



# Agriculture Act 1958

## 1958 CHAPTER 71

### **1 Repeal of powers of supervision, direction and dispossession under Part II of Agriculture Act, 1947, and Part II of Agriculture (Scotland) Act, 1948**

- (1) So much of Part II of the Agriculture Act, 1947 (in this Act referred to as " the Act of 1947 ") as provides for supervision orders, and for the giving of directions to and the dispossession of owners or occupiers on grounds of bad estate management or bad husbandry, that is to say sections twelve to twenty of that Act, shall cease to have effect, and all entries in the register of local land charges relating to supervision orders shall, as soon as may be after the passing of this Act, be deleted.
- (2) So much of Part II of the Agriculture (Scotland) Act, 1948 (in this Act referred to as " the Scottish Act of 1948 ") as provides for warning notices, and for the giving of directions to and the dispossession of owners or occupiers on grounds of bad estate management or bad husbandry, that is to say sections twenty-seven to thirty-four of that Act, shall cease to have effect.

### **2 Amendments as to fixing of rents of agricultural holdings**

In section eight of the Agricultural Holdings Act, 1948 (in this Act referred to as " the Act of 1948 ") and in section seven of the Agricultural Holdings (Scotland) Act, 1949 (in this Act referred to as " the Scottish Act of 1949 "), the following paragraph shall be inserted at the end of subsection (1) (which enables the landlord or tenant of an agricultural holding to demand a reference to arbitration of the question what rent should be payable in respect of the holding)—

“For the purposes of this subsection the rent properly payable in respect of a holding shall be the rent at which, having regard to the terms of the tenancy (other than those relating to rent), the holding might reasonably be expected to be let in the open market by a willing landlord to a willing tenant, there being disregarded (in addition to the matters referred to in the next following subsection) any effect on rent of the fact that the tenant who is a party to the arbitration is in occupation of the holding.”

### 3 Amendments as to notices to quit agricultural holdings

(1) There shall be transferred to the Agricultural Land Tribunal the functions conferred on the Minister of Agriculture, Fisheries and Food (in this Act referred to as " the Minister ") by sections twenty-four and twenty-five of the Act of 1948 (which provide for the giving or withholding by the Minister of consent to the operation of notices to quit agricultural holdings) and by section twenty-seven thereof (which relates to the grant by the Minister of certificates of bad husbandry for the purposes of notices to quit).

(2) The following subsection shall be substituted for subsection (1) of section twenty-five of the Act of 1948 (which requires the Minister to withhold his consent to the operation of a notice to quit an agricultural holding unless he is satisfied as to certain matters)—

“(1) The Agricultural Land Tribunal shall consent under the last foregoing section to the operation of a notice to quit an agricultural holding or part of an agricultural holding if, but only if, they are satisfied as to one or more of the following matters, being a matter or matters specified by the landlord in his application for their consent, that is to say—

- (a) that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable in the interests of good husbandry as respects the land to which the notice relates, treated as a separate unit; or
- (b) that the carrying out thereof is desirable in the interests of sound management of the estate of which the land to which the notice relates forms part or which that land constitutes; or
- (c) that the carrying out thereof is desirable for the purposes of agricultural research, education, experiment or demonstration, or for the purposes of the enactments relating to smallholdings or allotments; or
- (d) that greater hardship would be caused by withholding than by giving consent to the operation of the notice; or
- (e) that the landlord proposes to terminate the tenancy for the purpose of the land's being used for a use, other than for agriculture, not falling within paragraph (b) of subsection (2) of the last foregoing section:

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

(3) The foregoing provisions of this section shall apply to Scotland subject to the following modifications, that is to say—

- (a) for references to the Minister and to the Agricultural Land Tribunal there shall be substituted respectively references to the Secretary of State and to the Land Court;
- (b) for references to sections twenty-four, twenty-five and twenty-seven of the Act of 1948 there shall be substituted respectively references to sections twenty-five, twenty-six and twenty-eight of the Scottish Act of 1949; and
- (c) in the subsection substituted for subsection (1) of section twenty-six of the Scottish Act of 1949, in paragraph (c) after the word " smallholdings " there shall be inserted the words " or such holdings as are mentioned in section sixty-four of the Agriculture (Scotland) Act, 1948 ", and in paragraph (e) for the words " paragraph (b) " there shall be substituted the words " paragraph (c) ".

(4) This section shall come into operation on the appointed day.

#### **4 Rights of tenants as to provision of fixed equipment necessary to comply with statutory requirements**

(1) Where, on an application by the tenant of an agricultural holding, the Agricultural Land Tribunal are satisfied that it is reasonable, having regard to the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry, that he should carry on on the holding an agricultural activity specified in the application to the extent and in the manner specified therein and—

(a) that, unless fixed equipment is provided on the holding, the tenant, in carrying on that activity to that extent and in that manner, will contravene requirements imposed by or under any enactment, or

(b) that it is reasonable that the tenant should use, for purposes connected with that activity, fixed equipment already provided on the holding, but that, unless that equipment is altered or repaired, the tenant, in using the equipment for those purposes, will contravene requirements imposed by or under any enactment,

the Tribunal may, subject to the provisions of this section, direct the landlord to carry out, within a period specified in the direction, such work for the provision or, as the case may be, the alteration or repair of that fixed equipment as will enable the tenant to comply with the said requirements:

Provided that where it appears to the Tribunal that an agricultural activity specified in the tenant's application has not been carried on on the holding for a period of at least three years immediately preceding the making of the application the Tribunal shall not direct the landlord to carry out work in connection with that activity- unless they are satisfied that, the starting of the activity did not or, where the activity has not yet been started, will not constitute or form part of a substantial alteration of the type of farming carried on on the holding.

(2) The Tribunal shall not direct the landlord to carry out work under the foregoing subsection unless they are satisfied—

(a) that it is reasonable so to do having regard to the land lord's responsibilities to manage the land comprised in the holding in accordance with the rules of good estate management and also to the period for which the holding may be expected to remain a separate holding and to any other material consideration, and

(b) that the landlord has refused to carry out that work on being requested in writing so to do by the tenant or has not agreed to carry it out within a reasonable time after being so requested;

and shall not in any case direct the landlord to carry out work thereunder if provision is made by the contract of tenancy, or by any other agreement between the landlord and the tenant, for the carrying out of the work by the landlord or by the tenant, or if the landlord is under a duty to carry out the work in order to comply with a requirement imposed on him by or under any enactment.

(3) If the landlord fails to comply with a direction under subsection (1) of this section the tenant shall have the same remedies as if the contract of tenancy had contained an undertaking by the landlord to carry out the work required by the direction within the period allowed by the Tribunal and, notwithstanding any term in the contract of tenancy restricting the carrying out by the tenant of alterations to the holding, those

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

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remedies shall include the right of the tenant to carry out the work himself and recover from the landlord the reasonable cost thereof.

- (4) The Tribunal, on an application by the landlord, may extend or further extend the period specified in a direction under subsection (1) of this section if it is shown to their satisfaction that the period so specified, or that period as previously extended under this subsection, as the case may be, will not allow sufficient time both for the completion of preliminary arrangements necessary or desirable in connection with the work required by the direction (including, in appropriate cases, the determination of an application by the landlord for a grant out of moneys provided by Parliament in respect of that work) and for the carrying out of the said work.
- (5) Section nine of the Act of 1948 (which provides for increases of rent where certain improvements are carried out by the landlord) shall have effect as if the reference in subsection (1) thereof to improvements carried out at the request of the tenant included a reference to improvements carried out in compliance with a direction given by the Tribunal under subsection (1) of this section; and where, on the failure of the landlord to comply with a direction so given by the Tribunal, the tenant has himself carried out the work specified in the direction, the said section nine shall apply as if the work had been carried out by the landlord and as if any grant made to the tenant in respect thereof out of moneys provided by Parliament had been made to the landlord:
- Provided that no increase in rent shall take effect under the said section nine where the tenant has carried out an improvement under this section until such time as the tenant has recovered from the landlord the reasonable cost thereof.
- (6) Where, on the application of the sub-tenant of an agricultural holding, the Tribunal have directed the immediate landlord of the sub-tenant to carry out work under subsection (1) of this section, being work which constitutes an improvement such as is specified in the Third Schedule to the Act of 1948.—
- (a) section forty-nine of the Act of 1948 (which provides that a tenant shall not be entitled under section forty-seven of that Act to compensation for an improvement such as is specified in the Third Schedule thereto unless his landlord has consented to the carrying out of the improvement) shall not apply as respects a claim by the immediate landlord against his superior landlord for compensation in respect of that work, and
- (b) if, on the failure of the immediate landlord to comply with the direction of the Tribunal, the sub-tenant has himself carried out the work, section forty-seven of the Act of 1948 shall have effect for the purposes of a claim for compensation by the immediate landlord against his superior landlord as if the work had been carried out by the immediate landlord.
- (7) References in this section to the reasonable cost of work carried out by a tenant shall, where the tenant has received a grant in respect thereof out of moneys provided by Parliament, be construed as references to the reasonable cost reduced by the amount of the grant.
- (8) Sections ten and eleven of the Act of 1947 (which specify the circumstances in which an owner of agricultural land is deemed for the purposes of that Act to fulfil his responsibilities to manage the land in accordance with the rules of good estate management and an occupier of such land is deemed for those purposes to fulfil his responsibilities to farm it in accordance with the rules of good husbandry) shall apply for the purposes of this section.
- (9) This section shall come into operation on the appointed day

(10) This section shall not apply to Scotland.

## **5 Transfer to Lord Chancellor of Minister's functions as respects Agricultural Land Tribunals**

The functions conferred on the Minister in relation to Agricultural Land Tribunals by section seventy-three of the Act of 1947 shall be exercisable by the Lord Chancellor and not by the Minister, so however that the duty of providing the said Tribunals with the necessary officers and servants and of paying salaries, fees and allowances shall remain with the Minister.

## **6 Provisions as to succession to holdings in Scotland**

- (1) Subsection (1) of section twenty of the Scottish Act of 1949 (which empowers the tenant of an agricultural holding, by will or other testamentary writing, to bequeath his lease of the holding to any person) shall have effect, in relation to any tenant of an agricultural holding whose death occurs after the expiration of a period of one month beginning with the date of the passing of this Act, with the substitution for the words " to any person " of the words " to any member of his family ".
- (2) For the purposes of the said subsection (1), as amended as aforesaid, the expression " member of his family " means the wife or husband of the tenant or his son-in-law or daughter-in-law or a person adopted by the tenant or any person who, failing nearer heirs, would be entitled to succeed in case of intestacy to the lease of the holding.

In this section " adopted " means adopted in pursuance of an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, or under any corresponding enactment of the Parliament of Northern Ireland.

- (3) Subject to the provisions of the next following subsection, where notice to quit is given to the tenant of an agricultural holding, being a tenant who after the passing of this Act has acquired right to the lease of the holding as the heir-at-law of the former tenant or as a legatee by virtue of section twenty of the Scottish Act of 1949, then if—
  - (a) the notice to quit is given in accordance with subsection (1) of section twenty-four of that Act so as to terminate the tenancy not earlier than the term (being the term stipulated in the lease as the term of outgo or the corresponding term in any succeeding year) next occurring after the first anniversary of the date on which the tenant acquired right to the lease as aforesaid and not later than the term next occurring after the second anniversary of that date, or
  - (b) in a case where at that date the unexpired term of the lease exceeded two years, the landlord gives notice to quit when it becomes legally competent for him to give such notice; and
  - (c) it is stated in the notice to quit that it is given in pursuance of this subsection; the provisions of subsection (1) of section twenty-five of that Act shall not apply to the notice to quit.
- (4) In relation to such a tenant as is mentioned in the last foregoing subsection who has acquired right to the lease within the period of seven years commencing with the passing of this Act paragraph (a) of the said subsection shall have effect with the substitution for the words " the first anniversary " of the words " the second anniversary " and for the words " the second anniversary " of the words " the third anniversary ".

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

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- (5) Such a tenant as is mentioned in subsection (3) of this section shall not be deprived on quitting the holding in pursuance of a notice to quit given in accordance with that subsection of any right to compensation for an improvement specified in Part II of the First Schedule to the Scottish Act of 1949 which has been carried out on the holding between the first day of November, nineteen hundred and forty-eight, and the passing of this Act by reason only of the failure of the person by whom the improvement was carried out to give notice to the landlord in accordance with section fifty-one of that Act of his intention to carry out the improvement:

Provided that—

- (a) a claim for compensation shall not be made by virtue of this subsection unless the Land Court, on an application made to them in that behalf by the tenant, are satisfied that if notice of intention to carry out the improvement had been duly given as aforesaid the landlord would not have given notice in accordance with section fifty two of that Act objecting to the carrying out of the improvement or if he had given such notice the Secretary of State, in pursuance of that section, would not have withheld his approval to the carrying out of the improvement, and authorise the making of the claim; and
- (b) the compensation payable by virtue of this subsection shall not exceed either such sum as fairly represents the value of the improvement to an incoming tenant or such sum as is equal to the capital cost of the improvement less one-tenth of such cost for each complete year which has elapsed between the time at which the carrying out of the improvement was completed and the time at which the tenant quitted the holding, whichever is the less.

## 7 **Amendment of 11 and 12 Geo. 5. c. 48 as to injurious weeds**

- (1) The Schedule to the Corn Production Acts (Repeal) Act, 1921 (which makes provision for the control of injurious weeds) shall have effect as if, for the reference in paragraph (1) thereof to a notice in writing requiring the occupier of land on which injurious weeds are growing to cut down or destroy the weeds in the manner and within the time specified in the notice, there were substituted a reference to a notice in writing requiring him, within the time specified in the notice, to take such action as may be necessary to prevent the weeds from spreading.
- (2) The following paragraphs shall be substituted for paragraph (3) of the said Schedule (which provides that a person who unreasonably fails to comply with a notice requiring him to cut down or destroy injurious weeds shall be liable, in proceedings instituted by the Minister, to a fine not exceeding twenty pounds and to a daily penalty of twenty shillings if the default continues after conviction; and empowers the Minister to cut down or destroy the said weeds and recover the reasonable cost of so doing from the person in default)—
- “(3) Where a notice has been served under this Schedule on the occupier of any land and that person unreasonably fails to comply with the requirements of the notice, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding seventy-five pounds, or, in the case of a second or subsequent offence, to a fine not exceeding one hundred and fifty pounds.
- (3A) If a failure in respect of which a person is convicted under the last foregoing paragraph is not remedied within fourteen days after the conviction he shall

be guilty of a further offence under that paragraph and may be punished accordingly.

- (3B) Proceedings for an offence under paragraph (3) of this Schedule shall not be instituted except by the Minister.
- (3C) Where the Minister has served a notice under this Schedule on the occupier of any land and the occupier has not taken the action required by the notice within the time specified therein, the Minister may take that action and recover a sum equal to the reasonable cost of so doing from the occupier or, if it is not practicable after reasonable inquiry to ascertain his name or address and he is not the owner of the land, from the owner.
- (3D) Where the Minister is entitled to recover a sum under the last foregoing paragraph from the owner of land (whether or not he is also the occupier) and is unable after reasonable enquiry to ascertain the name or address of the owner he may apply to the High Court or, if the said sum does not exceed the amount by which the jurisdiction of the county court is limited by section forty-one of the County Courts Act, 1934, to the county court, for an order imposing on the land a charge for securing the payment of that sum.
- (3E) A charge imposed under the last foregoing paragraph shall be a local land charge and shall be registrable under section fifteen of the Land Charges Act, 1925, accordingly; and the Minister shall, for the purpose of enforcing the charge, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as he would have if he were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases, and of appointing a receiver.
- (3F) Where, by reason of the default of the occupier, the owner of any land has been required to pay any sum to the Minister under paragraph (3C) of this Schedule or has, by reason of a charge imposed on the land under paragraph (3D) thereof, otherwise suffered loss he shall be entitled to recover the amount of his loss from the occupier”.
- (3) The fine which may be imposed under paragraph (4) of the said Schedule on a person who prevents or obstructs entry on land shall be increased from an amount not exceeding twenty pounds to an amount not exceeding fifty pounds.
- (4) Paragraph (5) of the said Schedule (which relates to the service of notices) shall cease to have effect, and section one hundred and seven of the Act of 1947 shall apply for the purposes of notices required or authorised to be served under the said Schedule as it applies for the purposes of notices required or authorised to be served under that Act.
- (5) In the application of this section to Scotland, for the reference to section one hundred and seven of the Act of 1947 there shall be substituted a reference to section eighty-three of the Scottish Act of 1948, and in the application of the said Schedule to Scotland any reference therein to a charge on land shall be omitted and paragraph (6) (which authorises the Minister to delegate his powers under the said Schedule to the council of any county or borough) shall not apply.

## 8 Minor and consequential amendments

- (1) The enactments specified in Part I of the First Schedule to this Act (being enactments applying to England and Wales) and the enactments specified in Part II of that Schedule (being enactments applying to Scotland) shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.
- (2) Part III of the First Schedule to the House of Commons Disqualification Act, 1957, shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, as if for the reference therein to an acting chairman of an Agricultural Land Tribunal there were substituted a reference to a member of a panel of deputy-chairmen of an Agricultural Land Tribunal.

## 9 Interpretation

- (1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—
  - " Act of 1947 " means the Agriculture Act, 1947;
  - " Act of 1948 " means the Agricultural Holdings Act, 1948;
  - " agricultural holding ", as respects England and Wales has the meaning assigned to it by section one of the Act of 1948, and as respects Scotland has the meaning assigned to it by section one of the Scottish Act of 1949;
  - " the appointed day " means such day as the Minister or, in relation to Scotland, the Secretary of State, may by order made by statutory instrument appoint, and different days may be appointed by such orders in relation to different provisions of this Act;
  - " contract of tenancy " and " fixed equipment " have the meanings assigned to them by section ninety-four of the Act of 1948;
  - " Land Court " means the Scottish Land Court;
  - " landlord " and " tenant ", as respects England and Wales, have the meanings assigned to them by section ninety-four of the Act of 1948, and as respects Scotland have the meanings assigned to them by section ninety-three of the Scottish Act of 1949;
  - " lease ", as respects Scotland, means a letting of land for a term of years, or for fives, or for lives and years, or from year to year;
  - " the Minister " means the Minister of Agriculture, Fisheries and Food;
  - " Scottish Act of 1948 " means the Agriculture (Scotland) Act, 1948;
  - " Scottish Act of 1949 " means the Agricultural Holdings (Scotland) Act, 1949.
- (2) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any other enactment, including this Act.

## 10 Repeals, savings and transitional provisions

- (1) The enactments specified in the Second Schedule to this Act are, in consequence of the foregoing provisions of this Act, hereby repealed to the extent specified in the third column of that Schedule—



- (a) in the case of the enactments specified in Part I of that Schedule, on the passing of this Act, and
  - (b) in the case of the enactments specified in Part II of that Schedule, on the appointed day.
- (2) The repeal by virtue of this Act of provisions contained in Part II of the Act of 1947 shall not affect the operation of section ninety-five of that Act (which applies certain of those provisions for the purposes of special directions to secure production).
- (3) The repeal by virtue of this Act of section twenty-one of the Act of 1947 shall not affect the operation of subsection (5) of section twenty of the Mineral Workings Act, 1951 (which applies the definition of "owner" in the said section twenty-one for the purposes of the said section twenty).
- (4) The repeal by virtue of this Act of provisions contained in Part II of the Scottish Act of 1948 shall not affect the operation of section thirty-five of that Act (in relation to which certain of those provisions have effect for the purposes of special directions to secure production).
- (5) The repeal by virtue of this Act of section seventy-one of the Scottish Act of 1948 shall not affect the operation of subsection (6) of section twenty-one of the Crofters (Scotland) Act, 1955 (which applies the provisions of the said section seventy-one to the reference to the Land Court of certain proposals of the Crofters Commission) or the power of the Secretary of State to make regulations under the said section as so applied.
- (6) The enactments specified in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, being to that extent spent.
- (7) The transitional provisions set out in the Fourth Schedule to this Act shall have effect.

## **11 Short title and extent**

- (1) This Act may be cited as the Agriculture Act, 1958.
- (2) This Act, except subsection (2) of section eight thereof, shall not extend to Northern Ireland.