and the Distribution Committee as to the composition of any joint committee set up by the Commission.

*Payment of members of committees*

- 6 The Commission—
- (a) may pay to members of the Production Committee, the Distribution Committee, the Consumers Committee and any other of the Commission's committees such remuneration as they may, with the approval of the Ministers and the Treasury, determine, and
  - (b) shall pay to members of any of those committees such travelling or other allowances as the Ministers may, with the approval of the Treasury, determine.

*Procedure*

- 7 Paragraphs 3, 4 and 5 of Part II of this Schedule shall apply in relation to the said three Committees and paragraphs 3, 4(1)(2) and 5 of the said Part II shall apply in relation to a joint committee or any other of the Commission's committees as those paragraphs apply in relation to the Commission.

SCHEDULE 2

Section 9.

SUPPLEMENTARY PROVISIONS WITH RESPECT TO DEVELOPMENT SCHEMES.

*Procedure for making development schemes*

- 1 (1) At least fifty-six days before submitting a development scheme to the Ministers the Commission shall cause to be published in the London Gazette and the Edinburgh Gazette and in such other manner as they think best adapted for informing persons affected, a notice of the Commission's intention to do so—
- (a) specifying the place where the draft scheme may be inspected and copies thereof obtained, and the price (being a price approved by the Ministers) at which such copies will be supplied ; and
  - (b) stating that the Commission are prepared to receive and consider any objection to the proposed scheme which may be made to the Commission in writing within such period after the date of the publication of the notice, not being less than fifty-six days, as may be specified in the notice.
- (2) If any objection duly made is not withdrawn the Commission shall afford to the objector an opportunity of appearing before and being heard by a person appointed by the Commission for the purpose.
- (3) The Commission shall, before submitting the development scheme, take into consideration any such objection and the report of the person before whom any objector appeared.

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- 2 (1) The Commission shall not submit to the Ministers a development scheme which differs from the draft scheme available for inspection under paragraph 1 above except as respects the correction of minor defects or errors.
- (2) The foregoing sub-paragraph shall be without prejudice to the preparation by the Commission of a further draft scheme, and a notice under paragraph 1 above as respects such a scheme—
- (a) shall give particulars of the respects in which it differs from the previous draft scheme, and
- (b) shall state that objections to the proposed scheme are restricted to objections to or arising out of the changes, as compared with the previous scheme.
- 3 When submitting any development scheme to the Ministers, the Commission shall transmit to them any objection thereto which has been duly made to the Commission and has not been withdrawn, and the report of the person before whom any objector appeared.
- 4 (1) After considering any objections and any report so transmitted to them, the Ministers may proceed to make a draft order confirming the scheme and, subject to the following provisions of this paragraph, they may make it with any modification which appears to them expedient.
- (2) Except where the Ministers are satisfied that on any hearing afforded under this Schedule all persons who might reasonably be expected to require an opportunity of making an objection to the modification have had sufficient notice of the possibility of the modification being made, and of objecting to it, the Ministers shall not make the draft order with the modification until they have taken such steps as appear to them appropriate for bringing the modification to the notice of those persons and affording them the opportunity of making objections, and appearing at a hearing, which they would have had if the original scheme had incorporated the modification.
- (3) The draft order confirming any scheme shall set out the scheme.

*Confirmation of development scheme by order*

- 5 (1) If the Ministers are satisfied that the bringing into force of a development scheme submitted to them will conduce to the better organisation, development or regulation of any section of the livestock industry or the livestock products industry, and that it is expedient that the development scheme should have effect, then, subject to the following provisions of this paragraph, they may if they think fit confirm the development scheme by order made by statutory instrument.
- (2) The Ministers shall not make an order confirming a development scheme if it appears to them that the effect of the development scheme will or may be such as to conflict with any objectives adopted by any Ministers in making any order under Part I of the Agriculture Act 1957 (guaranteed prices and assured markets).
- (3) The Ministers shall not make an order confirming a development scheme unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.



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*Coming into force of development scheme*

- 6 A development scheme shall come into force on such date as may be specified in the order confirming the development scheme, being a date after the latest date on which either House of Parliament resolves that the draft order be approved.

*Proceedings questioning validity of a development scheme*

- 7 (1) Within six months from the making of an order confirming a development scheme any person may apply to the High Court on the ground that any provision contained in the development scheme is invalid as not being authorised by section 9 of this Act, or that there has been a failure to comply with any requirement of this Act as to the procedure for the making of a development scheme or the order confirming it, and on the application the High Court—
- (a) may by interim order suspend the operation of the development scheme (either generally or in so far as it affects the applicant) until the final determination of the proceedings,
  - (b) if satisfied that on the grounds given in the application any provision contained in the development scheme is invalid, or that on those grounds the interests of the applicant have been substantially prejudiced by a failure to comply with any requirements as to procedure, may quash the development scheme or any provision contained in it either generally or in so far as it affects the applicant or any class of persons which includes the applicant, and
  - (c) may, in quashing the development scheme or any provision contained in it, make such provision for consequential and incidental matters as appears to the court to be necessary or expedient, including provision as to the degree to which the decision is to affect things already done under the development scheme,
- and subject to the foregoing provisions of this paragraph the validity of a development scheme shall not be questioned in any legal proceedings whatsoever.
- (2) In relation to Scotland, any reference in this paragraph to the High Court shall be construed as a reference to the Court of Session.

*Ministers' powers to revoke or direct variation of a development scheme*

- 8 If the Ministers are satisfied—
- (a) that a development scheme is not serving the purposes for which it is made, or
  - (b) that the continued operation of a development scheme would be contrary to the public interest, or
  - (c) that a development scheme is unduly prejudicial to the interests of any class of persons affected by the scheme,

the Ministers may by order made by statutory instrument, of which a draft has been laid before and approved by resolution of each House of Parliament, revoke the development scheme or, in a case under paragraph (c) above, direct the Commission to submit to them a further development scheme containing such provisions as appear to the Commission appropriate for mitigating the effect of the earlier development scheme on the interests of the class of persons in question.

An order under this paragraph may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient.

### SCHEDULE 3

Sections 26, 28, 29 and 48.

#### CONDITIONS APPLYING TO AMALGAMATED AGRICULTURAL UNITS.

##### *Duration of conditions, and incorporation in leases, tenancies, etc.*

- 1 For a period of forty years from the time when the provisions of this Schedule first apply to a unit of land (but without prejudice to its application when its provisions come to apply to any part of that land on any other occasion) the conditions specified in this Schedule shall be observed as regards the unit and shall, so far as applicable, be deemed to be part of the terms of any lease, agreement for lease or tenancy of the unit of land, or any part of it, and shall be enforceable accordingly.

##### *Registration of conditions*

- 2 (1) When the conditions so specified first come to apply to a unit of land in England and Wales notice of that fact shall be registered in the register of local land charges by the proper officer of the local authority (not being a county council) in the area in which the unit of land, or any part of it, is situated, and shall be so registered in the prescribed manner.
- (2) In relation to the unit of land within sub-paragraph (1) above, the provisions of section 15(1) of the Land Charges Act 1925 (which make an unregistered charge void in certain circumstances) shall apply as if the conditions were a charge required to be registered under that subsection, and the other provisions of that Act, including in particular section 17(3) (which relates to the conclusive effect of a certificate of search) shall have effect accordingly.
- (3) It shall be the duty of the appropriate Minister to give to the local authority's officer the information necessary to enable him to comply with this paragraph.
- (4) Where the conditions specified in this Schedule first come to apply to a unit of land in Scotland, the Secretary of State shall cause to be recorded in the General Register of Sasines a notice of that fact; and where the conditions cease to apply as aforesaid the Secretary of State shall cause to be recorded in the General Register of Sasines a notice stating that the conditions no longer apply to that unit of land.
- (5) The conditions applied to a unit of land under this Schedule shall be included among the matters which are required to be registered in the Statutory Charges Register in Northern Ireland and accordingly the following paragraph shall be added to section 2(1) of the Statutory Charges Register Act (Northern Ireland) 1951—
- “(x) the conditions applied to a unit of land under the Third Schedule to the Agriculture Act 1967”.

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*Condition restricting transfers without Minister's consent*

- 3 (1) It shall be a condition that, except with the written consent of the appropriate Minister, no person shall transfer to any other a part only, or any estate or interest in a part only, of the land comprised in the unit.
- (2) References in this paragraph to the transfer of land, or of an estate or interest in land, include references to devolution on death or under the terms of a settlement and the High Court may, on the application of a person affected by this sub-paragraph, vary the way in which property is to devolve on a death or under a settlement so that there is no breach of the conditions specified in this paragraph but, subject to that, so that the persons interested in the unit of land, including those to whom property would devolve on the death or under the settlement, so far as required to surrender any interest in the unit of land, are compensated by receiving part of the proceeds of sale of the land or in any other way.
- (3) References in this paragraph to the transfer of land, or an estate or interest in land—
- (a) include, subject to paragraph (b) below, references to transfer by way of the creation or assignment of a lease, agreement for a lease or tenancy, including in each case a sublease or sub-tenancy,
  - (b) do not include references to the granting or assignment of any right of occupation the grant of which is made (whether or not expressly to that effect) in contemplation of the use of the land only for grazing or mowing during some specified period of the year, and, without prejudice to the foregoing words, in Northern Ireland do not include references to the transfer or assignment of any rights arising by virtue of a conacre agreement,
  - (c) do not include references to any reconveyance or other transaction by way of discharge of a mortgage, heritable security or charge, or of the release or disburdening of any land from a mortgage, heritable security or charge.
- (4) The application of this paragraph to any transaction shall not invalidate that transaction, but this sub-paragraph shall not be taken as affecting the terms written into a lease, agreement or tenancy by paragraph 1 of this Schedule.

*Condition restricting non-agricultural use without Minister's consent*

- 4 It shall be a condition that, except with the written consent of the appropriate Minister, the whole of the unit of land shall at all times be used for agricultural purposes.

*Condition requiring giving of information*

- 5 It shall be a condition that the owner of the unit of land shall, on being required so to do by the appropriate Minister, certify that the conditions in paragraphs 3 and 4 above are being observed with respect to the unit of land, and any tenant of the unit of land shall, on being so required in writing by the owner, furnish to him such information as he may reasonably require for the purpose of enabling him to comply with this condition.

*Powers of Minister on giving consent*

- 6 (1) The appropriate Minister—
- (a) may, when giving his consent under paragraph 3 or paragraph 4 above, direct that the conditions, or any of them, specified in this Schedule shall cease

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to be applicable to the unit of land, or to any part thereof specified in the direction, or

- (b) may give his consent under either of those paragraphs subject to the condition that this Schedule shall apply to such different unit of land as may be specified in the condition,

but shall, before exercising the power conferred on him by paragraph (b) of this sub-paragraph first satisfy himself that all persons who will have an estate or interest in the unit of land to which this Schedule is so applied are parties to the application for consent.

- (2) The appropriate Minister may give his consent under either of those paragraphs subject to payment to him of all or any part of the amount which would be payable under paragraph 7(1)(a) below on a breach of the condition to which the application relates by the applicant.

#### *Breach of condition*

- 7 (1) A person by whom the condition specified in paragraph 3 or paragraph 4 above is breached as respects any unit of land shall be liable to pay to the appropriate Minister—

- (a) an amount equal to the relevant Exchequer payments, together (except in the case of relevant Exchequer payments representing a loan or interest on a loan) with interest until payment from such date, not being earlier than the relevant date, and at such rate, as may be determined by the appropriate Minister with the approval of the Treasury, and
- (b) subject to sub-paragraph (2) below, an additional amount equal to so much of the value of the unit, when subject to the conditions imposed by this Schedule, as is attributable to the land which is the subject of the breach,

and the amount which that person is liable to pay under this sub-paragraph shall be a charge on all the estate and interest in the land comprised in the unit which he had at the time of the breach, binding him and his successors in title.

- (2) The additional amount payable by virtue of sub-paragraph (1)(b) above shall not exceed—

- (a) the amount by which the value of the land which is the subject of the breach, when freed from all conditions under this Schedule, exceeds the value attributable thereto as mentioned in that sub-paragraph, or
- (b) one thousand pounds,

whichever is the greater, taking, where the breach consists of a sale of land, the value of what is sold, when freed from all conditions under this Schedule, as not less than the purchase price.

- (3) Before commencing proceedings against any person to enforce the liability imposed on him by, or the charge arising under, sub-paragraph (1) above, the appropriate Minister shall serve on him a notice specifying the condition alleged to have been breached and, if it is the condition relating to use, the nature of the use constituting the breach; and, unless within two months of the service of the notice that person has—

- (a) admitted in writing the breach and his liability in respect thereof or, as the case may be, the breach and the existence of the charge, and
- (b) agreed in writing the amount recoverable by virtue of paragraph (b) of that sub-paragraph,

the matter or matters still in issue shall be determined by arbitration.

- (4) Section 77 of the Agricultural Holdings Act 1948 (procedure for arbitrations) shall have effect as if any such matter were one required by that Act to be determined by arbitration under that Act.
- (5) Sections 75 and 77 of the Agricultural Holdings (Scotland) Act 1949 (provisions regarding arbitrations) shall have effect as if any question in sub-paragraph (3) above were a matter required by that Act to be determined thereunder; and sections 78 and 87(2) of that Act shall have effect as if the parties to the dispute were the landlord and tenant of an agricultural holding.
- (6) For the purposes of the Limitation Act 1939, no cause of action or right to receive money shall be deemed to have accrued to the appropriate Minister by virtue of sub-paragraph (1) above until the date on which he served the notice referred to in sub-paragraph (3) above.
- (7) If a breach of either of the said conditions constitutes a breach of the terms of any lease, agreement for a lease or tenancy (whether written in by paragraph 1 of this Schedule or not) any person who is or was at any time entitled under the lease, agreement or tenancy to enforce those terms, or to exercise by forfeiture or otherwise any sanction for their breach, shall be liable to pay to the appropriate Minister the amounts specified in sub-paragraph (1) above so far as not recovered from any other person unless he shows to the satisfaction of the court in which proceedings for recovery are taken against him that he has, in exercise of those rights, taken all reasonable steps to prevent the breach, and to make good the results of the breach.
- (8) On the receipt by the appropriate Minister of all sums due to him under this paragraph in consequence of a breach or, if he accepts a lesser amount in satisfaction of those sums, on the giving by him of a written discharge therefor, the conditions specified in this Schedule, so far as applied by reference to the relevant Exchequer payments taken into account in arriving at those sums or by reason of the making of any grant under section 27(1)(a) of this Act, shall cease to be applicable to the unit of land.
- (9) A person shall not be liable to pay any part of the relevant Exchequer payments both under this Schedule and under some other provision of this Act, or where he has already become so liable by reason of a previous breach of condition.
- 8 If the appropriate Minister is satisfied that a breach of any of the conditions specified in paragraph 3 or 4 above is capable of being remedied he may, subject to any conditions he may impose, direct that the operation of the last foregoing paragraph shall in relation to the breach be suspended for such period as appears to him to be necessary for enabling the breach to be remedied, and if the breach is remedied to his satisfaction within that period he shall direct that the last foregoing paragraph shall not apply to the breach.

#### *Supplementary*

- 9 In this Schedule " owner ", in relation to any land other than in Scotland, means a person, other than a mortgagee not in possession, who is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let; and in relation to any land in Scotland, means a person who for the time being is entitled to receive, or would, if the land were let, be entitled to receive, the rent of the land, including a trustee, tutor, curator, factor or agent.
- 10 In relation to land which is subject to the provisions of the Crofters (Scotland) Acts 1955 and 1961, or of the Small Landholders (Scotland) Acts 1886 to 1931,

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" agricultural purposes " shall, for the purposes of this Schedule, include any subsidiary or auxiliary occupation permitted by paragraph 3 of Schedule 2 to the Crofters (Scotland) Act 1955 or by section 10 of the Small Landholders (Scotland) Act 1911 as the case may be.

11 In relation to Scotland, any reference in this Schedule to the High Court shall be construed as a reference to the Court of Session ; and in paragraph 7(1) for the words from " and the amount" to the end of the sub-paragraph there shall be substituted the words " and the appropriate Minister may make an order in favour of himself providing and declaring that the land comprised in the unit shall be charged and burdened with an annuity to pay the amount which that person is liable to pay under this sub-paragraph, and the provisions of section 16 of and paragraphs 2 to 8 of Schedule 6 to the Building (Scotland) Act 1959 shall apply in relation to any such order as they apply in relation to a charging order within the meaning of that Schedule. "

12 In relation to Northern Ireland—

- (a) any reference in this Schedule to the High Court shall be construed as a reference to the High Court of Justice in Northern Ireland;
- (b) in paragraph 7(3) above, for the words " determined by arbitration " there shall be substituted the words " referred to and determined by the Lands Tribunal for Northern Ireland ";
- (c) paragraph 7(4) and (5) above shall be omitted ;
- (d) for any reference to the Limitation Act 1939 there shall be substituted a reference to the Statute of Limitations (Northern Ireland) 1958.

#### SCHEDULE 4

Section 30.

##### IMPROVEMENTS ELIGIBLE FOR GRANT.

- 1 Erection, alteration, enlargement or reconditioning of permanent farm buildings (other than dwelling-houses), and making or improvement of permanent yards, loading banks and stocks.
- 2 Provision of means of sewage disposal other than from dwelling-houses.
- 3 Making and improvement of roads, fords, bridges, railway crossings and creeps.
- 4 Provision or laying-on of electric light or power, or gas, to farms for agricultural purposes.
- 5 Provision and improvement of pens and other fixed equipment for use in connection with the sheltering, gathering, marking, dipping, spraying, treatment or feeding of sheep and cattle.
- 6 Construction and improvement of silos, and the provision of means of disposal of effluent from silos.
- 7 Erection of wirework for hop gardens.
- 8 Making and improvement and renewal (but not repair) of permanent fences (including hedges), walls and gates.
- 9 Provision of cattle-grids.
- 10 Reclamation of waste land.

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- 11 Provision of shelter belts.
- 12 Removal of hedges and banks, filling in of ditches, removal of boulders, tree roots and other like obstructions to cultivation.
- 13 Protection and improvement of river banks.
- 14 Land levelling work, including filling in ponds and depressions which impede cultivation.
- 15 Claying and marling.
- 16 (1) Subject to sub-paragraph (2) below, the provision and installation of fixed plant or machinery (including fixtures and fittings) for agricultural purposes, other than plant or machinery which has been used before installation or which is installed in, or is wholly or partly for the benefit of, a dwelling-house.  
(2) This paragraph shall only apply where the fixed plant or machinery is provided by way of additional facilities or to afford greater capacity, or where the plant or machinery is required in connection with the introduction of a new system of management.
- 17 Any operation incidental to any of the operations specified in the other paragraphs of this Schedule or necessary or proper in carrying it out or securing the full benefit thereof.

## SCHEDULE 5

Section 45.

### RURAL DEVELOPMENT BOARDS.

#### PART I

##### PROCEDURE FOR ESTABLISHING A BOARD

###### *Order establishing a Board*

- 1 (1) The area of a Rural Development Board, and the date on which it is to be established, shall be fixed by an order made by the appropriate Minister by statutory instrument of which a draft has been laid before and approved by a resolution of each House of Parliament.  
(2) The order shall specify the Board's area by reference to a map attached to, or deposited in a place recorded in, the order.  
(3) The appropriate Minister shall fix the boundaries of the area having regard primarily to natural conformations, features and boundaries, and only secondarily to the boundaries of the areas of local authorities and other public bodies, or to the boundaries of the area of particular agricultural units or other holdings of the land.  
(4) The area may consist of two or more separate tracts of land, and land which is part of the area may totally enclose land which is not.

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*Procedure for making order*

- 2 (1) The appropriate Minister shall, after consultation with such local authorities and other public bodies as appear to him to have an interest in the matter, publish notice of his proposals to establish a Rural Development Board, and of the Board's proposed area, in two successive weeks in one or more local newspapers circulating in that area.
- (2) The notice shall—
- (a) name one or more places in or near the proposed area where copies of a draft of the order (including the map) may be inspected,
  - (b) describe, with such degree of detail as is reasonable in a notice published in a newspaper, the boundaries of the proposed area, and
  - (c) draw attention to the provisions of this Schedule authorising the making of objections, and specify the time (not being less than twenty-eight days from the first publication of the notice) within which and the manner in which objections can be made.
- 3 The grounds on which an objection may be made shall be—
- (a) that a proposed boundary ought to be altered so as to exclude part of the proposed area on the ground that there are no problems or needs of the kind described in section 45 of this Act in that part of the area, and that there are no other considerations which justify the inclusion of that part,
  - (b) that a proposed boundary ought to be altered by including an additional area on the ground that there are in it problems or needs of the kind described in section 45 of this Act, or that there are other considerations which justify the inclusion of that additional area,
  - (c) that a proposed boundary ought to be altered (whether bringing land in or taking it out or both) so as better to conform to natural conformations, features and boundaries,
  - (d) that land within the proposed area and contiguous to a proposed boundary of that area ought to be excluded because not forming a natural part of a tract of agricultural or forestry land or of land suitable for agricultural or forestry purposes, or that land outside the proposed area and contiguous to a proposed boundary of the area ought to be included for the converse reasons,
  - (e) that a proposed boundary divides an agricultural unit or other land in one ownership or one occupation,
  - (f) that a proposed boundary should be adjusted so that land over which access is required to land included in the proposed area is also within the proposed area.
- 4 (1) If no objection is duly made or if all objections so made are withdrawn, the appropriate Minister may make the proposed order in the form proposed.
- (2) If any objection duly made is not withdrawn the Minister shall either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the appropriate Minister for the purpose.
- (3) If any person by whom an objection has been made avails himself of the opportunity of being heard the appropriate Minister shall afford to any other persons to whom it appears to him expedient to afford it an opportunity of being heard on the same occasion.



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- (4) After considering any objections duly made and not withdrawn, and the report of the person who held the inquiry or hearing under this paragraph, the appropriate Minister may proceed to make the proposed order and, subject to the following provisions of this paragraph, may make it with such modifications as appear to him expedient.
- (5) Except where the appropriate Minister is satisfied that on the inquiry or hearing all persons who might reasonably be expected to require an opportunity of making an objection to the modification have had sufficient notice of the possibility of the modification being made, and of objecting to it, the appropriate Minister shall not make the order with the modification until he has taken such steps as appear to him appropriate for bringing the modification to the notice of those persons and affording them an opportunity of making the objections, and appearing at a local inquiry or hearing, which they would have had if the original proposal had incorporated the modification.
- (6) The decision of the appropriate Minister on the question whether an objection falls within paragraph 3 of this Schedule shall be conclusive but he shall give a written notice to the objector of any adverse decision stating the reasons for his decision.
- 5       As soon as may be after the appropriate Minister has made the order the appropriate Minister shall publish in one or more local newspapers circulating in or near the area specified in the order a notice describing the area, stating that the order has been made and naming a place where a copy of the order (including the map) may be inspected at all reasonable hours.

*Orders varying Board's area or dissolving a Board*

- 6       (1) The appropriate Minister may by order by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament—
- (a) vary a Board's area, or
- (b) dissolve a Board.
- (2) Before making an order under sub-paragraph (1)(a) above the Minister shall comply with the procedure in paragraphs 2 to 5 above, but as if in paragraphs 2 and 3 for references to the proposed boundary of the area there were substituted references to the parts of the boundary as proposed to be altered, and with any other necessary modifications.
- (3) An order under sub-paragraph (1)(b) above may contain such consequential and incidental provisions as appear to the Minister expedient, including provisions for the disposal of the property of the dissolved Board, and transitional provisions in respect of anything done by the Board before its dissolution.

*Supplemental*

- 7       (1) Paragraphs 15 and 16 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 or, as the case may be, to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (validity of compulsory purchase orders) shall with the necessary modifications (and in particular with the substitution for references to that Act and that Schedule, other than references to particular provisions of that Act or Schedule, of references to this Act and this Schedule) apply in relation to an order made under this Schedule as they apply in relation to compulsory purchase orders.

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- (2) Paragraph 19 of the said Schedule shall apply in relation to notices required or authorised to be served by the appropriate Minister under this Schedule with the necessary modifications, and in particular with the substitution of the appropriate Minister for the Minister mentioned in the said paragraph 19(4).
- (3) Subsections (2) to (5) of section 290 of the Local Government Act 1933 (giving of evidence and costs in public local inquiries), and subsections (4) to (9) of section 355 of the Local Government (Scotland) Act 1947 (provisions as to local inquiries) shall apply to a public local inquiry held in pursuance of this Schedule, as if the Minister there mentioned were the appropriate Minister.

## PART II

### CONSTITUTION AND PROCEDURE OF BOARDS

- 1 (1) A Rural Development Board shall consist of not less than six nor more than twelve members appointed by the appropriate Minister of whom more than half shall be appointed as having had experience of, and shown capacity in, or otherwise as having special knowledge of, agriculture or forestry.
- (2) The Board shall have a chairman and deputy chairman appointed by the appropriate Minister from among the members of the Board.
- (3) The Board shall pay to the members of the Board such travelling or other allowances as the appropriate Minister, with the approval of the Treasury, may determine, and in the case of any member of the Board as respects whom the appropriate Minister, with the approval of the Treasury, so determines—
  - (a) may pay such remuneration, whether by way of salary or fees, as the appropriate Minister and the Treasury may determine in his case, and
  - (b) may pay such pension, or make such payments towards the provision of a pension, to or in respect of him as the appropriate Minister and the Treasury may determine in his case,
 and if a person ceases to be a member of a Board and it appears to the appropriate Minister that there are special circumstances which make it right that that person should receive compensation, the Board may, with the approval of the Treasury, pay to that person a sum of such amount as the appropriate Minister may with the approval of the Treasury determine.
- 2 A Board shall be a body corporate with perpetual succession and a common seal.
- 3 (1) It shall be within the capacity of a Board 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 its functions, but they shall not borrow money without the appropriate Minister's written consent.
- (2) Without prejudice to the generality of sub-paragraph (1) above, where in the performance of any of their functions a Board render any services to any person they may make such charges in respect of those services as may be agreed between a Board and that person.
- 4 The validity of any proceedings of a Board shall not be affected by any vacancy among the members of a Board or by any defect in the appointment or any disqualification of any of the members of a Board.

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- 5 (1) Subject to the following provisions of this paragraph, a member of a Board and the chairman and deputy chairman shall hold and vacate office as such in accordance with the terms of his appointment, and previous tenure of any such office shall not affect eligibility for re-appointment.
- (2) If the chairman or deputy chairman ceases to be a member of a Board, he shall also cease to be chairman or deputy chairman.
- (3) A member of a Board may at any time, by notice in writing addressed to the appropriate Minister, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.
- 6 If the appropriate Minister is satisfied that a member of a Board—
- (a) has become bankrupt or made an arrangement with his creditors;
  - (b) is incapacitated by reason of physical or mental illness ;
  - (c) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board ; or
  - (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,
- the appropriate Minister shall have power to remove him from his office as a member of that Board.
- 7 (1) If a member of a Board has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of that Board at which the contract or other matter is the subject of consideration, he shall disclose the fact as soon as practicable after the commencement of the meeting, and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract or other matter, but he may nevertheless be taken into account for the purpose of constituting a quorum of that Board for any such consideration of, or decision on, the contract or other matter :
- Provided that this sub-paragraph shall not apply to any interest which a member may have—
- (a) as an inhabitant of the Board's area, or the owner of an estate or interest in land in that area, or
  - (b) as an applicant or prospective applicant for any consent, licence, grant or loan,
- being an interest which he has in common with all other such inhabitants, owners, applicants or prospective applicants, or with any class thereof; and provided also that the chairman at any meeting, may, at his discretion, permit a member to take part in the consideration or discussion of any question (but not to vote thereon) notwithstanding that the member has an interest to which this sub-paragraph applies, but subject to such restrictions as the chairman may think it right to impose.
- (2) A general notice given in writing by a member of a Board to the officer designated by that Board for the purpose to the effect that he is a member or in the employment of a specified company or other body, or that he is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

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- (3) Any disclosure made under sub-paragraph (1) of this paragraph shall be recorded in the minutes of the meeting at which it is made; and any notice given under sub-paragraph (2) thereof shall be recorded in a book to be kept for the purpose.
- 8 (1) In the case of an equality of votes at any meeting of a Board, the person who is chairman at that meeting shall have a second or casting vote.
- (2) A Board's quorum shall be three or such larger number as they may determine, and subject to the foregoing provisions of this Schedule a Board may determine their own procedure, and the procedure of their committees.
- 9 (1) A Board may appoint such officers and servants as the Board may determine.
- (2) A Board shall—
- (a) pay to their officers and servants such remuneration and such travelling or other allowances as they may with the approval of the appropriate Minister and the Treasury determine; and
- (b) as to any officers or servants in whose case the Board may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pensions schemes, as the Board may with the consent of the appropriate Minister and the Treasury determine.
- 10 The application of the seal of a Board to any document shall be authenticated by the signature of a member of the Board or of the person for the time being acting as secretary of the Board.
- 11 A Board's office shall be in its area or where it is conveniently accessible from places in its area.

## SCHEDULE 6

Section 58.

### THE CENTRAL COUNCIL FOR AGRICULTURAL AND HORTICULTURAL CO-OPERATION.

- 1 The Council shall be a body corporate with perpetual succession and a common seal.
- 2 (1) It shall be within the capacity of the Council 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 sub-paragraph (1) above, where in the performance of any of their functions the Council render any services to any person they may make such charges in respect of those services as may be agreed between the Council and that person.
- 3 The validity of any proceedings of the Council shall not be affected by any vacancy among the members of the Council or by any defect in the appointment or any disqualification of any of the members of the Council.
- 4 (1) Subject to the following provisions of this paragraph, a member of the Council and the chairman and deputy chairman shall hold and vacate office as such in accordance with the terms of his appointment, and a previous tenure of any such office shall not affect eligibility for re-appointment.

- (2) If the chairman or deputy chairman ceases to be a member of the Council, he shall also cease to be chairman or deputy chairman.
- (3) A member of the Council may at any time, by notice in writing addressed to the Ministers, or to any of them, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.
- 5 (1) A member of the Council shall, if he has any direct or indirect personal interest in a proposal made or proposed to be made to the Council in connection with the making of any grant under this Act, disclose the nature of his interest at a meeting of the Council, as soon as possible after the relevant circumstances have come to his knowledge.
- (2) Any disclosure so made by a member shall be recorded in the minutes of the Council and that member shall not take part after the disclosure in any decision of the Council with respect to that proposal, but he may, nevertheless, be taken into account for the purpose of constituting a quorum of the Council.
- 6 In the case of an equality of votes at any meeting of the Council, the person who is chairman at that meeting shall have a second or casting vote.
- 7 Subject to paragraphs 5 and 6 of this Schedule, the Council may determine their own quorum and procedure, and the quorum and procedure of any committee of the Council.
- 8 The Ministers may designate persons to attend on their behalf any meetings of the Council or any committee of the Council, and it shall be the duty of the Council to afford any person so designated reasonable facilities for taking part in the deliberations of the Council or committee, and recording the decisions of the Council or any committee of the Council; but a person so designated shall not be qualified to vote or otherwise count as a member of the Council.
- 9 (1) The Council may appoint such officers and servants as the Council may determine.
- (2) The Council shall—
- (a) pay to their officers and servants such remuneration and such travelling or other allowances as the Council may with the approval of the Ministers and of the Treasury determine, and
- (b) as to any officers or servants in whose case the Council may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes, as the Council may with the approval of the Ministers and of the Treasury determine.
- 10 The application of the seal of the Council shall be authenticated by the signatures of two members of the Council and of the chief officer of the Council or some other person authorised by the Council to do so in his place.

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## SCHEDULE 7

Section 75.

## REPEALS.

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 73.	The Hill Farming Act 1946.	In section 13(2) the words from " and, for the purposes " to the end of the subsection.
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	Section 46.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 62.	The Agriculture (Calf Subsidies) Act 1952.	In section 1(1)(a) the words " within the period specified in the scheme."  The word " and " at the end of section 1(1)(b) and section 1(1)(c).  In section 1(4)(c) the words from " and in the case " to the end of the paragraph.  Sections 2 and 3.  In section 4(1) the words " or order under section two thereof " and the words " or order", and in section 4(2) the words from " or any limit" to " of this Act" and the words " or order ".
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part II of Schedule 1, the words " The Pig Industry Development Authority ".
5 & 6 Eliz. 2. c. 57.	The Agriculture Act 1957.	Part II. Part III. Section 34. Schedules 2 and 3.
7 & 8 Eliz. 2. c. 3.	The Agricultural Mortgage Corporation Act 1958.	Section 1(a).
8 & 9 Eliz. 2. c. 22.	The Horticulture Act 1960.	Section 1(2) and in section 1(5) the words " or (2) "  Section 4.
1963 c. 11.	The Agriculture (Miscellaneous Provisions) Act 1963.	Sections 2 and 3. Sections 6 and 7.

Chapter	Short Title	Extent of Repeal
1964 c. 28.	The Agriculture and Horticulture Act 1964.	<p>In section 9(1) the words from " or for the formation " to the end of the subsection.</p> <p>Sections 4, 5 and 6.</p> <p>Section 9(2)(3).</p> <p>The repeals of the Agriculture (Calf Subsidies) Act 1952 take effect on the date mentioned in section 11(6) of this Act.</p> <p>The repeals of section 12 in Part II of the Agriculture Act 1957 and the other provisions of that Act so far as they relate to section 12 do not have effect as respects improvements proposed in an application made before the passing of this Act or as respects improvements proposed in an application for which the appropriate Minister gives a direction under section 30(8) of this Act.</p> <p>The repeals of sections 16 and 17 in Part II of the Agriculture Act 1957 do not affect grant in respect of a transaction proposed in an application made under the said section 16 before the coming into force of the first scheme made under section 26 of this Act.</p> <p>The repeals of Part III, section 34 and Schedule 3 of the Agriculture Act 1957, and in the House of Commons Disqualification Act 1957, take effect on the coming into force of an order under this Act dissolving the Pig Industry Development Authority.</p> <p>The repeals of the Horticulture Act 1960, of sections 6, 7 and 9 of the Agriculture (Miscellaneous Provisions) Act 1963 and of sections 4, 5 and 6 of the Agriculture and Horticulture Act 1964 take effect in accordance with any order made under section 61(8) of this Act.</p>