



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART VII

#### MISCELLANEOUS PROVISIONS

#### [<sup>F1</sup>99] **Agricultural tied cottages.**

- (1) Section 33 of the <sup>M1</sup>Rent Act 1965 (which enables the court to suspend an order for possession of premises occupied by the tenant under a former tenancy within the meaning of Part III of that Act under the terms of his employment as a person employed in agriculture) shall have effect with the amendments specified in the subsequent provisions of this section; but section 36 of that Act (under which the said section 33 binds the Crown) shall not apply to the subsection added to the said section 33 by subsection (4) of this section.
- (2) After subsection (3) of the said section 33 there shall be inserted the following subsection:—
  - “(3A) Where the order for possession is made within the period of six months beginning with the date when the former tenancy came to an end, then, without prejudice to any powers of the court under the preceding provisions of this section or apart from this section to postpone the operation or suspend the execution of the order for a longer period, the court shall suspend the execution of the order (on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable) for the remainder of the period of six months aforesaid unless the court—
    - (a) is satisfied either—
      - (i) that other suitable accommodation is, or will within that period be made, available to the occupier; or
      - (ii) that the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced unless the premises are available for

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occupation by a person employed or to be employed by the owner; or

(iii) that greater hardship (being hardship in respect of matters other than the carrying on of such a business as aforesaid) would be caused by the suspension of the order until the end of that period than by its execution within that period; or

(iv) that the occupier, or any person residing or lodging with the occupier, has been causing damage to the premises or has been guilty of conduct which is a nuisance or annoyance to persons occupying other premises; and

(b) considers that it would be reasonable not to suspend the execution of the order for the remainder of that period;

but a decision of the court not to suspend the execution of the order under this subsection shall not prejudice any other power of the court to postpone the operation or suspend the execution of the order for the whole or part of the period of six months aforesaid.”

(3) In subsection (5) of the said section 33 (which sets out the matters to which the court is to have regard in considering whether or how to exercise its powers under that section) for the words “powers under this section” there shall be substituted the words “powers under subsection (3) of this section”.

(4) After subsection (6) of the said section 33 there shall be inserted the following subsection:—

“(6A) Where, in the case of an order for possession of the premises to which subsection (3A) of this section applies, the execution of the order is not suspended under that subsection or, the execution of the order having been so suspended, the suspension is terminated, then, if it is subsequently made to appear to the court that the failure to suspend the execution of the order or, as the case may be, the termination of the suspension was—

(a) attributable to the provisions of paragraph (a)(ii) of that subsection, and

(b) due to misrepresentation or concealment of material facts by the owner of the premises,

the court may order the owner to pay to the occupier such sum as appears sufficient as compensation for damage or loss sustained by the occupier as a result of that failure or termination.”]

#### Textual Amendments

**F1** S. 99 repealed (E.W.) by Protection from Eviction Act 1977 (c. 43), Sch. 3

#### Modifications etc. (not altering text)

**C1** The text of ss. 32(2)(3)(5), 99(2)–(4) and Schedules 2 and 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M1** 1965 c. 75.

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**100** ..... F2

**Textual Amendments**

**F2** S. 100 repealed by [Rent Act 1977 \(c. 42\)](#), s. 155(5), [Sch. 25](#)

**101** ..... F3

**Textual Amendments**

**F3** S. 101 repealed by [Rent \(Scotland\) Act 1971 \(c. 28\)](#), [Sch. 20](#)

**102** **Registration of notices relating to conditions applied to Scottish cottages under Hill Farming Act 1946 s. 10.**

- (1) Where conditions, applicable to a cottage in Scotland by virtue of regulations made under section 10 of the <sup>M2</sup>Hill Farming Act 1946, and specified in a notice recorded in the Register of Sasines under section 2(3) of the <sup>M3</sup>Hill Farming Act 1954, are amended by subsequent regulations made under the said section 10, the notice shall have effect as if for the conditions specified therein there were substituted the conditions as so amended.
- (2) The Secretary of State shall record a notice in the Register of Sasines under the said section 2(3) stating that conditions no longer apply to a cottage only where the conditions have ceased to apply to the cottage by virtue of such a payment to the Secretary of State as is referred to in section 10(2) of the said Act of 1946; . . . <sup>F4</sup>

**Textual Amendments**

**F4** Words amend [Hill Farming Act 1954 \(c. 23\)](#), s. 2(3)

**Marginal Citations**

**M2** 1946 c. 73.

**M3** 1954 c. 23.

**103** ..... F5

**Textual Amendments**

**F5** S. 103 repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), s. 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.*))

**104** ..... F6

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#### Textual Amendments

**F6** S. 104 repealed by [Employment and Training Act 1973 \(c. 50\)](#), s. 14(2), **Sch. 4**

### 105 Amendments of Diseases of Animals Act 1950.

- (1) ..... **F7**  
 (2) ..... **F8**  
 (4) ..... **F9**  
 (5) ..... **F8**

#### Textual Amendments

- F7** S. 105(1) repealed by [Diseases of Animals Act 1975 \(c. 40\)](#), **Sch. 2**  
**F8** S. 105(2)(3)(5) repealed by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 10, **Sch. 6**  
**F9** S. 105(4) repealed by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 10, **Sch. 6**

### 106 Eradication of brucellosis.

- (1) The appropriate Minister may, in accordance with a scheme made by the appropriate authority with the consent of the Treasury, pay to the owner of any herd of cattle kept in the United Kingdom, or to any person concerned with the management of such a herd, such sums as that Minister thinks fit to expend in connection with the eradication of brucellosis, and may in particular, if the scheme so provides, pay any such sum by way of supplement to, and subject to any terms or conditions governing the payment of, any grant or subsidy payable under or by virtue of any enactment other than this section.
- (2) A board constituted by any scheme relating to the marketing of milk and made under the <sup>M4</sup>Agricultural Marketing Act 1958 or any enactment of the Parliament of Northern Ireland shall, in accordance with any scheme in that behalf made by the appropriate authority with the consent of the Treasury, make to producers registered under the scheme constituting the board payments in connection with the eradication of brucellosis, being payments in respect of milk sold, or deemed for the purpose of any payments under the scheme constituting the board to have been produced, on or after 1st April 1970; and the sums from time to time required by such a board for the making of payments under this subsection shall be paid to the board by the appropriate Minister.
- (3) ..... **F10**
- (4) Any person who offers for sale, otherwise than for slaughter, any animal known to him to be a reactor to brucella abortus shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F11</sup>level 5 on the standard scale], or, if the offence is committed with respect to more than ten animals, to a fine not exceeding [<sup>F12</sup>level 3 on the standard scale] for each animal.
- (5) ..... **F13**

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- (6) Section 13(5) of the <sup>M5</sup>Agriculture Act 1967 (under which a levy scheme relating to the expenses of the Meat and Livestock Commission may not impose charges in respect of livestock slaughtered under the Diseases of Animals Act 1950 or any order or arrangements made thereunder) shall be amended by inserting at the end “or in accordance with any scheme under section 106 of the Agriculture Act 1970”.
- (7) Any person who knowingly or recklessly makes any false statement for the purpose of obtaining for himself or any other person any payment under a scheme under subsection (1) or (2) of this section shall be liable on summary conviction to a fine not exceeding [<sup>F14</sup>level 3 on the standard scale] or imprisonment for a term not exceeding three months or both.
- (8) Any of the following officers—
- (a) in England and Wales, any officer of the Minister of Agriculture, Fisheries and Food authorised in writing by that Minister to exercise the powers conferred by this subsection;
  - (b) in Scotland, any officer of the Secretary of State or of the said Minister having the like authority of that Secretary of State, and
  - (c) in Northern Ireland, any officer within paragraph (a) above, and any officer of [<sup>F15</sup>the Department of Agriculture for Northern Ireland] having the like authority of [<sup>F15</sup>that Department];

may, for the purpose of obtaining any information which he may consider necessary in connection with a scheme under subsection (1) or (2) of this section, enter upon any land or premises and there inspect any animal, apply any test or take any sample, and examine and take copies of or extracts from any document.

The right of entry under this subsection may be exercised at any reasonable time, but only after production of the officer’s authority if so required; and any person who obstructs or impedes an officer acting in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding [<sup>F16</sup>£20][<sup>F16</sup>level 3 on the standard scale] in the case of a first offence, and, in the case of a second or subsequent offence, to a fine not exceeding [<sup>F16</sup>£50][<sup>F16</sup>level 3 on the standard scale] or imprisonment for a term not exceeding one month or both.

- (9) In subsections (1) and (2) of this section—
- “the appropriate Minister” means the Minister of Agriculture, Fisheries and Food or, in relation to herds kept in Scotland or sums required for making payments to producers in Scotland, the Secretary of State; and
- “the appropriate authority” means the Minister of Agriculture Fisheries and Food or, for the purposes of a scheme relating to herds or producers in Wales (including Monmouthshire), that Minister and the Secretary of State acting jointly or, for the purposes of a scheme relating to herds or producers in Scotland, the Secretary of State.

- (10) A scheme under subsection (1) or (2) of this section—
- (a) may relate to herds or producers in one part only of the United Kingdom or (the appropriate authorities acting jointly for the purpose, if different) in two or more such parts;
  - (b) may be varied or revoked by a subsequent scheme under that subsection;
  - (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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### Textual Amendments

- F10** S. 106(3) repealed by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 10, **Sch. 6**
- F11** 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**
- F12** 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**
- F13** S. 106(5) repealed by [European Communities Act 1972 \(c. 68\)](#), **Sch. 3 Pt. IV**
- F14** 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**
- F15** Words substituted by virtue of [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 5 para. 8(1)**
- F16** “level 3 on the standard scale” substituted (S.) for “£20” and “£50” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**

### Modifications etc. (not altering text)

- C2** Certain functions of Minister of Agriculture, Fisheries and Food under s. 106 now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: S.I. 1978/272, **art. 2, Sch. 1**
- C3** The text of ss. 30(5), 31(1)(2), 32(4)(a), 33(1), 34(3), 87(3)(4) and 106(6) 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.
- C4** S. 106(8): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.) and S.I. 1984/703 (N.I. 3), **arts. 5** (substitution of references to levels on the standard scale), 6 (increase of fines), 9 (in relation to liability on first and subsequent convictions) apply (N.I.)
- C5** S. 106(8): [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#) s. 289E (in relation to liability on first and subsequent convictions), applies (S.)

### Marginal Citations

- M4** 1958 c. 47.
- M5** 1967 c. 22.

107 ..... F17

### Textual Amendments

- F17** S. 107 repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), s. 24(5), **Sch. 4** (the repeal being in force on 25.9.1986 unless consequential on ss. 8-10, the latter repeals being *prosp.*) and subject to an amendment (1.7.1999) by S.I. 1999/1747, **art. 3, Sch. 13 Pt. II para. 2(3)**; S.I. 1998/3178, **art. 3**

## 108 Corn returns.

- (1) The Minister may with the approval of the Treasury, and after consultation with the Home-Grown Cereals Authority, by order made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament and which may be varied or revoked by a subsequent order under this subsection, authorise

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and require the discharge by that Authority instead of by the Minister of such functions of the Minister under the <sup>M6</sup>Corn Returns Act 1882 (other than his functions under section 14 of that Act with respect to the making of regulations) as may be specified in the order, subject to such restrictions or directions with respect to the discharge by the Authority of those functions as may be so specified; and while that order remains in force—

- (a) the <sup>M7</sup>Cereals Marketing Act 1965 shall have effect as if the functions to which the order for the time being relates were included in the functions of the Authority under Part I of that Act; and
- (b) if, in accordance with the order, the Authority are required to receive returns made in pursuance of the said Act of 1882, the persons required to make the returns shall make them to the Authority instead of to the Minister;

but nothing in any such order shall authorise the Authority to institute proceedings for an offence under the said Act of 1882 except in pursuance of a direction by the Minister.

- (2) The contents of any return furnished to the Authority aforesaid by virtue of any functions of the Minister under the said Act of 1882 which they are required and authorised to discharge by an order under subsection (1) of this section shall not without the consent of the person furnishing the return be published or otherwise disclosed except—

- (a) to a member of the Authority appointed by virtue of section 1(2)(a) of the said Act of 1965 or to an officer of the Authority duly authorised in that behalf; or
- (b) to, or to an officer of, the Minister; or
- (c) in the form of a summary of similar returns 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
- (d) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to or arising out of the said Act of 1882;

and any person who publishes or otherwise discloses the contents of any return in contravention of this subsection shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.

- (3) As from such date as the Minister may by order made by statutory instrument appoint, the said Act of 1882 shall have effect subject to the following amendments, being amendments as to the places from which, the persons by whom, and the matters in respect of which returns under that Act are to be made, namely—

- (a) in section 4 (which, as amended by Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1943, provides for the making of returns from such towns as may be prescribed)—

- (i) the words “under the direction of the Board of Trade” shall cease to have effect; and

- (ii) for the word “towns” there shall be substituted the word “ areas” ;

- <sup>F18</sup>(b) .....

- (c) in section 14, for the words from “ refer” onwards there shall be substituted the words “ make different provision for different circumstances ; ”

- (d) in section 18, in the definition of “British corn” , after the word “ barley” in each place where it occurs there shall be inserted the words “ rye, maize ” .

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- (4) In this section, the expression “the Minister” means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State.
- (5) In the application to Scotland of subsection (1) of this section, [<sup>F19</sup>the words “with the approval of the Treasury” and] the words from “but nothing” to the end shall be omitted.

#### Textual Amendments

**F18** S. 108(3)(b) repealed (1.7.1996) by S.I. 1996/848, art. 2(2)

**F19** Words in s. 108(5) inserted (1.7.1999) by S.I. 1999/1747, art. 3, Sch. 13 Pt. II para. 4(2); S.I. 1998/3178, art. 3

#### Modifications etc. (not altering text)

**C6** S. 108: 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, art. 2(1)(5), 3, Sch.

**C7** 31.7.1970 appointed under s. 108(3) by (E.W.) S.I. 1970/1045 and (S.) 1970/1098

#### Marginal Citations

**M6** 1882 c. 37.

**M7** 1965 c. 14.

109 ..... F20

#### Textual Amendments

**F20** Ss. 109, 112 repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I



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