



Agricultural (Miscellaneous Provisions) Act 1968

CHAPTER 34

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CHAPTER 34

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ELIZABETH II



1968 CHAPTER 34

An Act to make further provision with respect to the welfare of livestock; to provide for additional payments for certain tenants of agricultural holdings who receive compensation for disturbance in respect of their holdings or whose land is acquired or taken possession of compulsorily or whose landlords resume possession of the land for non-agricultural purposes; to make further provision with respect to the termination of tenancies of agricultural holdings in Scotland acquired by succession; to make further provision for England and Wales with respect to drainage charges, drainage rates and grants and advances to drainage authorities; to provide for payments in respect of bacon and grants in respect of break crops and the supply of water to certain buildings; to make further provision with respect to the compensation of tenants of agricultural holdings whose land is acquired or taken possession of compulsorily; to amend section 3 of the Parks Regulation (Amendment) Act 1926, the Agricultural Wages Act 1948 and the Agricultural Wages (Scotland) Act 1949, the Restrictive Trade Practices Act 1956 in its application to agricultural marketing boards, section 53(2) of the Agricultural Marketing Act 1958, section 1 of the Agricultural and Forestry Associations Act 1962, the Plant Varieties and Seeds Act 1964 and section 49 of the Agriculture Act 1967; and for purposes connected with the matters aforesaid.

[3rd July 1968]

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

WELFARE OF LIVESTOCK

Prevention of unnecessary pain and distress for livestock.

1.—(1) Any person who causes unnecessary pain or unnecessary distress to any livestock for the time being situated on agricultural land and under his control or permits any such livestock to suffer any such pain or distress of which he knows or may reasonably be expected to know shall be guilty of an offence under this section.

1876 c. 77.

(2) Nothing in the foregoing subsection shall apply to any act lawfully done under the Cruelty to Animals Act 1876 or to any thing done or omitted by or under the direction of any person in accordance with the terms of a licence issued by the Minister for the purpose of enabling that person to undertake scientific research.

Regulations with respect to the welfare of livestock.

2.—(1) The Ministers may, after consultation with such persons appearing to them to represent any interests concerned as the Ministers consider appropriate, by regulations make such provision with respect to the welfare of livestock for the time being situated on agricultural land as they think fit; and without prejudice to the generality of the foregoing provisions of this section the regulations may in particular include provision—

- (a) with respect to the dimensions and layout of accommodation for livestock, the materials to be used in constructing any such accommodation and the facilities by way of lighting, heating, cooling, ventilation, drainage, water supply and otherwise to be provided in connection with any accommodation;
- (b) for ensuring the provision of balanced diets for livestock and for prohibiting or regulating the use of any substance as food for livestock and the importation and supply of any substance intended for use as food for livestock;
- (c) for prohibiting the bleeding of livestock and the mutilation of livestock in any manner specified in the regulations, and for prohibiting or regulating the use of any method of marking or restraining livestock or interfering with the capacity of livestock to smell, see, hear, emit sound or exercise any other faculty.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, regulations under this section may—

- (a) provide that a person who contravenes or fails to comply with specified provisions of the regulations shall be guilty of an offence under this section ;
- (b) provide for exemptions, either subject to conditions prescribed by the regulations or without conditions, from any provisions of the regulations ; and
- (c) contain such incidental and supplemental provisions as the Ministers consider expedient for the purposes of the regulations.

(3) No regulations shall be made under this section unless a draft of the regulations has been approved by a resolution of each House of Parliament.

3.—(1) The Ministers may from time to time, after consultation with such persons appearing to them to represent any interests concerned as the Ministers consider appropriate,—

Codes of recommendations for the welfare of livestock.

- (a) prepare codes containing such recommendations with respect to the welfare of livestock for the time being situated on agricultural land as they consider proper for the guidance of persons concerned with livestock ; and
- (b) revise any such code by revoking, varying, amending or adding to the provisions of the code in such manner as the Ministers think fit.

(2) A code prepared in pursuance of this section and any alterations proposed to be made on a revision of such a code shall be laid before both Houses of Parliament forthwith after being prepared ; and the code or revised code, as the case may be, shall not be issued until the code or the proposed alterations have been approved by both Houses.

(3) Subject to subsection (2) of this section, the Ministers shall cause every code prepared or revised in pursuance of this section to be printed, and may cause copies of it to be put on sale to the public at such a price as the Ministers may determine.

(4) A failure on the part of any person to observe a provision of a code for the time being issued under this section shall not of itself render that person liable to proceedings of any kind ; but such a failure on the part of any person may, in proceedings against him for an offence under section 1 of this Act, be relied upon by the prosecution as tending to establish the guilt of the accused unless it is shown that he cannot reasonably be expected

PART I to have observed the provision in question within the period which has elapsed since that provision was first included in a code issued under this section.

Expenditure on free advice on the welfare of livestock.

4. Without prejudice to the generality of his powers to incur expenditure under the enactments relating to the eradication and prevention of diseases of animals, the Minister may, with the approval of the Treasury, spend such sums as he thinks fit on the giving of advice, free of charge, to persons concerned with livestock on matters relating to the welfare of livestock.

Extension of classes of operations in which anaesthetics must be used. 1954 c. 46.

5. The Ministers may, after consultation with the Royal College of Veterinary Surgeons and with such persons appearing to the Ministers to represent any other interests concerned as the Ministers consider appropriate, by order provide that paragraphs 7 and 8 of Schedule 1 to the Protection of Animals (Anaesthetics) Act 1954 (which exempt certain minor operations from the requirement to use anaesthetics imposed by that Act) shall not permit the performance, either in any circumstances or in such circumstances as may be specified in the order, of such operations as may be so specified.

Powers of entry, etc.

6.—(1) A person duly authorised in writing by the Minister may at any reasonable time enter upon any land, other than premises used wholly or mainly as a dwelling, for the purpose of ascertaining whether an offence under this Part of this Act has been committed on the land.

(2) A person duly authorised in writing by a local authority may at any reasonable time enter upon any land, other than such premises as aforesaid, for the purpose of ascertaining whether an offence under this Part of this Act has been committed on the land, being an offence consisting of a contravention of or failure to comply with provisions of regulations made in pursuance of section 2(1)(b) of this Act.

(3) A person authorised as mentioned in the foregoing provisions of this section to enter upon any land—

(a) shall if so required produce evidence of his authority before entering and while present on the land ; and

(b) may take with him on to the land such other persons as he considers necessary.

1952 c. 60.

(4) Any person authorised as aforesaid may take for analysis a sample of any substance which he finds on the land and which appears to him to be intended for use as food for livestock ; and the provisions of subsections (2) to (7) of section 6 of the Agriculture (Poisonous Substances) Act 1952 (which relate to the dividing up, analysis and evidence of analysis of certain

samples) and subsections (1), (4) and (5) of section 11 of that Act (Scottish application of the said section 6) shall have effect in relation to a sample taken under this section as they have effect in relation to a sample taken under the said section 6 but as if for references to that Act, an inspector and such an employer as is mentioned in the said section 6 there were substituted respectively references to this Part of this Act, the person taking the sample and a person appearing to the person taking the sample to have custody of the substance in question.

(5) Any veterinary surgeon or veterinary practitioner authorised as mentioned in subsection (1) of this section to enter upon any land may examine any livestock which he finds on the land and apply to and take from the livestock such tests and samples as he considers appropriate; and a person by whom a sample is taken from livestock in pursuance of this subsection shall, if before the sample is taken he is requested to do so by any person appearing to him to have the custody of the livestock, deliver a part of the sample or a similar sample to the person who made the request.

(6) If a person entitled to enter upon any land in pursuance of this section requests any person present on the land, being the occupier or a servant of the occupier of the land or a person having the custody of any livestock present on the land,—

(a) to indicate to the person so entitled the places on the land used for the accommodation of livestock or for the storage or treatment of any substance intended for use as food for livestock; or

(b) to facilitate the access of the person so entitled to any such place,

it shall be the duty of the person to whom the request is addressed to comply with the request so far as he is able to do so.

(7) A person who fails to perform his duty under subsection (6) of this section or otherwise wilfully obstructs a person entitled as aforesaid in the execution of that person's powers under this section shall be guilty of an offence under this section.

7.—(1) A person guilty of an offence under section 1 or section 2 of this Act shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds or both, or in the case of a second or subsequent offence, to such imprisonment or a fine not exceeding two hundred pounds or both. Punishment of offences under Part I.

(2) A person guilty of an offence under section 6 of this Act shall be liable on summary conviction to a fine not exceeding twenty pounds.

PART I

(3) In England and Wales a local authority shall, without prejudice to the powers of any other person to institute proceedings for an offence under this Part of this Act, have power to institute proceedings for such an offence as is mentioned in section 6(2) of this Act which is alleged to have been committed in their area.

Interpretation
etc. of Part I.

1947 c. 48.
1948 c. 45.

8.—(1) In this Part of this Act—

“ agricultural land ” means land used for agriculture (within the meaning of the Agriculture Act 1947 or, in Scotland, the Agriculture (Scotland) Act 1948) which is so used for the purposes of a trade or business ; and

“ livestock ” means any creature kept for the production of food, wool, skin or fur or for use in the farming of land or for such purpose as the Minister may by order specify.

1950 c. 36.

(2) Subsections (2) and (3) of section 59 of the Diseases of Animals Act 1950 (which define the expression “ local authority ”) shall have effect for the purposes of this Part of this Act as if for references to that Act there were substituted references to this Part of this Act and as if in subsection (2) the words from “ and shall ” onwards were omitted.

(3) This Part of this Act applies to officers and servants of the Crown, and references to land in this Part of this Act include references to land belonging to Her Majesty in right of the Crown or the Duchy of Lancaster, land belonging to the Duchy of Cornwall and land held on behalf of Her Majesty for the purposes of any Government department ; and in relation to any such land occupied by or on behalf of Her Majesty or the Duchy of Cornwall section 6 of this Act shall have effect as if subsection (2) were omitted.

(4) Without prejudice to the powers conferred on the Ministers, in relation to Great Britain, by sections 2 and 3 of this Act, the powers conferred on them by either of those sections may be exercised, in relation to England and Wales only, by the Minister of Agriculture, Fisheries and Food and, in relation to Scotland only, by the Secretary of State ; and references in those sections to the Ministers shall be construed accordingly.

(5) Nothing in this Part of this Act shall be construed as prejudicing any provision of the Protection of Animals Acts 1911 to 1964 or the Protection of Animals (Scotland) Acts 1912 to 1964.

PART II

ADDITIONAL PAYMENTS TO TENANT FARMERS

Additional
payments to
tenants
quitting
agricultural
holdings.
1948 c. 63.

9.—(1) Where under the Agricultural Holdings Act 1948 (hereafter in this Part of this Act referred to as “ the principal Act ”) compensation for disturbance in respect of an agricultural holding or part of such a holding becomes payable by the landlord to the tenant of the holding, then, subject to the provisions

of this Part of this Act, there shall be payable by the landlord to the tenant, in addition to any compensation payable by the landlord to the tenant, a sum to assist in the reorganisation of the tenant's affairs of the amount prescribed by subsection (2) of this section.

(2) Subject to the provisions of this Part of this Act, the sum payable in pursuance of subsection (1) of this section shall be equal to four times the annual rent of the holding or, in the case of part of a holding, four times the appropriate portion of that rent, at the rate at which the rent was payable immediately before the termination of the tenancy of the holding or part to which the said compensation relates.

(3) In the application of this section to Scotland, in subsection (1) for the references to the Agricultural Holdings Act 1948 and the principal Act there shall be substituted respectively references to the Agricultural Holdings (Scotland) Act 1949 and the principal Scottish Act.

10.—(1) Subject to the provisions of this section, no sum shall be payable in pursuance of section 9 of this Act in a case where—

Provisions supplementary to s. 9 in England and Wales.

- (a) the Agricultural Land Tribunal, in pursuance of section 24(2)(a) of the principal Act, have consented to the operation of the relevant notice and stated in the reasons for their decision that they are satisfied as to any of the matters mentioned in paragraphs (a) to (d) of section 25(1) of that Act (which among other things relate to good husbandry, sound estate management, agricultural research and grounds of hardship), and a statement of the reasons is included in the notice ; or
- (b) the relevant notice contains a statement that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable on any of the grounds mentioned in paragraphs (a) to (c) of the said section 25(1) and, if an application for consent in respect of the notice is made to the Agricultural Land Tribunal (hereafter in this section referred to as "the tribunal") in pursuance of section 24(1) of the principal Act, the tribunal consent to its operation and state in the reasons for their decision that they are satisfied as to any of the matters so mentioned ; or
- (c) the relevant notice contains a statement that the landlord will suffer hardship unless the notice has effect and, if such an application as aforesaid is made in respect of the notice, the tribunal consent to its operation and state in the reasons for their decision that they are satisfied that greater hardship would be caused by withholding consent than by giving it ; or

PART II
1967 c. 22.

(d) the said section 24(1) does not apply to the relevant notice by virtue of section 29(4) of the Agriculture Act 1967 (which relates to notices to quit given by the Minister or a Rural Development Board with a view to boundary adjustments or an amalgamation).

(2) Subsection (1) of this section shall not apply in relation to the relevant notice where—

(a) the reasons given by the tribunal for their decision to consent to the operation of the notice include the reason that they are satisfied as to the matter mentioned in section 25(1)(e) of the principal Act (which relates to the use of land for certain non-agricultural purposes); or

(b) the reasons so given consist of or include the reason that the tribunal are satisfied as to the matter mentioned in section 25(1)(b) of that Act but the tribunal would have been satisfied also as to the matter mentioned in the said section 25(1)(e) if it had been specified in the application for consent,

and where the tribunal would have been satisfied as mentioned in paragraph (b) of this subsection they shall include a statement to that effect in their decision.

(3) In assessing the compensation payable to the tenant of an agricultural holding in consequence of the compulsory acquisition of his interest in the holding or part of it or the compulsory taking of possession of the holding or part of it, no account shall be taken of any benefit which might accrue to the tenant by virtue of section 9 of this Act.

(4) Any sum payable in pursuance of the said section 9 shall be so payable notwithstanding any agreement to the contrary.

(5) The following provisions of the principal Act shall apply to sums claimed or payable in pursuance of the said section 9 as they apply to compensation claimed or payable under section 34 of that Act, that is to say, sections 34(3), 61, 70 to 73, 77, 80, 82, 83, 88, 89, 92, 94(5), 101 and Schedule 6; and paragraphs 4 and 5 of Schedule 8 to the Landlord and Tenant Act 1954 shall apply to sums so payable as they apply to the compensation mentioned in those paragraphs but as if for the word "shall" in each of those paragraphs there were substituted the word "may".

1954 c. 56.

(6) No sum shall be payable in pursuance of the said section 9 in consequence of the termination of the tenancy of an agricultural holding or part of such a holding unless the notice to quit in consequence of which the termination occurs is served on the tenant after the initial date and the termination occurs after the date of the passing of this Act.

(7) The provisions of Schedule 1 to this Act (which contains transitional provisions for certain cases) shall have effect for the purposes of this section in its application to England and Wales.

(8) In the foregoing provisions of this section, references to section 9 of this Act do not include references to it as applied by section 12 of this Act and "the relevant notice" means the notice to quit given by the landlord of the agricultural holding in question in consequence of which compensation for disturbance becomes payable to the tenant of the holding as mentioned in the said section 9; and for the purposes of paragraphs (a) and (b) of subsection (1) of this section, the purposes of the enactments relating to allotments shall be treated as excluded from the matters mentioned in section 25(1)(c) of the principal Act.

11.—(1) Subject to the provisions of this section, no sum shall be payable in pursuance of section 9 of this Act in consequence of the termination of the tenancy of an agricultural holding or part of such a holding by virtue of a notice to quit in a case where—

Provisions supplementary to s. 9 in Scotland.

- (a) the relevant notice contains a statement that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable on any of the grounds mentioned in paragraphs (a) to (c) of section 26(1) of the principal Scottish Act and, if an application for consent in respect of the notice is made to the Scottish Land Court (hereafter in this section referred to as "the court") in pursuance of section 25(1) of the principal Scottish Act, the court consent to its operation and state in the reasons for their decision that they are satisfied as to any of the matters so mentioned; or
- (b) the relevant notice contains a statement that the landlord will suffer hardship unless the notice has effect and, if such an application as aforesaid is made in respect of the notice, the court consent to its operation and state in the reasons for their decision that they are satisfied that greater hardship would be caused by withholding consent than by giving it; or
- (c) the relevant notice is a notice to which, apart from the provisions of section 18 or section 19 of this Act, section 6(3) of the Agriculture Act 1958 would apply and, if an application for consent in respect of the notice is made to the court in pursuance of the said section 25(1), the court consent to its operation and state in the reasons for their decision that they are satisfied with regard to the matter mentioned in paragraph (a), or the

1958 c. 71.

PART II

matters mentioned in paragraph (b)(i) to (iii), or the matter mentioned in paragraph (c), of section 18(2) of this Act ; or

1967 c. 22.

(d) the said section 25(1) does not apply to the relevant notice by virtue of section 29(4) of the Agriculture Act 1967 (which relates to notices to quit given by the Secretary of State or a Rural Development Board with a view to boundary adjustments or an amalgamation).

(2) Subsection (1) of this section shall not apply in relation to the relevant notice where—

(a) the reasons given by the court for their decision to consent to the operation of the notice include the reason that they are satisfied as to the matter mentioned in section 26(1)(e) of the principal Scottish Act (which relates to the use of land for certain non-agricultural purposes) ; or

(b) the reasons so given consist of or include the reason that the court are satisfied as to the matter mentioned in section 26(1)(b) of that Act or in paragraph (a) or paragraph (c) of section 18(2) of this Act but the court would have been satisfied also as to the matter mentioned in the said section 26(1)(e) if it had been specified in the application for consent,

and where the court would have been satisfied as mentioned in paragraph (b) of this subsection they shall include a statement to that effect in their decision.

(3) In assessing the compensation payable to the tenant of an agricultural holding in consequence of the compulsory acquisition of his interest in the holding or part of it or the compulsory taking of possession of the holding or part of it, no account shall be taken of any benefit which might accrue to the tenant by virtue of section 9 of this Act.

(4) Any sum payable in pursuance of the said section 9 shall be so payable notwithstanding any agreement to the contrary.

(5) The following provisions of the principal Scottish Act shall apply to sums claimed or payable in pursuance of the said section 9 as they apply to compensation claimed or payable under section 35 of that Act, that is to say, sections 35(3), 61, 68 to 70, 75 to 78, 80, 82 to 84, 90, 93(6), 100 and Schedule 6.

(6) No sum shall be payable in pursuance of the said section 9 in consequence of—

(a) the termination of the tenancy of an agricultural holding or part of such a holding by virtue of a notice to quit unless the notice in consequence of which the termination occurs is served on the tenant after the initial date and the termination occurs after the date of the passing of this Act ; or

- (b) the resumption by the landlord of possession of part of the holding in pursuance of a provision in that behalf contained in the lease unless the resumption occurs after the date of the passing of this Act.

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(7) No sum shall be payable in pursuance of section 9 of this Act in consequence of the termination of the tenancy of an agricultural holding or part of such a holding by virtue of a notice to quit where the relevant notice is given in pursuance of section 6(3) of the Agriculture Act 1958 (which relates to notice to quit given to a tenant who has acquired right to the tenancy of the holding by virtue of section 16 of the Succession (Scotland) Act 1964 or as a legatee by virtue of section 20 of the principal Scottish Act) and—

- (a) the landlord is terminating the tenancy for the purpose of using the land for agriculture only ; and
- (b) the notice contains a statement that the tenancy is being terminated for the said purpose :

Provided that if any question arises between the landlord and the tenant as to the purpose for which the tenancy is being terminated, the tenant shall, notwithstanding section 74 of the principal Scottish Act (matters to be referred to arbitration), refer the question to the Scottish Land Court for their determination.

(8) Section 73 of the principal Scottish Act (proceedings of the Land Court) shall apply for the purpose of the determination of any matter referred to the Scottish Land Court under subsection (7) of this section as it applies to any matter which they are required to determine under that Act.

(9) The provisions of Schedule 2 to this Act (which contains transitional provisions for certain cases) shall have effect for the purposes of this section in its application to Scotland.

(10) In this section—

- (a) references to section 9 of this Act do not include references to it as applied by section 12 of this Act ;
- (b) “ the relevant notice ” means a notice to quit given by the landlord of the agricultural holding in question in consequence of which compensation for disturbance becomes payable to the tenant of the holding as mentioned in the said section 9 ; and
- (c) for the purposes of subsection (1)(a), the purposes of the enactments relating to allotments shall be treated as excluded from the matters mentioned in section 26(1)(c) of the principal Scottish Act.

PART II
Additional
payments in
consequence of
compulsory
acquisition
etc. of
agricultural
holdings.

12.—(1) Where in pursuance of any enactment providing for the acquisition or taking of possession of land compulsorily by any person (hereafter in this Part of this Act referred to as an “acquiring authority”), an acquiring authority acquire the interest in an agricultural holding or any part of it of the tenant of the holding or take possession of such a holding or any part of it, then, subject to the provisions of this Part of this Act, section 9 of this Act shall apply as if the acquiring authority were the landlord of the holding and compensation for disturbance in respect of the holding or part in question had become payable to the tenant as mentioned in subsection (1) of that section on the date of the acquisition or taking of possession.

(2) No sum shall be payable by virtue of subsection (1) of this section in respect of any agricultural holding held on a tenancy for a term of two years or upwards except in a case where the amount of compensation payable to the tenant of the holding by the acquiring authority in consequence of the acquisition or taking of possession in question is exceeded by the aggregate of the amounts which, if the tenancy had been from year to year, would have been so payable by way of compensation and by virtue of that subsection; and in any such case the sum payable by virtue of that subsection in consequence of the acquisition or taking of possession in question shall, subject to sections 13(3) and 14(3) of this Act, be of an amount equal to the excess.

(3) No sum shall be payable to the tenant of an agricultural holding by virtue of subsection (1) of this section in consequence of such an acquiring of an interest or taking of possession as is there mentioned unless the date on which the acquisition or taking of possession occurs is later than the date of the passing of this Act and—

- (a) in the case of such an acquisition, unless the date on which notice to treat in respect of the interest to be acquired is served or treated as served on the tenant by the acquiring authority is after the initial date; and
- (b) where in the case of such a taking of possession prior notice of the taking of possession is by virtue of any enactment required to be served on the tenant by the acquiring authority, unless the date on which the notice is so served is after the initial date.

Provisions
supplementary
to s. 12 in
England and
Wales.

13.—(1) For the purposes of subsection (1) of section 12 of this Act, a tenant of an agricultural holding shall be treated as not being a tenant of it in so far as, immediately before the acquiring of the interest or taking of possession mentioned in

that subsection, he was neither in possession nor entitled to take possession of any land comprised in the holding; and in determining for those purposes whether a tenant was so entitled, any such agreement as is mentioned in section 2(1) of the principal Act which relates to the land and has not taken effect as an agreement for the letting of the land for a tenancy from year to year shall be disregarded.

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(2) Section 12(1) of this Act shall not apply where the acquiring authority require the land comprised in the holding or part in question for the purposes of agricultural research or experiment or of demonstrating agricultural methods or for the purposes of the enactments relating to smallholdings, nor where the Minister acquires the land under section 84(1)(c) of the Agriculture Act 1947; but where an acquiring authority exercise in relation to any land any power to acquire or take possession of land compulsorily which is conferred on the authority by virtue of sections 67, 68 or 72 of the Town and Country Planning Act 1962 or section 7 of the New Towns Act 1965, the authority shall be deemed for the purposes of this subsection not to require the land for any of the purposes aforesaid.

1947 c. 48.

1962 c. 38.

1965 c. 59.

(3) The provisions of Schedule 3 to this Act shall have effect for the purposes of section 12 of this Act in its application to England and Wales.

14.—(1) For the purposes of subsection (1) of section 12 of this Act, a tenant of an agricultural holding shall be treated as not being a tenant of it in so far as, immediately before the acquiring of the interest or taking of possession mentioned in that subsection, he was neither in possession nor entitled to take possession of any land comprised in the holding; and in determining for those purposes whether a tenant was so entitled, any such lease relating to the land as is mentioned in section 2(1) of the principal Scottish Act which has not taken effect as a lease of the land from year to year shall be disregarded.

Provisions supplementary to s. 12 in Scotland.

(2) Section 12(1) of this Act shall not apply where the acquiring authority require the land comprised in the holding or part in question for the purposes of agricultural research or experiment or of demonstrating agricultural methods, or for the purposes of the enactments relating to smallholdings, nor where the Secretary of State acquires the land under section 57(1)(c) or section 64 of the Agriculture (Scotland) Act 1948; but where an acquiring authority exercise in relation to any land any power to acquire or take possession of land compulsorily which is conferred on the authority by virtue of sections 34, 35 or 39(3) of the Town and Country Planning (Scotland) Act 1947 or section 7 of the New Towns (Scotland) Act 1968, the authority

1948 c. 45.

1947 c. 53.

1968 c. 16.

PART II shall be deemed for the purposes of this subsection not to require the land for any of the purposes aforesaid.

(3) The provisions of Schedule 4 to this Act shall have effect for the purposes of section 12 of this Act in its application to Scotland.

Effect of early
resumption
clauses on
compensation.

15.—(1) Except where compensation assessed in accordance with this subsection would be less than if this subsection were disregarded, in assessing the compensation payable by an acquiring authority to the tenant of an agricultural holding in connection with such an acquiring of an interest or taking of possession as is mentioned in section 12(1) of this Act, any provision in the contract of tenancy authorising the resumption of possession of the holding or part of it for some specified purpose other than the use of the land for agriculture shall—

(a) in the case of an acquisition, be treated as if that provision authorised resumption of possession for the purpose in question on the expiration of twelve months from the end of the year of the tenancy current when notice to treat in respect of the acquisition was served or treated as served on the tenant ; and

(b) in the case of a taking of possession, be disregarded.

(2) Where the tenancy of an agricultural holding or part of it terminates by reason of a notice to quit the holding or part given in pursuance of such a provision in the contract of tenancy as is mentioned in subsection (1) of this section and the tenant quits the holding or part in consequence of the notice, compensation shall be payable by the landlord to the tenant, in addition to any other compensation so payable apart from this subsection in respect of the holding or part, of an amount which is equal to the value of the additional benefit (if any) which would have accrued to the tenant if the tenancy had, instead of being terminated as provided by the notice, been terminated by it on the expiration of twelve months from the end of the year of tenancy current when the notice was given.

(3) Where the landlord of an agricultural holding in Scotland resumes land in pursuance of such a provision in the lease as is mentioned in subsection (1) of this section, compensation shall be payable by the landlord to the tenant, in addition to any other compensation so payable apart from this subsection in respect of the land, of an amount which is equal to the value of the additional benefit (if any) which would have accrued to the tenant if the land had, instead of being so resumed, been resumed at the expiration of twelve months from the end of the year of tenancy current at a date two months before the date of resumption.

PART II

(4) Subsections (4) to (6) of section 10 of this Act shall apply to compensation claimed or payable under subsection (2) of this section, and subsections (4) to (6) of section 11 of this Act shall apply to compensation claimed or payable under subsection (3) of this section, as if for references to sums claimed or payable in pursuance of section 9 of this Act there were substituted references to compensation claimed or payable under the said subsection (2) or subsection (3), as the case may be; and section 12(3) of this Act shall apply to any increase of compensation in pursuance of subsection (1) of this section as it applies to a sum payable by virtue of section 12(1) of this Act as if for references to the said section 12(1) there were substituted references to subsection (1) of this section.

(5) For the purposes of subsections (1) to (3) of this section, the current year of a tenancy for a term of two years or upwards is the year beginning with such day in the period of twelve months ending—

- (a) for the purposes of subsection (1) or subsection (2), with the date on which the notice mentioned in that subsection is served; and
- (b) for the purposes of subsection (3), with a date two months before the resumption mentioned in that subsection,

as corresponds to the day on which the term would expire by the effluxion of time.

(6) In the application of this section to Scotland,—

- (a) in subsection (1), for the words from “contract” to “agriculture” there shall be substituted the words “lease entitling the landlord to resume land for building, planting, feuing or other purposes (not being agricultural purposes)” and in paragraph (a) for the word “possession” there shall be substituted the word “land”; and
- (b) subsection (2) shall be omitted.

16. This Part of this Act shall apply to statutory small tenants as defined in the Small Landholders (Scotland) Act 1911 subject to the modifications set out in Schedule 5 to this Act.

Application of Part II to statutory small tenants in Scotland. 1911 c. 49.

17.—(1) In this Part of this Act—

- “acquiring authority” has the meaning assigned to it by section 12(1) of this Act;
- “the initial date” means 1st November 1967;
- “possession” means actual possession;

Interpretation etc. of Part II.

PART II
1948 c. 63.
1949 c. 75.

“ the principal Act ” means the Agricultural Holdings Act 1948 ; and

“ the principal Scottish Act ” means the Agricultural Holdings (Scotland) Act 1949 ;

and unless the context otherwise requires expressions used in this Part of this Act and the principal Act or, as the case may be, the principal Scottish Act have the same meanings in this Part of this Act as in that Act.

(2) In this Part of this Act references to the termination of the tenancy of part of an agricultural holding are references to the resumption by the landlord of possession of that part of the holding and references to the acquisition of any property are references to the vesting of the property in the person acquiring it.

(3) Section 87(1) and (2) of the principal Act and section 86(1) and (2) of the principal Scottish Act (Crown land) shall have effect as if references to that Act included references to this Part of this Act.

(4) References in this section to this Part of this Act include references to Schedules 1 to 4 to this Act.

(5) In the application of this section to Scotland, in subsection (2) the words from “ references to the termination ” to “ and ” shall be omitted.

PART III

TERMINATION OF TENANCIES OF AGRICULTURAL HOLDINGS IN SCOTLAND ACQUIRED BY SUCCESSION

Termination
in case of near
relatives of
deceased
tenant.
1958 c. 71.
1964 c. 41.

18.—(1) Section 6(3) of the Agriculture Act 1958 shall not apply to a notice to quit given to a tenant who has acquired right to the lease of an agricultural holding—

(a) by virtue of section 16 of the Succession (Scotland) Act 1964, or

(b) as a legatee by virtue of section 20 of the principal Scottish Act,

where he is a near relative of the deceased tenant from whom he has acquired right to that lease ; and accordingly section 25(1) of the principal Scottish Act shall, subject to the provisions of this section, apply to such a notice.

(2) Notwithstanding section 26(1) of the principal Scottish Act (which provides for the Scottish Land Court consenting to the operation of a notice to quit in certain circumstances), where the said section 6(3) would apart from the provisions of this section apply to the notice, the Scottish Land Court shall consent

under the said section 25(1) to the operation of a notice to quit given to such a near relative as is mentioned in the foregoing subsection—

(a) if they are satisfied that the near relative has neither sufficient training in agriculture nor sufficient experience in the farming of land to enable him to farm the holding to which the notice relates with reasonable efficiency, and if the notice contains a statement that it is given by reason of the matter aforesaid, or

(b) if they are satisfied—

(i) that the holding to which the notice relates, or where the holding forms only part of an agricultural unit, that unit, is not an agricultural unit which in the opinion of the Court is capable of providing full-time employment for an individual occupying it and for at least one other man,

(ii) that the notice is given in order to enable the landlord to use the holding for the purpose of effecting an amalgamation, and

(iii) that the amalgamation is proposed to be carried out within two years after the date of the termination of the tenancy specified in the notice, and if the notice contains a statement that it is given in order to enable the landlord to use the holding for the purpose of effecting an amalgamation and specifies the land with which the holding is to be amalgamated, or

(c) if they are satisfied that the near relative is the occupier (either as owner or tenant) of agricultural land other than the holding to which the notice relates, or, where the holding forms only part of an agricultural unit, other than that unit, being agricultural land, which—

(i) has been occupied by him since a date prior to the death of the deceased tenant from whom he has acquired right to the lease of the said holding, and

(ii) is an agricultural unit which in the opinion of the Court is capable of providing full-time employment for an individual occupying it and for at least one other man,

and if the notice contains a statement that it is given by reason of the matter aforesaid and specifies the land:

Provided that, notwithstanding that they are satisfied as aforesaid, the Court shall withhold consent to the operation of the notice if in all the circumstances it appears to them that a fair and reasonable landlord would not insist on possession.

PART III

(3) For the purposes of paragraphs (b)(i) and (c)(ii) of the last foregoing subsection, in assessing the capability of the unit of providing employment, it shall be assumed that the unit is farmed under reasonably skilled management, that a system of husbandry suitable for the district is followed and that the greater part of the feeding stuffs required by any livestock kept on the unit is grown there.

(4) The Court in giving consent to the operation of a notice to quit under the said section 25(1) as applied by this section on the grounds mentioned in subsection (2)(b) of this section shall impose such conditions as appear to them requisite for securing—

(a) that the holding to which the notice relates will be used for the purpose of effecting an amalgamation with the land specified in the notice ; and

(b) that the amalgamation will take place within two years after the date of the termination of the tenancy of the holding by reason of the notice ;

and section 26(5) of the principal Scottish Act shall not apply to such a consent.

(5) Section 30 of the principal Scottish Act shall, with any necessary modifications, apply to a condition imposed under this section as it applies to a condition imposed under section 26 of that Act.

(6) This section shall apply to any notice to quit given to such a near relative after the passing of this Act.

(7) In this section, “near relative” in relation to a deceased tenant of an agricultural holding means a surviving spouse, son or daughter, or adopted son or daughter, of that tenant.

(8) In the last foregoing subsection, the reference to an adopted son or daughter of a deceased tenant shall be construed as a reference to a son or daughter adopted by him (whether alone or jointly with any other person) in pursuance of an adoption order within the meaning of section 23(5) of the Succession (Scotland) Act 1964.

1964 c. 41.

Transitional provisions for purposes of Part III.
1958 c. 71.

19.—(1) In the case of a notice to quit given by a landlord in pursuance of section 6(3) of the Agriculture Act 1958 to the tenant of an agricultural holding who is such a near relative of a deceased tenant as is mentioned in subsection (1) of the last foregoing section, being a notice given between 26th January 1968 and the passing of this Act so as to have effect after the passing of this Act, the said section 6(3) shall not apply and section 25(1) of the principal Scottish Act shall, subject to the following provisions of this section, apply.

(2) In the case of such a notice to quit as is mentioned in the foregoing subsection, the landlord may, within one month of the passing of this Act, notify the tenant in writing that the said section 6(3) no longer applies to the notice to quit but that, in the event of the tenant serving a notice on him under the next following subsection, he will apply for the consent of the Scottish Land Court to the operation of the notice to quit on one or more of the following grounds, being a ground or grounds specified in the notification—

- (a) the matter mentioned in section 18(2)(a) of this Act;
- (b) that possession of the holding is required for the purpose of effecting an amalgamation with land specified in the notification;
- (c) the matter mentioned in section 18(2)(c) of this Act;
- (d) one or more of the matters set out in section 26(1) of the principal Scottish Act:

Provided that, if the landlord has not notified the tenant under this subsection within the said month, the tenant shall be deemed to have served a counter-notice under the said section 25(1), and the period of one month referred to in section 27(1) of the principal Scottish Act shall be deemed to have expired.

(3) The tenant may, within one month of being notified in accordance with the last foregoing subsection, serve a notice on the landlord requiring that the said section 25(1) shall apply to the notice to quit, and such a notice shall be deemed to be a counter-notice served under the said section 25(1) within the period mentioned therein.

(4) Notwithstanding section 26(1) of the principal Scottish Act, the Scottish Land Court shall consent under the said section 25(1) to the operation of such a notice to quit as is referred to in subsection (1) of this section if they are satisfied with regard to—

- (a) the matter mentioned in paragraph (a), or
- (b) the matters mentioned in paragraph (b) (i) to (iii), or
- (c) the matter mentioned in paragraph (c),

of subsection (2) of the last foregoing section:

Provided that, notwithstanding that they are satisfied as aforesaid, the Court shall withhold consent to the operation of the notice if in all the circumstances it appears to them that a fair and reasonable landlord would not insist on possession.

(5) Subsections (3) to (5) of section 18 of this Act shall apply to a consent given under the said section 25(1) as applied by this section on the grounds mentioned in subsection (4)(b) of this section, as they apply to a consent given under the said section 25(1) as applied by the said section 18.

PART III
Interpretation
of Part III.

20.—(1) In this Part of this Act—

“amalgamation” means a transaction for securing that agricultural land which is comprised in a holding to which a notice to quit relates and which together with some other agricultural land could form an agricultural unit, shall be owned and occupied with that other land ; and

1949 c. 42.

“the principal Scottish Act” means the Agricultural Holdings (Scotland) Act 1949.

(2) Unless the context otherwise requires, expressions used in this Part of this Act and the principal Scottish Act have the same meanings in this Part of this Act as in that Act.

PART IV

LAND DRAINAGE

Drainage charges

Raising and
levying of
drainage
charges on an
acreage basis.
1961 c. 48.

21.—(1) Drainage charges under Part I of the Land Drainage Act 1961 (hereafter in the charges provisions referred to as “the principal Act”) shall, instead of being raised at an amount per pound on the annual value of chargeable hereditaments in river authority areas and levied on the occupiers or owners of the hereditaments, be raised at an amount per acre of chargeable land in those areas and levied on the occupiers or owners of the land in accordance with the charges provisions and the provisions of the said Part I as modified by this Act.

(2) In sections 22 to 29 of this Act and this section “the charges provisions” means those sections and this section.

Amount of
general
drainage
charge.

22.—(1) The general drainage charge raised by a river authority for any year shall be at a uniform amount per acre ascertained in accordance with subsections (2) and (3) of this section.

(2) Subject to subsection (3) of this section, the said amount shall be ascertained by—

(a) dividing the aggregate amount demanded by the precepts issued by the river authority to the councils of counties, county boroughs and London boroughs under section 87(4) of the Water Resources Act 1963 in respect of the year for which the charge is raised by the aggregate amount of the appropriate penny rate products on the basis of which the amount so demanded was apportioned in pursuance of section 87(3) of that Act among those councils ; and

1963 c. 38.

- (b) multiplying the quotient by one penny and by such number as the Minister may specify by order made for the purposes of this paragraph ;

and the number so specified shall (apart from any adjustment made to it to take account of rough grazing land) be such as the Minister considers will secure, so far as reasonably practicable, that the aggregate amount produced by any charge levied by reference to a quotient ascertained in pursuance of paragraph (a) of this subsection will be equal to the aggregate amount which, if the chargeable land in the river authority area were liable to be rated, would be produced by a rate levied on that land at an amount in the pound (of rateable value) equal to that quotient multiplied by one penny.

(3) Where an amount ascertained in pursuance of subsection (2) of this section includes a fraction of a penny, the fraction shall—

- (a) if it is one farthing or less, be disregarded ;
(b) if it is greater than one farthing but less than three farthings, be treated as one half-penny ;
(c) if it is three farthings or more, be treated as one penny.

(4) An order under this section may be made so as to apply either to all general drainage charges which may be raised by river authorities or to the general drainage charges proposed to be raised by any one or more river authorities specified in the order, and any such order applying to the charges of more than one river authority may make different provision as respects the charges of the different authorities.

(5) In subsection (2) of this section “ appropriate penny rate product ” has the same meaning as that expression has for the purposes of the said section 87, and the reference in that subsection to subsection (4) of that section does not include a reference to it as applied by subsection (5) of that section.

23.—(1) The special drainage charge raised by a river authority for any year shall be at a uniform amount per acre of the chargeable land included in the area designated for the purposes of the charge by the scheme authorising it, being an amount which exceeds neither—

Amount of special drainage charge.

- (a) an amount to be specified in the scheme as the maximum amount of the charge or such greater amount as may be authorised for the purposes of the scheme by an order made by the Minister on the application of the river authority ; nor

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(b) two shillings or such other amount as may be substituted for two shillings by an order made by the Minister and approved by a resolution of the Commons House of Parliament.

(2) An order under paragraph (b) of subsection (1) of this section may be made so as to apply either to all special drainage charges which may be raised by river authorities or to the special drainage charges proposed to be raised by one or more river authorities specified in the order or to the special drainage charges proposed to be raised in pursuance of one or more schemes made under section 3 of the principal Act and so specified; and any such order applying to the charges of more than one river authority or authorised by more than one such scheme may make different provision as respects the charges of the different authorities or the charges authorised by the different schemes, as the case may be.

Reduced liability for drainage charges in certain cases.

24.—(1) Where the area of chargeable land in respect of which, apart from this section, a sum is payable by any person by way of a drainage charge consists of or includes a fraction of an acre, then for the purpose of calculating that sum the fraction shall be disregarded if it is less than one-half and treated as one acre in any other case.

(2) The sum payable by way of a drainage charge in respect of chargeable land consisting of commercial woodlands shall be calculated as if the area of the land were one-fifth of its actual area; and in the application of subsection (1) of this section to such chargeable land the area ascertained in pursuance of this subsection (and not the area of which it is one-fifth) shall be treated as the area mentioned in that subsection.

Arrangements for payment of drainage charges by owners of land.

25.—(1) A river authority may make arrangements with the owner of any chargeable land for any drainage charges which may be raised by the authority for any period in respect of the land to be levied on the owner instead of on the occupier of the land; and where such arrangements are made the charges in question shall be levied on the owner instead of on the occupier of the land and any reference to an occupier in the charges provisions (except this section) and in Part I of the principal Act shall be construed accordingly.

(2) Where in pursuance of any such arrangements the owner of any land pays drainage charges in respect of the land to a river authority before the expiration of the period of two months beginning with the date of the service on him of the demand for the charges or before the expiration of one half of the period for which the charges are raised, the authority shall make to him an allowance equal to ten per cent. of the full amount of the

charges ; but no such allowance shall be made in respect of charges which, apart from this section, are payable for any period by the owner in pursuance of section 13 of the principal Act.

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(3) It shall be the duty of a river authority by whom arrangements are made under this section to give notice of the arrangements forthwith after they are made to the occupier of the land affected by them.

(4) The owner of any land who is a party to any arrangements under this section in respect of the land may recover from the occupier of the land a sum equal to the amount of any drainage charges in respect of the land which, apart from the arrangements, would be payable by the occupier.

(5) The occupier of any chargeable land may, by notice given to the river authority in whose area the land is situated,—

(a) determine that no arrangements under the foregoing provisions of this section shall be made in respect of the land and that any such arrangements previously made shall cease to have effect so far as they relate to the land and any drainage charge to be raised for a period beginning after the date on which the notice takes effect ;

(b) revoke any determination under paragraph (a) above so far as it prohibits the making of such arrangements in respect of the land ;

and a notice under this subsection shall take effect on the day following that on which it is given to the river authority.

(6) It shall be the duty of a river authority to whom notice is given under subsection (5) of this section to send a copy of the notice to the owner of the land to which it relates.

26.—(1) A river authority may serve on any person appearing to them to be the occupier of any land in their area a notice requiring him to furnish to the authority, within twenty-eight days beginning with the date of service of the notice on him, a return in writing, in such form as may be specified in the notice, containing such particulars as may reasonably be required for the purpose of enabling the authority to determine how much, if any, of the land occupied by him in their area is chargeable land and how much, if any, of it consists of commercial woodlands. ^{Power to require information.}

(2) A river authority may make arrangements with the Minister for the exercise by him on behalf of the authority,

PART IV in such cases as may be determined in pursuance of the arrangements, of the powers conferred on the authority by subsection (1) of this section; and any such arrangements shall contain provision for the reimbursement by the authority of any expenses incurred by the Minister in pursuance of the arrangements.

1948 c. 26. (3) Subsections (4) and (5) of section 58 of the Local Government Act 1948 and so much of subsection (6) of that section as does not relate to imprisonment (which provide for a fine of twenty pounds for failure or continued failure to comply with a notice under that section requiring information and a fine of one hundred pounds for making false statements in a return to such a notice) shall apply for the purposes of this section as they apply for the purposes of that section.

Minor and consequential modifications of enactments. **27.**—(1) Part I of the principal Act shall have effect subject to the modifications set out in Schedule 6 to this Act, being modifications consequential upon the charges provisions.

(2) In section 5(2) of the principal Act (which requires any drainage charge to be raised in the year preceding that for which it is raised), for the words “in the year preceding that” there shall be substituted the words “before or during the year”.

(3) In section 6(2) of the principal Act (which requires notice of the raising of a drainage charge to be affixed in a public or conspicuous place and published in a newspaper), the words from “affixed” to “and” shall be omitted.

(4) In section 8(3) of the principal Act (which provides for notice of amendments of drainage charges to be served on each owner and occupier concerned) the words “owner and” shall be omitted.

(5) In section 9(1) of the principal Act (which provides for appeals to quarter sessions in connection with demands for drainage charges) for the words from “on any ground” onwards there shall be substituted the words “he may appeal to the county court for the area in which the land or any part of it is situated”.

1963 c. 38.
S.I. 1964
No. 1251.
S.I. 1965
No. 701. (6) The references to chargeable hereditaments in section 8(4) of the Water Resources Act 1963, article 10(1) of the Thames Conservancy (New Functions of River Authorities in Thames Catchment Area) Order 1964 and article 5(1) of the Lee Conservancy Catchment Board (New Functions of River Authorities) Order 1965 shall continue to have the meaning assigned to them by the principal Act as originally enacted but shall be construed as including references to chargeable land.

28.—(1) Nothing in the charges provisions shall affect any general drainage charge raised before the date of the passing of this Act, and accordingly the principal Act shall continue to have effect in relation to any such charge as if this Act had not been passed.

PART IV
Transitional provisions
for general drainage charges.

(2) Any river authority who have raised a general drainage charge before the date aforesaid may, if they think fit, determine that this subsection shall apply to the authority for any of the years ending with 31st March 1969, 31st March 1970 or 31st March 1971 in respect of which the authority have not already made a determination under this subsection ; and where an authority have made a determination under this subsection with respect to any year they may raise a general drainage charge for that year as if section 52 of this Act and the charges provisions, except sections 21(2), 27(2) and (3) and 29 and this section, had not been passed.

(3) A river authority who have made a determination under subsection (2) of this section may, if they think fit, also determine that this subsection shall apply to the authority for the year or years to which the determination under that subsection relates ; and where an authority have made a determination under this subsection—

(a) the principal Act and any regulations under section 2 of that Act shall have effect, in relation to any general drainage charge to be raised by the authority in accordance with the said subsection (2) for the year or, as the case may be, each of the years aforesaid as if—

(i) section 2(3) of that Act (which defines precept rates) and any corresponding provision of the regulations were omitted ; and

(ii) for any reference to the precept rate for any year in section 2(2) of that Act and those regulations there were substituted a reference to the amount produced by multiplying one penny by the quotient ascertained, for the purposes of the charge for the year in question, in pursuance of section 22(2)(a) of this Act ; and

(b) the excepted provisions mentioned in subsection (2) of this section shall be treated as including section 22 of this Act so far as that section is required for the purposes of sub-paragraph (ii) above.

(4) A river authority who have made a determination under subsection (2) of this section, or determinations under subsections (2) and (3) of this section, with respect to any year

PART IV shall not be entitled to raise a general drainage charge for that year otherwise than in accordance with the provisions of the said subsection (2) or, as the case may be, of the said subsections (2) and (3); but subject to that, nothing in those subsections shall prevent a river authority from raising a general drainage charge in accordance with the charges provisions other than those subsections.

Interpretation
etc.—
drainage
charges.

29.—(1) In the charges provisions—

“chargeable land” means, in relation to a river authority area, the agricultural land and agricultural buildings in so much of the area as does not fall within an internal drainage district, excluding rough grazing land and woodlands other than commercial woodlands;

“commercial woodlands” means woodlands managed on a commercial basis with a view to the realisation of profits;

1961 c. 48.

“the principal Act” means the Land Drainage Act 1961; and

“rough grazing land” means land used as pasture ground on which the vegetation consists solely or mainly of one or more of the following, that is to say, bracken, gorse, heather, rushes and sedge, and land so used which is unsuitable for mowing by machine and on which the vegetation consists solely or mainly of grasses of poor feeding value.

(2) The charges provisions shall be construed as one with the principal Act.

(3) Without prejudice to subsection (2) of this section, references to the principal Act and Part I of that Act in section 51 of that Act (application to the Crown) and in section 52(4) of that Act (interpretation) shall be construed as including references to the charges provisions.

Drainage rates

Adjustment of
annual values
to secure fair
distribution
of burden
of drainage
rates.

30.—(1) If a drainage board are of the opinion that the amount of the annual value of any relevant land in their district should, for the purpose of securing that the burden of the drainage rates payable in respect of all land in their district is fairly distributed so far as reasonably practicable among the persons liable to pay those rates, be increased or reduced having regard to changes in the circumstances by reference to which the annual value of the land in question or of any other relevant land in the district was fixed, the board may make a determination specifying as the annual value of that land such

greater or smaller amount than the amount aforesaid as they consider just for that purpose, having regard to the changes and to any other alterations of annual values under this section made or proposed by the board.

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(2) If the owner or occupier of any relevant land in a drainage district is of the opinion that, having regard to such changes as aforesaid, the amount of the annual value of the land should be altered for the purpose mentioned in subsection (1) of this section, he may request the drainage board in writing to make such a determination in respect of the land as is so mentioned; and where such a request is made the board shall either comply with it or, if they consider that no alteration of the value is required for the purpose aforesaid, determine that the request be refused.

(3) Where a drainage board make a determination under the foregoing provisions of this section, they shall serve notice of the determination, together with a statement in writing of the rights of appeal conferred by section 32 of this Act, on the owner and occupier of the land to which the determination relates.

(4) Subject to section 33 of this Act, where a determination in respect of any land is made under subsection (1) of this section, the annual value of the land shall, for the purposes of any drainage rate made after the effective date, be that specified in the determination; and where such a determination specifying an annual value is made under subsection (2) of this section, the annual value of the land shall, for the purposes of any drainage rate made in respect of any period included in the financial year in which the request for the determination was made and any drainage rate made in respect of any subsequent period, be that specified in the determination.

For the purposes of this subsection—

“the effective date” means the date on which notices of the determination in question are served in pursuance of subsection (3) of this section on the owner and occupier of the land to which the determination relates or, where the notices are served on different dates, the later of those dates; and

“financial year”, in relation to any drainage board, means the year fixed with respect to the board as mentioned in section 26(2) of the Land Drainage Act 1930.

1930 c. 44.

(5) Where the annual value of any land is altered by a determination under subsection (2) of this section and drainage rates for any period in respect of the land have been or are subsequently paid by reference to its annual value before the

PART IV alteration, then if the period is one for which, in accordance with subsection (4) of this section, the amount of those rates falls to be assessed on the value specified in the determination, that amount shall be recalculated accordingly and any sum overpaid shall be repaid or allowed and any sum underpaid may be recovered as if it were arrears of drainage rates.

(6) In this section “relevant land” means land in respect of which drainage rates fall to be assessed on, or on one-third of, the annual value of the land.

Apportionment of certain rateable values for purposes of drainage rates.

31.—(1) Where the property which constitutes a hereditament for the purposes of drainage rates consists of or includes a part only of land for which a rateable value is shown in the current valuation list, the drainage board for the drainage district in which the hereditament is situated may if they think fit, and shall if the owner or occupier of the part in question requests them in writing to do so, determine that that list and each other valuation list from time to time in force in which a rateable value is shown for that land shall have effect—

1961 c. 48.

(a) for the purposes of subsections (4) to (6) of section 22 of the Land Drainage Act 1961 (which provide for the assessment of drainage rates by reference to rateable values); and

(b) for the purpose of arriving at the relative fraction in pursuance of section 23 of that Act in a case where any other part of that land is situated outside the drainage district aforesaid,

as if such proportion of the rateable value so shown as is specified in the determination were shown in the list in question as the rateable value for that part.

(2) Where a drainage board make a determination under subsection (1) of this section, they shall serve notice of the determination, together with a statement in writing of the rights of appeal conferred by section 32 of this Act, on the owner and occupier of the part of the land to which the determination relates.

(3) A determination made by a drainage board under this section shall, subject to section 33 of this Act, have effect for the purposes of any drainage rate made by the board on or after the effective date, but shall not affect any rate so made before that date; and in this subsection “the effective date” means the date on which notices of the determination are served in pursuance of subsection (2) of this section on the owner and occupier there mentioned or, where the notices are served on different dates, the later of those dates.

32.—(1) Where a determination in respect of any land is made by a drainage board under section 30 or section 31 of this Act, the owner and occupier of the land or either of them may, subject to the following provisions of this section, appeal against the determination in accordance with those provisions.

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Appeals
against
determinations
under s. 30
or s. 31.

(2) An owner or occupier who wishes to appeal against such a determination must, before the expiration of the period of twenty-eight days beginning with the date of service of notice of the determination on him in pursuance of section 30 or section 31 of this Act, as the case may be, or of such longer period as the drainage board may allow either generally or in any particular case, serve on the board a notice objecting to the determination and stating the grounds of the objection.

(3) Where notice of objection to a determination is served in pursuance of subsection (2) of this section, the drainage board may if they think fit, before the expiration of the period of twenty-eight days beginning with the date of service of the notice on them, cancel the determination and, subject to subsection (4) of this section, make in its place a fresh determination under the provisions of section 30 or section 31 of this Act under which the cancelled determination was made; and this section and the other provisions of those sections shall apply to the fresh determination accordingly.

(4) Where notice of objection is served in pursuance of subsection (2) of this section in respect of a determination made by a drainage board under section 30(1) of this Act, the board may cancel the determination in accordance with subsection (3) of this section without making a fresh determination in its place; and in such a case the board shall serve notice of the cancellation on the person by whom the notice of objection was served on them.

(5) Where notice of objection to a determination is served in pursuance of subsection (2) of this section and is not withdrawn before the expiration of the period mentioned in subsection (3) of this section and the drainage board do not cancel the determination in accordance with the said subsection (3), they shall, forthwith after the expiration of that period, transmit the notice and a note of the determination to the clerk to the local valuation panel for the time being constituted in pursuance of the General Rate Act 1967 for the area in which the land to which the determination relates is situated or, where different parts of that land are situated in different areas for which local valuation panels are so constituted, to the clerk to such one of those panels as may be determined by or under regulations made by the Minister.

1967 c. 9.

PART IV

(6) The transmission in pursuance of subsection (5) of this section of a notice of objection to a determination of a drainage board shall constitute the lodging of an appeal against the determination, by the person who served the notice on the board, to a local valuation court constituted in accordance with section 33 of this Act.

(7) The references in subsection (1) of this section to land in respect of which a determination is made under section 31 of this Act are references to the part of the land for which a value falls to be ascertained by reference to the determination.

Hearing and
determination
of appeals.

33.—(1) It shall be the duty of the chairman or a deputy chairman of the local valuation panel to whose clerk a notice of objection is transmitted in pursuance of section 32 of this Act to arrange for the convening of a local valuation court to hear and determine the appeal to which the notice relates ; and subsections (5) and (6) of section 88 of the said Act of 1967 shall apply to the constitution of the court and to the rehearing of the appeal in case of such a failure to agree as is mentioned in the said subsection (6).

(2) Subsection (2) of section 76 of the said Act of 1967 (which regulates the procedure of local valuation courts) shall apply to a court convened in pursuance of subsection (1) of this section as if for the reference to the Minister of Housing and Local Government there were substituted a reference to the Minister and as if the reference to subsection (3) of that section were omitted.

(3) On the hearing of an appeal to a local valuation court in pursuance of this section, the following persons, that is to say—

- (a) the person whose notice of objection to the determination in question has resulted in the hearing ; and
- (b) any other person who is the owner or occupier of any land to which the determination relates ; and
- (c) the drainage board by whom the determination was made,

shall be entitled to appear and be heard as parties to the appeal and to examine any witness before the court and to call witnesses.

(4) The court to which an appeal is brought in pursuance of the foregoing provisions of this section shall, after hearing the persons mentioned in subsection (3) of this section or such of them as desire to be heard, either quash the determination to which the appeal relates or alter the determination in such manner as the court thinks just or dismiss the appeal.

(5) Section 77 of the said Act of 1967 (which provides for appeals from local valuation courts to the Lands Tribunal) shall have effect in relation to a decision of a local valuation court under this section as if for the reference to section 76 of that Act there were substituted a reference to the foregoing provisions of this section and as if the words from “and the valuation officer” onwards were omitted.

(6) Where the amount of any drainage rate has been calculated by reference to an annual value specified in a determination under section 30 of this Act or a rateable value attributable to a determination under section 31 of this Act and the determination is quashed or altered on appeal or cancelled in accordance with section 32(3) of this Act, then, except in so far as the parties agree otherwise, that amount shall be recalculated accordingly and any sum overpaid shall be repaid or allowed and any sum underpaid may be recovered as if it were arrears of drainage rates; and where such a determination which has been quashed is subsequently restored on appeal, the amount of any drainage rate falling to be recalculated in consequence of the appeal shall, except as aforesaid, be recalculated accordingly and any sum overpaid shall be repaid or allowed and any sum underpaid may be recovered as aforesaid.

34.—(1) Sections 32 and 33 of this Act shall apply to decisions of drainage boards under section 29(2) of the Land Drainage Act 1930 as they apply to determinations of drainage boards under section 30(1) of this Act, but as if for the reference in section 32(2) to the date of service of notice of the determination in pursuance of section 30 of this Act there were substituted a reference to the date of service of notice of the decision in pursuance of section 29(3) of the said Act of 1930 and as if for any reference in section 33(6) to a determination under section 30 of this Act there were substituted a reference to a decision under the said section 29(2). Transfer to local valuation courts of appeals from certain decisions of drainage boards. 1930 c. 44.

(2) Accordingly the said Act of 1930 shall have effect subject to the following amendments, that is to say—

- (a) in section 29(3) (which among other things provides for appeals to a magistrates' court from decisions under section 29(2)) for the words from “within twenty-eight days” onwards there shall be substituted the words “appeal against the decision in accordance with section 34 of the Agriculture (Miscellaneous Provisions) Act 1968”;
- (b) in section 30(1) for the words “under the last preceding section have appealed to a court of summary jurisdiction” there shall be substituted the words “have

PART IV

appealed in pursuance of section 29(3) of this Act ” ;
and

- (c) in section 31(3) for the words “ to a court of summary jurisdiction ” there shall be substituted the words “ on an appeal in pursuance of section 29(3) of this Act ”.

Registers of
drainage
hereditaments.

35.—(1) It shall be the duty of each drainage board—

- (a) to prepare in the prescribed form and within the prescribed period, or such longer period as the Minister may allow in any particular case, a register containing the prescribed information in respect of the drainage hereditaments in their district and a map showing the prescribed particulars of such of those hereditaments as are of the prescribed description ;
- (b) to maintain the register and map prepared by them in pursuance of paragraph (a) above and to alter the register or map in such circumstances and in such manner and within such periods as may be prescribed ;
and
- (c) to keep the register and map maintained by them in pursuance of this subsection open to inspection at prescribed places by members of the public at all reasonable times.

(2) In subsection (1) of this section “ prescribed ” means prescribed by regulations made by the Minister.

Supplemental
provisions—
drainage
rates.
1967 c. 9.

36.—(1) In section 92(1) of the General Rate Act 1967 (which among other things relates to the appointment of persons to assist local valuation panels in the performance of their functions under Part V of that Act) the reference to Part V of that Act shall include a reference to section 33 of this Act.

1930 c. 44.

(2) In section 75 of the Land Drainage Act 1930 (service of notices) and section 77 of that Act (Crown application), references to that Act shall be construed as including references to sections 30 to 34 of this Act.

Grants to drainage authorities

Further powers
to make
grants and
advances to
drainage
authorities.

37.—(1) The Minister may, with the approval of the Treasury, make to a river authority grants in respect of expenditure incurred by the authority, and advances on account of expenditure to be incurred by the authority, in connection with the authority’s functions under section 34(1)(b) or (c) of the Land Drainage Act 1930 (which relate to the improvement of existing works and the construction of new works)—

- (a) in making payments arising from the exercise of any of the powers conferred on the authority by sections 65 and

66 of the Water Resources Act 1963 (which among other things provide for the acquisition of land and rights over land); PART IV
1963 c. 38.

- (b) in providing housing accommodation for persons employed or to be employed by the authority in controlling works of such a kind or so located that those persons are or will be required to reside in the vicinity of the works;
- (c) in making payments in pursuance of subsection (3) of section 34 of the said Act of 1930 (which provides for compensation for injury arising from the exercise of the powers conferred by that section);
- (d) in paying compensation in pursuance of section 38(1C) of the said Act of 1930 (which relates to injury arising from the deposit of matter on the banks of water courses) in respect of injury which the Minister considers was or will be unavoidable,

and grants in respect of or advances on account of expenditure incurred or to be incurred in carrying out works for the rebuilding or repair of any bridge maintained by the authority, other than works appearing to the Minister to be maintenance works of a routine kind.

(2) The Minister may, with the approval of the Treasury, make to an internal drainage board grants in respect of expenditure incurred by the board, and advances on account of expenditure to be incurred by the board, in carrying out works for the rebuilding or repair of any bridge maintained by the board, other than works appearing to the Minister to be maintenance works of a routine kind.

(3) Where a drainage authority are about to incur expenditure in respect of which it appears to the Minister that a grant will be payable under section 38(2) of the Land Drainage Act 1961 (which provides for grants in respect of certain expenditure incurred with a view to the carrying out of drainage works), the Minister may, with the approval of the Treasury, make advances to the authority on account of the expenditure. 1961 c. 48.

(4) The Minister may, with the approval of the Treasury, make to a river authority grants in respect of the cost of any works executed by the authority in pursuance of section 35 of the said Act of 1961 (under which a drainage board may execute by agreement with and at the expense of any other person any drainage works which that person is entitled to execute); and the reference to expense in that section shall be construed as excluding the amount of any grant paid under this subsection in respect of the works in question.

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(5) Nothing in the foregoing provisions of this section shall be construed as prejudicing any power of the Minister to make grants or advances under any other enactment.

(6) Expressions used in this section and the said Act of 1930 have the same meanings in this section as in that Act.

PART V

MISCELLANEOUS AND GENERAL

Payments in respect of bacon, break crops and water supply

Stabilising and
levy payments
in respect of
bacon.

38.—(1) If it appears to the Minister appropriate to make a scheme under this section for the purpose of avoiding undue fluctuations in income arising from carrying on the business of curing bacon in the United Kingdom or in any part of the United Kingdom mentioned in subsection (2) of this section, he may, with the approval of the Treasury, make a scheme providing for—

- (a) the making by the Minister, in such circumstances as may be determined under the scheme, of payments to bacon curers in respect of bacon produced by them (hereafter in this section referred to as “stabilising payments”); and
- (b) the making by bacon curers, in such circumstances as may be so determined, of payments to the Minister in respect of bacon produced by them (hereafter in this section referred to as “levy payments”).

(2) A scheme under this section may be made for England and Wales, for Scotland, for Northern Ireland or for any two or all of those parts of the United Kingdom jointly; and in relation to a scheme made jointly for Scotland and any other part or parts of the United Kingdom, references to the Minister in subsection (1) of this section, except paragraphs (a) and (b), and in subsection (3)(i) of this section shall be construed as references to the Ministers and any other references to the Minister in subsections (1) and (3) of this section shall, if the scheme so provides, be construed as references to the Minister of Agriculture, Fisheries and Food.

(3) Any such scheme may—

- (a) specify the considerations to which regard is to be had in determining the circumstances in which any stabilising payments or levy payments are to be made;
- (b) enable the Minister to determine the rates, or the method of calculating the rates, of any such payments;
- (c) enable the Minister to determine which bodies and persons are to be treated as bacon curers for the

- purposes of the scheme and what categories of pigmeat are to be treated as bacon for those purposes ;
- (d) provide for the registration of bacon curers for the purposes of the scheme ;
 - (e) provide for the keeping and inspection of records and the furnishing of information for the purposes of the scheme ;
 - (f) specify conditions subject to which stabilising payments may be made ;
 - (g) enable the Minister to determine the times at which levy payments are to be made, and provide for the recovery of arrears of levy payments ;
 - (h) enable the Minister to estimate the amount of any levy payments payable by a bacon curer who, in the opinion of the Minister, has failed to furnish any information necessary to enable that amount to be properly determined, and to treat the estimated amount as the amount of those payments ;
 - (i) contain provisions generally for securing that payments in pursuance of the scheme are properly made, and such incidental and supplemental provisions as the Minister considers expedient for the purposes of the scheme.

(4) Different provision may be made by or under such a scheme with respect to bacon curers and bacon of such different categories as may be specified in or under the scheme.

(5) A scheme under this section shall, unless previously revoked, cease to have effect on such date as may be specified in the scheme, not being later than the expiration of the period of three years beginning with the date on which the scheme is made ; but any levy payments payable by virtue of such a scheme immediately before it ceases to have effect may be recovered as if the scheme were still in force.

39.—(1) For the purpose of obtaining any information re- Provisions
quired for the purposes of a scheme under section 38 of this supplementary
Act, an authorised officer of the Minister or, in Northern Ireland, to s. 38.
of the Ministry of Agriculture for Northern Ireland may, on producing if so required a duly authenticated document showing his authority, enter at any reasonable time any premises (other than premises used wholly or mainly as a dwelling) which he has reasonable cause to believe are used for the curing of bacon ; and any person who wilfully obstructs any other person in the exercise of the powers conferred on that other person by this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds.

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(2) Any person who wilfully fails to comply with any requirement imposed on him by virtue of section 38(3)(e) of this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(3) Any person who knowingly or recklessly makes any false entry in any document or any other false statement—

(a) in keeping any record or furnishing any information which he is required to keep or furnish in pursuance of the said section 38(3)(e) ; or

(b) for the purpose of obtaining for himself or any other person a stabilising payment in pursuance of the said section 38 ; or

(c) for the purpose of avoiding or assisting another person to avoid any levy payment in pursuance of that section, shall be liable, on summary conviction, to a fine not exceeding four hundred pounds or, on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

Grants for
break crops.

40.—(1) The Minister may, in accordance with a scheme made with the approval of the Treasury, make payments in respect of break crops of such descriptions as may be specified in the scheme which are grown for harvesting in any period of twelve months so specified or for feeding to stock in any such period.

(2) A scheme under this section may be made by the Minister for England and Wales, for Scotland, for Northern Ireland or for any two or all of those parts of the United Kingdom jointly ; and in relation to a scheme made jointly for Scotland and any other part or parts of the United Kingdom, references to the Minister in this section, except subsection (1) and subsection (3)(d), shall be construed as references to the Ministers.

(3) Any scheme under this section may—

(a) specify the rate of payments under the scheme for crops of any description and provide for different rates for crops of different descriptions and for crops of the same description in different circumstances ;

(b) provide for the making of payments under the scheme in respect of a single period of twelve months, or of consecutive periods of twelve months not exceeding five such periods ;

(c) specify the minimum acreage or weight of crop in respect of which payments may be made to any person and provide for the manner in which acreages and weights are to be determined for the purposes of the scheme ;

- (d) make provision as to the persons to whom the payments may be made and for securing that no payment is made unless it is applied for at such time and in such manner as the Minister may direct ;
- (e) provide for the payments to be withheld, or for their amounts to be reduced to any extent determined by or under the scheme, in such circumstances as may be so determined ; and
- (f) contain provisions generally for securing that the payments are properly made, and such incidental and supplemental provisions as the Minister considers expedient for the purposes of the scheme.

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(4) Any person who knowingly or recklessly makes a false statement for the purpose of obtaining for himself or any other person a payment in pursuance of a scheme under this section, shall be liable as mentioned in section 39(3) of this Act.

(5) In this section “break crops” means field beans and any other crops of a kind which, in the opinion of the Minister, it is appropriate to grow with a view to changing temporarily, for the benefit of future crops, the crops on land usually used for growing wheat or barley, but does not include wheat, barley, oats, rye, potatoes and sugar beet.

41.—(1) Section 15(1) of the *Agriculture (Miscellaneous War Provisions) Act 1940* (which provides for grants towards, among other things, expenditure incurred in carrying out certain schemes for the supply of water to agricultural land in England and Wales) shall have effect as if after the words “the supply of water to any such land” there were inserted the words “or to any building used in connection with any such land”.

Grants towards cost of water supply to agricultural buildings. 1940 c. 14.

(2) Section 16 of the *Agriculture Act 1937* (which provides for grants in respect of, among other things, expenditure on the supply of water to agricultural land in Scotland) shall have effect as if after the word “thereto” there were inserted the words “or to any building used by them for the purposes of agriculture as defined in section 86(3) of the *Agriculture (Scotland) Act 1948*”.

1937 c. 70.

1948 c. 45.

Miscellaneous

42.—(1) Subject to the following provisions of this section, where in pursuance of any enactment providing for the acquisition or taking of possession of land compulsorily an acquiring authority acquire the interest in an agricultural holding or any part of it of the tenant of the holding or take possession of such a holding or any part of it, the compensation payable by the authority to the tenant in connection with the acquisition or

Compensation in connection with compulsory acquisition etc. of agricultural holdings.

PART V taking of possession shall be assessed without regard to the tenant's prospects, if any, of remaining in possession of the holding after the relevant date.

(2) In subsection (1) of this section "the relevant date" means the earliest date on which, apart from the acquisition or taking of possession, the landlord could obtain possession of the holding in pursuance of such a notice to quit as is mentioned in paragraph (c) below if—

- (a) the tenant exercised any tenant's option to extend or renew the tenancy in any case where, apart from this section, he would benefit from doing so; and
- (b) the landlord disregarded any provision in the contract of tenancy or lease enabling him to resume possession of the holding or to determine the tenancy by notice before the date fixed for the expiration of its term or before the termination of the stipulated endurance of the lease; and
- (c) the landlord served a valid notice to quit on the tenant in respect of the holding on the date of service of notice to treat in respect of the acquisition or the date of the taking of possession, as the case may be, or as soon thereafter as he became entitled to serve such a notice to quit; and
- (d) the provisions of section 24 of the principal Act or section 25 of the principal Scottish Act (which restrict the operation of notices to quit) did not apply to the said notice to quit;

and for the purposes of this subsection any such notice as is mentioned in section 3(1) of the principal Act (which refers to notices of intention to terminate the tenancy of an agricultural holding granted for a term of two years or upwards) shall be deemed to be a notice to quit.

(3) Subsection (1) of this section shall not apply to such an acquisition or taking of possession as is there mentioned—

- (a) in the case of such an acquisition, unless the date on which notice to treat in respect of the interest to be acquired is served or treated as served on the tenant by the acquiring authority is after the date of the passing of this Act;
- (b) where in the case of such a taking of possession prior notice of the taking of possession is by virtue of any enactment required to be served on the tenant by the acquiring authority, unless the date on which the notice is so served is after the date of the passing of this Act.

(4) Section 17 of this Act shall have effect as if any reference to Part II of this Act, other than the reference in subsection (4), included a reference to the foregoing provisions of this section.

(5) Nothing in this section shall be construed as prejudicing the provisions of any other enactment under which, apart from this section, compensation in respect of any such compulsory acquisition or taking of possession as is mentioned in subsection (1) of this section falls to be assessed without regard to the prospects there mentioned.

43.—(1) In Part I of the Plant Varieties and Seeds Act 1964, Amendments after section 5, there shall be inserted the following section:—

Requirement to use registered names on sale of reproductive material.

5A.—(1) Where a name is registered under section 5 of this Act for any plant variety, it shall be unlawful for any person to use, in selling or offering for sale material of that variety being—

- (a) reproductive material ; or
- (b) material to which plant breeders' rights are extended under paragraph 1 of Schedule 3 to this Act,

any name which serves or is intended by him to serve to distinguish that material from material of other plant varieties within the same class but is not the name so registered.

(2) Subsection (1) of this section shall not apply to a person who reasonably believes that the material is to be exported from Great Britain.

(3) Subsection (1) of this section shall have effect in relation to any plant variety from the date on which the grant of plant breeders' rights in respect of that variety takes effect, and shall continue to apply after the period for which those rights are exercisable.

1938 c. 22. (4) Subsection (1) of this section shall not preclude the use, in connection with the registered name of a plant variety, of any trade mark or trade name (whether registered under the Trade Marks Act 1938 or not) other than a mark or name which is used or intended to be used exclusively in connection with the first-mentioned name.

(5) A person who contravenes this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both ; but it shall be

PART V

a defence in proceedings under this section to prove—

- (a) that the accused took all reasonable precautions against committing an offence of the kind alleged and had not at the time of the alleged offence any reason to suspect that an offence was being committed by him; and
- (b) where the accused obtained the reproductive material to which the alleged offence relates from some other person, that on demand by or on behalf of the prosecutor the accused gave all the information in his power with respect to the name and address of that other person, and with respect to any relevant document in his possession or power relating to the material and the contract of sale.

(6) Subsection (7) of section 5 of this Act shall apply for the interpretation of this section.

(2) The said Act of 1964 shall have effect subject to the further amendments set out in Schedule 7 to this Act, being miscellaneous minor amendments.

(3) Section 39 of the said Act of 1964 shall have effect as if this section (together with the said Schedule 7) were contained in that Act and had been extended to Northern Ireland by Order in Council under subsection (2) of the said section 39.

Extension of
Agricultural
and Forestry
Associations
Act 1962.
1962 c. 29.
1956 c. 68.

44.—(1) Section 1 of the Agricultural and Forestry Associations Act 1962 (which confers exemptions from Part I of the Restrictive Trade Practices Act 1956 for certain co-operative associations formed for purposes of agriculture or forestry) shall apply to corresponding associations of persons engaged in the business of catching or taking fish or shellfish, and accordingly shall have effect as if—

- (a) references to persons occupying land used for agriculture or forestry or both included references to persons engaged in the business aforesaid;
- (b) references to produce produced by members of an association on land so occupied and used, and to the production of such produce on such land, included references to fish or shellfish caught or taken by such members, and to the catching or taking of fish or shellfish, in the course of their business.

(2) Without prejudice to the foregoing provision, the said section 1 shall apply to any co-operative association having as its object or primary object to assist its members— PART V

(a) in the carrying on of the businesses of agriculture or forestry or both on land occupied by them ; or

(b) in the carrying on of businesses consisting in the catching or taking of fish or shellfish,

whether or not the conditions specified in paragraphs (a) to (c) of subsection (1) of that section are satisfied ; and for the purposes of this subsection “co-operative association” has the meaning assigned by subsection (9) of section 70 of the Finance Act 1965, and references to members of a co-operative association include references to members of any such association which is a member of that association. 1965 c. 25.

(3) The restrictions in respect of which exemption from Part I of the Restrictive Trade Practices Act 1956 is conferred by subsection (2) of the said section 1 shall include restrictions accepted or treated as accepted as mentioned in that subsection in respect of the production of produce, the catching or taking of fish or shellfish, or the supply of produce, fish or shellfish by members of an association to which the section applies. 1956 c. 68.

(4) This section shall be construed as one with the Agricultural and Forestry Associations Act 1962. 1962 c. 29.

45.—(1) For the purposes of the Restrictive Trade Practices Act 1956, the definition of “trade association” in section 6(8) of that Act shall not include, and shall be deemed never to have included, a board within the meaning of this section. Modification of Restrictive Trade Practices Act 1956 in relation to agricultural marketing boards.

(2) Where a board enter into an agreement on or after the commencement date in the exercise only of such powers as are mentioned in subsection (1) of section 20 of the Agricultural Marketing Act 1958 (which section provides, among other things, that certain of a board’s powers with respect to products must be exercised in accordance with any directions given by the Minister for the purpose of safeguarding the public interest) or of such powers as are mentioned in section 36 of that Act (under which a board are empowered, subject to the directions of the Minister, to provide artificial insemination services), Part I of the said Act of 1956 shall not apply to the agreement if— 1958 c. 47.

(a) the board have served notice of the terms of the agreement on the Minister before entering into it ; and

(b) either the period of twenty-eight days beginning with the date of service of the board’s notice on the Minister has expired and the Minister has not during that period served notice on the board that he objects to those

PART V

terms for the purposes of this subsection or the Minister has served on the board during that period notice that he does not so object ; and

- (c) the board have furnished a copy of the agreement to the Minister within the period of twenty-eight days beginning with the date on which they entered into it or within such longer period as the Minister may allow in any particular case.

(3) Where a board have entered into an agreement before the commencement date wholly or partly in the exercise of any of the powers mentioned in subsection (2) of this section and either the board served on the Minister, before they entered into the agreement, notice of its terms in pursuance of a requirement to do so contained in a scheme administered by them or the board furnish a copy of the agreement to the Minister within the period of three months beginning with the commencement date, Part I of the said Act of 1956 shall not apply to the agreement—

- (a) subject to paragraph (c) below, as respects the period of fifteen months beginning with the commencement date ;
- (b) if during the said period of fifteen months or that period as previously extended under this paragraph the Minister serves notice on the board extending or further extending that period in relation to the agreement, then, subject to paragraph (c) below, as respects the extended period ;
- (c) if during the said period or extended period the Minister serves notice on the board that he objects to the agreement for the purposes of this subsection, only as respects the period beginning with the commencement date and ending with the date of service of the notice ;
- (d) if during the said period or extended period the Minister serves notice on the board that he does not so object, as respects any period after the commencement date ;

and the said Part I shall, as respects any period before the commencement date, be deemed not to have applied to an agreement to which it does not apply by virtue of this subsection as respects a subsequent period.

(4) Subsections (2) and (3) of this section shall have effect in relation to a Northern Ireland board as if for any reference to the powers mentioned in subsection (2) of this section were there substituted a reference to the powers mentioned in subsection (1) of section 14 of the Agricultural Marketing Act (Northern Ireland) 1964 (which section corresponds to the said section 20).

(5) Where by virtue of any of the provisions of subsections (2) to (4) of this section Part I of the said Act of 1956 does not apply, or does not apply or is deemed not to have applied as respects any period, to an agreement made between a board and a trade association within the meaning of section 6 of that Act, being an agreement as to the terms for other agreements between the board and persons who are members of the association or are represented thereon by such members, the said Part I shall not apply or, as the case may be, shall not apply or shall be deemed not to have applied as respects that period—

(a) to any such other agreement containing only terms contemplated by the agreement made between the board and the association ;

(b) to any agreement made between two or more of those persons of which the purpose is confined to promoting the agreements mentioned in paragraph (a) of this subsection or any of them.

(6) Nothing in this section shall be construed as derogating from the powers of the Minister to give directions at any time under the provisions of the said Acts of 1958 and 1964 which are mentioned in subsections (2) and (4) of this section.

(7) In this section—

“ agreement ” means an agreement within the meaning of Part I of the Restrictive Trade Practices Act 1956 to 1956 c. 68. which, apart from this section, the said Part I applies ;

“ board ” means a board constituted by a scheme made or having effect as if made under the Agricultural Marketing Act 1958 and includes a Northern Ireland board ; 1958 c. 47.

“ the commencement date ” means the date of the passing of this Act ;

“ the Minister ”, except in relation to a Northern Ireland board, has the same meaning as in the said Act of 1958 and, in relation to a Northern Ireland board, has the same meaning as in the Agricultural Marketing Act (Northern Ireland) 1964 ; and 1964 c. 13 (N.I.).

“ Northern Ireland board ” means a board constituted by a scheme made or having effect as if made under the said Act of 1964 ;

and for the purposes of subsection (2) of this section an agreement shall be treated as entered into by a board in the exercise only of the powers mentioned in that subsection, or that subsection as modified by subsection (4) of this section, notwithstanding that the agreement contains provisions entered into by the board in the exercise of other powers if the Minister is of opinion that those provisions are incidental provisions only.

PART V

Further functions of agricultural wages committees.
1948 c. 47.

46.—(1) The Minister may by regulations—

- (a) provide that the functions under the Agricultural Wages Act 1948 of agricultural wages committees established in pursuance of that Act shall include such further functions as the Minister considers appropriate for the purpose of enabling or requiring those committees to give effect to orders made or which may be made by the Agricultural Wages Board for England and Wales under that Act and (without prejudice to the generality of the foregoing provisions in this paragraph) to determine whether any person is a member of any special class of workers as defined in such an order ;
- (b) make provision with respect to the procedure to be followed in connection with the exercise of the further functions aforesaid and provide that section 15 of that Act (which relates to evidence of resolutions and orders) shall apply with such modifications as the Minister considers appropriate to decisions made in the exercise of those functions.

(2) In this section “ functions ” means powers and duties.

(3) In the application of this section to Scotland, for any reference to the Agricultural Wages Act 1948 and the Agricultural Wages Board for England and Wales there shall be substituted respectively a reference to the Agricultural Wages (Scotland) Act 1949 and the Scottish Agricultural Wages Board.

1949 c. 30.

Further exemptions of transfers of land from control of Rural Development Boards.
1967 c. 22.
1930 c. 44.

47. Section 49 of the Agriculture Act 1967 (under which the transfer of any land in the area of a Rural Development Board requires the consent of the Board) shall not apply to a transfer to or from a river authority or an internal drainage board within the meaning of the Land Drainage Act 1930 ; and accordingly after paragraph (f) of section 50(3) of the said Act of 1967 (which exempts certain transfers from the requirement aforesaid) there shall be inserted the following paragraphs :—

“ (g) a river authority (including the Conservators of the River Thames and the Lee Conservancy Catchment Board) ;

(h) an internal drainage board within the meaning of the Land Drainage Act 1930 ”.

Extension of s. 3 of Parks Regulation (Amendment) Act 1926.
1926 c. 36.

48. In section 3 of the Parks Regulation (Amendment) Act 1926 (under which, among other things, the Minister of Agriculture, Fisheries and Food has power to regulate the conduct of persons using the Royal Botanic Gardens at Kew), the second reference to the said Gardens shall include a reference to any

park, garden, recreation ground, open space and other land for the time being vested in or under the control or management of the said Minister.

PART V

49. The proviso to subsection (2) of section 53 of the Agricultural Marketing Act 1958 (which restricts the operation in respect of reserved matters of schemes and regulations made under corresponding legislation of the Parliament of Northern Ireland unless it is certified by the Secretary of State that it is expedient that the schemes or regulations should have full effect as subserving the purposes therein described, being purposes of Great Britain) shall have effect with the omission of the words from "as subserving the purposes of" to "produced or sold by them".

Amendment of s. 53(2) of the Agricultural Marketing Act 1958. 1958 c. 47.

Supplemental

50.—(1) Subject to subsection (7) of section 45 of this Act, in this Act—

Interpretation etc.—general.

"the Minister" means, except in the application of this Act to Scotland, the Minister of Agriculture, Fisheries and Food and, in the application of this Act to Scotland, the Secretary of State;

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

"notice" means notice in writing.

(2) It is hereby declared that in this Act any reference to a river authority includes a reference to the Conservators of the River Thames and the Lee Conservancy Catchment Board, and any reference to a river authority area is, in relation to the said Conservators, a reference to the Thames catchment area and, in relation to the said Board, a reference to the Lee catchment area.

(3) Any reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment including an enactment in this Act.

(4) Where an offence under this Act committed by a body corporate 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.

In this subsection "director", in relation to a body corporate established by or under any enactment for the purpose of

- PART V carrying on under national ownership any industry or undertaking or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.
- Orders, regulations and schemes. **51.**—(1) Any power conferred by this Act to make regulations or a scheme or an order (other than an order under section 23(1)(a)) shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing an order or regulations made under any provision of this Act, other than an order under section 23(1)(b) and regulations under section 2, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No scheme shall be made under this Act unless a draft of the scheme has been approved by each House of Parliament.
- (4) Any order or scheme made under any provision of this Act may be revoked or varied by a subsequent order or scheme made thereunder.
- (5) Any order, scheme or regulations under this Act may make different provision for different circumstances; and nothing in any other provision of this Act authorising the making of different provision for such different cases as may be specified in that provision shall be construed as prejudicing the generality of the power conferred by this subsection.
- Repeals. **52.** The enactments mentioned in Schedule 8 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.
- Financial provisions. **53.** There shall be defrayed out of moneys provided by Parliament—
- (a) any expenses incurred by virtue of this Act by any Minister or government department (except the Postmaster General); and
- (b) any increase attributable to the provisions of this Act in the sums payable out of such moneys under any other Act;
- and any sums received by the Minister or the Ministers by virtue of this Act shall be paid into the Exchequer.
- Short title, commencement and extent, etc. **54.**—(1) This Act may be cited as the Agriculture (Miscellaneous Provisions) Act 1968.
- (2) Part I of this Act shall come into operation on the expiration of two months beginning with the date on which this Act is passed.

(3) This Act, except Part IV and sections 10, 13, 47 and 48, extends to Scotland, and sections 11, 14 and 16 and Part III of this Act extend to Scotland only.

PART V

(4) This Part of this Act, except sections 41, 42 and 46 to 48, extends to Northern Ireland; but nothing in this Part of this Act shall restrict the powers of the Parliament of Northern Ireland to make laws with respect to any matter with respect to which that Parliament has power to make laws, and any laws made by that Parliament with respect to any such matters shall have effect notwithstanding anything in section 45 of this Act or in any scheme under section 38 or section 40 of this Act applying to Northern Ireland.

SCHEDULES

Section 10(7).

SCHEDULE 1

TRANSITIONAL PROVISIONS RELATING TO PAYMENTS UNDER
S. 9 IN ENGLAND AND WALES

1. Where the relevant notice is served on the tenant after the initial date but not later than the commencement date and does not contain such a statement as is mentioned in section 24(2)(a) or (b) of the principal Act or section 10(1)(b) or (c) of this Act, then—

- (a) if an application for consent in respect of the relevant notice is made in pursuance of section 24(1) of the principal Act not later than the commencement date, any such statement as is mentioned in the said section 10(1)(b) which is included in the application shall be treated for the purposes of section 10 of this Act as included also in the relevant notice ; and
- (b) if, in a case not falling within sub-paragraph (a) above, the landlord serves on the tenant, before or after the commencement date but before the expiration of the period of three months beginning with that date, a notice containing such a statement as is mentioned in the said section 10(1)(b) or (c) and indicating that the relevant notice is to be treated as having always included that statement, the relevant notice shall be so treated for the purposes of the said section 10.

2. Where either—

- (a) the relevant notice is served on the tenant not later than the commencement date and contains such a statement as is mentioned in the said section 10(1)(b) or (c) ; or
- (b) a notice is served on the tenant under paragraph 1(b) of this Schedule,

and in either case no counter-notice in respect of the relevant notice in question has been served in pursuance of section 24(1) of the principal Act and the period during which such a counter-notice may be served has expired, the tenant may, within the period of three months beginning with the commencement date or, where the notice under paragraph 1(b) of this Schedule is served on a later date, beginning with the later date, make an application to the tribunal for a determination that the tribunal are satisfied that the relevant notice was given in order that the land in question may be used otherwise than for agriculture.

3. Where the tribunal have, on or before the commencement date, given a decision consenting under section 24(1) of the principal Act to the operation of the relevant notice and either—

- (a) the reason given by the tribunal for their decision is that they are satisfied as to the matter mentioned in section 25(1)(b) of that Act ; or

- (b) the reasons so given include that reason but not the reason that they are satisfied as to the matter mentioned in section 25(1)(e) of that Act, SCH. 1

the tenant may, at any time before the expiration of the period of three months beginning with the commencement date, make an application to the tribunal for a determination that the reasons for their decision would have included the reason that they were satisfied as to the matter mentioned in the said section 25(1)(e) if that matter had been specified in the application for consent.

4. Where the tribunal make a determination under paragraph 2 or paragraph 3 of this Schedule, section 10(1) of this Act shall not apply in relation to the relevant notice in question.

5. In this Schedule—

“the commencement date” means the date of the passing of this Act; and

“the relevant notice” and “the tribunal” have the same meanings as in section 10 of this Act.

SCHEDULE 2

Section 11(9).

TRANSITIONAL PROVISIONS RELATING TO PAYMENTS UNDER S. 9 IN SCOTLAND

1. Where the relevant notice (not being a notice given in pursuance of section 6(3) of the Agriculture Act 1958) is served on the tenant after the initial date but not later than the commencement date and does not contain such a statement as is mentioned in section 25(2)(c) of the principal Scottish Act or section 11(1)(a) or (b) of this Act, then— 1958 c. 71.

(a) if an application for consent in respect of the relevant notice is made in pursuance of section 25(1) of the principal Scottish Act not later than the commencement date, any such statement as is mentioned in the said section 11(1)(a) which is included in the application shall be treated for the purposes of section 11 of this Act as included also in the relevant notice; and

(b) if, in a case not falling within sub-paragraph (a) above, the landlord serves on the tenant, before or after the commencement date but before the expiration of the period of three months beginning with that date, a notice containing such a statement as is mentioned in the said section 11(1)(a) or (b) and indicating that the relevant notice is to be treated as having always included that statement, the relevant notice shall be so treated for the purposes of the said section 11.

2. Where the relevant notice is given in pursuance of section 6(3) of the Agriculture Act 1958, is served on the tenant after the initial date but not later than the commencement date and does not contain such a statement as is mentioned in section 11(7)(b) of this Act, then,

SCH. 2 if the landlord serves on the tenant, before or after the commencement date but before the expiration of the period of three months beginning with that date, a notice containing such a statement as is mentioned in the said section 11(7)(b) and indicating that the relevant notice is to be treated as having always included that statement, the relevant notice shall be so treated for the purposes of section 11 of this Act:

Provided that this paragraph shall not have effect where the relevant notice is a notice to which, apart from the provisions of section 19 of this Act, the said section 6(3) would apply.

3. Where the relevant notice is a notice to which, apart from the provisions of the said section 19, the said section 6(3) would apply, and the landlord in a notification to the tenant under section 19(2) of this Act specifies a matter set out in section 26(1) of the principal Scottish Act, then—

- (a) in the case of a matter set out in paragraph (a), (b) or (c) of the said section 26(1), the relevant notice shall be treated for the purposes of section 11(1)(a) of this Act as if it had always contained a statement of that matter as a ground on which the carrying out of the purposes for which the landlord proposes to terminate the tenancy is desirable;
- (b) in the case of the matter set out in paragraph (d) of the said section 26(1), the relevant notice shall be treated for the purposes of section 11(1)(b) of this Act as if it had always contained a statement that the landlord would suffer hardship unless the notice had effect.

4. Where either—

- (a) the relevant notice is served on the tenant not later than the commencement date and contains such a statement as is mentioned in the said section 11(1)(a) or (b); or
- (b) a notice is served on the tenant under paragraph 1(b) of this Schedule,

and in either case no counter-notice in respect of the relevant notice in question has been served in pursuance of section 25(1) of the principal Scottish Act and the period during which such a counter-notice may be served has expired, the tenant may, within the period of three months beginning with the commencement date or, where the notice under paragraph 1(b) of this Schedule is served on a later date, beginning with the later date, make an application to the court for a determination that the court are satisfied that the relevant notice was given in order that the land in question may be used otherwise than for agriculture.

5. Where the court have, on or before the commencement date, given a decision consenting under section 25(1) of the principal Scottish Act to the operation of the relevant notice and either—

- (a) the reason given by the court for their decision is that they are satisfied as to the matter mentioned in section 26(1)(b) of that Act; or

- (b) the reasons so given include that reason but not the reason that they are satisfied as to the matter mentioned in section 26(1)(e) of that Act,

SCH. 2

the tenant may, at any time before the expiration of the period of three months beginning with the commencement date, make an application to the court for a determination that the reasons for their decision would have included the reason that they were satisfied as to the matter mentioned in the said section 26(1)(e) if that matter had been specified in the application for consent.

6. Where the court make a determination under paragraph 4 or paragraph 5 of this Schedule, section 11(1) of this Act shall not apply in relation to the relevant notice in question.

7. In this Schedule—

“the commencement date” means the date of the passing of this Act ; and

“the court” and “the relevant notice” have the same meanings as in section 11 of this Act.

SCHEDULE 3

Section 13(3).

SUPPLEMENTARY PROVISIONS WITH RESPECT TO PAYMENTS UNDER S. 12(1) IN ENGLAND AND WALES

1. Subject to paragraph 4 of this Schedule, any dispute with respect to any sum which may be or become payable by virtue of section 12(1) of this Act shall be referred to and determined by the Lands Tribunal.

2. If in any case the sum to be paid by virtue of the said section 12(1) to the tenant of an agricultural holding by an acquiring authority would, apart from this paragraph and paragraph 3 of this Schedule, fall to be ascertained in pursuance of section 9(2) of this Act by reference to the rent of the holding at a rate which was not determined by arbitration under section 8 or section 9 of the principal Act and which the authority consider is unduly high, the authority may make an application to the Lands Tribunal for the rent to be considered by the tribunal.

3. Where, on an application under paragraph 2 above, the tribunal are satisfied that—

- (a) the rent to which the application relates is not substantially higher than the rent which in their opinion would be determined for the holding in question on a reference to arbitration duly made in pursuance of section 8 of the principal Act on the date of the application (hereafter in this paragraph referred to as “the appropriate rent”); or
- (b) the rent to which the application relates is substantially higher than the appropriate rent but was not fixed by the parties to the relevant contract of tenancy with a view to increasing the amount of any compensation payable, or of any sum to be paid by virtue of the said section 12(1), in

SCH. 3

consequence of the compulsory acquisition or taking of possession of any land included in the holding,

they shall dismiss the application ; and if the tribunal do not dismiss the application in pursuance of the foregoing provisions of this paragraph they shall determine that, in the case to which the application relates, the sum to be paid by virtue of the said section 12(1) shall be ascertained in pursuance of the said section 9(2) by reference to the appropriate rent instead of by reference to the rent to which the application relates.

4. The enactments mentioned in paragraph 5 of this Schedule shall, subject to any necessary modifications, have effect in their application to such an acquiring of an interest or taking of possession as is mentioned in subsection (1) of section 12 of this Act (hereafter in this paragraph referred to as "the relevant event")—

- (a) in so far as those enactments make provision for the doing, before the relevant event, of any thing connected with compensation (including in particular provision for determining the amount of or the liability to pay compensation or for the payment of it into court or otherwise), as if references to compensation, except compensation for damage or injurious affection, included references to any sum which will become payable by virtue of the said subsection (1) in consequence of the relevant event ; and
- (b) subject to sub-paragraph (a) above, as if references to compensation (except as aforesaid) included references to sums payable or, as the context may require, to sums paid by virtue of the said subsection (1) in consequence of the relevant event.

5. The enactments aforesaid are—

1961 c. 33.

(a) Part I and section 32 of the Land Compensation Act 1961 ;

1965 c. 56.

(b) the following provisions of the Compulsory Purchase Act 1965, that is to say, sections 6, 9, 11, 12, 20(4) and (5), 22 (except subsection (4)) and 26 ; in Schedule 1, paragraphs 6 to 8 and 10 ; Schedule 2 and Schedule 3 ;

(c) any provision of the Lands Clauses Acts or of any other enactment or any instrument having effect by virtue of an enactment, being a provision corresponding to a provision mentioned in sub-paragraph (b) of this paragraph.

Section 14(3).

SCHEDULE 4

SUPPLEMENTARY PROVISIONS WITH RESPECT TO PAYMENTS UNDER S. 12(1) IN SCOTLAND

1. Subject to paragraph 4 of this Schedule, any dispute with respect to any sum which may be or become payable by virtue of section 12(1) of this Act shall be referred to and determined by the Lands Tribunal for Scotland.

2. If in any case the sum to be paid by virtue of the said section 12(1) to the tenant of an agricultural holding by an acquiring authority would, apart from this paragraph and paragraph 3 of this Schedule, fall to be ascertained in pursuance of section 9(2) of this Act by reference to the rent of the holding at a rate which was not determined by arbitration under section 7 or section 8, or by the Scottish Land Court in pursuance of section 78, of the principal Scottish Act and which the authority consider is unduly high, the authority may make an application to the Lands Tribunal for Scotland for the rent to be considered by the tribunal.

3. Where, on an application under paragraph 2 above, the tribunal are satisfied that—

- (a) the rent to which the application relates is not substantially higher than the rent which in their opinion would be determined for the holding in question on a reference to arbitration duly made in pursuance of section 7 of the principal Scottish Act (hereafter in this paragraph referred to as “the appropriate rent”); or
- (b) the rent to which the application relates is substantially higher than the appropriate rent but was not fixed by the parties to the relevant lease with a view to increasing the amount of any compensation payable, or of any sum to be paid by virtue of the said section 12(1), in consequence of the compulsory acquisition or taking of possession of any land included in the holding,

they shall dismiss the application; and if the tribunal do not dismiss the application in pursuance of the foregoing provisions of this paragraph they shall determine that, in the case to which the application relates, the sum to be paid by virtue of the said section 12(1) shall be ascertained in pursuance of the said section 9(2) by reference to the appropriate rent instead of by reference to the rent to which the application relates.

For the purposes of sub-paragraph (a) of this paragraph, section 7(1) of the principal Scottish Act shall have effect as if for the reference to the next ensuing day there mentioned there were substituted a reference to the date of the application mentioned in the said sub-paragraph (a).

4. The enactments mentioned in paragraph 5 of this Schedule shall, subject to any necessary modifications, have effect in their application to such an acquiring of an interest or taking of possession as is mentioned in subsection (1) of section 12 of this Act (hereafter in this paragraph referred to as “the relevant event”)—

- (a) in so far as those enactments make provision for the doing, before the relevant event, of any thing connected with compensation (including in particular provision for determining the amount of or the liability to pay compensation or for the deposit of it in a Scottish bank or otherwise), as if references to compensation, except compensation for damage or injurious affection, included references to any sum which will become payable by virtue of the said subsection (1) in consequence of the relevant event; and

- SCH. 4 (b) subject to sub-paragraph (a) above, as if references to compensation (except as aforesaid) included references to sums payable or, as the context may require, to sums paid by virtue of the said subsection (1) in consequence of the relevant event.
5. The enactments aforesaid are—
- 1845 c. 19. (a) the following provisions of the Lands Clauses (Scotland) Act 1845, that is to say, sections 56 to 60, 62, 63 to 65, 67 to 70, 72, 74 to 79, 83 to 87, 114, 115 and 117 ;
- 1947 c. 42. (b) paragraph 3 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
- 1963 c. 51. (c) Parts I and II and section 40 of the Land Compensation (Scotland) Act 1963 ;
- 1968 c. 16. (d) paragraph 4 of Schedule 6 to the New Towns (Scotland) Act 1968 ;
- (e) any provision in any local or private Act, in any instrument having effect by virtue of an enactment or in any order or scheme confirmed by Parliament or brought into operation in accordance with special parliamentary procedure, corresponding to a provision mentioned in sub-paragraph (a), (b) or (d) of this paragraph.
- 1949 c. 42. 6. Until sections 1 to 3 of the Lands Tribunal Act 1949 come into force as regards Scotland, this Schedule shall have effect as if for any reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under Part I of the Land Compensation (Scotland) Act 1963 ; and sections 3 to 5 of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Schedule by an arbiter so appointed.

Section 16.

SCHEDULE 5

MODIFICATIONS OF PART II FOR STATUTORY SMALL TENANTS IN SCOTLAND

1. In section 9(3), at the end there shall be added the words “ and the reference to compensation for disturbance becoming payable to the tenant of an agricultural holding under the principal Scottish Act shall include a reference to the like compensation becoming payable to a statutory small tenant under section 13 of the Small Landholders and Agricultural Holdings (Scotland) Act 1931 ”.
- 1931 c. 44. 2. In section 11(5), after the words “ Scottish Act ”, there shall be inserted the words “ and that Act as read with section 32 of the Act of 1911 ” and for the words “ that Act ” there shall be substituted the words “ the principal Scottish Act ”.
3. In section 11(6), in paragraph (b) after the word “ lease ”, there shall be inserted the words “ , or of the holding or part of the holding of a statutory small tenant on being so authorised by the Scottish Land Court under section 32(15) of the Act of 1911,”.

4. In section 15(1), at the end there shall be added the following subsection— SCH. 5

“(1A) Except where compensation assessed in accordance with this subsection would be less than if this subsection were disregarded, in assessing the compensation payable by an acquiring authority to a statutory small tenant as defined in the Act of 1911 in connection with such an acquiring of an interest or taking of possession as is mentioned in section 12(1) of this Act, any authorisation of resumption of the holding or part thereof by the Scottish Land Court under section 32(15) of the Act of 1911 for any purpose (not being an agricultural purpose) specified therein shall—

(a) in the case of an acquisition, be treated as if it became operative only on the expiration of twelve months from the end of the year of the tenancy current when notice to treat in respect of the acquisition was served or treated as served on the tenant ; and

(b) in the case of a taking of possession, be disregarded.”.

5. In section 15(3), after the word “ section ” there shall be inserted the words “ or the landlord of the holding of a statutory small tenant resumes the holding or part thereof on being so authorised by the Scottish Land Court under section 32(15) of the Act of 1911 ”.

6. In Schedule 4, in paragraph 2 after the words “ Scottish Act ”, there shall be inserted the words “ or in the case of a statutory small tenant was not fixed by the Scottish Land Court in pursuance of subsections (7) and (8) of section 32 of the Act of 1911 ”.

7. In Schedule 4, in paragraph 3(a) after the word “ Act ” there shall be inserted the words “ or in the case of a statutory small tenancy, the equitable rent which in their opinion would be fixed by the Scottish Land Court in pursuance of the said subsections (7) and (8) ”.

8. In this Schedule, “ the Act of 1911 ” means the Small Land- 1911 c. 49. holders (Scotland) Act 1911.

SCHEDULE 6

Section 27(1).

CONSEQUENTIAL MODIFICATIONS OF PART I OF LAND DRAINAGE ACT 1961

1961 c. 48.

1. The following provisions of the principal Act shall cease to have effect, that is to say, section 1(2) and (3), section 2, section 4(2) and (4), section 7, section 8(1)(c)(ii) and (2), in section 8(3) the words “ or of the said subsection (2) ”, section 9(4), in section 10(3) the words “ section 7 or ” and section 14.

2. For references to chargeable hereditaments in Part I of the principal Act, except section 12, there shall be substituted references to chargeable land, and for the references to a chargeable hereditament in that section and for other references to hereditaments in that Part there shall be substituted references to land.

SCH. 6 3. Without prejudice to the operation of section 29(2) of this Act, the references to Part I of the principal Act in sections 3(1), 13 and 16 of that Act shall include references to the charges provisions.

4. In section 4(3) of the principal Act for references to section 4(2) of that Act there shall be substituted references to section 23(1) of this Act.

5. In section 16 of the principal Act for the definition of "chargeable hereditament" there shall be substituted the words "'chargeable land' has the meaning assigned to it by section 29(1) of the Agriculture (Miscellaneous Provisions) Act 1968".

6. In this Schedule expressions defined by sections 21(2) and 29(1) of this Act have the same meanings as in those provisions.

Section 43(2).

SCHEDULE 7

1964 c. 14.

MINOR AMENDMENTS OF PLANT VARIETIES AND SEEDS ACT 1964

In section 1, in subsection (4), at the end there shall be added the words "or any decision preliminary to the determination of such an application as to the conditions laid down in section 2 of this Act".

In section 20, subsection (5) shall be omitted.

In section 21, in subsection (1), the words "but which is not in the Index" shall be omitted, and at the end there shall be added the words "but is not given in that section of the Index or is not so given for that variety".

In section 22, in subsection (6), after the words "for the purpose" there shall be inserted the words "of increasing the stock of the person who acquired it, or for the purpose".

In section 23, for the words "any of the three last foregoing sections", wherever those words occur, there shall be substituted the words "section 21 or section 22 of this Act".

After section 23, there shall be inserted the following section:—

Co-ordination of applications under sections 20 and 22. 23A. The power of the Ministers to make regulations for the purposes of sections 20 and 22 of this Act shall include power to make such provision as they consider appropriate for requiring the making of applications under each of these sections in respect of any plant variety, for synchronising or co-ordinating such applications, and for regulating the commencement of trials pursuant thereto.

In Schedule 1, in paragraph 1(3), for the words "the applicant from making" there shall be substituted the words "the making of".

In Schedule 1, in paragraph 1(5), for the words "shall not give" there shall be substituted the words "may refuse", and at the end there shall be added the words "or that the rule set out in paragraph 2 of Part II of Schedule 2 to this Act is not complied with in the case of the variety".

SCH. 7

In Schedule 1, in paragraph 3(2), at the end there shall be added the words "not being a decision given on the application of the applicant in whose favour the direction was made".

In Schedule 1, in paragraph 4, after sub-paragraph (1) there shall be inserted the following sub-paragraph—

(1A) An appeal shall lie to the Tribunal against a decision under this paragraph to terminate the period for which plant breeders' rights are exercisable.

In Part II of Schedule 2, in paragraph 2(5), the words "which having been", and the words from "has been found" to the end, shall be omitted.

SCHEDULE 8
REPEALS

Section 52.

Chapter	Short title	Extent of repeal
1944 c. 28.	The Agriculture (Miscellaneous Provisions) Act 1944.	Section 5, except in its application to Scotland.
1958 c. 47.	The Agricultural Marketing Act 1958.	In section 53(2), the words from "as subserving" to "them".
1961 c. 48.	The Land Drainage Act 1961.	Sections 1(2) and (3), 2 and 4(2) and (4). In section 6(2), the words from "affixed" to "and". Section 7. In section 8, sub-paragraph (ii) of subsection (1)(c), subsection (2), and in subsection (3) the words "or of the said subsection (2)" and the words "owner and". Section 9(4). In section 10(3), the words "section 7 or". Section 14. Section 22(3).
1963 c. 25.	The Finance Act 1963.	In Schedule 12, sub-paragraphs (1) to (6) of paragraph 24.
1964 c. 14.	The Plant Varieties and Seeds Act 1964.	Section 20(5). In section 21(1), the words "but which is not in the Index". In Part II of Schedule 2, in paragraph 2(5), the words "which having been" and the words from "has been found" onwards.

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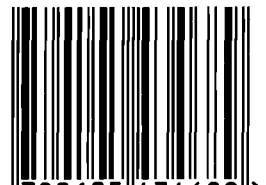
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