



Hill Farming Act 1946

1946 CHAPTER 73 9 and 10 Geo 6

Burning of Heather and Grass (England and Wales)

20 Power to regulate heather and grass burning in England and Wales.

- (1) The Minister of Agriculture and Fisheries may by regulations make provision for regulating or prohibiting the burning of heather [^{F1}grass, bracken, gorse and vaccinium] on land in England or Wales, and any such regulations may be made so as to extend to the whole of England and Wales or to any specified area therein, may regulate or prohibit the burning of heather [^{F1}grass, bracken, gorse and vaccinium] at all times or during such period as may be specified in the regulations and may contain different provisions with respect to land in different parts of England and Wales and to different periods.
- (2) If any person contravenes any provision of regulations made under this section, he shall be liable on summary conviction to a fine not exceeding [^{F2}five pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.][^{F2}level 3 on the standard scale]

Textual Amendments

- F1** Words substituted by [Hill Farming Act 1985 \(c. 32, SIF 2:8\), s. 1](#)
- F2** Words “level 3 on the standard scale” substituted (E.W.) for “five pounds” onwards by virtue of [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\), s. 72\(2\)](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

21 Avoidance or relaxation of covenants against heather and grass burning in England and Wales.

- [^{F3}(1) Where a lease of land in England or Wales contains a covenant, condition or agreement whereby the burning of heather or grass by the tenant is prohibited or restricted, the [^{F4}appropriate tribunal], on an application by the tenant, may if it appears to them that the covenant, condition or agreement is preventing or impeding the proper use for agricultural purposes of the land comprised in the lease or any of that land and that

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it is expedient in all the circumstances so to do, give such directions for avoiding or relaxing the covenant, condition or agreement as they think fit.]

[^{F5}(1A) Where the land lies partly in Wales and partly in England, for the purposes of anything required or authorised to be done under this section by or before an appropriate tribunal in relation to that land, the land shall be deemed to be situated entirely in the place where the greater part of the land lies.

(1B) For the purposes of this section, “appropriate tribunal” means—

- (a) in England, the First-tier Tribunal; and
- (b) in Wales, the Agricultural Land Tribunal.]

(2) This section applies to leases made before or after the commencement of this Act and shall have effect notwithstanding any stipulation to the contrary.

(3) In this section the expressions “landlord”, “tenant” and “lease” have the meanings assigned to them respectively by the ^{M1}Landlord and Tenant Act, 1927.

Textual Amendments

- F3** S. 21(1) substituted by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 1 Pt. 1 para. 1](#)
- F4** Words in s. 21(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 188\(a\)](#) (with [Sch. 3](#))
- F5** S. 21(1A)(1B) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 188\(b\)](#) (with [Sch. 3](#))

Marginal Citations

- M1** 1927 c. 36.

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