



Agriculture Act 1967

1967 CHAPTER 22

PART I

LIVESTOCK AND MEAT MARKETING

Modifications etc. (not altering text)

- C1** Pt. I (ss. 1-22): Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (except for Sch. 1 Pt. II para. 9(2) for certain purposes) (27.12.1999) by [S.I. 1999/3141](#), arts. 2(1)(5), [Sch.](#) (with art. 3)

The Meat and Livestock Commission

1 The Meat and Livestock Commission.

- (1) There shall be established a body to be called the Meat and Livestock Commission (in this Part of this Act referred to as “the Commission”) having the general duty of promoting greater efficiency in the livestock industry and the livestock products industry, and the particular functions specified in Part I of Schedule 1 to this Act, as well as the other functions conferred by this Part of this Act.
- (2) In carrying out their functions the Commission shall have regard to the interests of consumers as well as to the interests of the various sections of the livestock industry and the livestock products industry.
- (3) The Commission shall consist of not more than [^{F1}fifteen] members appointed by the Ministers, and the Ministers shall appoint persons who in the Ministers’ opinion are qualified to serve on the Commission by reason of their financial, commercial, technical, scientific, administrative or other relevant experience, and have no such financial or commercial interest as would be likely to prejudice the proper discharge of their functions as members.
- (4) The Commission shall have a chairman and deputy chairman appointed by the Ministers from among the members of the Commission.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) The Minister of Agriculture, Fisheries and Food shall—
- (a) pay to the members of the Commission out of money provided by Parliament such remuneration and such travelling or other allowances as the Ministers, with the approval of the Treasury, may determine, and
 - (b) in the case of any member of the Commission to whom the Ministers, with the approval of the Treasury, determine that this paragraph applies, pay out of money provided by Parliament such pension, or make such payments out of money provided by Parliament toward the provision of a pension, to or in respect of him as the Ministers and the Treasury may determine in his case, and if a person ceases to be a member of the Commission and it appears to the Ministers that there are special circumstances which make it right that that person should receive compensation, the Minister of Agriculture, Fisheries and Food may, with the approval of the Treasury, pay to that person out of money provided by Parliament a sum of such amount as the Ministers may with the approval of the Treasury determine.
- (6) Nothing in this Part of this Act shall be construed as authorising the Commission to engage in the business of buying and selling livestock or livestock products, except so far as is reasonably necessary for, and incidental to, the discharge of other functions of the Commission.
- (7) Part II of Schedule 1 to this Act shall have effect with respect to the Commission.

Textual Amendments

F1 Word substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 7(1)**

[^{F2}1A **Commission's duty to consult representative organisations.**

- (1) If it appears to the Commission that any matter arising or likely to arise out of the exercise of the Commission's functions has or is likely to have a substantial effect on the interests of one or more classes of persons mentioned in Part IIA of Schedule 1 to this Act, the Commission shall consult the relevant organisation or each of the relevant organisations about that matter; and where a number of organisations fall to be consulted under this subsection about any such matter, the Commission may consult them together, or separately, or some together and others separately, as the Commission think fit.
- (2) For the purposes of this section an organisation is a relevant organisation in relation to a class of persons mentioned in the said Part IIA if it is for the time being designated by the Ministers as a relevant organisation in relation to that class; and the Ministers shall designate, in relation to any such class of persons, all such organisations as appear to them appropriate as representing the interests of that class, taking account of interests in Scotland and Wales as well as in England.
- (3) The Commission may pay to representatives of organisations consulted by them in pursuance of this section such travelling or other allowances as the Ministers may, with the approval of the Minister for the Civil Service, determine.]

Textual Amendments

F2 **S.1A** inserted by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\)](#), **s. 3(2)**

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

C2 Ss. 1A, 2 excluded by [Pig Industry Levy Act 1983 \(c. 4, SIF 4:4\), s. 4\(1\)](#)

[^{F3}2 **The Consumers Committee, and other committees of the Commission.**

- (1) The Ministers shall appoint a committee to be called the Consumers Committee.
- (2) If it appears to the Commission that any matter arising or likely to arise out of the exercise of the Commission's functions has or is likely to have a substantial effect on the interests of consumers, the Commission shall consult the Consumer's Committee.
- (3) The Consumers Committee may at any time submit proposals for the consideration of the Commission as to the manner in which any of the Commission's functions which are of concern to the Committee should be exercised, or make representations to the Commission on any matter which in their opinion has or is likely to have a substantial effect on the interests of consumers.
- (4) The foregoing provisions of this section shall not be taken as preventing the Commission from setting up other committees; and the Commission may employ any of their committees in an executive as well as in an advisory capacity.
- (5) When giving advice to the Commission, the Consumers Committee or any other of the Commission's committees shall, where any of their members desire to give advice differing to any considerable extent from the advice of the majority, inform the Commission of that fact, giving particulars of that differing advice.
- (6) Part III of Schedule 1 to this Act shall have effect as respects the Commission's committees.]

Textual Amendments

F3 S. 2 substituted with saving by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\), s. 3\(4\), Sch. 1 para. 2](#)

Modifications etc. (not altering text)

C3 Ss. 1A, 2 excluded by [Pig Industry Levy Act 1983 \(c. 4, SIF 4:4\), s. 4\(1\)](#)

3 Commission's duties in connection with fatstock guaranteed prices and calf subsidies.

- (1) It shall be the duty of the Commission to carry out such functions as the Ministers may confer on the Commission in connection with—
 - (a) any arrangements in force by virtue of an order under ^{F4} . . . section 5 of the ^{M1}Agriculture Act 1957 for providing guaranteed prices for fatstock, ^{F5} . . .
 - ^{F5}(b)but not including any functions conferred on the Ministers or either of them by or under an Act of Parliament other than functions which the Ministers may delegate under section 9(4) of the ^{M2}Agriculture Act 1957 or any other enactment.
- (2) So far as relates to livestock or livestock products, in section 5(1)(d) of the Agriculture Act 1957 (power of entry in connection with guaranteed prices), and in any order made under that paragraph before the coming into force of this section, references to

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

authorised officers of the Minister shall include references to authorised officers of the Commission where accompanying an authorised officer of the Minister.

(3) Any relevant information obtained by either of the Ministers in the discharge of their functions in connection with—

(a) any arrangements in force by virtue of an order under section 1 or section 5 of the Agriculture Act 1957 for providing guaranteed prices for fatstock, ^{F6} . . .

^{F6}(b)

may, for the purpose of assisting the Commission in the performance of their functions under this section, be disclosed to the Commission; and any such disclosure shall not be treated as a breach of contract, trust or confidence.

Textual Amendments

F4 Words in s. 3(1)(a) repealed (27.7.1993 but 4.8.1993 so far as relating to potatoes) by 1993 c. 37, ss. 64, 65 Sch. 5 (subject to provision at the end of Sch. 5); S.I. 1993/2038 art.2.

F5 S. 3(1)(b) and the preceding "or" repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.II.

F6 S. 3(3)(b) and the preceding "or" repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.II.

Modifications etc. (not altering text)

C4 S. 3(2) applied (with modifications) (15.11.2001) by European Communities Act 1972 c. 68, s. 6(4C) as inserted (15.11.2001) by S.I. 2001/3686, reg. 3(d)

Marginal Citations

M1 1957 c. 57.

M2 1957 c. 57.

4 Commission's functions in connection with Markets and Fairs (Weighing of Cattle) Acts.

(1) The Ministers, or either of them, may from time to time delegate to the Commission any powers exercisable by the delegating Ministers or Minister to make orders under—

(a) section 9 of the ^{M3}Markets and Fairs (Weighing of Cattle) Act 1887 as amended by section 2 of the ^{M4}Markets and Fairs (Weighing of Cattle) Act 1926 (order exempting from obligation to provide facilities for weighing cattle),

(b) section 2 of the ^{M5}Markets and Fairs (Weighing of Cattle) Act 1891 (order exempting a market authority from obligation to provide and maintain accommodation for weighing cattle),

(c) section 4 of the Markets and Fairs (weighing of Cattle) Act 1891 (order exempting auctioneers from requirements relating to facilities for weighing cattle),

(d) section 1(4) of the ^{M6}Markets and Fairs (Weighing of Cattle) Act 1926 (order exempting auctioneers from certain requirements relating to weighing of cattle),

(e) [^{F7}section 57(2) of the Food Act 1984] (order exempting market authorities from requirements relating to weighing machines for cattle).

(2) An order under the said [^{F7}section 57(2) of the Food Act 1984] shall not be made by statutory instrument.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Where any power delegated to the Commission under this section includes power to vary or revoke orders previously made under that power, the Commission may vary or revoke any such order notwithstanding that it was made by the delegating Ministers or Minister.

Textual Amendments

F7 Words substituted by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 10 para. 7](#)

Marginal Citations

M3 1887 c. 27.

M4 1926 c. 21.

M5 1891 c. 70.

M6 1926 c. 21.

5 Systems for classification of carcasses.

- (1) For the purpose of providing a standard method of describing as fully as practicable those characteristics of a carcass which are the principal features of interest to persons trading in livestock and carcasses the Commission shall, as soon as practicable, compile systems for the descriptive classification of the carcasses of all types of livestock slaughtered in Great Britain and for marking carcasses according to that classification.
- (2) For the said purpose the Commission may at any time compile systems for the descriptive classification and marking of imported carcasses, or modify any system, so far as inappropriate for imported carcasses, so as to make it applicable to all or any imported carcasses.
- (3) The systems shall be operated by the Commission, and they shall take such steps as appear to them appropriate—
 - (a) for bringing to the notice of those particularly concerned particulars of any system compiled by them, and
 - (b) with a view to developing the system, for inviting any person to enter into arrangements with the Commission for the Commission to operate the system on his behalf.
- (4) If at any time the Commission are satisfied—
 - (a) that a system compiled under this section is practicable, and
 - (b) that they have obtained sufficient experience of the operation of the system, and
 - (c) that they have the resources and facilities required to operate the system,they shall submit particulars of the system to the Ministers with the view to the making of an order under the next following section.

6 Compulsory use of systems of classification of carcasses.

- (1) The Ministers may, on the recommendation of the Commission, by order make provision for requiring that carcasses of such description as may be specified in the order shall be marked by the Commission in such circumstances and in such manner as may be prescribed by the order and in accordance with the system to which the recommendation relates.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) The order may specify the carcasses to which it is to apply by reference to the type of livestock, and the type of carcasses, may distinguish between imported carcasses and carcasses of livestock slaughtered in Great Britain, and may make other distinctions for different cases, and shall be subject to such exceptions or exemptions as may be made by or under the order.
- (3) An order under this section—
- (a) may impose duties and restrictions on any persons, and in particular on persons having the control and management of slaughterhouses, for the purposes of enabling the Commission to operate the system,
 - (b) without prejudice to paragraph (a) above, may restrict the cutting and other operations which may be carried out on carcasses before they are marked, and prohibit their removal from the place of slaughter or importation before being marked,
 - (c) may require persons responsible for premises where a system is operated in accordance with this section, and persons subsequently dealing with carcasses required to be marked in accordance with this section, to keep records relating to their dealings in such carcasses,
 - (d) may authorise the Ministers to give directions to the Commission as to the manner in which the system is to be operated,
 - (e) may make provision for any incidental or supplemental matters for which provision appears to the Ministers to be necessary or expedient.
- (4) If any person contravenes or fails to comply with any provision of an order under this section he shall be liable on summary conviction to a fine not exceeding [^{F8}level 3 on the standard scale] or imprisonment for a term not exceeding three months or both:

Provided that if in proceedings against any person for an offence under this subsection it is proved—

- (a) that the commission of the offence was due to an act or default of some other person, and
- (b) that the person charged took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by him or any person under his control,

then, subject to the next following subsection, the person charged shall be acquitted of the offence.

- (5) A person charged with an offence under the last foregoing subsection shall not be entitled to be acquitted by virtue of the proviso thereto unless, not less than fourteen clear days before the hearing, he has given notice in writing to the prosecutor of his intention to rely on that proviso, specifying the name and address of the person to whose act or default he alleges the commission of the offence was due, and has sent a like notice to that person; and that person shall be entitled to appear at the hearing and to give evidence.

This subsection shall not apply to Scotland.

- (6) Where the commission by any person of an offence under subsection (4) above is due to an act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (7) If any person wilfully obstructs an authorised officer of the Commission or other person in the performance of his duty in connection with the operation of a system in pursuance of an order under this section he shall be liable on summary conviction to a fine not exceeding [^{F8}level 1 on the standard scale].
- (8) If any person—
- (a) with intent to deceive, removes, alters, conceals or defaces any mark applied in the course of the operation by the Commission of a system compiled under the last foregoing section (whether or not operated in pursuance of an order under this section), or
 - (b) applies to any carcase, without due authority and with intent to deceive, any mark prescribed by a system so compiled and operated, or applies to any carcase a mark so closely resembling a prescribed mark as to be calculated to deceive, or
 - (c) wilfully makes a false entry in any record which is required to be kept in pursuance of an order under this section or, with intent to deceive, makes use of any such entry which he knows to be false,
- he 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 both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.
- (9) For the purpose of ascertaining whether an offence has been committed under this section an authorised officer of the Commission may, on producing if so required a duly authenticated document showing his authority, require a person carrying on or managing a slaughterhouse or other undertaking for the slaughter of livestock, or an undertaking for the storage, processing, grading, classification, packing or cutting of carcases, or for the sale of carcases by wholesale, to produce any books, accounts or records relating to the conduct of the undertaking which the officer may require to inspect, and may take a copy or extract from any such book, account or record produced to him.
- If a person fails to comply with a requirement under this subsection he shall be liable on summary conviction to a fine not exceeding [^{F8}level 3 on the standard scale] or to imprisonment for a term not exceeding three months or both.
- (10) An order under this section shall be made by statutory instrument and may be varied or revoked by a subsequent order under this section.
- (11) No order shall be made under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament; and an order terminating provision made under this section for the operation of a system shall not require the recommendation of the Commission under subsection (1) above.

Textual Amendments

F8 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

Modifications etc. (not altering text)

C5 [S. 6](#) modified (1.7.1999) by [S.I. 1999/1747](#), [arts. 1, 3](#), [Sch. 16 para. 3\(1\)](#); [S.I. 1998/3178](#), [art. 3](#)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

7 Systems of classifying meat, and codes of practice for butchers.

- (1) With a view to assisting persons buying meat by retail the Commission may compile—
- (a) systems of classifying meat and of marking and labelling it in accordance with the classification, and
 - (b) standard codes of practice for the way in which meat is cut for sale by retail and for the way in which the cuts of meat are described,
- and may take such steps as appear to them appropriate to encourage the use of the systems of classification and standard codes in all retail meat undertakings.
- (2) The Commission may operate any system compiled by them under this section.
- (3) References in this section to labelling meat include references to labelling it by means of any mark, label, tag or ticket made on, attached to or displayed with the meat, . . . ^{F9}.

Textual Amendments

F9 Words repealed by [Food Safety Act 1990 \(c. 16, SIF 53: 1, 2\), ss. 54, 59\(1\)\(4\), Sch. 3 para. 3, Sch. 5](#)

8 Information as to retail meat prices.

- (1) The Commission may submit to the Ministers schemes for requiring information to be given in retail meat undertakings as to the prices asked for meat and for regulating the way in which that information is given.
- (2) A scheme under this section may in particular—
- (a) require information to be given by the display of price lists and, in the case of meat exposed for sale, by the use of prices attached to or displayed with the meat,
 - (b) require the information to be given, in the case of meat exposed for sale, both by showing the prices of particular pieces of meat and also by showing the weight of particular pieces of meat and the price per pound weight,
 - (c) regulate the way in which meat is described in price lists and the language used for description,
 - (d) contain provisions to ensure that information about prices is not given in a misleading way, is conveniently presented and is accessible.
- (3) A scheme made under this section may be varied or revoked by a subsequent scheme so made, and may contain such supplemental and incidental provisions as appear to the Commission to be expedient, including in particular provisions—
- (a) conferring such exemptions from the requirements of the scheme as may be specified by or under the scheme,
 - ^{F10}(b) conferring powers of entry on inspectors appointed under section 72 of the [Weights and Measures Act 1985](#),]
 - (c) in the case of a scheme varying or revoking a previous scheme, for any transitional matters.
- (4) A scheme under this section may include provisions making persons guilty of an offence against the scheme and, in particular, may make a person guilty of an offence against a scheme if he demands or accepts for any meat a price in excess of one displayed in connection with it.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) A person guilty of an offence against a scheme under this section shall be liable on summary conviction to a fine not exceeding [^{F11}level 2 on the standard scale]
- (6) If the Ministers are satisfied that the bringing into force of a scheme submitted to them under this section is desirable they may confirm the scheme by order made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The Ministers may by order revoke a scheme under this section if it appears to them, after consultation with the Commission, that the scheme is not serving the purposes for which it was made, or that the continued operation of the scheme would be contrary to the public interest.

An order under this subsection—

- (a) may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient, and
- (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F10 S. 8(3)(b) substituted by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 97, Sch. 11 para. 21(2), [Sch. 12 para. 2](#)

F11 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

9 Powers to meet future developments in livestock and livestock products industries.

- (1) With a view to enabling the livestock industry and the livestock products industry to carry out such changes as the Commission may consider to be necessary or expedient, the Commission may submit to the Ministers a scheme (in this section referred to as a “development scheme”) for the purpose of conducting to the better organisation, development or regulation of any section of the livestock industry or the livestock products industry.
- (2) A development scheme may make provision for the rationalisation or concentration of a section of either industry, including in particular—
 - (a) provisions compelling or encouraging the elimination of excess capacity,
 - (b) provisions compelling or encouraging a reduction in the number of undertakings engaged, and
 - (c) provisions requiring permission to be given for the setting up of a new undertaking or the relocation of an existing undertaking.
- (3) A development scheme shall provide—
 - (a) that the compensation payable under the development scheme in respect of loss or damage sustained in consequence of the provisions of the scheme shall be payable either out of funds provided by the industry, or a section of the industry, or by the Commission, or partly by one of those means and partly by another, and
 - (b) for questions of disputed compensation so payable to be determined otherwise than by the Commission.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) A development scheme may be made for the purpose of providing facilities or services for a section of either industry, whether free of charge or not, and may provide for the expenses of providing the facilities or services to be met either out of funds provided by the industry, or a section of the industry, or by the Commission, or partly by one of those means and partly by another.
- (5) A development scheme—
 - (a) may be made for Great Britain or for England and Wales or for Scotland, or for one or more areas within England and Wales, or Scotland,
 - (b) may be by way of an experimental or pilot scheme restricted to a specified area or specified undertakings or specified persons.
- (6) The methods employed by a development scheme may include the licensing of undertakings or producers, the imposition of quotas on undertakings or producers or markets, and the registration of any category of undertakings or persons.
- (7) A development scheme shall have effect notwithstanding any provision inconsistent with the scheme which is contained in any Charter or letters patent, or is contained in or made under any Act of Parliament (including a local Act) passed before this Act or any local Act passed with or after this Act.
- (8) A development scheme may be varied or revoked by a subsequent development scheme and may contain such supplemental and incidental provisions as appear to the Commission to be expedient, including in particular provisions—
 - (a) conferring functions on the Commission,
 - (b) with respect to the funds to be paid by either industry, or a section of either industry, for the purposes of the scheme, including provisions authorising the Commission to obtain the funds by means of a levy scheme or provisions applying, with any necessary modifications, so much of this Part of this Act as relates to levy schemes,
 - (c) requiring the keeping of books, accounts and records,
 - (d) conferring powers of requiring the production of books, accounts or records and powers of entry on officers of the Commission and other persons authorised by the Commission to exercise those powers,
 - (e) conferring such exemptions from the requirements of the scheme as may be specified by or under the scheme,
 - (f) authorising the Commission to delegate any functions conferred on them by the scheme,
 - (g) in the case of a scheme varying or revoking a previous scheme, for any transitional matters.
- (9) The generality of the provisions of subsection (1) of this section is not to be read as qualified by or restricted to the particular matters mentioned above in this section.
- (10) A development scheme may include provisions making persons guilty of an offence where there is a contravention of the scheme, and for the imposition of penalties on summary conviction of any such offence, so however that a maximum fine specified in the scheme shall be a sum not exceeding [^{F12}level 3 on the standard scale] and a maximum term of imprisonment specified in the scheme shall be a term not exceeding three months.
- (11) The Ministers may, after consultation with [^{F13}Secretary of State for Trade], direct that any agreement or class of agreements specified in the direction, being agreements into

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

which the Commission enter in connection with a development scheme, shall be ones to which [^{F14}the ^{M7}Restrictive Trade Practices Act 1976] does not apply.

This subsection extends to Northern Ireland.

(12) Schedule 2 to this Act shall have effect as respects the procedure for making a development scheme, and other matters concerning development schemes.

Extent Information

E1 S. 9(11) extends to N.I. otherwise the rest of the section extends to G.B. only

Textual Amendments

F12 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

F13 Words substituted by [S.I. 1979/578](#), **art. 3(5)**

F14 Words substituted by [Restrictive Trade Practices Act 1976 \(c. 34\)](#), s.44, **Sch. 5**

Modifications etc. (not altering text)

C6 S. 9 modified (1.7.1999) by [S.I. 1999/1747](#), arts. 1, 3, **Sch. 16 para. 3(1)**; [S.I. 1998/3178](#), **art. 3**

Marginal Citations

M7 [1976 c. 34](#).

10— ^{F15}
11.

Textual Amendments

F15 Ss. 10–12 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. II**

12 ^{F16}

Textual Amendments

F16 Ss. 10–12 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. II**

Financial

13 Levy on industries to meet Commission’s expenses.

(1) The Commission may submit to the Ministers a scheme (in this Part of this Act referred to as a “levy scheme”) for the imposition of charges for enabling the Commission to meet their expenses (including any sums to be paid into their reserve fund) so far as not met in any other way, and for the recovery of such charges by the Commission

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

in such manner and from such persons as may be specified in the scheme [^{F17}; and a levy scheme may make different provision in relation to charges to be imposed to meet expenses incurred by the Commission for different purposes].

[^{F18}(1A) Before submitting a levy scheme under subsection (1) above the Commission may in such manner as they consider appropriate consult such persons as appear to them to represent the interests concerned]

(2) A levy scheme shall specify the classes or descriptions of persons on whom or from whom charges may be imposed or recovered, but a class or description so specified shall include only persons who are within the following provisions of this subsection, that is—

- (a) persons engaged in the production, marketing or distribution of livestock, or
- (b) persons engaged in the production, processing, manufacture, marketing or distribution of livestock products, or
- (c) persons (including local authorities) having the control and management of slaughterhouses in which livestock are slaughtered,

including auctioneers, market authorities and other persons concerned with the marketing of livestock and livestock products otherwise than as buyers and sellers, and a levy scheme may contain provisions as to the evidence by which a person's liability to the levy may be established.

(3) A levy scheme shall specify maximum charges leviable under the scheme, and the circumstances under which they are leviable, and shall authorise the Commission, subject to those maximum charges, to levy such amounts as they think fit, or to suspend the levy authorised by the scheme for any period.

(4) The maximum charges so specified—

- (a) may be prescribed by reference to the number, quantity or type of the livestock or livestock products dealt with by the persons chargeable and, in the case of livestock, in particular by reference to the number of livestock slaughtered or exported by those persons, . . . ^{F19}
- (b) may differ according to the weight, quality or value of the livestock or livestock products

[^{F20}and

- (c) may differ between the different classes or descriptions of persons chargeable].

(5) A levy scheme which provides for the imposition of charges in respect of the slaughter of livestock shall secure that no charges are made in respect of livestock slaughtered under the [^{F21}Animal Health Act 1981] or any order or arrangements made thereunder [^{F22}or in accordance with any scheme under section 106 of the ^{M8}Agriculture Act 1970].

(6) A levy scheme may authorise persons of a class or description specified in the scheme, and in particular persons owning or controlling slaughterhouses, auctioneers, market authorities and other persons acting as intermediaries in the buying and selling of livestock and livestock products, to recover [^{F23}all or a specified part of] sums paid by them under the levy scheme from persons of such other classes or descriptions as may be specified in the scheme, and may, in default of payment by any person of one of the first mentioned class or description, authorise the Commission to recover directly what might have been payable indirectly if the default had not occurred.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F24}(6A) Where a levy scheme makes such provision as is mentioned in subsection (6) above it shall—
- (a) authorise the Commission from time to time to determine the proportion of the sums paid under the levy scheme which shall be recoverable;
 - (b) specify whether the Commission may determine that the whole of those sums shall be recoverable and, if not, the maximum proportion of them which they may determine shall be recoverable; and
 - (c) specify whether the Commission may determine that none of those sums shall be recoverable and, if not, the minimum proportion of them which they may determine shall be recoverable.]
- (7) A levy scheme may confer on any person on whom such a right of recovery is conferred a further right to make from his payments to the Commission deductions of amounts determined in accordance with the levy scheme in respect of his expenses incurred in exercising his right of recovery, and a right to relief (whether by way of deduction from payments to the Commission or of refund by the Commission) in respect of any sum which, in the opinion of the Commission, ought reasonably to be treated as irrecoverable by him.
- (8) The power conferred by this section to make a levy scheme shall be construed as including power to make a levy scheme varying or revoking a previous levy scheme.
- (9) If the Ministers are satisfied that the bringing into force of a levy scheme submitted to them is desirable they may confirm the scheme with or without modifications by order made by statutory instrument, but they shall not make such an order unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (10) A levy scheme shall come into force on such date as may be specified in the order confirming the scheme, being a date after the latest date on which either House of Parliament resolves that the draft order be approved.
- (11) The Ministers may by order in a statutory instrument, of which a draft has been laid before and approved by resolution of each House of Parliament, revoke a levy scheme.
- An order under this section may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient.

Textual Amendments

- F17** Words inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 7\(2\)](#)
- F18** [S. 13\(1A\)](#) added after subsection (1) by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 7\(2\)\(b\)](#)
- F19** Word repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\), ss. 7\(2\)\(c\)\(i\), 24\(5\)](#), Sch. 4 (the repeal being in force 25.9.1986 unless consequential on sections 8 to 10 of the 1986 Act as mentioned in s. 24 of that Act which latter repeals are (*prosp.*))
- F20** [S. 13\(4\)\(c\)](#) and the word “and” preceding it inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), ss. 7\(2\)\(c\)\(ii\)](#)
- F21** Words substituted [Animal Health Act 1981 \(c. 22, SIF 4:4\), s. 96, Sch. 5 para. 7](#)
- F22** Words inserted by [Agriculture Act 1970 \(c. 40\), s. 106\(6\)](#)
- F23** Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\), ss. 7\(2\)\(d\), 24\(5\)](#), [Sch. 4](#) (the repeal being in force 25.9.1986 unless consequential on sections 8 to 10 of the 1986 Act as mentioned in s. 24 of that Act which latter repeals are (*prosp.*))
- F24** [S. 13\(6A\)](#) inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 7\(e\)](#)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C7** S. 13 modified (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 16 para. 3(1)**; S.I. 1998/3178, **art. 3**
C8 S. 13(2)–(4) extended by Pig Industry Levy Act 1983 (c. 4, SIF 4:4), **s. 1(1)(4)**
C9 S. 13(5) extended by Pig Industry Levy Act 1983 (c. 4, SIF 4:4), **s. 1(1)(4)**
C10 S. 13(6) extended by Pig Industry Levy Act 1983 (c. 4, SIF 4:4), **s. 1(1)(4)**
C11 S. 13(7)–(11) extended by Pig Industry Levy Act 1983 (c. 4, SIF 4:4), **s. 1(1)(4)**

Marginal Citations

- M8** 1970 c. 40.

14 Levy: registration, returns and records.

- (1) A levy scheme may, so far as is necessary for determining the liability of persons to charges thereunder, confer on the Commission power to require persons on whom charges may be imposed by a levy scheme—
- (a) to be registered in a register kept for the purpose by the Commission,
 - (b) to furnish returns and other information, and to produce for examination on behalf of the Commission, books and other documents in their custody or under their control, and
 - (c) to keep records and to produce them for examination as aforesaid.
- (2) Any person who fails to comply with a requirement made under a levy scheme by virtue of subsection (1) above shall be liable on summary conviction to a fine not exceeding [^{F25}level 3 on the standard scale] or to imprisonment for a term not exceeding three months or both.
- (3) Any person who—
- (a) in furnishing any information for the purposes of a levy scheme, knowingly or recklessly makes a statement which is false in a material particular, or
 - (b) wilfully makes a false entry in any document which is required to be produced in pursuance of a levy scheme,
- 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 both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

Textual Amendments

- F25** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**

Modifications etc. (not altering text)

- C12** S. 14 extended by Pig Industry Levy Act 1983 (c. 4, SIF 4:4), **s. 1(1)(4)**
C13 S. 14(2)(3) applied (with modifications) (14.3.2001) by S.I. 2001/935, **art. 2, para. 14** of Scheme

15 Ministers' contributions to Commission's expenses.

- (1) The Ministers—
- (a) shall out of money provided by Parliament pay to the Commission such sums as the Ministers may with the approval of the Treasury determine towards meeting any expenditure (including an appropriate proportion of overheads

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

and other fixed and general expenses) incurred or to be incurred by the Commission in performing any functions under section 3 or section 4 of this Act, and any other functions carried out at the request of the Ministers or either of them, and

- (b) may out of money provided by Parliament make such payments to the Commission towards meeting their initial expenditure (including an appropriate proportion of overheads and other fixed and general expenses) incurred or to be incurred by the Commission in performing any other functions as the Ministers may, with the approval of the Treasury, and after consultation with the Commission, determine.

In paragraph (b) above “initial expenditure”, in relation to any activities carried on by the Commission in performing any of the functions within that paragraph, means expenditure incurred or to be incurred in respect of the carrying on of those activities in the first three years in which they are carried on.

- (2) Any payments under subsection (1) above may be made subject to any conditions regulating or restricting the Commission’s functions, imposing requirements as to the giving of information and the keeping and inspection of accounts and records, or relating to other matters, which the Ministers may specify; and the Ministers may recover the whole or any part of a contribution which is made subject to a condition, if that condition is not complied with.
- (3) The giving of a direction under section 20 of this Act as respects any of the Commission’s functions shall not make those functions ones performed at the request of the Ministers for the purposes of subsection (1) above.

Modifications etc. (not altering text)

C14 S. 15(1)(b) excluded by [Pig Industry Levy Act 1983 \(c.4, SIF 4:4\)](#), s. 4(2)

16 Payments for scientific research.

- (1) For the purpose of providing funds to be applied for the purpose of scientific research which is connected with the livestock industry and the livestock products industry and which is to be carried out by the Agricultural Research Council, the Ministers may by order—
- (a) impose charges of amounts specified in the order on any class or description of persons on whom charges could be imposed by a levy scheme, or
- (b) require the making of payments by the Commission,
- or provide sums partly in the one way and partly in the other.
- (2) An order under this section may provide for the imposition and recovery of charges in any way which might be authorised by a levy scheme and—
- (a) may set out a scheme containing any provisions which could be included in a levy scheme, or
- (b) may extend a levy scheme, with or without an increase in any of the amounts leviable, and with any exceptions and modifications specified in the order, and direct that a part of the proceeds of the levy under the scheme as so extended shall be applied under this section.
- (3) An order made under this section—

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) may provide for the collecting of charges under subsection (1)(a) above by the Commission or by any person or class of persons specified in the order, and may authorise the expenses incurred in collecting the charges, or a proportion of those expenses, to be paid out of the proceeds,
- (b) shall specify the account into which the sums to be applied under this section are to be paid and the manner in which sums to be so applied are to be dealt with,
- (c) shall be contained in a statutory instrument, and may be varied or revoked by a subsequent order so made,

and the Ministers shall not make an order under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

Modifications etc. (not altering text)

C15 S. 16(1)(b) modified (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 16 para. 3(1)**; S.I. 1998/3178, **art. 3**

17 Collection of statutory levies by Commission.

- (1) It shall be the duty of the Commission to carry out such functions as the Ministers may direct them to perform in connection with the collection of any levy relating in any way to the livestock industry or the livestock products industry and payable by virtue of an Act of Parliament or of any instrument having effect under an Act of Parliament, but the Ministers shall not give a direction as respects any levy payable to a person other than the Ministers without the consent of that other person.
- (2) A direction under this section may specify the terms on which the Commission is to collect a levy, and may allow the Commission to deduct expenses out of the sums collected by them, and a direction given by virtue of this subsection shall have effect notwithstanding anything in any other Act, or in any instrument having effect under any Act.

18 Commission's reserve fund.

- (1) The Commission may establish and thereafter maintain a reserve fund for the purposes of their functions under this Act.
- (2) Any moneys for the time being comprised in a reserve fund maintained under this section, and any other moneys of the Commission which are not for the time being required for any other purpose, may be invested in accordance with the next following subsection.
- (3) Sections 1, 2, 5, 6, 12 and 13 of the ^{M9}Trustee Investments Act 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Commission were the trustees of that trust fund.

Marginal Citations

M9 1961 c. 62.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

19 Commission's annual report and accounts.

- (1) The Commission shall prepare and transmit to the Ministers annually a report setting out what has been done in the discharge of their functions under this Act during their financial year last completed, and the Ministers shall lay a copy of the report before each House of Parliament.
- (2) The Commission shall keep proper accounts and shall prepare in respect of each financial year of the Commission statements of account in such form as the Ministers, with the approval of the Treasury, may direct; and the accounts of the Commission for each financial year shall be audited by auditors to be appointed by the Commission.
- [^{F26}(3) A person shall not be appointed auditor under subsection (2) unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]
- (4) As soon as may be after the accounts of the Commission have been audited, the auditors shall transmit to the Ministers copies of the statements of account together with their report thereon, and the Ministers shall lay a copy of the statement and report before each House of Parliament.

Textual Amendments

F26 S. 19(3) substituted by S.I. 1991/1997, reg.16 (with reg. 4)

Modifications etc. (not altering text)

C16 S. 19 extended (14.3.2001) by S.I. 2001/935, art. 2, para. 16 of Scheme

C17 S. 19(1) extended by Pig Industry Levy Act 1983 (c. 4, SIF 4:4) s. 4(3)

C18 S. 19(1) excluded (23.10.2002) by The Scotland Act 1998 (Cross-Border Public Authorities) (Adaption of Functions etc.) Order 1999 (S.I. 1999/1747), Sch. 16 Pt. IV para. 7(1) (as inserted by The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) (Amendment) Order 2002 (S.I. 2002/2636), art. 3(c))

Supplemental

20 Directions to Commission by Ministers.

- (1) The Ministers, after consultation with the Commission, may give to the Commission such directions of a general character with respect to the performance of any functions of the Commission as appear to the Ministers to be requisite in the public interest.
- (2) The Commission's report for any year under section 19(1) above shall set out any direction given by the Ministers under subsection (1) of this section to the Commission during that year, unless the Ministers have notified the Commission their opinion that it is against the interests of national security to do so.
- (3) It shall be the duty of the Commission to comply with any directions given by the Ministers under this section.

Modifications etc. (not altering text)

C19 S. 20 modified (23.10.2002) by The Scotland Act 1998 (Cross-Border Public Authorities) (Adaption of Functions etc.) Order 1999 (S.I. 1999/1747), Sch. 16 Pt. II paras. 4, 5 (as inserted by The Scotland Act

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) (Amendment) Order 2002 (S.I. 2002/2636), **art. 3(b)(ii)**

21 **Inquiries by Commission.**

- (1) The Commission may hold such inquiries as they consider necessary or desirable for the discharge of any of their functions.
- (2) For the purpose of any inquiry under this section the Commission may by summons require any person to attend to give evidence on any of the matters specified in the summons, or to produce all documents in his possession or control which relate to any such matters.
- (3) The summons shall specify the hour and day, being a day not earlier than twenty-one days after the service of the summons, and the place, at which that person is to attend, and shall refer to the right of appeal conferred by subsection (4) below.
- (4) Within fourteen days of service of a summons under this section, the person served may appeal to the High Court on the ground that any of the evidence, or any document, which he may be required to give or produce in pursuance of the summons is not reasonably required by the Commission for the execution of their functions under this Act, and—
 - (a) the operation of the summons shall be suspended until the final determination of the appeal, and
 - (b) the court may make such order either confirming or quashing or varying the summons as the court thinks fit and, except where the order is quashed, providing if need be for the time and place of attendance under the summons.
- (5) The jurisdiction conferred by this section on the High Court may be exercised by a Master, but subject to rules of court and to the rights of appeal from the decisions of a Master thereby conferred, . . . ^{F27}
- (6) No person shall be compelled for the purposes of an inquiry under this section to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the High Court.
- (7) No person shall be required, in obedience to a summons under this section, to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.
- (8) For the purpose of any inquiry under this section the Commission may take evidence on oath and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined.
- (9) If any person who is to give evidence at any inquiry under this section so requests at the hearing, or by a notice in writing served on the Commission before the day of the hearing, the Commission shall exclude the public from the hearing while that person gives his evidence.
- (10) The procedure at any such inquiry shall, subject to the foregoing provisions of this section and any direction under section 20 above, be determined by the Commission, but so that any person appearing thereat shall be entitled to representation by counsel, solicitor or any other person.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (11) A person who—
- (a) refuses or wilfully neglects to attend in obedience to a summons under this section, or to give evidence as required by such a summons, or
 - (b) wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purposes of this section,
- shall be liable on summary conviction to a fine not exceeding [^{F28}level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both.
- (12) In the application of this section to Scotland—
- (a) for any reference to the High Court there shall be substituted a reference to the sheriff,
 - (b) subsection (5) shall not apply, and
 - (c) for any reference to a summons there shall be substituted a reference to a notice in writing.

Textual Amendments

F27 Words repealed by [Administration of Justice Act 1977 \(c. 38\), Sch. 5 Pt. IV](#)

F28 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

22 Dissolution of Pig Industry Development Authority.

- (1) On the date of the coming into force of this section the assets, liabilities and obligations of the Pig Industry Development Authority established under Part III of the ^{M10}Agriculture Act 1957 shall by virtue of this subsection and without further assurance be transferred to the Commission.
- (2) The Authority's financial year current on the said date shall be deemed to end on that date.
- (3) As soon as the Ministers are satisfied that the requirements of section 28 of the ^{M11}Agriculture Act 1957 (annual report and accounts) have been complied with on the part of the Authority in respect of years down to and including that financial year, they shall by order in a statutory instrument dissolve the Authority, and thereupon any expenses incurred by the Authority in complying with the said section 28 after the said date shall become a liability of the Commission.

Marginal Citations

M10 1957 c. 57.

M11 1957 c. 57.

23 Power of entry.

- (1) For the purpose of obtaining information with respect to any matter which is of concern to the Commission, an authorised officer of the Commission, on producing if so required a duly authenticated document showing his authority, shall have a right to enter, at any reasonable time, any premises (other than a building used only as a private

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

dwellinghouse) which he has reasonable cause to believe to be premises used for the slaughter of livestock or for the storage, processing, grading, classification, packing, cutting or sale of meat.

- (2) An authorised officer entering any premises by virtue of this section may take with him such other persons as may appear to him necessary.
- (3) A person may on any premises which he enters by virtue of this section inspect any livestock or meat or, if a retail meat undertaking is carried on on the premises, any price lists or price marks, labels, tags or tickets or any other displays of prices of meat for sale.
- (4) If any person wilfully obstructs an authorised officer or other person in the exercise of powers conferred on him by this section he shall be liable on summary conviction to a fine not exceeding [^{F29}level 1 on the standard scale].
- (5) The foregoing provisions of this section shall apply in relation to a stall or vehicle as they apply in relation to premises, but nothing in this section shall authorise a person to stop any vehicle on a [^{F30}highway][^{F30}road].

Textual Amendments

F29 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

F30 Word “road” substituted (S.) for word “highway” by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 156(1), Sch. 9 para. 59

Modifications etc. (not altering text)

C20 S. 23 applied (with modifications) (14.3.2001) by S.I. 2001/935, art. 2, para. 14 of Scheme

24 Disclosure of information.

- (1) Returns or other information furnished or obtained by any person in pursuance of a requirement made under a levy scheme, and any other information with respect to any particular undertaking which has been obtained under or by virtue of this Part of this Act, shall not be disclosed except—
 - (a) with the consent of the person by whom the information was furnished, or
 - (b) to a member, officer or servant of the Commission or to any person exercising functions on behalf of the Commission, or
 - (c) to either of the Ministers or to an officer or servant appointed by, or by one of, the Ministers or to any person exercising functions on behalf of the Ministers, or either of them, or
 - (d) in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to any one person or undertaking to be ascertained from it, or
 - (e) for the purpose of any proceedings pursuant to this Part of this Act, or of any criminal proceedings which may be taken, whether pursuant to this Act or otherwise, or for the purpose of a report of any such proceedings.
- (2) This section shall not be taken as applying to information obtained at an inquiry under section 21 of this Act, except information derived from evidence given at the inquiry at a time when the public are excluded.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Any person who discloses any information in contravention of 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 both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.
- (4) This section, except subsections (1)(b) and (2), extends to Northern Ireland.

Extent Information

E2 For the extent of s. 24 see s. 24(4)

Modifications etc. (not altering text)

C21 S. 24 extended by Pig Industry Levy Act 1983 (c. 4, SIF 39:1), s. 4(4)

s. 24 applied (with modifications) (14.3.2001) by S.I. 2001/935, art. 2, para. 14 of Scheme

C22 S. 24(1): disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2), Sch. 4 Pt. 1 para. 4

25 Interpretation of Part I.

- (1) In this Part of this Act “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland and, in the case of anything falling to be done by the Ministers, means those two Ministers acting jointly, except that payments to the Commission under section 15 of this Act shall be separate payments by the two Ministers in proportions agreed by them with the approval of the Treasury.

[^{F31}(1A) Notwithstanding the foregoing subsection, and without prejudice to any transfer of any of the Minister’s functions under this Part of this Act effected before the coming into force of this subsection, in the following provisions inserted or substituted in this Part of this Act by the ^{M12}Agriculture (Miscellaneous Provisions) Act 1976, namely sections 1A(2) and 2 and paragraph 1 of part III of Schedule 1. “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly.]

- (2) In this Part of this Act, unless the context otherwise requires—

“carcases” means whole carcasses of livestock, and sides, quarters and other wholesale cuts of carcasses;

“the Commission” has the meaning given by section 1 of this Act;

“fatstock” means fat cattle, fat sheep and fat pigs and the carcasses of those animals;

“imported” means imported, removed or brought into Great Britain from elsewhere, and cognate expressions shall be construed accordingly;

^{F32}

“levy scheme” has the meaning given by section 13 of this Act;

“livestock” means cattle, sheep and pigs;

“livestock industry” means all the activities comprised in the production, marketing and distribution of livestock in Great Britain, including the carrying on of slaughterhouses and livestock auctions and markets;

“livestock product” means any product for human consumption which is derived to any substantial extent, with or without any process of manufacture, from livestock, but excluding milk and milk products, so, however, that references to the production or processing or manufacture of livestock

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

products include references to the production or processing or manufacture in slaughterhouses of any inedible products obtained from the slaughter of livestock in slaughterhouses;

“livestock products industry” means the activities comprised in the production, processing, manufacture, marketing and distribution of livestock products in Great Britain, including the carrying on of livestock product auctions and markets;

“meat” means—

- (a) carcase meat and offal obtained from livestock and intended for human consumption, and
- (b) bacon and ham;

“retail meat undertaking” means a business which consists of or includes the selling of meat by retail;

[^{F33}“slaughterhouse” has, in England and Wales, the meaning given by section 34 of the Slaughterhouses Act 1974 and, in Scotland, the meaning given by section 22 of the Slaughter of Animals (Scotland) Act 1980;]

[^{F33}“slaughterhouse” has, in England and Wales and Northern Ireland, the meaning given by section 135(1) of the ^{M13} Food and Drugs Act 1955 and, in Scotland, the meaning given by section 16 of the ^{M14} Slaughterhouses Act 1954.]

- (3) Any reference in this Part of this Act to a person having the control and management of a slaughterhouse includes a reference to a local authority providing slaughterhouse facilities under [^{F34}section 15 of the Slaughterhouses Act 1974 or section 1 of the Slaughter of Animals (Scotland) Act 1980], or providing any similar facilities under any local enactment.
- (4) Subsections (1), (2) and (3) of section 107 of the ^{M15} Agriculture Act 1947 or, as the case may be, subsections (1), (2) and (3) of section 83 of the ^{M16} Agriculture (Scotland) Act 1948 (manner of service of notice) shall apply to documents required or authorised to be served under this Part of this Act.

Textual Amendments

- F31** S. 25(1A) inserted with saving by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\), s. 3\(4\), Sch. 1 para. 3](#)
- F32** Definition repealed by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\), Sch. 4 Pt. II](#)
- F33** Definition of “slaughterhouse” commencing “slaughterhouse has, in England and Wales, the meaning ...” substituted (E.W.S) for definition of “slaughterhouse” commencing “slaughterhouse has, in England and Wales and Northern Ireland ...” by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 54, 59\(1\), Sch. 3 para. 4\(1\)](#)
- F34** Words substituted by virtue of [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), ss. 54, 59\(1\), Sch. 3 para. 4\(2\)](#)

Marginal Citations

- M12** 1976 c. 55.
- M13** 1955 c.16 (4 & 5 Eliz. 2)
- M14** 1954 c.42
- M15** 1947 c. 48.
- M16** 1948 c. 45.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART II

FARM STRUCTURE AND FARM IMPROVEMENTS, AND PROMOTION OF AGRICULTURAL INVESTMENT

Farm Structure

[F35]26 Grants for amalgamations and boundary adjustments.

(1) [F36]The appropriate Minister may in accordance with a scheme and subject to section 50 of the M17 Agriculture Act 1970 make, out of money provided by Parliament, grants of amounts determined in such manner as may be provided by or under the scheme in connection with the carrying out of any of the following transactions approved by him in pursuance of the scheme, that is to say—]

(a) F37 transactions for securing that agricultural land which is [F38]or forms part of] an uncommercial unit, but which together with some other agricultural land could form an intermediate unit or commercial unit, shall be owned and occupied with that other land, [F39]or, if not so owned, occupied with that other land by a person who shall occupy any part of the resulting unit not owned by him as a tenant (as defined in the [F40]Agricultural Holdings Act 1986] or, in Scotland, [F41]the Agricultural Holdings (Scotland) Act 1991], and]

(b) F37 transactions for securing that, where an intermediate unit or a commercial unit is not all in the same ownership, any part of it comes to be in the same ownership as the rest of that unit, or in the same ownership as some other part of that unit, but excluding transactions which bring into the same ownership and occupation two or more parts of the unit each of which could by itself form a commercial unit, and

[F42](bb) [transactions for securing that, where the person occupying an intermediate unit or a commercial unit occupies any part or parts of it otherwise than as owner or as a tenant as defined in the [F40]Agricultural Holdings Act 1968] (or, in Scotland, [F41]the Agricultural Holdings (Scotland) Act 1991]), he comes to occupy that part or all those parts as owner or as such a tenant, and]

(c) F37 transfers or exchanges of agricultural land (or estates or interests in agricultural land) for the purpose of giving more satisfactory boundaries to one or more agricultural units;

and for the purposes of paragraph (a) above, such assumptions as the appropriate Minister may consider reasonable may be made as to the [F43]works and facilities which will be carried out or provided] for the benefit of the unit to be formed.

[F44]Transactions within paragraphs (a), (b) and (bb) above] are in this Part of this Act referred to as “amalgamations”, and transactions within paragraph (c) are in this Part of this Act referred to as “boundary adjustments”.

(2) A scheme under this section may restrict the amalgamations and boundary adjustments to which it applies in any way, and may in particular exclude amalgamations of land which has reverted from being in single ownership or occupation [F45]or, as respects transactions within subsection (1)(bb) of this section, cases where after the transaction has been effected the unit is not in single ownership].

(3) F46

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) A scheme under this section may make different provision for [^{F47}different circumstances]; . . . ^{F48}.
- (5) ^{F46}
- [^{F50}Any approval in pursuance of a scheme under this section of an amalgamation or
^{F49}(6) boundary adjustment—]
- (a) may be given either before or, in any case where the appropriate Minister thinks fit, after . . . ^{F51} the amalgamation or boundary adjustment has been carried out;
- (b) may given subject to such conditions as the appropriate Minister may specify, and in particular subject to any condition as to the time within which the amalgamation or boundary adjustment is to be carried out or as to the carrying out or provision within a specified period of specified works or facilities appearing to the appropriate Minister to be necessary as a consequence of the amalgamation or boundary adjustment;
- (c) may be varied or withdrawn by the appropiate Minister with the written consent of the person on whose application the approval was given;
- and the appropriate Minister may, if he thinks fit, for the purposes of a claim for grant under section 29 of the Agriculture Act 1970 issue a certificate with respect to any work or facility that he considers it to be necessary or desirable as a consequence of an amalgamation, or to be necessary as a consequence of a boundary adjustment, approved by that Minister in pursuance of the scheme]
- (7) After the payment of any grant under this section [^{F52}any grant under section 29 of the Agriculture Act 1970 in respect of any work or facility certified under subsection (6) above or any grant under] subsection (1)(a) of the next following section in connection with an amalgamation the relevant unit shall be subject to the provisions of Schedule 3 to this Act and—
- (a) the appropriate Minister shall not approve . . . ^{F53} the amalgamation unless satisfied that all persons having an estate or interest in the relevant unit have given their written consent to the application of that Schedule to the relevant unit,
- (b) the relevant unit shall be, or be the part of, the agricultural unit or units specified for the purposes of this subsection by the appropriate Minister in the document giving his approval to the [^{F54}amalgamation], and
- (c) in the said Schedule 3 as applied by this subsection “relevant Exchequer payments” shall mean—
- [any such grant as aforesaid in respect of such expenditure as the
^{F55}(i) appropriate Minister may certify as being expenditure related to the relevant unit, and]
- (ii) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with making the grant,
- and “the relevant date” shall, for any grant and the related administrative expenses, be the date when the grant was paid.
- (8) In the case of the payment of any grant under this section [^{F56}or any such grant under section 29 of the Agriculture Act 1970 as is referred to in the last foregoing subsection] in connection with a boundary adjustment the appropriate Minister may, if he thinks fit, designate in the document giving his approval to the [^{F56}boundary adjustment] any

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

land appearing to him to benefit from the boundary adjustment as land which, after the payment of that grant, is to be a relevant unit subject to the provisions of Schedule 3 to this Act, and paragraphs (a) and (c) of the last foregoing subsection shall apply in relation to the boundary adjustment as they apply in relation to an amalgamation.

- (9) The duration of a scheme under this section shall be a period not exceeding seven years, but that period may from time to time be extended by further schemes under this section for periods not exceeding seven years.
- (10) A grant shall not be made under ^{M18}section 16 of the Agriculture Act 1957 (which relates to grants towards costs of amalgamation and is superseded by this section) in respect of a transaction proposed in an application made under that section after the coming into force of the first scheme made under this section, and so much of subsection (2) of the said section 16 as limits the time within which applications may be made under that section shall cease to have effect.
- (11) The following enactments—
- (a) section 6(c) of the Hill Farming Act 1946,
 - (b) ^{F57}
 - ^{F58}(c)

(under which grant under those Acts may be recovered by the appropriate Minister if there is a failure to carry out proposals), and any provision to the like effect in regulations made under section 77(3) of the Agriculture (Scotland) Act 1948 or section 22(4) of the Crofters (Scotland) Act 1955, shall not apply where in the opinion of the appropriate Minister the carrying out of the proposals is, [^{F59}as a consequence of an amalgamation or boundary adjustment approved in pursuance of a scheme under this section or in consequence of the carrying out or provision of works or facilities certified under subsection (6) thereof], impracticable or to no purpose or unduly expensive.]

Textual Amendments

- F35** S. 26 repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**
- F36** Words substituted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(a)(i)
- F37** Words repealed by virtue of [Agriculture Act 1970 c. 40](#) s. 32(2)(a)(i)
- F38** Words inserted by virtue of [Agriculture Act 1970 c. 40](#) s. 32(2)(a)(ii)
- F39** Words substituted by virtue of SI 1973/1402
- F40** Words substituted by [Agricultural Holdings Act 1986 \(c. 5\)](#) s. 100 sch. 14 para. 37
- F41** Words in s. 26(1) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11**, para. 26
- F42** S. 26(1)(bb) inserted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(a)(ii)
- F43** Words substituted by virtue of [Agriculture Act 1970 c. 40](#) s. 32(2)(a)(iii)
- F44** Words substituted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(a)(iii)
- F45** Words inserted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(b)
- F46** S. 26(3)(5) repealed by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(c)
- F47** Words substituted by virtue of [Agriculture Act 1970 \(c. 40\)](#) s. 32(2)(c)
- F48** Words repealed by virtue of [Agriculture Act 1970 \(c. 40\)](#) s. 29(6) sch. 5
- F49** S. 26(6) substituted by virtue of [Agriculture Act 1970 c. 40](#) s. 32 (2)(e)
- F50** Words substituted by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(d)(i)
- F51** Words repealed by virtue of [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) s. 9(1)(2)(d)(ii)
- F52** Words substituted by virtue of [Agriculture Act 1970 c. 40](#) s. 32 (2)(f)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F53** Words repealed by virtue of Agriculture Act 1970 c. 40 s. 32 (2)(g)
F54 Word substituted by virtue of Agriculture Act 1970 c. 40 s. 32 (2)(h)
F55 S. 26(7)(c)(i) substituted by virtue of Agriculture Act 1970 c. 40 s. 32(2)(i)
F56 Words inserted by virtue of Agriculture Act 1970 c. 40 s. 32 (2)(j)
F57 S. 26(11)(b) repealed by Statute Law (Repeals) Act 1986 (c. 12) sch. 1 Pt. II
F58 S. 26(11)(c) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.II.
F59 Words substituted by virtue of Agriculture Act 1970 c. 40 s. 32 (2)(k)

Modifications etc. (not altering text)

- C23** S. 26 applied by Rent Act 1977 (c. 42), s. 98, sch. 15 Pt. II Cases 17, 18
C24 S. 26(7)(8) excluded by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62) s. 10(1)(3)

Marginal Citations

- M17** 1970 c. 40.
M18 1957 c. 57.

[^{F60}27 Grants for individuals relinquishing occupation of uncommercial units.

- (1) The appropriate Minister may in accordance with a scheme make a grant by way of a lump sum payment or an annuity to or for the benefit of an individual who in prescribed circumstances [^{F61}relinquishes his occupation of, or of a part of, an uncommercial unit] of agricultural land—
- (a) where the relinquishment of all or any part of that uncommercial unit is effected as part of an [^{F62}amalgamation approved in pursuance of a scheme under section 26 of this Act, or]
 - (b) in accordance with arrangements which the appropriate Minister or, subject to the provisions of Part III of this Act, a Rural Development Board makes with him (whether or not his landlord or any other person is a third party) to enable the appropriate Minister or the Board to dispose of the unit so that it is owned or occupied with other land, or so as to improve the shape of any agricultural units, or
 - (c) subject to the provisions of Part III of this Act, in accordance with arrangements approved by a Rural Development Board as being for the purpose of facilitating the afforestation of land in the area of the Board,
 [^{F63}or (d) where the grant is made in pursuance of provisions of a scheme implementing, or arising out of or related to, a Community obligation.]
- (2) A scheme under this section—
- (a) may, subject to any prescribed exceptions, require the individual to have been in occupation of the whole of the uncommercial unit for a prescribed period,
 - (b) may exclude an individual who occupied the uncommercial unit under a short-term letting as defined in the scheme.
 - (c) may apply to the individual a test by reference to the income (calculated in a prescribed way) derived from [^{F64}the trade or business of, or employment in, agriculture] including, if the scheme so provides, income so derived by the individual's wife or husband or partner or by any other person jointly occupying the land.
- (3) A scheme under this section may authorise the making of grant subject to such conditions as the appropriate Minister may specify.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Grants shall not be payable under this section to any one individual in respect of more than one uncommercial unit, and a scheme under this section shall contain provisions for securing that the amount of the grant payable in respect of an uncommercial unit occupied by more than one individual is an amount which is not more than approximately equivalent to the amount which would be payable if it had been occupied by a single individual.
- (5) A scheme under this section may provide that, after the death of a person in receipt of a grant by way of annuity, grant under this section of an amount specified in the scheme may be payable to a surviving widow or widower.
- [A scheme under this section may make provision, in a case where a person who has
- ^{F65}(5A) submitted an application for a grant under this section, and who has in prescribed circumstances either relinquished or become under an obligation to relinquish occupation of the uncommercial unit of agricultural land in question, subsequently dies before the application has been dealt with, for the application to be proceeded with after the death and for grants under this section of such respective amounts as may be determined by or under the scheme to be payable either—
- (a) by way of annuity—
 - (i) in respect of any period after the relinquishment and before the death, for the benefit of the deceased's estate; and
 - (ii) in respect of any period falling after both the relinquishment and the death, to any person who was both at the date of the death and at the time when the application was made the spouse of the deceased; or
 - (b) by way of a lump sum payment for the benefit of the deceased's estate.]
- [A scheme made [^{F67}by virtue of subsection (1)(a), (b) or (d) of this section] may make
- ^{F66}(5B) provision whereby a person is treated for the purposes of the scheme, to such extent and in such cases as may be prescribed—
- (a) as the occupier of any land in respect of which he has granted, or agreed to grant, to another person a licence or tenancy of a kind not making that other person a tenant as defined in the [^{F68}Agricultural Holdings Act 1986] (or, in Scotland, [^{F69}the Agricultural Holdings (Scotland) Act 1991]);
 - (b) as relinquishing his occupation of that land if he relinquishes his remaining estate or interest in the land;
 - (c) as relinquishing his occupation of, or of part of, an uncommercial unit of agricultural land if the land was, or was part of, such a unit immediately before he first granted or agreed to grant such a licence or tenancy as aforesaid;
- and, in relation to any provision made by virtue of this subsection, subsections (2), (4) and (5A) of this section shall not apply but provision may be made in the scheme for corresponding purposes.]
- (6) The duration of a scheme under this section shall be a period not exceeding seven years, but that period may be extended from time to time by subsequent schemes under this section for periods not exceeding seven years.
- (7) Any grant under this section shall be paid out of money provided by Parliament.]

Textual Amendments

F60 S. 27 repealed (N.I) by S.I. 1987/166 (N.I. 1) art. 20, Sch.

F61 Words substituted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62) , s. 9(1)(3)(a)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F62** Words substituted by [Agriculture Act 1970 \(c. 40\)](#) , **s. 32(3)(a)**
- F63** S. 27(1)(d) substituted by [S.I. 1976/1771](#) , **reg. 2**
- F64** Words substituted by [S.I. 1973/1402](#) , **reg. 4(b)**
- F65** S. 27(5A) inserted by [Agriculture Act 1970 \(c. 40\)](#) , **s. 32(3)(b)**
- F66** S. 27(5B) inserted by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#) , **s. 9(1)(3)(b)**
- F67** Words substituted by [S.I. 1973/1402](#) , **reg. 4(c)**
- F68** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#) , ss. 99 , 100 , [Sch. 13 para. 3](#) , [Sch. 14](#) , para. 38
- F69** Words in s. 27(5B) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#) , ss. 88(1) , 89(2) , [Sch. 11](#) , para.27

28 Loans to assist amalgamations and boundary adjustments.

[^{F70}(1) The appropriate Minister may with the approval of the Treasury make or guarantee loans to meet expenditure incurred in connection with an amalgamation or boundary adjustment approved by the appropriate Minister in pursuance of a scheme under section 26 of this Act, being—

- (a) the costs of the amalgamation or boundary adjustment consisting of surveyor's fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security and any compensation for disturbance under [^{F71}section 60(2)(a) of the Agricultural Holdings Act 1986] or [^{F72}section 43 of the Agricultural Holdings (Scotland) Act 1991], or
- (aa) expenditure incurred in the carrying out or provision of works or facilities which the appropriate Minister considers to be necessary or desirable as a consequence of the amalgamation, or to be necessary as a consequence of the boundary adjustment, or
- (b) any part of the purchase price of any land acquired as part of the amalgamation or as the case may be any part of the purchase price of land acquired, or of money given by way of equality of exchange, as part of the boundary adjustment,

or expenditure under all or any two of paragraphs (a), (aa) and (b) above.]

(2) A loan made by the appropriate Minister—

- (a) may be effected through the agency of such body or bodies as the appropriate Minister may select,
- (b) must have been approved by the appropriate Minister on an application made in the manner directed by him and within the period of duration of schemes under section 26 of this Act, or within such longer period as the appropriate Minister may determine.

(3) A loan guaranteed by the appropriate Minister shall be a loan made by such body or bodies as the appropriate Minister may select.

(4) A loan made or guaranteed by the appropriate Minister must be one repayable as to both capital and interest within a period of sixty years from the making of the loan.

(5) The appropriate Minister may in making a loan or guarantee under this section impose such conditions as he thinks fit.

(6) After the giving of a loan or guarantee under this section in connection with an amalgamation the relevant unit shall be subject to the provisions of Schedule 3 to this Act and—

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the appropriate Minister shall not approve the proposals for the amalgamation unless satisfied that all persons having an estate or interest in the relevant unit have given their written consent to the application of that Schedule to the relevant unit,
 - (b) the relevant unit shall be, or be the part of, the agricultural unit or units specified for the purposes of this subsection by the appropriate Minister in the document giving his approval to the proposals, and
 - (c) in the said Schedule 3 as applied by this subsection “relevant Exchequer payments” shall mean—
 - (i) in the case of a loan, the amount of the loan and interest outstanding and, so far as the lender has been required to accept repayment at a time earlier than that agreed in making the loan, the cost, or so much thereof as the appropriate Minister may determine, of reinvestment and, if the rate of interest on the loan is higher than can reasonably be expected to be obtained on reinvestment (regard being had to the current rate of interest) compensation in respect of the loss thereby sustained or such part thereof as the appropriate Minister may determine,
 - (ii) in the case of a guarantee, any amount paid by the appropriate Minister in fulfilment of the guarantee,
 - (iii) in either case, such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with making the loan or guarantee and, in the case of a guarantee, in fulfilling the guarantee,
 - (d) in the said Schedule 3 as applied by this section “relevant date” shall mean—
 - (i) for any administrative expenses related to a loan within subsection (6)(c)(i) above, the date when the loan is made,
 - (ii) for sums within subsection (6)(c)(ii) above, and any related administrative expenses, the date when the guarantee is fulfilled.
- (7) In the case of a loan or guarantee made under this section in connection with a boundary adjustment the appropriate Minister may, if he thinks fit, designate in the document giving his approval to the proposals any land appearing to him to benefit from the boundary adjustment as land which, after the making of the loan or guarantee, is to be a relevant unit subject to the provisions of Schedule 3 to this Act, and paragraphs (a),(c) and (d) of the last foregoing subsection shall apply in relation to the boundary adjustment as they apply in relation to an amalgamation.
- (8) A mortgage, heritable security or charge securing a loan made or guaranteed by the appropriate Minister under this section may, notwithstanding any rule of law or equity to the contrary, contain a provision that the mortgage, heritable security or charge shall not be redeemable except in the manner specified in the mortgage, heritable security or charge.
- (9) Any sums required by the appropriate Minister for making a loan under this section or fulfilling a guarantee made under this section shall be paid out of money provided by Parliament.
- (10) References in this section to the guarantee of a loan include references to the guarantee of part of a loan, including a guarantee restricted to interest payable on a loan.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F70** S. 28(1) substituted by virtue of Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), s. 9(9), **Sch. 4**
- F71** Words substituted by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 39**
- F72** Words in s. 28(1)(a) substituted (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(1), 89(1), **Sch. 11**, para. 28

Modifications etc. (not altering text)

- C25** S.28(5) amended by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), s. 10(4)
- C26** S.28(6)(7) excluded by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), s. 10(3)

29 Promotion of amalgamations and boundary adjustments by Minister.

- (1) It is hereby declared that the appropriate Minister has power under sections 82 and 90 of the ^{M19}Agriculture Act 1947 and sections 55 and 61 of the ^{M20}Agriculture (Scotland) Act 1948 (powers of acquiring land by agreement and managing land) to acquire, hold and dispose of land for the purposes of effecting amalgamations of agricultural land and reshaping agricultural units.
- (2) That power shall include in particular power for the said purposes to enter into transactions involving loss, including—
 - (a) amalgamating holdings of land in a way which renders less valuable, or useless, any buildings or equipment on any of the land,
 - (b) allowing the occupier of an uncommercial unit to retain occupation of a dwelling-house on the land when the remainder of the unit is acquired by the appropriate Minister for the purposes of amalgamation,
 - (c) selling land resulting from an amalgamation effected by the appropriate Minister subject to depreciatory conditions imposed for the purpose of ensuring that the land continues to be held in single ownership and single occupation for agricultural purposes.
- (3) A deed by which the appropriate Minister conveys land, or an estate or interest in land, may apply Schedule 3 to this Act to any of that land, and to any other land, but only if all the persons who will have an estate or interest in the land to which Schedule 3 is so applied [^{F73}have executed] the deed; and in that Schedule as so applied “relevant Exchequer payments” shall mean such amounts as are specified in the deed for the purposes of this subsection under the heads of—
 - (a) the incidental costs incurred by the appropriate Minister in acquiring and disposing of the land, estate or interest conveyed by the deed, being costs consisting of surveyor’s fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security, and any compensation for disturbance under [^{F74}section 60(2)(a) of the Agricultural Holdings Act 1986] or [^{F75}section 43 of the Agricultural Holdings (Scotland) Act 1991],
 - (b) any such loss as is described in subsection (2) of this section incurred by the appropriate Minister in dealing with the land, estate or interest so conveyed, including any reduction in the purchase price obtained by him on the transaction effected by the deed in consequence of the depreciatory conditions contained in the deed,

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with the transaction to which the deed gives effect,
- and “relevant date” means the date on which the transaction to which the deed relates takes effect.
- (4) Section 24(1) of the ^{M21}Agricultural Holdings Act 1948 and [^{F75}section 22(1) of the Agricultural Holdings (Scotland) Act 1991] (which restrict the operation of a notice to quit an agricultural holding) shall not apply to a notice to quit given by the appropriate Minister where—
- (a) the appropriate Minister certifies in writing that the notice to quit is given in order to enable him to use or dispose of the land for the purpose of effecting any amalgamation or the reshaping of any agricultural unit, and
- (b) the instrument under which the tenancy was granted contains an acknowledgment signed by the tenant that the tenancy is subject to the provisions of this section.
- (5) Where an instrument bearing to grant a tenancy contains such an acknowledgment as is mentioned in paragraph (b) of the last foregoing subsection, the grant of the tenancy shall have effect notwithstanding section 16 of the ^{M22}Crofters (Scotland) Act 1955 (vacant crofts), and during the subsistence of the tenancy the provisions of the ^{M23}Crofters (Scotland) Acts 1955 and 1961 and of the Small Landholders (Scotland) Acts 1886 to 1931 shall not apply to any land subject to the tenancy.

Textual Amendments

- F73** Words substituted by [Agriculture Act 1970 \(c. 40\), s. 33\(2\)](#)
- F74** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\), ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 40](#)
- F75** Words in s. 29(3)(a)(4) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\), ss. 88\(1\), 89\(2\), Sch. 11, para. 29\(a\)\(b\)](#)

Modifications etc. (not altering text)

- C27** [S. 29\(4\)](#) repealed (E.W.) by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\), Sch. 2](#), except in relation to notices to quit given before 7.4.1978: see s. 14 of that 1977 Act.

Marginal Citations

- M19** 1947 c. 48.
- M20** 1948 c. 45.
- M21** 1948 c. 63.
- M22** 1955 c. 21.
- M23** 1961 c. 58.

Textual Amendments

- F76** [Ss. 30–32, 36, 37\(3\)\(5\)](#) repealed by [Agriculture Act 1970 \(c. 40\), ss. 29\(6\)\(7\), 113\(3\), Sch. 5 Pt. I](#)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Promotion of agricultural investment

31, 32. ^{F77}

Textual Amendments
F77 Ss. 30–32, 36, 37(3)(5) repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 29(6)(7), 113(3), **Sch. 5 Pt. I**

33 Supplements to improvement and water supply grants.

- (1) Subject to subsections (2) and (3) below, the appropriate Minister may, out of money provided by Parliament, make in respect of any grant to which this section applies a supplementary grant, payable in such manner as the appropriate Minister may determine, of an amount equal (subject to any order under section 34 of this Act) to five per cent. of the cost or expenditure by reference to which the amount of the first-mentioned grant (hereafter referred to as “the basic grant”) was calculated.
- (2) No grant shall be made under this section unless application for payment of the basic grant, or of the first instalment of the basic grant, was first made on or after 17th January 1966; and no grant shall be so made in any case where the amount of the basic grant exceeds or exceeded forty-five per cent. of the cost or expenditure by reference to which it was calculated.
- (3) Where any grant to which this section applies is payable by instalments on the completion of parts of the work in respect of which it is made, each instalment thereof shall be treated for the purposes of subsections (1) and (2) above as if it were a separate grant.
- (4) Subject to any order under section 34 of this Act, the following are the grants to which this section applies—
 - (a) ^{F78}
 - (c) grants made under section 1(1) of the ^{M24}Horticulture Act 1960 (horticultural improvements); . . . ^{F79}
 - (d) ^{F79}
- (5) A grant may be made under this section subject to such conditions as the appropriate Minister may think fit to impose.

Textual Amendments
F78 S. 33(4)(a)(b) repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 29(6)(7), 113 (3), Sch. 5 Pt. I
F79 Word and s. 33(4)(d) repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 29(6)(7), 113(3), **Sch. 5 Pt. I**

Marginal Citations
M24 1960 c. 22.

34 Power to vary rates, and extend scope, of grants for agricultural investment.

- (1) Orders may from time to time be made under this section—

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) varying, either generally or as respects expenditure or, as the case may be, basic grants of a description therein specified, the rate at which grant is payable under . . . ^{F80}section 33 of this Act;
- (b) ^{F81}
- (2) An order under this section—
- (a) 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,
- (b) shall be made with the consent of the Treasury, and by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly if it is made for Great Britain or the United Kingdom, and the appropriate Minister in any other case,
- (c) may contain such incidental and supplemental provisions as appear appropriate to the Minister of Agriculture, Fisheries and Food and the Secretary of State or, as the case may be, to the appropriate Minister,
- (d) may be varied or revoked by a subsequent order,
- (e) shall be made by statutory instrument.
- (3) A statutory instrument containing an order under subsection (1)(a) above, . . . ^{F80} providing for the payment of grants at a rate other than that specified in section . . . ^{F80}33(1) of this Act, shall be laid before the House of Commons after being made, and the order shall cease to have effect at the end of twenty-eight days after that on which it is made (but without prejudice to anything previously done under the order or to the making of a new order) unless before the end of that period the order is approved by resolution of that House.
- In reckoning any period of twenty-eight days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the House of Commons is adjourned for more than four days.
- (4) A statutory instrument containing any other order under subsection (1) above shall be subject to annulment in pursuance of a resolution of the House of Commons.

Textual Amendments

F80 Words repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 29(6)(7), 113(3), [Sch. 5 Pt. I](#)

F81 [S. 34\(1\)\(b\)\(c\)](#) repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 29(6), 113(3), [Sch. 5 Pt. I](#)

Modifications etc. (not altering text)

C28 [S. 34\(2\)](#): Functions of the Secretary of State or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by [S.I. 1999/3141](#), [arts. 2\(3\)\(5\)](#) (with [art. 3](#))

Supplemental

[35] ^{F82} General provisions for schemes under Part II.

A scheme under section 26 or section 27 of this Act—

- (a) shall be made by the appropriate Minister with the approval of the Treasury,
- (b) [^{F83} without prejudice to the provisions of subsection (4) of the said section 26 as to schemes under that section, may, in the case of a scheme under the said section 27]] authorise the making of different grant in different circumstances,

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) may authorise the reduction or withholding of grant where assistance in respect of expenditure for which the grant is made is or may be given otherwise than under the scheme, but so that where expenditure, or part of expenditure, is eligible for grant at different rates, grant at the higher rate shall be allowed,
- (d) may authorise the reduction or withholding of grant in respect of land for the benefit of which any other prescribed grant or contribution has been made out of money provided by Parliament or has been so made within a prescribed period,
- (e) 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,
- (f) may contain such incidental and supplemental provisions as appear to the appropriate Minister expedient [^{F83}including transitional provisions treating as having been done under or in pursuance of the scheme anything done under or in pursuance of a previous scheme]
- (g) may be varied or revoked by a subsequent scheme,
- (h) shall be made by statutory instrument of which a draft has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

F82 S. 35 repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, Sch.

F83 Words substituted by Agriculture Act 1970 (c. 40), s. 32(5)

36 ^{F84}

Textual Amendments

F84 Ss. 30–32, 36, 37(3)(5) repealed by Agriculture Act 1970 (c. 40), ss. 29(6)(7), 113(3), Sch. 5 Pt. I

37 Recovery of grant and revocation of approval.

[^{F85}(1) If at any time after the approval of proposals under section 26, section 27 . . . ^{F86}of this Act, and whether before or after the proposals have been fully carried out, it appears to the appropriate Minister—

- (a) that any condition imposed by the appropriate Minister in giving his approval has not been complied with, or
- (b) in the case of proposals for the carrying out of work, that the work has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed, or
- (c) that in connection with the submission of the proposals the person submitting them gave information on any matter which was false or misleading in a material respect,

the appropriate Minister may, on demand made after compliance with subsection (4) below, recover any grant or any part of a grant paid by him by reference to the proposals and revoke the approval in whole or in part.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) In the case of a grant under section 27 of this Act which is a lump sum payable by instalments or a grant by way of annuity the appropriate Minister may, in a case within paragraph (a) or paragraph (c) of subsection (1) above, after compliance with subsection (4) below direct that future instalments of the grant or annuity shall not be payable.

(3) F87

(a) shall give to any person to whom any payment by way of grant would be payable by reference to the proposals, or from whom any such payment would be recoverable, a written notification of the reasons for the action proposed to be taken by the appropriate Minister, and

(b) shall accord to each such person an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister, and

(c) shall consider the report by a person so appointed and supply a copy of the report to each person who is entitled to appear before the person submitting it.]

(5) F87

(6) Where a grant by reference to which a supplementary grant has been made under section 33 of this Act becomes recoverable in whole or in part, the supplementary grant shall also become recoverable on demand.

Textual Amendments

- F85** S. 37(1)–(4) repealed (N.I.) by S.I. 1987/166 (N.I. 1), **art. 20 Sch.**
- F86** Words repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 29(6)(7), 113(3), **Sch. 5 Pt. I**
- F87** Ss. 30–32, 36, 37(3)(5) repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 29(6)(7), 113(3), **Sch. 5 Pt. I**

Modifications etc. (not altering text)

- C29** S. 37 extended by [Agriculture Act 1970 \(c. 40\)](#), **s. 32(6)**, which provision is repealed (N.I.) by S.I. 1987/166 (N.I.1), **art. 20, Sch.**

38 F88

Textual Amendments

- F88** s. 38 repealed by [Rent Act 1968 \(c. 23\)](#), **Sch. 17** and [Rent \(Scotland\) Act 1971 \(c. 28\)](#), **Sch. 20**

39 Provisions relating to Northern Ireland.

(1) Subject to this section, this Part of this Act shall extend to Northern Ireland with the exception of section 28 and section 38 and, subject to the following provisions of this section, of section 29.

(2) [^{F89}The Department of Agriculture for Northern Ireland] may acquire by agreement any estate or interest in—

- (a) any land used for agriculture,
- (b) any other agricultural land,

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) where any such land as is mentioned in paragraph (a) or (b) above is offered to the said [F89Department] for acquisition by it on the condition that it also acquires other land not falling within either of those paragraphs, that other land,
- for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units.
- (3) The said [F89Department] may manage, farm or dispose of land acquired by it under subsection (2) above—
- (a) in such manner as appears to the said [F89Department] expedient for the purpose for which the land was acquired,
 - (b) if the said [F89Department] is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to the said [F89Department] expedient therefor,
- [F90and in section 27(1)(b) of this Act as it applies in Northern Ireland the reference to the appropriate Minister shall include a reference to the said [F89Department]].
- Section 45(3) of the ^{M25}Interpretation Act (Northern Ireland) 1954 shall have effect for the purposes of this subsection as it has effect for the purposes of an enactment of the Parliament of Northern Ireland passed after the commencement of that Act.
- (4) Sections 4 and 5 of the ^{M26}Land Law (Ireland) Act 1881 shall not have effect in relation to any tenancy granted by the said [F89Department] under subsection (3) above.
- (5) Subsections (2) and (3) above shall in particular confer power to enter into transactions involving loss, including transactions corresponding to those into which the appropriate Minister may enter under section 29(2) of this Act.
- [F91[[F93Sections 26(1)(a) and (bb) and 27(5B)] of this Act shall, in their application to
- ^{F92}(5A) Northern Ireland, have effect as if references to a tenant as defined in the Acts there mentioned were references to a tenant who holds under a contract of tenancy for a life or lives or for a term of years.]]
- (6) Section 29(3) of this Act, and Schedule 3 to this Act when read with the said section 29(3), shall apply in Northern Ireland as if—
- (a) the said [F89Department] were substituted for the appropriate Minister,
 - (b) the reference to legal costs in the said section 29(3)(a) included a reference to the costs of obtaining any requisite consent of [F89the Department of Finance for Northern Ireland],
 - (c) the said section 29(3)(a) included a reference to compensation for disturbance under section 3 of the ^{M27}Landlord and Tenant (Ireland) Act 1870.
- [F94(7) The functions conferred by this section on the said [F89Department] shall be exercised in accordance with arrangements made between the [F89Department] and the Minister of Agriculture, Fisheries and Food with the approval of the Treasury, and the Minister of Agriculture, Fisheries and Food shall pay out of money provided by Parliament any expenses incurred by the said [F89Department] in exercising those functions, and any sums received by that [F89Department] in exercising those functions (including any sums so received or recovered under Schedule 3 to this Act) shall be paid over to the said Minister.]

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F89** Words substituted by virtue of Northern Ireland Constitution Act 1973 (c.36), **Sch. 5 para.8(1)**
- F90** Words repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**
- F91** S. 39(5A) repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**
- F92** S. 39(5A) inserted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), **s.9(5)**
- F93** Words substituted by S.I. 1973/1402, **reg. 5**
- F94** S. 39(7) repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**

Marginal Citations

- M25** 1954 c. 53 (N.I.)
- M26** 1881 c. 49.
- M27** 1870 c. 46.

40 Interpretation of Part II.

- (1) In this Part of this Act, except where the context otherwise requires—
- “amalgamation” and “boundary adjustment” have the meanings given by section 26 of this Act;
- “exchange” in relation to land in Scotland means excambion;
- “prescribed”, in relation to the contents of a scheme, means prescribed by the scheme.
- (2) In this Part of this Act—
- (a) “commercial unit” means an agricultural unit which in the opinion of the appropriate Minister is capable, when farmed under reasonably skilled management, of providing full-time employment for an individual occupying it and for at least one other man (or full-time employment for an individual occupying it and employment for members of his family or other persons equivalent to full-time employment for one man);
- (b) “intermediate unit” means an agricultural unit which, in the opinion of the appropriate Minister, is capable, when farmed under reasonably skilled management, of providing full-time employment for an individual occupying it.
- In this subsection “full-time employment” shall be construed in accordance with any provisions defining that expression in any scheme made under section 26 of this Act.
- (3) In this Part of this Act “uncommercial unit” shall be construed by reference to the definition of commercial unit, except that, where the appropriate Minister so directs, it may be treated as referring to the relevant agricultural unit exclusive of any one dwelling house of the unit [^{F95} or of an area sufficient to provide a site for one dwelling house] and, if the Minister so directs, exclusive of any small portion of land to be occupied with that dwelling house.
- (4) Where any agricultural land in Scotland consists of or includes a croft or holding, for the purposes—
- (a) of determining under the preceding provisions of this section whether an agricultural unit formed by that land is commercial, intermediate or uncommercial, and
- (b) of calculating under section 27(2)(c) of this Act the income derived from the land,

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

the land shall be taken to include any right in pasture or grazing land held by the tenant or landholder whether alone or in common with others and deemed to form part of the croft or holding.

In this subsection “croft” and “holding” have the meanings ascribed to them by the ^{M28}Crofters (Scotland) Act 1955 and the Small Landholders (Scotland) Acts 1886 to 1931 respectively.

Textual Amendments

F95 Words inserted by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\), s. 9\(6\)](#)

Marginal Citations

M28 1955 c. 21.

PART III

HILL LAND

General

41, 42. **F96**

Textual Amendments

F96 Ss. 41, 42 repealed by [Agriculture Act 1970 \(c. 40\), ss. 29\(6\)\(7\), 113\(3\), Sch. 5 Pt. I](#)

43 **F97**

Textual Amendments

F97 S. 43 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. II](#)

44 **F98**

Textual Amendments

F98 S. 44 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. II](#)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Special measures for certain areas

45 Rural Development Boards.

- (1) With a view to applying the provisions of this Part of this Act for meeting the special problems of the development as rural areas of hills and uplands, and the special needs of such areas, the appropriate Minister may, in accordance with this Part of this Act, establish a Board, to be known as a Rural Development Board, for any area appearing to be one where those problems or needs exist.
- (2) Those special problems and needs include the special difficulties in the formation of commercial units of agricultural land in such areas, the need for an overall programme for guidance in making decisions as to the use of land in such areas for agriculture and forestry, so that those two uses are complementary, the need for improved public services in such areas in step with their development for agricultural and forestry purposes, and the need for preserving and taking full advantage of the amenities and scenery in those areas in the course of their development for those purposes.
- (3) The overall programme referred to in the preceding subsection is one having regard, among other things, to the special economic considerations and the long-term nature of forestry.
- (4) The amenities to which consideration is to be given under subsection (2) above shall include any feature of scientific or historic interest in those areas, and in particular, but without prejudice to the generality of the foregoing, their flora and fauna and physiological features, and any buildings of special interest.
- (5) Schedule 5 to this Act shall have effect as respects the procedure for establishing a Rural Development Board, and its constitution.
- [^{F99}(6) As respects the area of a Rural Development Board established under this section the provisions of this Part of this Act controlling sales of land and controlling afforestation shall be a local land charge, and for the purposes of the ^{M29}Local Land Charges Act 1975 the appropriate Minister shall be treated as the originating authority as respects such charge.]
- (7) ^{F100}
- (9) The provisions of subsections (6), . . . ^{F101}of this section shall not apply to Scotland, and on the establishment of a Rural Development Board in Scotland, the Secretary of State shall cause a notice referring to the provisions of this Part of this Act controlling sales of land and controlling afforestation to be lodged at the principal office of the county council of every county in the area of which any part of the Board's area lies, and the notice shall be available for inspection free of charge at all reasonable hours.
- (10) In the foregoing provisions of this section and the said Schedule 5 “the appropriate Minister” means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.
- (11) The appropriate Minister shall to such extent as may be approved by the Treasury pay out of money provided by Parliament any expenditure incurred, or to be incurred, by a Board in the performance of their functions.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F99** S. 45(6) substituted by [Local Land Charges Act 1975 \(c. 76\)](#), [Sch. 1](#)
F100 S. 45(7)(8) repealed by [Local Land Charges Act 1975 \(c. 76\)](#), s. 19, [Sch. 2](#)
F101 Words repealed by [Local Land Charges Act 1975 \(c. 76\)](#), s. 19, [Sch. 2](#)

Marginal Citations

- M29** 1975 c. 76.

46 Functions of Rural Development Boards.

- (1) It shall be the function of a Rural Development Board—
- (a) to keep under review all means of meeting the problems and needs described in the last foregoing section in their area,
 - (b) in consultation with such local authorities and other bodies as appear to the Board to have an interest, to draw up a programme for action to meet those problems and needs and, so far as the programme will entail expenditure by the Board, to submit to the appropriate Minister for his approval proposals for that expenditure,
 - (c) to concert, promote, assist or undertake measures to implement the programme subject, so far as those measures involve expenditure by the Board, to approval by the appropriate Minister.
- (2) The appropriate Minister may approve in whole or in part any proposals submitted to him under subsection (1)(b) above, or may refuse to approve them.
- (3) It shall be the duty of a Rural Development Board and of the Forestry Commission to co-ordinate the preparation and implementation of their proposals and programmes for the Board's area, and for that purpose to consult together at all stages and, where necessary, to act in concert.

Any dispute between them shall be referred to and determined by the appropriate Minister, and, in relation to Wales, “the appropriate Minister” in this subsection has the meaning given by subsection (10) of the last foregoing section.

- (4) In the discharge of their functions a Rural Development Board may—
- (a) acquire by agreement any land in their area,
 - (b) manage, improve, farm, sell, let or otherwise deal with any of their land, and may in particular sell or let any land subject to any depreciable conditions imposed in the interests of the community or for any purpose connected with the discharge of their functions,
 - (c) acquire by agreement any farming business or any dead or live farm stock,
 - (d) build on and otherwise develop any of their land, and in particular provide dwellings for their tenants and employees,
 - (e) provide equipment and services for persons who are their tenants and who are engaged or employed in agriculture or forestry,
 - (f) carry out or commission the carrying out of inquiries, investigations or researches in connection with the discharge of their functions.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

47 Boards' powers of giving financial assistance.

- (1) In the discharge of their functions a Rural Development Board may, in accordance with arrangements approved by the appropriate Minister and the Treasury, give financial assistance, whether by way of grant or loan or partly grant and partly loan, towards the undertaking of measures to implement any programme drawn up under section 46 of this Act, and in particular (subject to its being so approved)—
 - (a) financial assistance for providing or improving communications and public services in the Board's area,
 - (b) financial assistance towards expenditure incurred in installing or connecting a supply of electricity, gas or water to a dwelling-house or other premises used in connection with agriculture or forestry or for the improvement of accommodation on such premises for tourists, being expenditure incurred by an owner or occupier of the premises,
 - (c) financial assistance towards expenditure incurred in providing or improving a site on an agricultural or forestry unit for tourists' caravans or as a tourists' camping site, being expenditure incurred by the occupier of the agricultural or forestry unit.
- (2) On making a grant or loan under the foregoing subsection the Board may impose such conditions as they think fit, including, in the case of a grant, conditions for repayment in specified circumstances.

48 Promotion of amalgamations and boundary adjustments by Rural Development Boards. E+W

- (1) Without prejudice to the generality of section 46 of this Act, a Rural Development Board shall have power to acquire by agreement, hold and dispose of land in their area for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, and power for the said purposes to enter into transactions involving loss, including—
 - (a) amalgamating holdings of land in a way which renders less valuable, or useless, any buildings or equipment on any of the land,
 - (b) allowing the occupier of an uncommercial unit to retain occupation of a dwelling-house on the land when the remainder of the unit is acquired by the Board for the purposes of amalgamation,
 - (c) selling land resulting from an amalgamation effected by the Board subject to depreciatory conditions imposed for the purpose of ensuring that the land continues to be held in single ownership and single occupation for agricultural purposes.
- (2) A deed by which a Rural Development Board conveys land, or an estate or interest in land, may apply Schedule 3 to this Act to any of that land, and to any other land, but only if all the persons who will have an estate or interest in the land to which Schedule 3 is so applied [^{F102}have executed] the deed; and in that Schedule as so applied "relevant Exchequer payments" shall mean such amounts as are specified in the deed for the purposes of this subsection under the heads of:—
 - (a) the incidental costs incurred by the Board in acquiring and disposing of the land, estate or interest conveyed by the deed, being costs consisting of surveyor's fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security and any compensation

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

for disturbance under ^{F103}section 60(2)(a) of the Agricultural Holdings Act 1986] or ^{F104}section 43 of the Agricultural Holdings (Scotland) Act 1991],

- (b) any such loss as is described in subsection (1) of this section incurred by the Board in dealing with the land, estate or interest so conveyed, including any reduction in the purchase price obtained by them on the transaction effected by the deed in consequence of the depreciatory conditions contained in the deed,
- (c) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with the transaction to which the deed gives effect,

and “relevant date” means the date on which the transaction to which the deed relates takes effect.

- (3) Where under section 27(1)(b) or (c) of this Act a scheme under that section authorises the making of grant by reference to arrangements made or approved by a Rural Development Board, the Rural Development Board shall repay to the appropriate Minister the amount of any grant paid by the appropriate Minister under the scheme by reference to any such arrangements.

^{F105}[Case H in Part I of Schedule 3 to the Agricultural Holdings Act 1986 shall apply in ^{F106}(4) relation to a Rural Development Board as it applies in relation to the Minister within the meaning of that Act.]

- (5) In relation to any tenancy certified by a Rural Development Board in the instrument by which the tenancy is granted as being a tenancy granted in connection with transactions entered into by the Board for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, ^{F107}section 14 of the ^{M30}Rent Act 1977] and ^{F107}section 5 of the ^{M31}Rent (Scotland) Act 1971] (exclusion of local authority houses from Rent Acts) shall apply to the Rural Development Board as they apply to the council of a county or other local authority.

Textual Amendments

- F102** Words substituted by [Agriculture Act 1970 \(c. 40\), s. 33\(2\)](#)
- F103** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 41**
- F104** Words in s. 48(2)(a) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11, para. 30**
- F105** S. 48(4) substituted (E.W.) by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 41(3)**
- F106** S. 48(4) substituted (E.W.) by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\), Sch. 1 para. 4](#) except in relation to notices to quit given before 7.4.1978: *ibid.*, s. 14
- F107** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)

Marginal Citations

- M30** 1977 c. 42.
- M31** 1971 c. 28.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

48 Promotion of amalgamations and boundary adjustments by Rural Development Boards. **S**

- (1) Without prejudice to the generality of section 46 of this Act, a Rural Development Board shall have power to acquire by agreement, hold and dispose of land in their area for the purpose of effecting amalgamations of agricultural land and reshaping agricultural units, and power for the said purposes to enter into transactions involving loss, including—
 - (a) amalgamating holdings of land in a way which renders less valuable, or useless, any buildings or equipment on any of the land,
 - (b) allowing the occupier of an uncommercial unit to retain occupation of a dwelling-house on the land when the remainder of the unit is acquired by the Board for the purposes of amalgamation,
 - (c) selling land resulting from an amalgamation effected by the Board subject to depreciatory conditions imposed for the purpose of ensuring that the land continues to be held in single ownership and single occupation for agricultural purposes.
- (2) A deed by which a Rural Development Board conveys land, or an estate or interest in land, may apply Schedule 3 to this Act to any of that land, and to any other land, but only if all the persons who will have an estate or interest in the land to which Schedule 3 is so applied [^{F156}have executed] the deed; and in that Schedule as so applied “relevant Exchequer payments” shall mean such amounts as are specified in the deed for the purposes of this subsection under the heads of:—
 - (a) the incidental costs incurred by the Board in acquiring and disposing of the land, estate or interest conveyed by the deed, being costs consisting of surveyor’s fees and legal costs, stamp duty on any conveyance, lease, tenancy agreement or mortgage or heritable security and any compensation for disturbance under [^{F157}section 60(2)(a) of the Agricultural Holdings Act 1986] or [^{F158}section 43 of the Agricultural Holdings (Scotland) Act 1991],
 - (b) any such loss as is described in subsection (1) of this section incurred by the Board in dealing with the land, estate or interest so conveyed, including any reduction in the purchase price obtained by them on the transaction effected by the deed in consequence of the depreciatory conditions contained in the deed,
 - (c) such sum as the appropriate Minister may certify as the sum representing his administrative expenses (including an appropriate proportion of overhead expenses and other fixed or general expenses) incurred in connection with the transaction to which the deed gives effect,and “relevant date” means the date on which the transaction to which the deed relates takes effect.
- (3) Where under section 27(1)(b) or (c) of this Act a scheme under that section authorises the making of grant by reference to arrangements made or approved by a Rural Development Board, the Rural Development Board shall repay to the appropriate Minister the amount of any grant paid by the appropriate Minister under the scheme by reference to any such arrangements.
- (4) Section 29(4) and (5) of this Act shall apply in relation to a Rural Development Board as they apply in relation to the appropriate Minister.
- (5) In relation to any tenancy certified by a Rural Development Board in the instrument by which the tenancy is granted as being a tenancy granted in connection with transactions entered into by the Board for the purpose of effecting amalgamations of agricultural

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

land and reshaping agricultural units, [^{F159}section 14 of the ^{M65}Rent Act 1977] and [^{F159}section 5 of the ^{M66}Rent (Scotland) Act 1971] (exclusion of local authority houses from Rent Acts) shall apply to the Rural Development Board as they apply to the council of a county or other local authority.

Extent Information

E3 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

F156 Words substituted by [Agriculture Act 1970 \(c. 40\), s. 33\(2\)](#)

F157 Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\), ss. 99, 100, Sch. 13 para. 3, Sch. 14 para. 41](#)

F158 Words in s. 48(2)(a) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\), ss. 88\(1\), 89\(2\), Sch. 11, para. 30](#)

F159 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)

Marginal Citations

M65 1977 c. 42.

M66 1971 c. 28.

49 Control of sale of certain land.

- (1) Subject to this and the next following section, any transfer of land in the area of a Rural Development Board shall require the Board's written consent.
- (2) An application for consent under this section shall be in such form as the Board direct, and on the application the Board may refuse or grant the consent applied for.
- (3) The Board shall not refuse consent unless they are satisfied that the land to which the application relates, if acquired by them in accordance with this section—
 - (a) can suitably be used or disposed of by them for the purpose of effecting amalgamations of agricultural land or reshaping agricultural units, or
 - (b) can suitably be used or disposed of by them in a way which will promote the co-ordination of the use of land for forestry and agriculture, or
 - (c) is land which, in the opinion of the Board and the Forestry Commission, ought to be planted by the Forestry Commission, or
 - (d) can suitably be used or disposed of by them for some purpose ancillary to the use of other land for agriculture or forestry,
 or unless the Board are satisfied that refusal of their consent will prevent the creation of an uncommercial unit of agricultural land.
- (4) The Board shall, within two months of receipt of an application duly made for consent under this section, serve on the applicant notice of the manner in which the application has been dealt with; and, except where their decision is to grant their consent, the notice shall give the reasons for their decision.
- (5) Within two months of receipt of a notice under the last foregoing subsection stating that the Board withhold consent the applicant may appeal to the appropriate Minister on the ground that the application for consent ought to be granted, and before determining the appeal the appropriate Minister shall, if either the appellant or the Board so desire,

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the appropriate Minister for the purpose; and in relation to appeals under this section—

- (a) where the appeal is to the Minister of Agriculture, Fisheries and Food, [^{F108}section 289 of the Town and Country Planning Act 1990] (appeals to High Court from decision of Minister) shall apply in relation to an appeal under this subsection as it applies in relation to an appeal under [^{F109}Part VII of that Act] against an enforcement notice, and
 - (b) where the appeal is to the Secretary of State, the Secretary of State may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings, and an appeal shall lie to the Court of Session on any question of law from the decision of the Secretary of State.
- (6) Within three months from the date of receipt of a notice under subsection (4) of this section stating that the Board withhold consent or, if an appeal is brought under subsection (5) of this section which does not result in the granting of consent, from the final determination of the appeal, the applicant may serve on the Board a notice requiring the Board to purchase the estate or interest proposed to be transferred by him in the transaction to which the application relates, and the following provisions of this section (under which the Board can be compelled to purchase it) shall have effect.
- (7) Subject to the following provisions of this section, on service of a notice under the last foregoing subsection—
- (a) the Board shall be deemed to be authorised to acquire compulsorily the estate or interest to which the notice relates by a compulsory purchase order,
 - (b) the Board shall be deemed to have served a notice to treat in respect of that interest at that time,
- and in relation to this subsection—
- (i) “compulsory purchase order” means an order to which Part I of the ^{M32}Compulsory Purchase Act 1965 applies, or, as the case may be, an order which has become operative under the ^{M33}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
 - (ii) the power of withdrawal of a notice to treat conferred by section 31 of the ^{M34}Land Compensation Act 1961 or section 39 of the ^{M35}Land Compensation (Scotland) Act 1963, and the power of entry conferred by section 11(1) of the said Act of 1965 or by paragraph 3 of Part I of Schedule 2 to the said Act of 1947, shall not be exercisable in relation to a notice to treat deemed to be served by virtue of paragraph (b) of this subsection.
- (8) The applicant may withdraw the purchase notice—
- (a) where there has been a final determination by the Lands Tribunal on the question of compensation payable pursuant to the purchase notice, within six weeks from the date of the final determination, and
 - (b) in any other case, at any time before the acceptance in writing by the applicant of an unconditional offer in writing by the Board of a sum as such compensation,

but the applicant shall be liable to pay compensation to the Board for any loss or expense occasioned to the Board by the giving and withdrawal of the purchase notice.

For the purposes of this subsection a claim shall not be deemed to be finally determined so long as the time for requiring the Lands Tribunal to state a case with respect thereto,

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

or for appealing from any decision on the points raised by a case so stated, has not expired.

- (9) If the applicant's estate or interest in the land to which the application relates is greater than what is proposed to be transferred by the transaction to which the application relates, the Board may by notice given to the applicant within two months of receipt of the purchase notice require that the purchase notice shall apply to all the estate or interest of the applicant in the land.
- (10) An application for consent under this section must be sent to the Board by registered post or recorded delivery service, or delivered to the secretary or chief officer of the Board, and if within the period specified in the next following subsection the Board do not notify the applicant of their decision on the application, this section shall have effect as if at the expiration of that period the Board had granted the consent; and it shall be the duty of the Board to give a written consent to the applicant accordingly.
- (11) Any applicant who has not received a notice as required by subsection (4) of this section may by notice (to be served on the Board in the way required for service of his application) require the Board to make good their default and the period at the end of which subsection (10) above shall operate shall be the period of fourteen days from the service of that notice.
- (12) In relation to Scotland, any reference in this section to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland, but until sections 1 to 3 of the ^{M36}Lands Tribunal Act 1949 come into force as regards Scotland, such reference in subsection (8)(a) of this section shall be construed as referring to an official arbiter appointed under Part I of the ^{M37}Land Compensation (Scotland) Act 1963.
- (13) References in this and the next following section to the transfer of land include references to the granting of a lease of land for a term exceeding 10 years, and to assigning a lease of land with an unexpired term exceeding 10 years, but in relation to the grant of a lease references in this section to the estate and interest of the person transferring or proposing to transfer the land shall be taken as references to his estate and interest both in the reversion and the lease.
- (14) In the application of this section to Scotland, for the last foregoing subsection there shall be substituted the following subsection—
- “(13) For the purposes of this and the next following section, any grant of a lease for a period exceeding 10 years and any assignation of a lease with an unexpired period exceeding 10 years shall be a transfer of land, and in relation to the grant of a lease any references in this section to the estate and interest of the person transferring or proposing to transfer the land shall be taken as references to his estate and interest in the lease and in the land subject thereto”.

Textual Amendments

F108 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 15\(1\)\(a\)](#)

F109 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 15\(1\)\(b\)](#)

Modifications etc. (not altering text)

C30 S. 49 excluded by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\), s. 47](#)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

- M32 1965 c. 56.
- M33 1947 c. 42.
- M34 1961 c. 33.
- M35 1963 c. 51.
- M36 1949 c. 42.
- M37 1963 c. 51.

50 Control of sale of certain land: exceptions and supplemental provisions.

- (1) The last foregoing section shall only apply to land which at the time when it is or is to be transferred is agricultural land or woodland or unenclosed mountain, hill or heath land, or common land or waste land.
- (2) Where one of the grounds on which an appeal is brought under subsection (5) of the last foregoing section is that the proposed transfer is part of a proposed transaction involving land in the Board's area which is not within subsection (1) of this section, or involving land which is not within the Board's area, the appropriate Minister may, if he decides not to allow the appeal but is of opinion that the appellant would be substantially prejudiced if he is unable to dispose in one transaction of all the land comprised in the proposed transaction, with the consent of the appellant direct that any purchase notice served under the last foregoing section by the appellant shall relate both to the land to which the application relates and also to the other land, or such part of it as the appropriate Minister may direct.
- (3) The last foregoing section shall not apply to a transfer to or from—
 - (a) a local authority,
 - [^{F110}(aa) a National Park authority;]
 - (b) statutory undertakers as defined in [^{F111}section 336(1) of the Town and Country Planning Act 1990] or [^{F112}section 214 of the Town and Country Planning (Scotland) Act 1997],
 - (c) any body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof,
 - (d) the National Trust,
 - [^{F113}(e) . . .
 - (f) the Natural Environment Research Council,
 - [^{F114}(g) the National Rivers Authority or any water undertaker or sewerage undertaker;]
 - [^{F115}(h) an internal drainage board ^{F116} . . .]

In this subsection the “National Trust” means in relation to Scotland the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the ^{M38}National Trust for Scotland Order Confirmation Act 1935; ^{F117} . . .
- (4) The last foregoing section shall not apply to a transfer by an individual to a member of his family or to the trustees of a settlement exclusively for the benefit of members of his family, and in this subsection “family” means the individual's husband or wife, any lineal descendant or ancestor of his, and his brother and sister and any child of a brother or sister, and in deducing any such relationship an adopted child shall be

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

treated as a child and any relationship of the half blood shall be treated as a relationship of the whole blood.

- (5) The last foregoing section shall not apply to a transfer of land effected in pursuance of a contract of sale concluded before the land came to be in the area of the Board or, if the order establishing the Board so provides, before the expiry of such period not exceeding three months from the date on which it is established as may be specified in the order.
- (6) The last foregoing section shall not apply—
- (a) to a transfer to give effect to the devolution of land on death or bankruptcy or sequestration or under the terms of a settlement, or
 - (b) to a transfer in exercise of the rights conferred on a mortgagee heritable creditor or chargee by a mortgage heritable security or charge created before the relevant land came to be in the area of the Board.
- (7) If land is transferred in contravention of subsection (1) of the last foregoing section the Board shall be deemed to be authorised to acquire all the estate and interest of the transferor in the land transferred (whether in his hands, or in the hands of persons deriving title under him) by a compulsory purchase order, but any notice to treat given in pursuance of this subsection shall be served within six years from the date of transfer.
- “Compulsory purchase order” has the same meaning as in section 49(7) of this Act, and ^{F118}Part IV of the Acquisition of Land Act 1981] and Part IV of Schedule 1 to the ^{M39}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (validity of compulsory purchase orders) shall apply in relation to any notice to treat served in pursuance of this subsection as they apply in relation to a compulsory purchase order.
- (8) In assessing compensation in accordance with section 5 of the ^{M40}Land Compensation Act 1961 or section 12 of the ^{M41}Land Compensation (Scotland) Act 1963 (which relate to compulsory purchases of land) no account shall be taken of any depreciation of the value of the relevant interest which is attributable to the provisions of the last foregoing section and this section.
- (9) Failure to obtain consent under subsection (1) of the last foregoing section to any transaction shall not invalidate that transaction.

Textual Amendments

- F110** S. 50(3)(aa) inserted (23.11.1995) (E.W.) by 1995 c. 25 , s. 78 , **Sch. 10 para. 6** (with ss. 7(6) , 115 , 117 , **Sch. 8 para. 7**) ; S.I. 1995/2950 , **art. 2(1)**
- F111** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2) , s. 4 , **Sch. 2 para. 15(2)**
- F112** Words in s. 50(3)(b) substituted (27.5.1997) by virtue of 1997 c. 11 , s. 4 , **Sch. 2 para. 14(1)**
- F113** S. 50(3)(e) repealed (1.4.1997) by 1995 c. 25 , s. 120(3) , **Sch. 24** (with ss. 7(6) , 115 , 117 , **Sch. 8 para. 7**) ; S.I. 1996/2560 , **art. 2** , **Sch.**
- F114** S. 50(3)(g) substituted by **Water Act 1989** (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)–(10), 190, 193(1), **Sch. 25**, para. 34, **Sch. 26**, paras. 3(1)(2), 17, 40(4), 57(6), 58
- F115** S. 50(3)(g)(h) added (E.W.) by **Agriculture (Miscellaneous Provisions) Act 1968** (c. 34) , **s. 47**
- F116** Words in s. 50(3)(h) repealed (1.12.1991) by virtue of **Water Consolidation (Consequential Provisions) Act 1991** (c. 60, SIF 130) , ss. 3(1) , 4(2) , **Sch. 3 Pt. I** (with s. 2 , **Sch. 2** paras. 10 , 14(1) , **15**)
- F117** Words in s. 50(3) repealed (1.4.1997) by 1995 c. 25 , s. 120(3) , **Sch. 24** (with ss. 7(6) , 115 , 117 , **Sch. 8 para. 7**) ; S.I. 1996/2560 , **art. 2** , **Sch.**

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F118 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 15\(2\)](#)

Modifications etc. (not altering text)

C31 S. 50 extended (E.W.S.) by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), [Sch. 7 para. 2\(1\)\(xix\)](#), [Sch. 8 para. 33](#)

C32 S. 50 extended (E.W.S.) by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), [Sch. 16 para. 1\(1\)\(xviii\)](#), [Sch. 17 paras. 33, 35\(1\)](#)

C33 S. 50 extended (1.3.1996) by [1995 c. 45](#), s. 16(1), [Sch. 4 para. 2\(1\)\(xiv\)](#); [S.I. 1996/218](#), [art. 2](#)

Marginal Citations

M38 [1935 c. ii](#).

M39 [1947 c. 42](#).

M40 [1961 c. 33](#).

M41 [1963 c. 51](#).

51 Schemes for co-ordinated amalgamations and reshaping of agricultural units.

- (1) If it appears to a Rural Development Board that in any part of their area there is a need, for the benefit of the community and for the mutual advantage of those owning and occupying the agricultural land, of a co-ordinated scheme of amalgamations of agricultural land, reshaping of agricultural units and afforestation to be effected by transfers and exchanges of land and grants, surrenders, renunciations and variations of tenancies, the Rural Development Board may proceed to make a scheme under this section.
- (2) The scheme—
 - (a) shall be based on a comprehensive plan for the uses of the land, including afforestation, and
 - (b) shall be published and made available for inspection in such manner, and with such maps, plans and notes, as the Board consider appropriate,and the Board shall, in publishing notice of the scheme and in such other ways as appear to them appropriate, invite submissions to the Board on any aspect of the scheme.
- (3) The Board shall report to the appropriate Minister on the substance of the submissions made to them on the scheme and the appropriate Minister, after taking that report into consideration, may if he thinks fit direct a public inquiry to be held as regards the scheme.
- (4) After taking the Board's report into consideration, together with the report of the person holding the public inquiry, if any, the appropriate Minister shall either reject the scheme or approve it with or without modifications.
- (5) If the appropriate Minister approves the scheme, with or without modifications, he shall publish notice of his approval in such manner as appears to him appropriate, and shall direct the Board to seek to negotiate with those concerned for the carrying into effect of the transactions required to implement the scheme.
- (6) The Board shall endeavour to arrive at proposals for a scheme which all concerned will be willing to implement, and for that purpose the Board may carry out all or any of the necessary negotiations for particular transactions, prepare or commission draft agreements, conveyances and other instruments and, by settling terms for inclusion in agreements for sale and other instruments or by drawing up a programme for the

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

carrying out of the transactions, make arrangements for ensuring that the scheme, or any interdependent transactions, cannot be partly fulfilled and partly unfulfilled; and may carry out that and any other preliminary work notwithstanding that, if the scheme is unfulfilled, their expenses may be irrecoverable.

- (7) If the appropriate Minister is satisfied—
- (a) that, except for transactions which in all involve the transfer of, or of estates or interests in, land (in this subsection called “the outstanding land”) of an [^{F119}area] small in comparison with the total [^{F119}area] of the land affected by the scheme, agreements, enforceable in law, have been made to enter into all the transactions required to implement, or complete the implementation of, the scheme,
 - (b) that the Board have entered into agreements, enforceable in law, such that, if they acquired the outstanding land, there would be agreements, enforceable in law, to carry out all the transactions required to implement, or complete the implementation of, the scheme,
 - (c) that the terms of the scheme on which the transactions transferring the outstanding land were to be carried out were equitable,

the Board may be authorised by the appropriate Minister to acquire the outstanding land compulsorily, and the [^{F120}Acquisition of Land Act 1981] or, as the case may be, the ^{M42}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply [^{F121}as if the Board were a local authority within the meaning of the relevant Act and as if this section were comprised in an Act in force immediately before the commencement of the relevant Act.]

- (8) In this section “the appropriate Minister” means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

Textual Amendments

F119 Word substituted by [S.I. 1978/244, reg. 2\(1\)](#)

F120 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 4 para. 1 Table](#)

F121 Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 6 Pt. I](#)

Marginal Citations

M42 [1947 c. 42.](#)

52 Control of afforestation.

- (1) Subject to this section, no person shall plant land in the area of a Rural Development Board with trees except under the authority of a licence granted by the Board.
- (2) Subsection (1) above shall not apply—
 - (a) to planting by the Forestry Commission,
 - (b) so long as the covenant, agreement or scheme in question continues in force, but without prejudice to the enforceability of any condition contained in a licence granted before it was entered into or, as the case may be, took effect, to land which is subject to a forestry dedication covenant or agreement as defined in section 5 of the ^{M43}Forestry Act 1967, or the subject of an approved woodlands scheme made under the powers contained in that Act or any enactment repealed by that Act,

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) to land which is, or at some time in the period of ten years before the planting has been, woodland,
 - (d) to the planting of land of an area not exceeding [^{F122}four hectares], but not so as to permit more than [^{F122}four hectares] of land in the ownership of any one person or, where two or more agricultural units are in the same ownership, more than [^{F122}four hectares] in each unit, to be planted in any period of twelve months,
 - (e) to the planting of fruit trees or to land forming part of an orchard,
 - (f) to land forming part of a public open space, or to land which it is not reasonably practicable to put to any beneficial use in its existing state,
 - (g) to planting required as a condition imposed on the granting of planning permission under [^{F123}the Town and Country Planning (Scotland) Act 1997] or [^{F124}the Town and Country Planning Act 1990] or as a condition attached to a felling licence granted, or having effect as if granted, under the ^{M44}Forestry Act 1967,
 - (h) if the order establishing the Board so provides, to planting carried out during such period not exceeding three months from the date on which it is established as may be specified in the order.
- (3) An application for a licence under this section shall be in such form as the Board direct, and on the application the Board may refuse or grant it either with or without conditions; and the Board shall exercise their powers under this section as a means of meeting the problems and needs described in section 45 of this Act in their area.
- (4) The Board may in particular grant a licence subject to any condition—
- (a) governing the kinds of trees planted,
 - (b) where the licence authorises the planting of a short-term crop, requiring the use of the land for growing trees to be discontinued by the end of a specified period, and requiring before the end of that period the carrying out of such works for the clearing of the land as will make it suitable for agricultural purposes,
 - (c) limiting the period within which the planting authorised by the licence is to be carried out,
 - (d) requiring the planting, and any fencing in connection therewith, to be carried out in such a way that access to other land will not be blocked.
- (5) A licence under this section shall name the person to whom it is granted, and shall authorise planting by that person only unless it is endorsed by the Board in favour of another; and—
- (a) the Board shall not endorse a licence in favour of any person except with the consent in writing of the person for the time being entitled to its benefit,
 - (b) subject to the foregoing paragraph, it shall be the duty of the Board to endorse a licence on the application in writing of a person owning for the time being the same estate or interest in the land to which the licence relates as that owned by the grantee of the licence at the time when it was granted or (by virtue of subsection (12) below) is deemed to have been granted,
 - (c) subject to that paragraph, in any other case the Board may grant or refuse an application for endorsement as they think fit.
- (6) The Board shall, within two months of receipt of an application duly made for a licence under this section, serve on the applicant, and on all persons other than the applicant who have an estate or interest in the land to which the application relates, other than a

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

minor tenancy, notice of the manner in which the application has been dealt with; and, except where their decision is to grant a licence without any conditions other than a condition requiring the planting which is authorised to be carried out within a period of five years from the grant of the licence, the notice shall give the reasons for their decision.

- (7) Within two months of receipt of a notice under subsection (6) of this section, the applicant and any person other than the applicant who has an estate or interest, other than a minor tenancy, in the land to which the notice relates, may appeal to the appropriate Minister against the decision and—
- (a) before determining the appeal the appropriate Minister shall, if either the appellant or the Board so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the appropriate Minister for the purpose,
 - (b) the appropriate Minister may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Board on the application, whether the appeal relates to that part or not, and
 - (c) the appropriate Minister shall serve notice of his decision on the appeal on the appellant and on every person other than the appellant who has an estate or interest, other than a minor tenancy, in the land to which the appeal relates.
- (8) A person who contravenes subsection (1) of this section, or any condition subject to which a licence is granted under this section, shall be liable on summary conviction to a fine not exceeding [^{F125}level 3 on the standard scale].
- (9) Where a person is convicted of an offence under the last foregoing subsection the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may on application enlarge the time so specified; and if the order is not complied with that person shall be liable on summary conviction to a fine not exceeding ten pounds for each day on which the non-compliance continues.
- (10) Proceedings in respect of an offence under subsection (8) of this section may be instituted within six months of the first discovery of the offence by the person taking the proceedings, so, however, that no proceedings shall be instituted in respect of such an offence more than two years after the date of the offence.
- (11) A Rural Development Board in granting consent under section 49 of this Act to the transfer of land which in their opinion is land in respect of which an offence has been committed under subsection (8) of this section may impose a condition that the consent shall not take effect until such steps as may be specified by the Board in granting their consent have been taken to remedy the matters in respect of which the alleged contravention occurred, and the conditions so imposed may be varied by the court in exercising its jurisdiction under subsection (9) of this section.
- (12) An application for a licence under this section must be sent to the Board by registered post or recorded delivery service, or delivered to the secretary or chief officer of the Board, and if within the period specified in the next following subsection the Board do not notify the applicant of their decision on the application, this section shall have effect as if at the expiration of that period the Board had granted the licence applied for without any conditions other than a condition requiring the authorised planting to be carried out within five years from that date; and it shall be the duty of the Board to grant a licence to the applicant in those terms.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (13) An applicant who has not received a notice as required by subsection (6) of this section may by notice (to be served on the Board in the way required for service of his application) require the Board to make good their default and the period at the end of which subsection (12) above shall operate shall be the period of fourteen days from the service of that notice.
- (14) For the purpose of this section the period of twelve months mentioned in subsection (2) (d) of this section shall, in relation to any land, include a period beginning before the land is within the Board's area.
- (15) In this section, unless the context otherwise requires—
“minor tenancy” means a tenancy of less than twelve months;
“public open space” means land laid out as a public garden or used (otherwise than in pursuance of section 193 of the ^{M45}Law of Property Act 1925 or of Part V of the National Parks and Access to the ^{M46}Countryside Act 1949) for the purpose of public recreation, or land being a disused burial ground.
- (16) In this section “the appropriate Minister” means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

Textual Amendments

F122 Words substituted by S.I. 1978/244, reg. 2(2)

F123 Words in s. 52(2)(g) substituted (27.5.1997) by virtue of 1997 c. 11, s. 4, Sch. 2 para. 14(2)

F124 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 15(3)

F125 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

Marginal Citations

M43 1967 c. 10.

M44 1967 c. 10.

M45 1925 c. 20.

M46 1949 c. 97.

53 Boards' annual reports and accounts.

- (1) A Rural Development Board shall prepare and transmit to the appropriate Minister annually a report setting out what has been done in the discharge of their functions under this Act during their financial year last completed, and the appropriate Minister shall lay a copy of the report before each House of Parliament.
- (2) A Rural Development Board shall keep proper accounts and other records in such form as the appropriate Minister may, with the approval of the Treasury, determine.
- (3) A Rural Development Board shall prepare and transmit to the appropriate Minister in respect of each of their financial years statements of account in such form as the appropriate Minister may, with the approval of the Treasury, determine, and the appropriate Minister shall transmit them on or before 30th September following the financial year to the Comptroller and Auditor General, who shall examine and certify

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

them and lay copies of them together with his reports thereon before each House of Parliament.

54 Directions to Boards by appropriate Minister.

- (1) The appropriate Minister, after consultation with a Rural Development Board, may give to the Board such directions of a general character with respect to the performance of any functions of the Board as appear to him to be requisite in the public interest.
- (2) The Minister of Agriculture, Fisheries and Food or, as the case may be, the Secretary of State may, as respects such of a Board's books, records and accounts as appear to him to be ones in respect of which, having regard to his relationship with the Board, it is reasonable to give such a direction, direct that they shall be kept available by the Board at all reasonable times for inspection by him or on his behalf or by or on behalf of the Comptroller and Auditor General.
- (3) A Board's report for any year under the last foregoing section shall set out any directions given by the appropriate Minister under subsection (1) of this section to the Board during that year, unless the appropriate Minister has notified the Board his opinion that it is against the interests of national security to do so.
- (4) It shall be the duty of the Board to comply with any directions given by the appropriate Minister under this section.
- (5) In this section "the appropriate Minister" means, in relation to Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly.

55 Powers of entry and of obtaining information.

- (1) A person duly authorised in writing by a Rural Development Board may, on producing if so required a duly authenticated document showing his authority, enter on any land in the Board's area for the purpose of determining whether, and in what way, any of the functions of the Board should be exercised in relation to the land.

The right of entry under this subsection may be exercised at any reasonable time, but a person shall not demand admission as of right to any land which is occupied unless at least forty-eight hours' notice, or in the case of land occupied for residential purposes at least seven days' notice, of the intended entry has been given to the occupier.

A person who wilfully obstructs any person acting in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding [^{F126}level 1 on the standard scale].

- (2) A person leaving any land which he has entered by virtue of the foregoing subsection shall, if the land is unoccupied or the occupier is temporarily absent, leave it as effectively secured against trespassers as he found it.
- (3) A Board may by notice served on the owner or occupier of any land in their area, require him to furnish them with such information as may be specified in the notice with regard to the land as the Board may reasonably require for the discharge of such of their functions in relation to the land as may be specified in the notice.

A person who fails without reasonable cause, or neglects, to furnish to the Board within three months after service of the notice the information specified in the notice shall be liable on summary conviction to a fine not exceeding [^{F126}level 3 on the standard scale].

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Information obtained under this section shall not be disclosed except—
- (a) with the consent of the person by whom the information was furnished, or
 - (b) to a member, officer or servant of the Board or to any person exercising functions on behalf of the Board, or
 - (c) to any Minister or to an officer or servant or other person appointed by or exercising functions on behalf of any Minister, or
 - (d) for the purpose of any proceedings pursuant to this Part of this Act, or of any criminal proceedings which may be taken whether pursuant to this Act or otherwise, or for the purpose of a report of any such proceedings,

and a person who discloses information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or imprisonment for a term not exceeding two years, or both.

Textual Amendments

F126 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

56 Application of Part III to Highlands and Islands of Scotland.

- (1) Sections 45 to 55 of this Act shall not apply in relation to the application of this Part of this Act to the Highlands and Islands, except as provided in this section.
- (2) Where the Secretary of State is satisfied that the special problems and needs referred to in the said section 45 exist in any area of the Highlands and Islands (including the whole area thereof), he may by order made (so far as applicable) in accordance with the provisions of that section and Part I of Schedule 5 to this Act apply to that area such of the provisions of section 27(1)(c) of this Act and the said sections 45 to 55 as he may think necessary for the purposes of this Part of this Act, and any powers and functions exercisable by a Rural Development Board by virtue of those provisions shall for the said purposes be conferred on the Highlands and Islands Development Board, but without prejudice to their existing powers and functions, and any reference in this Act to a Rural Development Board and to its area shall be construed accordingly.
- (3) On the making of an order under this section which applies any of the provisions of sections 49, 50 and 52 of this Act the Secretary of State shall cause such a notice as is mentioned in section 45(9) of this Act to be lodged and made available in accordance with that subsection.
- (4) “Highlands and Islands” in this section has the same meaning as in the ^{M47}Highlands and Islands Development (Scotland) Act 1965.

Marginal Citations

M47 [1965 c. 46.](#)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Supplemental

57 Interpretation of Part III.

- (1) In this Part of this Act, except where the context otherwise requires—
 - “amalgamation”, “boundary adjustment”, “commercial unit”, “intermediate unit” and “uncommercial unit” have the same meanings as in Part II of this Act;
 - “prescribed”, in relation to the contents of a scheme, means prescribed by the scheme;
 - “woodland” includes all land used primarily for the growing of trees.
- (2) For the purposes of this Part of this Act land in the area of a Rural Development Board shall be regarded as having been within that area from the date when the Board is established except that, if included by an order varying the Board’s area, it shall be regarded as being within that area from the date when that order takes effect.
- (3) Section 107 of the ^{M48}Agriculture Act 1947 or, as the case may be, section 83 of the ^{M49}Agriculture (Scotland) Act 1948 (manner of service of notice) shall apply to notices required or authorised to be served by a Minister or a Rural Development Board under this Part of this Act.

Marginal Citations
M48 1947 c. 48.
M49 1948 c. 45.

PART IV CO-OPERATIVE ACTIVITIES

58 The Central Council for Agricultural and Horticultural Co-operation.

- (1) ^{F127}
- (2) It shall be the function of the Council to organise, promote, encourage, develop and co-ordinate co-operation in agriculture and horticulture, including co-operation and mutual assistance in production storage, preparation for market, marketing, transport, the provision of buildings, equipment and services for farmers and other producers, research and other incidental activities, and the Council’s activities shall include—
 - (a) the spread of information among producers about the principles and methods of co-operation in the production and marketing of agricultural and horticultural produce, and
 - (b) research, study and experiments directed to finding and evaluating new or untried ways of applying such principles and methods, and the publication of the results of the research, studies and experiments.
- (3) ^{F127}
- (8) The Ministers shall—
 - (a) ^{F127}
 - (b) in the case of any member of the Council to whom the Ministers, with the approval of the Treasury, determine that this paragraph applies, pay out of

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

money provided by Parliament such pension, or make such payments out of money provided by Parliament toward the provision of a pension, to or in respect of him as the Ministers and the Treasury may determine in his case, and if a person ceases to be a member of the Council and it appears to the Ministers that there are special circumstances which make it right that that person should receive compensation the Ministers may, with the approval of the Treasury, pay out of money provided by Parliament to that person a sum of such amount as the Ministers may with the approval of the Treasury determine.

(9) The Ministers shall to such extent as may be approved by the Treasury pay out of money provided by Parliament any expenditure incurred or to be incurred by the Council in the performance of their functions [^{F128}under this Part of this Act].

(10) ^{F129}

Textual Amendments

F127 S. 58(1)(3)–(7)(8)(a) repealed by [Agricultural Marketing Act 1983 \(c. 3, SIF 2:10\)](#), s. 3, [Sch. 3](#)

F128 Words added by [Agricultural Marketing Act 1983 \(c. 3, SIF 2:10\)](#), s. 3, [Sch. 2 para. 6](#)

F129 S. 58(10) repealed by [Agricultural Marketing Act 1983 \(c. 3, SIF 2:10\)](#), s. 9, [Sch. 3](#)

Modifications etc. (not altering text)

C34 S. 58: Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by [S.I. 1999/3141](#), [arts. 2\(1\)\(5\) Sch.](#) (with art. 3)

59 ^{F130}

Textual Amendments

F130 S. 59 repealed by [Agricultural Marketing Act 1983 \(c. 3, SIF 2:10\)](#), s. 3, [Sch. 2 para. 3](#), [Sch. 3](#)

60 Directions to Council by Ministers.

(1) The Ministers, after consultation with the Council, may give to the Council such directions of a general character with respect to the performance of any functions of the Council as appear to the Ministers to be requisite in the public interest.

(2) The Ministers may, as respects such of the Council's books, records and accounts as appear to the Ministers to be ones for which, having regard to the Ministers' relationship with the Council, it is reasonable to give such a direction, direct that they shall be kept available by the Council at all reasonable times for inspection by or on behalf of the Ministers or of the Comptroller and Auditor General.

(3) The Council's report for any year under [^{F131}section 5(6) of the [Agricultural Marketing Act 1983](#)] shall set out any direction given by the Ministers under subsection (1) of this section to the Council during that year, unless the Ministers have notified the Council their opinion that it is against the interests of national security to do so.

(4) It shall be the duty of the Council to comply with any directions given by the Ministers under this section.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F131 Words substituted by [Agricultural Marketing Act 1983 \(c. 3, SIF 2:10\)](#), s. 2, [Sch. 2 para. 7](#)

Modifications etc. (not altering text)

C35 [S. 60](#): Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by [S.I. 1999/3141](#), [arts. 2\(1\)\(5\) Sch.](#) (with [art. 3](#))

C36 [S. 60\(2\)](#) extended (1.7.1999 as specified by [S.I. 1998/3178](#), [art. 3](#)) by [S.I. 1999/1747](#), [art. 3](#), [Sch. 11 Pt. II para. 5](#); [S.I. 1998/3178](#), [arts. 1, 3](#)

[^{F132}61 Grants for purposes connected with co-operative activities.

- (1) The Ministers may, in accordance with a scheme made by them with the approval of the Treasury, make out of money provided by Parliament grants in connection with the carrying out by any person of proposals designed to organise, promote, encourage, develop or co-ordinate any form of co-operation in agriculture or horticulture including co-operation and mutual assistance in production, storage, preparation for market, marketing, transport, the provision of buildings, equipment and services for farmers and other producers, research and other incidental activities.
- (2) Grants shall not be made under this section to any associations or bodies whose objects consist of or include supplying goods to their members so far as the grants would assist them, directly and exclusively, in activities connected with the supply of such goods, but that shall not be taken as preventing the making of grants to meet expenditure incurred in research and study directed to promoting or facilitating mergers of such associations or bodies.

The goods referred to in this subsection do not, in the case of any association or body, include agricultural or horticultural produce which has been wholly or mainly produced by members thereof, or anything derived wholly or in part from any such produce.

- (3) A scheme under this section—
 - (a) shall provide for grant being payable by reference to proposals which have been submitted to and recommended by the Council and approved by the Ministers, which recommendation and approval may be given before or, in such classes of cases as the Ministers may direct, after the carrying out of the proposals,
 - (b) may authorise the approval of proposals to be varied or withdrawn by the Ministers with the written consent of the person making the proposals,
 - (c) shall prescribe the functions to be performed by the Council in connection with the administration of the scheme,
 - (d) may confer on a person eligible for grant the amount of which depends on the carrying out of works of some kind, or on some other cost, a right to elect to take that cost for purposes of grant as being of such standard amount as may be determined by or under the scheme,
 - (e) may authorise the reduction or withholding of grant where assistance in respect of expenditure for which the grant is made is given under any enactment other than this section,
 - (f) may make the payment of grant subject to any conditions,

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (g) may contain such incidental and supplemental provisions as appear to the Ministers expedient for the purposes of the scheme,
 - (h) may be varied or revoked by a subsequent scheme under this section,
 - (i) shall be made by statutory instrument of which a draft has been laid before and approved by resolution of each House of Parliament.
- (4) If at any time after the approval of proposals under a scheme under this section, and whether before or after the proposals have been fully carried out, it appears to the Ministers—
- (a) that any condition imposed under a scheme in relation to the proposals has not been complied with, or
 - (b) that in connection with the submission of the proposals the person submitting them gave information on any matter which was false or misleading in a material respect,
- the Ministers may, on demand made after compliance with subsection (5) below, recover any grant or any part of a grant paid with reference to the proposals, and may revoke the approval in whole or in part.
- (5) Before making a demand or revoking an approval under subsection (4) above the Ministers—
- (a) shall give to any person to whom any payment by way of a grant in relation to the proposals would be payable, or from whom any such payment would be recoverable, a written notification of the reasons for the proposed action, and
 - (b) shall accord to each such person an opportunity of appearing before and being heard by a person appointed for the purpose by the Ministers, and
 - (c) shall consider the report of a person so appointed and supply a copy of the report to each person who is entitled to appear before the person submitting it.
- (6) Proposals in respect of which grant is payable under this section must be submitted to the Council within the period of ten years beginning with the date of the coming into force of this section, but the Ministers may from time to time, by order made by statutory instrument with the approval of the Treasury, of which a draft has been laid before and approved by resolution of the Commons House of Parliament, extend or further extend that period by such additional period, not exceeding five years, as may be specified in the order.

- (7) F133
- (8) F134
- (9) F135]

Textual Amendments

- F132** S. 61 repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, **Sch.**
- F133** S. 61(7) repealed by **European Communities Act 1972 (c. 68), Sch. 3 Pt. IV**
- F134** S. 61(8) repealed by **Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. II**
- F135** S. 61(9) repealed by **Agricultural Marketing Act 1983 (c. 3, SIF 2:10), s. 9, Sch. 3**

Modifications etc. (not altering text)

- C37** S. 61 extended by **Agriculture Act 1970 (c. 40), s. 34(1)(2)**
- C38** S. 61: Functions of the Secretary of State or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by **S.I. 1999/3141, arts. 2(3)(5)** (with art. 3)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- C39** S. 61(6) amended by extension of period mentioned for a further additional period of 5 years beginning on 15.5.1986 by S.I. 1986/817, **art. 2**
- C40** S. 61(6) extended by S.I. 1980/636

62 Supplemental.

- (1) In this Part of this Act “agriculture or horticulture” includes everything included in the expression “agriculture” as defined in section 109(3) of the ^{M50}Agriculture Act 1947 or, as the case may be, in section 86(3) of the ^{M51}Agriculture (Scotland) Act 1948.
- (2) In the last foregoing section “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State, and a scheme under that section may provide that functions under the scheme shall be exercisable by those Ministers separately; and subject to any such provision in a scheme, and except in subsection (9) of that section, that expression in that section shall mean those Ministers acting jointly.
- (3) In this Part of this Act, except the last foregoing section, “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland acting jointly.
- (4) This Part of this Act extends to Northern Ireland.

Marginal Citations

- M50** 1947 c. 48.
M51 1948 c. 45.

PART V MISCELLANEOUS

63 Financial assistance for certain bodies making agricultural loans

- (1) ^{F136}
- ^{F137}(2)

Textual Amendments

- F136** S. 63(1) repealed by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), **Sch. 6**
- F137** S. 63(2) repealed by Agriculture and Forestry (Financial Provisions) Act 1991 (c. 33, SIF 2:2), s. 1, **Sch., Pt.III**

64 Grants towards fulfilling guarantees of bank loans to agriculture or horticulture businesses.

- (1) Section 9 of the ^{M52}Agriculture and Horticulture Act 1964 (grants towards fulfilling guarantees of bank loans to horticulture businesses) shall not apply in relation to any guarantee given after 31st March 1966 (but the provisions of this section shall apply in relation to such guarantees).
- (2) The Minister may, in such manner and subject to such conditions as he may with the approval of the Treasury determine, make a grant to any person in respect of

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

expenditure incurred by that person in fulfilling a guarantee given by him as security for a loan made in the course of a banking business to a person requiring the loan for the purposes of an agriculture or horticulture business carried on by him, where—

- (a) the guarantee was given during the period of three years beginning on 1st April 1966, or
 - (b) the guarantee was given in the year ending on 31st March 1966 and the grant could not be given under the said section 9 of that Act of 1964 and is given after the end of the said year.
- (3) The aggregate of sums paid by way of grant under this section or the said section 9 of the Act of 1964 in the year ending on 31st March 1967 shall be subject to a limit of three hundred thousand pounds increased, where the aggregate—
- (a) of sums paid by way of grant under the said section 9 of the Act of 1964 at any time before the end of the last preceding year, together with
 - (b) sums paid out of money provided by Parliament by the Minister by way of grant before the coming into force of this section in respect of expenditure incurred in fulfilling guarantees given as security for loans made in the course of a banking business to persons requiring the loans for the purposes of a business which is an agriculture or horticulture business, as defined by this section but not a horticulture business as defined in the said section 9 of the Act of 1964,

fell short of four hundred thousand pounds, by the amount of the difference.

- (4) The aggregate of sums paid by way of grant under this section or the said section 9 of the Act of 1964 in the year ending on 31st March 1968 or in any subsequent year shall be subject to a limit of three hundred thousand pounds increased, where the aggregate of sums so paid in the last preceding year falls short of the limit for that year (whether it be the limit under this or the last foregoing subsection), by the amount of the difference or six hundred thousand pounds, whichever is the less.

- (5) Subsection (2) of the said section 9 of the Act of 1964 (which imposes limits on grants under that section) shall not apply to grants made after 31st March 1966.

- (6) F138

- (7) The Minister may from time to time, by order made by statutory instrument with the approval of the Treasury, extend or further extend the period mentioned in subsection (2)(a) above by such additional period, not exceeding five years, as may be specified in the order; but an order under this subsection shall be of no effect unless laid before and approved by resolution of the Commons House of Parliament.

- (8) In this section—

“agriculture or horticulture business” means either—

- (a) a business which consists, or so much of a larger business as consists, of the producing in the United Kingdom of agricultural or horticultural produce for sale or of the producing in the United Kingdom of agricultural or horticultural produce for sale and its storage, preparation for market or transport, or
- (b) the activities of any co-operative association so far as they consist of assisting members in the production in the United Kingdom of agricultural or horticultural produce for sale by the provision of buildings, equipment, facilities or services required in connection therewith, or
- (c) a co-operative marketing business;

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“agricultural or horticultural produce” means anything (whether live or dead) produced in the course of agriculture and without prejudice to the generality of that definition the expression “agricultural or horticultural produce” shall include all horticultural produce as defined in section 8(1) of the ^{M53}Horticulture Act 1960;

“co-operative marketing business” means a business carried on by a co-operative association and consisting of, or so much of a larger business so carried on as consists of, the storage, preparation for market or marketing, for the sole or primary purpose of assisting members engaged in the production in the United Kingdom of agricultural or horticultural produce for sale, of agricultural or horticultural produce produced by members of the association;

“co-operative association” means—

- (a) a registered society as defined in section 74 of the ^{M54}Industrial and Provident Societies Act 1965 or a society registered under the Industrial and Provident Societies Acts (Northern Ireland) 1893 to 1963, or
- (b) any body which (whether incorporated or not) has a written constitution from which the Minister is satisfied, having regard to any provision as to the manner in which profits of the body are to be applied for the benefit of its members and all other relevant provisions, that the body is in substance a co-operative association;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“year” means a period of twelve calendar months.

[^{F139}(8A) For the purposes of the definitions in subsection (8) above of “co-operative marketing business” and “co-operative association”, the members of a co-operative association shall be deemed to include the members of any other co-operative association which—

- (a) is a member of the first mentioned association, or
- (b) is deemed to be such a member by virtue of paragraph (a) above or this paragraph.]

(9) This section extends to Northern Ireland.

Textual Amendments

F138 Ss. 64(6), 65(5) repealed by [European Communities Act 1972 \(c. 68\)](#), **Sch. 3 Pt. IV**

F139 S. 64(8A) inserted by [Agriculture \(Amendment\) Act 1984 \(c. 20, SIF 2:1\)](#), **s. 1**

Modifications etc. (not altering text)

C41 S. 64(2)(a) amended by extension of period mentioned for a further additional period of 5 years beginning on 1.4.1984 by [S.I. 1984/275](#), **art. 2**

C42 S. 64(2)(a) amended with the extension of period mentioned for additional five years by [S.I. 1979/323](#)

Marginal Citations

M52 1964 c. 28.

M53 1960 c. 22.

M54 1965 c. 12.

65 Grants for keeping farm business records.

- (1) With a view to encouraging the keeping of records which will enable persons carrying on any farm business to reach sound decisions on the management of the business, the

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

appropriate Minister may with the approval of the Treasury make to any such person grants out of money provided by Parliament for the keeping to the satisfaction of the appropriate Minister of records of the business containing such information provided in such form as the appropriate Minister may specify, and subject to compliance with conditions laid down by the appropriate Minister.

- (2) Grants under this section shall be in respect of periods of twelve months, or approximately twelve months, and not more than three grants shall be paid to any one person; and for the purposes of this subsection a partnership, a body of trustees or the personal representatives of a deceased person shall be treated as being a single and continuing body of persons distinct from the persons who may from time to time be partners, trustees or personal representatives.
- (3) The appropriate Minister may select the cases for payment of grant under this section in such manner as he thinks fit, and—
 - (a) may operate this section within a selected area in England or Wales or Scotland or Northern Ireland as the case may be,
 - (b) may restrict its operation to selected classes or descriptions of farm business, and
 - (c) may require the records to be kept by persons of such descriptions as he may determine.
- (4) An application for grant under this section shall be made before the beginning of the period for which grant is to be made, and no such application shall be made more than five years after the coming into force of this section, but the appropriate Minister may from time to time by order contained in a statutory instrument, of which a draft has been laid before and approved by the Commons House of Parliament, extend or further extend the said period of five years by such additional period, not exceeding five years, as may be specified in the order.
- (5) ^{F140}
- (6) In this section “farm business” means a trade or business consisting in, or such part of any trade or business as consists in, the carrying out of agricultural operations on land comprised in the business.
- (7) Where before the coming into force of this section the appropriate Minister, with a view to making a grant out of money provided by Parliament for purposes corresponding to the purposes of this section, has approved any arrangements which might have been the subject of an application under this section if then in force, any grant payable in accordance with the arrangements after the coming into force of this section shall be paid out of money provided by Parliament.
- (8) This section extends to Northern Ireland.

Textual Amendments

F140 Ss. 64(6), 65(5) repealed by [European Communities Act 1972 \(c. 68\)](#), **Sch. 3 Pt. IV**

Modifications etc. (not altering text)

C43 [S. 65](#): Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by [S.I. 1999/3141](#), **arts. 2(1)(5) Sch.** (with art. 3)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

66 F141

Textual Amendments

F141 S. 66 repealed by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 96, [Sch. 6](#)

67 Sick pay for agricultural workers.

- (1) The minimum rates of wages for workers employed in agriculture which the Agricultural Wages Board has power to fix under section 3(1)(a) of the ^{M55}Agricultural Wages Act 1948 may include minimum rates of wages for periods when a worker so employed is absent in consequence of sickness or injury, and may include them notwithstanding that under the contract of employment no remuneration is payable in respect of any such period.
- (2) In section 3(7) of the said Act, and paragraph 5 of Schedule 4 to that Act (which authorise—
 - (a) the fixing of a minimum rate of wages so that remuneration received is calculated by reference to periods during the currency of employment, and
 - (b) alternative provisions applying according to different circumstances arising during the currency of employment)
 references to currency of employment shall, in accordance with subsection (1) of this section, include periods of sickness or injury.
- (3) An order of the Agricultural Wages Board which fixes minimum rates of wages for periods when a worker is absent in consequence of sickness or injury—
 - (a) may treat a period of sickness or injury as being during the currency of employment notwithstanding that the contract of employment has terminated, but not where the contract of employment is terminated by notice given before the commencement of the sickness or the occurrence of the injury,
 - (b) may limit the period or periods for which a minimum rate of wages is so fixed in any way, and in particular may relate the period or periods to the duration of the period for which the worker has worked for the employer,
 - (c) may make the right to the minimum rate of wages depend on compliance by the worker with any conditions, including in particular conditions as to the production of a medical certificate or other evidence of incapacity for work due to sickness or injury,
 - (d) may provide for the times at which, and conditions subject to which, the right to receive wages at the minimum rate is to accrue, and the wages are to become payable,
 - (e) may provide for account to be taken, in arriving at the minimum rate of wages, of any benefits [^{F142}payable under Parts II to V of the Social Security Contributions and Benefits Act 1992][^{F143}or Part II of the ^{M56}Social Security Pensions Act 1975].
- (4) Subsection (1) of this section shall not alter the construction of any order made under the said Act before the passing of this Act.
- (5) Section 17 of the said Act shall apply for the interpretation of this section.
- (6) In the application of this section to Scotland—

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) any reference to the Agricultural Wages Board shall be construed as a reference to the Scottish Agricultural Wages Board;
- (b) any reference to the ^{M57}Agricultural Wages Act 1948 shall be construed as a reference to the ^{M58}Agricultural Wages (Scotland) Act 1949; and
- (c) any reference to paragraph 5 of Schedule 4 to the said Act of 1948 shall be construed as a reference to paragraph 5 of Schedule 3 to the said Act of 1949.

Textual Amendments

F142 Words in s. 67(3)(e) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992](#) (c. 6), ss. 4, 7(2), **Sch. 2 para. 4**

F143 Words inserted by [Social Security Pensions Act 1975](#) (c. 60), **Sch. 4 Pt. I para. 10**

Modifications etc. (not altering text)

C44 S. 67 restricted (1.4.1999) by [1949 c. 30, s. 3\(14\)\(b\)](#) (as inserted (1.4.1999)) by [1998 c. 39, s. 47, Sch. 2 Pt. II para. 12\(3\)](#) (with s. 36); [S.I. 1999/685, art. 2, Sch.](#) (with art. 3)

S. 67: power to amend conferred (1.4.1999) by [1998 c. 39, s. 47\(2\)\(c\)\(3\)](#) (with s. 36); [S.I. 1999/685, art. 2, Sch.](#) (with art. 3)

Marginal Citations

M55 [1948 c. 47.](#)

M56 [1975 c. 60.](#)

M57 [1948 c. 47.](#)

M58 [1949 c. 30.](#)

68 Application of capital money in payment of improvement rentcharges.

Section 73(1)(xiii) of the ^{M59}Settled Land Act 1925 (under which capital money arising under that Act may be applied in the redemption of improvement rentcharges) shall, in its application to any charge created under the ^{M60}Improvement of Land Act 1864 in respect of an improvement benefiting agricultural land, ^{F144} . . . have effect as if the reference to redemption included a reference to discharging as it falls due so much of any periodical payment as represents repayment of capital.

Textual Amendments

F144 Words in s. 68 repealed by [Agricultural and Forestry \(Financial Provisions\) Act 1991](#) (c. 33, SIF 2:2), s. 1, **Sch., Pt. II**

Marginal Citations

M59 [1925 c. 18.](#)

M60 [1864 c. 114.](#)

69 False statements to obtain grants, etc.

- (1) If any person, for the purpose of obtaining for himself or any other person—
 - (a) any grant under this Act, . . . ^{F145}
 - (b) ^{F146}
 - (c) ^{F147}

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

or for the purpose of inducing the appropriate Minister or a Rural Development Board to make a loan or guarantee under section 28 or section 47 of this Act, knowingly or recklessly makes a false statement he shall be liable—

- (i) on summary conviction to a fine not exceeding [^{F148}level 3 on the standard scale] or imprisonment for a term not exceeding three months or both.
- (ii) ^{F149}

(2) This section extends to Northern Ireland.

Textual Amendments

F145 Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. II**

F146 [S. 69\(1\)\(b\)](#) repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 29(6)(7), 113(3), **Sch. 5 Pt. I**

F147 [S. 69\(c\)–\(e\)](#) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. II**

F148 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **38**, 46, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. **289F**, 289G and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

F149 [S. 69\(1\)\(ii\)](#) repealed by [Theft Act 1968 \(c. 60\)](#), **Sch. 3 Pt. I** and [Theft Act \(Northern Ireland\) 1969 \(c. 16\)](#), **Sch. 3 Pt. I**

70 Guaranteed prices: minor amendments as respects powers of entry and offences.

- (1) In the application in Northern Ireland of section 5(1)(d) of the ^{M61}[Agriculture Act 1957](#) (powers of entry in connection with guaranteed prices) and any order made thereunder before the coming into force of this section, references to authorised officers of the Minister shall include references to authorised officers of [^{F150}the Department of Agriculture for Northern Ireland].
- (2) In section 7(3)(b) of that Act (penalty for altering, cincealing or defacing a mark applied to produce) the word “removes” shall be added before the words “alters, conceals or defaces”.
- (3) This section extends to Northern Ireland.

Textual Amendments

F150 Words substituted by virtue of [Northern Ireland Constitution Act 1973 \(c.36\)](#), **Sch. 5 para.8(1)**

Modifications etc. (not altering text)

C45 The text of s. 70(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M61 [1957 c. 57.](#)

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART VI SUPPLEMENTAL AND GENERAL

71 Offences by bodies corporate.

Where a body corporate is guilty of an offence under this Act, and that offence 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 section “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry 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.

72 Application to Northern Ireland.

- (1) Parts I to V of this Act, so far as not expressly extended to Northern Ireland by any provision contained in this Act or by any Order in Council under the next following subsection, shall not extend to Northern Ireland; . . . ^{F151}
- (2) Her Majesty may, by Order in Council made under this subsection in pursuance of resolutions passed by the two Houses of the Parliament of Northern Ireland, direct that the provisions of Part III of this Act other than sections 41 to 44 shall extend to Northern Ireland; and any such Order in Council may be varied or revoked by a subsequent Order in Council made under this subsection in pursuance of such resolutions as aforesaid.
- (3) While any provisions of Part III of this Act extend to Northern Ireland by virtue of an Order in Council under subsection (2) above those provisions, and any other provision of this Act so far as it relates to those provisions, shall have effect subject to such exceptions, adaptations and modifications as may be specified in the Order.
- (4) In the application of any provision of this Act to Northern Ireland any reference to an Act of the Parliament of the United Kingdom shall be construed as a reference to that Act as it applies to Northern Ireland.
- (5) Any reference to an enactment of the Parliament of Northern Ireland or to an enactment which that Parliament has power to amend shall be construed as including a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act and to any Act of that Parliament passed after this Act and re-enacting that enactment whether with or without modifications.
- (6) In any provision of this Act under which a grant or subsidy under this Act may be reduced or withheld where some other relevant grant or subsidy is payable out of money provided by Parliament, references to any such other grant or subsidy shall include references to one payable out of money provided by the Parliament of Northern Ireland.
- (7) An Order in Council under this section may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F151 Words repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

73 F152

Textual Amendments

F152 S. 73 repealed by House of Commons Disqualification Act 1975 (c. 24), Sch. 3 and Northern Ireland Assembly Disqualification Act 1975 (c. 25), Sch. 3

74 Expenses and receipts of Ministers.

- (1) Any expenses incurred by any Minister under this Act shall be defrayed out of money provided by Parliament.
- (2) Any sums received or recovered by any Minister in pursuance of this Act or any order made thereunder shall, except as otherwise expressly provided, be paid into the Exchequer.

75 Short title, interpretation, repeals and commencement.

- (1) This Act may be cited as the Agriculture Act 1967.
- (2) In this Act, unless the context otherwise requires,—
 - “the appropriate Minister” means, in relation to England and Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State;
 - “agriculture”, “agricultural land”, “agricultural unit” and cognate expressions and references to farming shall be construed except in relation to Scotland in accordance with section 109 of the ^{M62}Agriculture Act 1947, and in relation to Scotland, in accordance with section 86 of the ^{M63}Agriculture (Scotland) Act 1948;
 - “assignment”, in relation to Scotland, means assignation;
 - “heritable security” has the same meaning as in the ^{M64}Conveyancing (Scotland) Act 1924 except that it includes a security constituted by ex facie absolute disposition or assignation, and “heritable creditor” shall be construed accordingly;
 - “land” includes any estate or interest in land;
 - “local authority” means, in England ^{F153} . . . , the council of a county, of a . . . ^{F154}London borough, the Common Council of the City of London and an . . . ^{F154}district council, [^{F155}in Wales, the council of a county or county borough]and, in Scotland, a county council, joint county council of a combined county, town council or district council;
 - “pension”, in relation to any person, means a pension of any kind whatsoever, whether contributory or not, payable to or in respect of him, and includes a gratuity so payable on his retirement or death, and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto.

Status: Point in time view as at 27/05/1997.

Changes to legislation: Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In this Act references to England and Wales shall be construed as if Wales included Monmouthshire.
- (4) References in this Act to the duration of a scheme are references to the period within which applications for approval of proposals qualifying for grant under the scheme must be made, or, in the case of a scheme under section 12 of this Act, applications for subsidy payments must be made; and the provisions of this Act limiting the duration of a scheme shall not prevent a scheme providing different periods for different purposes.
- (5) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended or extended by any other enactment, including this Act, and in this Act “enactment” includes an enactment of the Parliament of Northern Ireland.
- (6) Any power of giving directions conferred by this Act shall include a power, subject to the like conditions, to vary or revoke a direction so given.
- (7) The Acts mentioned in Schedule 7 to this Act shall be repealed to the extent specified in the third column of that Schedule, but subject to the provisions at the end of that Schedule.
- (8) This Act shall come into force on such date as the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may by order contained in a statutory instrument appoint, and orders under this subsection may appoint different dates for different provisions and different purposes.

Textual Amendments

F153 Words in s. 75(2) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 30, Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

F154 Words repealed by Local Government Act 1972 (c. 70), Sch. 30

F155 Words in s. 75(2) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 30 (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

Modifications etc. (not altering text)

C46 Power of appointment conferred by s. 75(8) fully exercised

Marginal Citations

M62 1947 c. 48.

M63 1948 c. 45.

M64 1924 c. 27.

Status:

Point in time view as at 27/05/1997.

Changes to legislation:

Agriculture Act 1967 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.