



# Board of Agriculture Act 1889

## 1889 CHAPTER 30

### **1 Establishment of Board of Agriculture**

- (1) There shall be established a Board of Agriculture consisting of the Lord President of the Council, Her Majesty's Principal Secretaries of State, the First Commissioner of Her Majesty's Treasury, the Chancellor of Her Majesty's Exchequer, the Chancellor of the Duchy of Lancaster, and the Secretary for Scotland, and such other persons (if any) as Her Majesty the Queen may from time to time think fit to appoint during Her Majesty's pleasure : Provided that the Board shall not be entitled to act unless the President or one of the officers of State above mentioned is present.
- (2) It shall be lawful for Her Majesty the Queen from time to time to appoint any member of the Privy Council to be President of the Board during Her Majesty's pleasure.
- (3) The Board shall be deemed to be established on the appointment of the President thereof.

### **2 Powers and duties of Board**

- (1) There shall be transferred to the Board of Agriculture—
  - (a) the powers and duties of the Privy Council under the Acts mentioned in Part One of the First Schedule to this Act;
  - (b) the powers and duties of the Land Commissioners for England under the Acts mentioned in Part Two of the First Schedule to this Act or under any other Act, whether general, local and personal, or private; and
  - (c) on such date as shall be fixed by the Commissioners of Her Majesty's Treasury all powers and duties vested in the Commissioners of Her Majesty's Works and Public Buildings under the Surrey Act, 1870.
- (2) The Board of Agriculture shall also undertake the collection and preparation of statistics relating to agriculture, and forestry, and may also undertake the inspection of, and reporting on, any schools which are not public elementary schools, and in which technical instruction, practical or scientific, is given in any matter connected with agriculture or forestry, and the aiding of any school which admits such inspection, and in the judgment of the board is qualified to receive such aid and the aiding of

any system of lectures or instruction connected with agriculture or forestry, and the inspection of and reporting on any examinations in agriculture or forestry.

- (3) The Board of Agriculture may also make or aid in making such inquiries, experiments, and research, and collect or aid in collecting such information as they may think important for the purpose of promoting agriculture or forestry.

### **3 Power as to dogs**

The Board of Agriculture may from time to time make such general or special orders as they think fit for the following purposes, or any of them, that is to say—

- (a) for prescribing and regulating the muzzling of dogs, and the keeping of dogs under control;
- (b) for prescribing and regulating the seizure, detention, and disposal (including slaughter) of stray dogs, and of dogs not muzzled, and of dogs not being kept under control, and the recovery from the owners of dogs of the expenses incurred in respect of their detention ;

and the Contagious Diseases (Animals) Acts, 1878 to 1886, shall apply as if the said purposes were among the purposes mentioned in section thirty-two of the Contagious Diseases (Animals) Act, 1878.

### **4 Power to transfer other powers of Government departments**

It shall be lawful for Her Majesty the Queen in Council from time to time by order to transfer to the Board of Agriculture such powers and duties of any Government department as are conferred by or in pursuance of any statute, and appear to Her Majesty to relate to agriculture or forestry, and to be of an administrative character;

Provided that before any such order is made, the draft thereof shall be laid before each House of Parliament for not less than thirty days on which such House is sitting, and if either of such Houses before the expiration of such thirty days presents an address to Her Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

Provided also, that nothing in this Act contained shall in any respect affect the exclusive control of the Secretary of State in Council of India over the candidates for the Indian Forest Department at Cooper's Hill College or elsewhere.

### **5 Staff and remuneration and expenses**

- (1) The Board of Agriculture may from time to time appoint a secretary and such officers and servants as the Board may, with the sanction of the Treasury, determine.
- (2) There shall be paid out of money provided by Parliament to the President, if not one of the Officers of" State above mentioned, nor any other Officer of State receiving a salary, the annual salary of two thousand pounds a year, and to the secretary, officers, and servants of the Board such salaries or remuneration as the Treasury may from time to time determine.
- (3) All expenses incurred by the Board of Agriculture in the execution of their duties under this Act, to such amount as may be sanctioned by the Treasury, shall be paid out of money provided by Parliament.

## **6 Style and seal of Board**

- (1) The Board of Agriculture may sue and be sued, and may for all purposes be described, by that name.
- (2) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of the president or some member of the Board, or of the secretary, or some person authorised by the President of the Board to act on behalf of the secretary.
- (3) In the execution and discharge of any power or duty transferred to the Board of Agriculture by or in pursuance of this Act, the Board shall adopt and use the style and seal of the Board of Agriculture and no other.

## **7 Proceedings of Board**

- (1) Every document purporting to be an order, licence, or other instrument issued by the Board of Agriculture, and to be sealed with the seal of the Board, authenticated in manner provided by this Act, or to be signed by a secretary or any person authorised by the President of the Board to act on behalf of the secretary shall be received in evidence and be deemed to be such order, licence, or instrument without further proof, unless the contrary is shown.
- (2) A certificate signed by the President or any member of the Board of Agriculture, that any order, licence, or other instrument purporting to be made or issued by, the Board is so made or issued, shall be conclusive evidence of the fact so certified.

## **8 Power of President to sit in Parliament**

- (1) The office of President of the Board of Agriculture shall not render the person holding the same incapable of being elected to, or sitting or voting as a member of, the Commons House of Parliament, and shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867, Schedule H. of the Representation of the People (Scotland) Act, 1868, and Schedule E. of the Representation of the People (Ireland) Act, 1868.
- (2) The President of the Board of Agriculture, if not one of the officers of State above in this Act mentioned, shall take the oath of allegiance and official oath, and shall be deemed to be included in the first part of the schedule to the Promissory Oaths Act, 1868.

## **9 Transfer of officers**

- (1) There shall be transferred and attached to the Board of Agriculture such of the persons employed under the Privy Council or any other Government department, in or about the execution of the powers and duties transferred by or in pursuance of this Act to the Board of Agriculture as the Privy Council, or Government department, with the sanction of the Treasury, determine.
- (2) There shall be transferred and attached to the Board of Agriculture all persons employed under the Land Commissioners for England.
- (3) The Board of Agriculture may from time to time distribute the business of the Board amongst the several persons transferred thereto in pursuance of this Act in such manner

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

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as the Board may think right, and those officers shall perform such duties in relation to that business as may be directed by the Board.

Provided that such persons shall, while they continue in office, be in no worse position as respects their tenure of office, salaries, or superannuation allowances than they would have been in if this Act had not passed.

- (4) Any Order in Council made in pursuance of this Act which transfers any powers or duties to the Board of Agriculture shall extend this section to the persons employed in or about the execution of those powers and duties.

## **10 Ultimate abolition of Land Commissioners**

After the establishment of the Board of Agriculture, no person shall be appointed to the office of Land Commissioner for England.

Provided that any person who holds office as Land Commissioner at the passing of this Act shall be assigned such position in or under the Board of Agriculture as Her Majesty may direct, so that he is not placed in any worse position as respects his tenure of office, salary, or superannuation allowance than he would have been in if this Act had not passed.

## **11 Construction of Acts and documents**

- (1) In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, or other document passed, or made before the establishment of the Board of Agriculture, but so far only as may be necessary for the exercise of the powers or the discharge of the duties by this Act, or any Order in Council made in pursuance thereof, transferred to that Board, the name of that Board shall be substituted for the Privy Council, Land Commissioners for England, Inclosure Commissioners for England and Wales, Copyhold Commissioners, Tithe Commissioners for England and Wales, or other Commissioners or Government department, as the case may require, and anything authorised or required to be done by, to, or before an Assistant Commissioner of any of the above-named Commissioners may be lawfully done by any officer of the Board of Agriculture for the time being assigned for that purpose.
- (2) Where anything has been commenced by or under the authority of the Privy Council, Land Commissioners, or other Government department, before the transfer to the Board of Agriculture of any powers or duties by or in pursuance of this Act, and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Board of Agriculture.
- (3) Where at the time of the transfer of any powers or duties by or in pursuance of this Act, any legal proceeding is pending, to which the Privy Council, Land Commissioners, or other Government department are parties, and such proceeding has reference to the powers and duties transferred by or in pursuance of this Act, the Board of Agriculture shall be substituted in such proceeding for the Privy Council, Land Commissioners, or other Government department, and such proceeding shall not abate by reason of such substitution.

## **12 Definitions**

In this Act—

The expression " agriculture " includes horticulture:

The expression " the Treasury " means the Commissioners of Her Majesty's Treasury:

The expression " the Privy Council " means Her Majesty's most Honourable Privy Council.

### **13 Repeal**

The Acts specified in the Second Schedule to this Act are, as from the date of the establishment of the Board of Agriculture, hereby repealed to the extent in the third column of that schedule mentioned.

Provided that this repeal shall not affect the tenure of office, salary, or allowance of any person holding office at the passing of this Act, and shall not affect the exercise by the Board of Agriculture of any power which at the passing of this Act can be exercised by the Land Commissioners for England, and shall not affect the validity of any order or act which prior to the date of the said establishment has been made or done by the Privy Council, and all orders of the Privy Council in force at that date in relation to the powers and duties transferred by this Act to the Board of Agriculture shall continue in force until revoked or altered by that Board.

### **14 Short title**

This Act may be cited as the Board of Agriculture Act, 1889.