



Agriculture (Miscellaneous War Provisions) (No. 2) Act 1940

1940 CHAPTER 50 3 and 4 Geo 6

An Act to make certain amendments in the law relating to agriculture and agricultural land in connection with the present war. [22nd August 1940]

Commencement Information

II Act wholly in force at Royal Assent

1 Amendments as to drainage of agricultural land.

(1) For subsection (1) of section fifteen of the ^{M1}Agriculture (Miscellaneous War Provisions) Act, 1940, there shall be substituted the following subsection—

“(1) Where a scheme for the field drainage of any agricultural land or for the cleansing or other improvement of ditches on any such land or for the supply of water to any such land.—

(a) has been submitted by the owner or occupier of the land to the War Agricultural Executive Committee for the county or county borough in which the land is situated; and

(b) has been approved for the purposes of this section by that Committee; the Minister may, out of the moneys provided by Parliament, make, towards expenditure incurred by any person in carrying out the scheme, grants of such amounts and subject to such conditions as the Treasury may approve.”

(2) . . . ^{F1}

Textual Amendments

F1 S. 1(2) repealed by [Agriculture Act 1947 \(c. 48, SIF 2:1\)](#), [Sch. 13](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous War Provisions) (No. 2) Act 1940 (repealed 5.11.1993). (See end of Document for details)

Modifications etc. (not altering text)

- C1** The text of s. 1(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 3 & 4 Geo. 6. c. 14.

2 Improvement of grassways over fen-lands.

- (1) Where work for the improvement of a way (not being a highway repairable by the inhabitants at large) over fen-land in an internal drainage district . . . ^{F2} has been done under the authority of the Minister in the exercise of powers conferred by Defence Regulations, the following provisions of this section shall have effect as to—

- (a) . . . ^{F3}
(b) the maintenance by the internal drainage board of the work done.

- (2) . . . ^{F4}

- (8) The Minister may, at any time after the completion of the work, make an order requiring the internal drainage board of the internal drainage district in which the land over which the way runs, . . . ^{F2} is situated to maintain the work done, and, where such an order is made, it shall be the duty of the board to maintain the work unless and until the requirement is revoked by a subsequent order made by the Minister.

- (9) Any question as to whether the internal drainage board have failed to perform a duty imposed upon them under the last preceding subsection shall be decided by the Minister, and the Minister may, if he is satisfied that they have so failed, give such directions to the board as he thinks fit as to the steps to be taken to remedy the failure, and compliance with any such directions shall be enforceable, on the application of the Minister, by mandamus.

- (10) Notwithstanding anything in subsection (2) of section twenty-four of the ^{M2}Land Drainage Act, 1930, a rate raised by the internal drainage board for the purpose of defraying expenses incurred in connection with the maintenance of the work shall be an owners' drainage rate.

- (11) . . . ^{F4}

- (13) In this section—

the expressions “drainage”, “internal drainage district” and “internal drainage board” have the meanings assigned to them respectively by section eighty-one of the Land Drainage Act, 1930;

the expression “fen-land” shall be construed generally and not as limited to land in that part of England commonly known as “the Fens”; and

. . . ^{F5}

Textual Amendments

- F2** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1941 \(c. 50\)](#), s. 6(3)
F3 [S. 2\(1\)\(a\)](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. VIII](#)
F4 [S. 2\(2\)–\(7\)\(11\)\(12\)](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. VIII](#)
F5 Definition repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. VIII](#)

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Modifications etc. (not altering text)

- C2** S. 2 extended by [Agriculture \(Miscellaneous Provisions\) Act 1941 \(c. 50\)](#), **ss. 7, 8(2)**
C3 References to provisions of the Land Drainage Act 1930 to be construed as mentioned in [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), **Sch. 6 para. 9**

Marginal Citations

- M2** 1930 c. 44.

3 ^{F6}

Textual Amendments

- F6** S. 3 repealed by [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), **Sch. 8**

4 ^{F7}

Textual Amendments

- F7** S. 4 repealed by [Diseases of Animals Act 1950 \(c. 36\)](#), s. 89, **Sch. 5**

5–9 ^{F8}

Textual Amendments

- F8** Ss. 5–9 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), **Sch. 1 Pt. VIII**

10 Short title, interpretation and extent.

- (1) This Act may be cited as the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940.
- (2) In this Act the expression “the Minister” means [^{F9}the Minister of Agriculture, Fisheries and Food] and the expression “Defence Regulations” means Regulations made under the ^{M3}Emergency Powers (Defence) Acts, 1939 and 1940.
- (3) Sections one to three of this Act shall not extend to Scotland.
- (4) This Act, . . . ^{F10} shall not extend to Northern Ireland.

Textual Amendments

- F9** Words substituted by virtue of [S. I. 1955/554](#)
F10 Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), **Sch. 1 Pt. VIII**

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Marginal Citations

M3 1939 c. 62 and 1940 c. 20.

Status:

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Changes to legislation:

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