



# Agriculture (Scotland) Act 1948

## 1948 CHAPTER 45

### PART II

#### GOOD ESTATE MANAGEMENT AND GOOD HUSBANDRY.

##### *Special directions to secure production.*

#### **35 Special directions to secure production.**

- (1) Where it appears to the Secretary of State necessary so to do in the interest of the national supply of food or other agricultural products, he may by statutory instrument order that all or any of the powers conferred on him by the next following subsection shall be exercisable by him for a period of one year from the making of the instrument, or in the case of an instrument made before the first day of January, nineteen hundred and fifty, and confined to the powers conferred by paragraph (d) of the next following subsection, for the period ending with the thirty-first day of December in that year.
- (2) During the period for which the said powers are exercisable the Secretary of State may by notice in writing served on the person occupying or entitled to occupy any agricultural land give such directions—
  - (a) as to the use of the land for any of the purposes of agriculture and the manner in which and the produce for which it is to be so used;
  - (b) as to the carrying out of any work required to enable the land to be used as directed under paragraph (a) of this subsection,
  - (c) as to any other matters as to which directions may be given to an occupier of an agricultural unit where a warning notice under this Part of this Act is in force in relation to his farming of the unit,
  - (d) without prejudice to the general powers conferred by the foregoing paragraphs, as to the maximum area of land which may be maintained on an agricultural unit under pasture laid down with clover, grass, lucerne, sainfoin or other seeds or under herbage crops grown for commercial seed production,

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*Status: This is the original version (as it was originally enacted).*

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as appear to the Secretary of State expedient in the interest aforesaid and reasonable having regard to the character and situation of the land and other relevant circumstances.

- (3) If any person to whom a direction is given under this section contravenes or fails to comply with the direction, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.
- (4) Subsections (6) to (9) of section twenty-nine of this Act shall apply in relation to directions under this section as they apply in relation to directions under the said section twenty-nine.
- (5) The provisions of the Third Schedule to this Act shall have effect where a direction is given under this section requiring the ploughing-up of permanent pasture or the performing of other acts of cultivation.
- (6) Nothing done or omitted by an occupier in pursuance of a direction under this section shall be treated as a failure to fulfil his responsibilities to farm land in accordance with the rules of good husbandry, so long as the act or omission was reasonably necessary in consequence of the giving of the direction.
- (7) Any period for which the powers conferred on the Secretary of State by subsection (2) of this section are exercisable shall be extended by a further year if the Secretary of State by statutory instrument made not earlier than one month before the date on which the said period would otherwise expire orders that the said period shall be so extended.
- (8) The expiration of the said period shall not affect the operation of any direction under this section previously given.
- (9) A statutory instrument made under this section shall be of no effect unless approved by resolution of each House of Parliament:

Provided that if at the time when such an instrument is made Parliament is dissolved or prorogued or both Houses are adjourned for more than four days, the foregoing provisions of this subsection shall not apply but the instrument shall be laid before Parliament as soon as may be and shall cease to have effect unless approved by resolution of each House of Parliament before the expiration of the twenty-eighth day on which that House has sat after the instrument is laid before it.

### **36 Special directions as to stocking of deer forests and grouse moors.**

- (1) Where it appears to the Secretary of State desirable in the interests of food production that steps should be taken for the purpose of promoting, maintaining or increasing the stocking with sheep or cattle, or with both sheep and cattle, of any land forming part of a deer forest or of a grouse moor, the Secretary of State may by notice in writing served on the owner, or, where part of such land is let for agricultural purposes, on the occupier of that part, give such directions as appear to the Secretary of State expedient for the purpose aforesaid.
- (2) The Secretary of State shall not give to the owner or the occupier, as the case may be, of any land a direction under subsection (1) of this section until, after affording to him an opportunity of making representations to the Secretary of State, whether in writing or on being heard by a person appointed by the Secretary of State, the Secretary of State has given to the owner or the occupier notice in writing of the proposal to

give the direction, specifying the nature of the direction which the Secretary of State proposes to give.

- (3) Where a direction is proposed to be given under this section to an occupier, an opportunity of making representations to the Secretary of State shall be afforded, and notice in writing of the proposal to give the direction shall be given, to the owner of the land as well as to the occupier.
- (4) Any person to whom notice of a proposal is given under this section may require that the proposal shall be referred to the Land Court, and the provisions in that behalf of Part VI of this Act shall apply accordingly.
- (5) Subsections (5) and (9) of section twenty-nine of this Act shall apply in relation to a direction, under this section as they apply in relation to a direction under the said section twenty-nine.
- (6) Where the person to whom a direction has been given under this section has contravened or failed to comply with the direction, then—
  - (a) if that person is the owner of the land to which the direction relates, the Secretary of State shall have power to purchase the land or any part thereof compulsorily as if a warning notice had been in force in relation thereto for not less than twelve months and the Secretary of State were satisfied that the management thereof had not, during that period, shown satisfactory improvement, and the provisions of section thirty-one of this Act shall, subject to any necessary modifications, apply accordingly;
  - (b) if that person is the occupier of the land to which the direction relates, the Secretary of State shall have the like powers in relation to the land as if it were an agricultural unit in relation to the farming of . ' which a warning notice had been in force for not less than twelve months and the Secretary of State were satisfied that the farming thereof had not, during that period, shown satisfactory improvement, and the provisions of sections thirty-two and thirty-three of this Act shall, subject to any necessary modifications, apply accordingly.