

Livestock Rearing Act, 1951

14 & 15 GEO. 6. CH. 18

ARRANGEMENT OF SECTIONS

Section

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CHAPTER 18

An Act to extend and amend the provisions of the Hill Farming Act, 1946, relating to the rehabilitation of hill farming land, the payment of subsidies in respect of hill sheep and hill cattle and the control of rams in England and Wales; to make fresh provision with respect to the exercise of the functions under that Act of the Minister of Agriculture and Fisheries and the Secretary of State; and for purposes connected with the matters aforesaid. [21st March 1951.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The class of land for the benefit of which improvements may be specified in a scheme which may be approved by the appropriate Minister under section one of the Hill Farming Act, 1946 (hereafter in this Act referred to as "the principal Act") shall, instead of being restricted to hill farming land or other land suitable for use therewith for hill farming purposes, be extended so as to include any land falling within the definition of livestock rearing land set out in subsection (3) of this section and any land suitable for use with such land for livestock rearing purposes as defined by that subsection, and the class of work in respect of the cost of which grants may be made under that section shall be extended so as to include any work done in accordance with a scheme approved under that section as amended by this section; and the class of land subject to rights of common

Extension of class of land for improvement of which grants may be made under the principal Act.

of pasture for the benefit of which improvements may be made under section twelve of the principal Act by the Minister of Agriculture and Fisheries shall, instead of being restricted to hill farming land so subject, be extended so as to include any land so subject falling within the said definition of livestock rearing land.

(2) Accordingly—

- (a) in subsection (3) of section one of the principal Act, for the definitions of hill farming land and hill farming purposes there shall be substituted respectively the definitions of livestock rearing land and livestock rearing purposes set out in the next following subsection; and
- (b) for references in the principal Act (elsewhere than in the said subsection (3)) to hill farming land and hill farming purposes there shall be substituted respectively references to livestock rearing land and livestock rearing purposes, and for references in that Act, in paragraph (d) of subsection (1) of section nine of the Agricultural Holdings Act, 1948, and in paragraph (d) of subsection (1) of section eight of the Agricultural Holdings (Scotland) Act, 1949, to hill farming land improvement schemes there shall be substituted references to livestock rearing land improvement schemes.

(3) In this section—

- (a) the expression “livestock rearing land” means land situated in an area consisting predominantly of mountains, hills or heath, being land which is, or by improvement could be made, suitable for use for the breeding, rearing and maintenance of sheep or cattle but not for the carrying on, to any material extent, of dairy farming, the production, to any material extent, of fat sheep or fat cattle or the production of crops in quantity materially greater than that necessary to feed the number of sheep or cattle capable of being maintained on the land;
- (b) the expression “livestock rearing purposes” means the breeding, rearing and maintenance of sheep or cattle, and includes other activities carried on in connection therewith.

Extension of
period for
submission
of schemes
under s. 1 of
the principal
Act.

2. Ten years from the commencement of the principal Act shall be substituted for five years from the commencement thereof as the period within which schemes may be submitted under subsection (1) of section one of that Act for the approval of the appropriate Minister.

3. In subsection (4) of section two of the principal Act—
- (a) twenty million pounds shall be substituted for four million pounds as the maximum amount that may be paid in the aggregate by way of improvement grants;
- (b) two million pounds shall be substituted for one million pounds as the amount by which the said maximum amount may be increased by virtue of an order made by the Ministers with the consent of the Treasury and approved by a resolution of the Commons House of Parliament; and
- (c) ten years from the commencement of that Act shall be substituted for five years from the commencement thereof as the period within which an order providing for increasing the said maximum amount may be made as aforesaid.

Increase of amounts available for improvement grants and extension of period for making orders for further increases.

4.—(1) Where—

- (a) a scheme approved under section one of the principal Act provides (either as originally approved or as varied under any of the provisions of that Act in that behalf) for the provision by the appropriate authority in pursuance of the Highways (Provision of Cattle-Grids) Act, 1950, of a cattle-grid; and
- (b) an agreement under section ten of the said Act of 1950 is entered into by the appropriate authority with a person for the making by him to that authority of a contribution towards all or any of the expenditure to be incurred by that authority in connection with the installation of the cattle-grid;

Special provisions as to improvement grants for provision of certain cattle-grids.

no payment shall be made to the appropriate authority by way of an improvement grant under the principal Act in respect of the cost of any work done by them for a purpose connected with the installation of the cattle-grid, notwithstanding the fact that they are specified in the scheme as the person responsible for doing the work required for that purpose or any item of that work, but an improvement grant under that Act in respect of the cost of any work done for that purpose by the appropriate authority may be made to the person with whom that authority made the agreement, so, however, that the amount of the grant shall, instead of being one half of the cost of that work so far as approved by the appropriate Minister as having been reasonably incurred, be one half of the amount payable by that person under the agreement.

(2) Where, by virtue of the foregoing subsection, an improvement grant in respect of the cost of work done for any purpose connected with the installation of a cattle-grid has been paid to a person, and the amount paid by him to the appropriate authority,

or any part of that amount, becomes repayable, a sum equal to one half of that amount or that part thereof, as the case may be, shall become payable by that person to the Minister who made the grant and may be recovered by that Minister as a simple contract debt.

(3) In this section—

- (a) the expression “appropriate authority” has the same meaning as in the Highways (Provision of Cattle-Grids) Act, 1950; and
- (b) the expression “cattle-grid” means a grid designed or adapted to prevent the passage of sheep or cattle, and includes any fence or other works necessary for securing the efficient operation of the grid.

Amendments
to First
Schedule to
the principal
Act.

5. The First Schedule to the principal Act (in which are specified the improvements which may be included in schemes for the rehabilitation of livestock rearing land) shall be amended as follows:—

- (a) in paragraph 3 (which specifies the erection, improvement or re-conditioning of cottages attached or to be attached to a hill farm), for the words “hill farm” there shall be substituted the word “farm”;
- (b) in paragraphs 7, 8 and 12 (which respectively specify the provision of sheep-dipping accommodation, the provision of sheep and cattle pens and the provision of cattle-grids), after the word “Provision” there shall be inserted the words “or improvement”;
- (c) for paragraph 9 (which specifies the formation of silos) there shall be substituted the following paragraph:—
“9. Construction or improvement of silos”;
- (d) in paragraph 11 (which specifies the restoration of permanent fences), after the word “Restoration”, there shall be inserted the words “or improvement”; and
- (e) in paragraph 20 (which specifies the removal of bracken, whins, gorse, bushes, scrub, stumps, roots or boulders) for the words “or boulders” there shall be substituted the words “boulders or other like obstructions to cultivation”.

Extension of
periods for
payment of
subsidies in
respect of hill
sheep and
cattle.

6. In section thirteen of the principal Act (which empowers the appropriate Minister to make, in accordance with hill sheep schemes, subsidy payments in respect of sheep comprised in flocks on any of the relevant days, that is to say, in the case of a scheme having effect as respects England and Wales or Scotland, such day of December in the year nineteen hundred and forty-six

and in the four next succeeding years as may be specified in the scheme in relation to each of those years and, in relation to a scheme having effect as respects Northern Ireland, such day of January in the year nineteen hundred and forty-seven and in the four next succeeding years as may be so specified, and to make, in accordance with hill cattle schemes, subsidy payments in respect of cattle in respect of the year nineteen hundred and forty-seven and each of the four next succeeding years), for the words " the four next succeeding years ", wherever those words occur, there shall be substituted the words " the nine next succeeding years ".

7.—(1) The power conferred on the Minister of Agriculture and Fisheries by subsection (1) of section eighteen of the principal Act to make regulations for controlling the keeping of rams and uncastrated ram lambs on land in England or Wales shall extend— Extension of power to make regulations for control of rams.

(a) to the making of regulations—

(i) providing for the seizure and, if thought desirable, the sale of any ram or uncastrated ram lamb found upon any land in contravention of provisions of regulations having effect by virtue of paragraph (a) or (b) of that subsection;

(ii) enabling the court by or before whom a person is convicted of the offence of permitting the ram or lamb to be upon that land in contravention as aforesaid, if satisfied that he was the owner of the ram or lamb at the time of the seizure, to direct that the whole or part of the proceeds of the sale of the ram or lamb shall be applied in or towards the satisfaction of any fine imposed on that person for that offence; and

(iii) providing, subject as aforesaid, for the return of the ram or lamb or, as the case may be, of the proceeds of the sale thereof to such person as may prove that he was the owner of the ram or lamb at the time of the seizure;

(b) to the making of regulations providing,—

(i) in the case of a person's being, by virtue of provisions of regulations having effect by virtue of paragraph (a) of the said subsection (1), prohibited from permitting a ram or lamb to be on any land in any area because of a refusal to approve the ram or lamb as being suitable for the purpose of breeding from the flocks from time to time on that land or because of the ram or lamb being declared to be not so suitable; and

(ii) in the case of the service upon a person, under provisions of regulations having effect by virtue of paragraph (e) of that subsection, of a requisition for the slaughter or castration of a ram or lamb;

for the inspection of the ram or lamb by one or more referees appointed by the Minister of Agriculture and Fisheries if an application in that behalf is made by the person in question in such manner and within such period as may be specified in the regulations and on payment of such fee, if any, as may be so specified, and, if such an application is so made, for approval to be given, or to continue to be refused, or the declaration or requisition to be confirmed or withdrawn, as the case may be, in accordance with recommendations contained in a report made by the referee or referees.

(2) Where regulations made under subsection (1) of the said section eighteen contain provisions enabling a person upon whom a requisition for the slaughter or castration of a ram or lamb is served under regulations so made to apply for a referee's inspection of the ram or lamb, no such requisition so served shall take effect until either the time within which an application for such an inspection may be made has expired or, if such an application is duly made, until the applicant has been notified of a decision to confirm the requisition.

Exercise of certain powers of Ministers to be subject to Treasury approval.

8. The powers conferred—

- (a) by subsection (4) of section one of the principal Act on the Ministers to make orders modifying the kinds of operations that are to be treated as improvements for the purposes of that Act; and
- (b) by subsection (3) of section fourteen and section seventeen of that Act on the appropriate Minister to make orders prescribing the amounts which may be paid, in accordance with hill sheep schemes and hill cattle schemes, by way of subsidy payments in respect of animals, and to vary or revoke such orders by subsequent orders;

shall be exercised subject to the approval of the Treasury.

Provisions as to delegation of functions of Minister of Agriculture and Fisheries.

9.—(1) Nothing in section thirty-three of the principal Act shall be construed as precluding the Minister of Agriculture and Fisheries (hereafter in this section referred to as "the Minister") from providing, by regulations under section seventy-two of the Agriculture Act, 1947, for the delegation to a County Agricultural Executive Committee of functions of his under the principal Act, and on the coming into operation of regulations first made under the said section seventy-two for that purpose the following provisions of this section shall have effect.

(2) Any local committees constituted under the said section thirty-three by the Minister for areas in England and Wales shall be dissolved and subsections (1) to (3) and (5) of that section shall cease to have effect as respects England and Wales.

(3) Subsection (6) of section three of the principal Act (which empowers a person specified in an approved livestock rearing land improvement scheme as the person responsible for doing any work to make arrangements with the appropriate local committee constituted under that Act for the doing of the work by that committee instead of that person) shall, in its application to England and Wales, have effect with the substitution, for references to that committee, of references to the County Agricultural Executive Committee within whose area is situated the land for the benefit of which the improvements specified in the scheme are to be made or the greater part of that land, and any arrangements made, by virtue of that subsection, by a person with a local committee for which a County Agricultural Executive Committee is substituted by this subsection shall have effect as if they had been made with the County Agricultural Executive Committee so substituted.

(4) For the purposes of a delegation by the Minister to a County Agricultural Executive Committee of his power to do work under the provisions of the principal Act relating to the making of improvements for the benefit of livestock rearing land that is subject to rights of common of pasture, references in those provisions to work done by the Minister shall include references to work done by that Committee.

(5) Section thirty-four of the principal Act (which confers powers of entry on, and inspection of, land) shall, in its application to England and Wales, have effect with the substitution, for references to a local committee constituted under that Act, of references to—

- (a) a County Agricultural Executive Committee for the time being authorised by virtue of regulations made under section seventy-two of the Agriculture Act, 1947, to exercise functions of the Minister under the principal Act; and
- (b) any sub-committee of such a County Agricultural Executive Committee as aforesaid, being a sub-committee to which the County Agricultural Executive Committee have, by virtue of section seventy-one of the said Act of 1947, delegated any such functions as aforesaid.

10.—(1) An Agricultural Executive Committee established by the Secretary of State under section sixty-eight of the Agriculture (Scotland) Act, 1948, shall have the function of assisting the Secretary of State in the exercise, in relation to the area for

Provisions as to exercise of functions of Secretary of State, &c.

which the Committee are established, of his powers under the principal Act, and the said section sixty-eight shall have effect as if that function were a function delegated to the Committee by virtue of regulations made under section sixty-nine of the said Act of 1948.

(2) All local committees constituted by the Secretary of State under section thirty-three of the principal Act are hereby dissolved and subsections (1) to (3) and (5) of that section shall cease to have effect as respects Scotland.

(3) Subsection (6) of section three of the principal Act shall, in its application to Scotland, have effect with the substitution, for references to the appropriate local committee constituted under that Act, of references to the Agricultural Executive Committee within whose area is situated the land for the benefit of which the improvements specified in the livestock rearing land improvement scheme are to be made or the greater part of that land.

(4) Section thirty-four of the principal Act shall, in its application to Scotland, have effect with the substitution, for references to a member or officer of a local committee constituted under that Act, of references to a member of an Agricultural Executive Committee established by the Secretary of State under section sixty-eight of the Agriculture (Scotland) Act, 1948, or of any sub-committee thereof appointed under the said section sixty-eight to deal with matters connected with the principal Act.

Expenses and
receipts.

11.—(1) There shall be defrayed out of moneys provided by Parliament—

(a) any expenses incurred by the Minister of Agriculture and Fisheries which are attributable to the provisions of this Act empowering him to make regulations providing for the inspection of rams and uncastrated ram lambs by referees appointed by him; and

(b) any increase attributable to this Act in the administrative expenses incurred for the purposes of the principal Act by the Minister of Agriculture and Fisheries and the Secretary of State or either of them.

(2) Any sums recovered under section four of this Act from any person by a Minister shall be paid into the Exchequer.

Short title and
interpretation.

12.—(1) This Act may be cited as the Livestock Rearing Act, 1951.

(2) References in this Act to the principal Act shall, except so far as the context otherwise requires, be construed as referring to that Act as amended by any subsequent enactment, including this Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Hill Farming Act, 1946	9 & 10 Geo. 6. c. 73.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Agricultural Holdings (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 75.
Highways (Provision of Cattle-Grids) Act, 1950	14 Geo. 6. c. 24.

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