

*Status: Point in time view as at 17/12/2004.*

*Changes to legislation: Agriculture Act 1970 is up to date with all changes known to be in force on or before 08 September 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)*

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

#### Textual Amendments

- F1** Schedule 1 repealed by Agriculture Act 1986 (c. 49, SIF 2:1), s. 24(5), Sch. 4 (the repeal being in force 25.9.1986 unless consequential on sections 8 to 10 of the 1986 Act as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.*))

<sup>F1</sup>

### <sup>F2</sup>SCHEDULE 2

Section 32(8).

### S. 26 OF <sup>M1</sup>AGRICULTURE ACT 1967 AS AMENDED

#### Textual Amendments

- F2** Schedule 2 repealed (N.I.) by S.I. 1987/166 (N.I. 1), art. 20, Sch.

#### 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- C1** The text of ss. 32(2)(3)(5), 99(2)–(4) and Schedules 2 and 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.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** 1967 c. 22.

- 26 (1) The appropriate Minister may in accordance with a scheme approve, and (subject to section 50 of the Agriculture Act 1970) make grants out of money provided by Parliament towards expenditure incurred in connection with the carrying out of—
- (a) transactions for securing that agricultural land which is 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, and
  - (b) 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

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(c) 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 works and facilities which will be carried out or provided for the benefit of the unit to be formed.

Transactions within paragraphs (a) and (b) 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.
- (3) The expenditure towards which a grant may be made under this section in connection with an amalgamation or boundary adjustment shall be any costs of the amalgamation or boundary adjustment of any description specified in the scheme.
- (4) A scheme under this section may make different provision for different circumstances.
- (5) The amount of any grant payable under this section towards expenditure shall be determined in such manner as may be provided for by or under the scheme.
- (6) A scheme under this section shall provide for grant in respect of such of any expenditure such as is mentioned in subsection (3) above as is approved for the purposes of grant by the appropriate Minister in connection with an amalgamation or boundary adjustment approved by that Minister in pursuance of the scheme, and any such approval—
- (a) may be given either before or, in any case where the appropriate Minister thinks fit, after the expenditure has been incurred or the amalgamation or boundary adjustment has been carried out;
  - (b) may be 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 appropriate 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, 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—

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- (a) the appropriate Minister shall not approve 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 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 amalgamation, and
  - (c) in the said Schedule 3 as applied by this subsection “relevant Exchequer payments” shall mean—
    - (i) any such grant as aforesaid in respect of such expenditure as the 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 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 boundary adjustment any 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 section 16 of the <sup>M2</sup>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 <sup>M3</sup>Hill Farming Act 1946,
  - (b) section 5(3) of the <sup>M4</sup>Agriculture (Small Farmers) Act 1959, or
  - (c) section 2(3) of the <sup>M5</sup>Agriculture and Horticulture Act 1964,
- (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 <sup>M6</sup>Agriculture (Scotland) Act 1948 or section 22(4) of the <sup>M7</sup>Crofters (Scotland) Act 1955, shall not apply where in the opinion of the appropriate Minister the carrying out of the proposals is, 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

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or facilities certified under subsection (6) thereof, impracticable or to no purpose or unduly expensive.]

**Marginal Citations**

- M2** 1957 c. 57.
- M3** 1946 c. 73.
- M4** 1959 c. 12.
- M5** 1964 c. 28.
- M6** 1948 c. 45.
- M7** 1955 c. 21.

SCHEDULE 3

Section 64(1).

TRANSITIONAL PROVISIONS FOR PART III

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

- C2** [Schedule 3](#) amended 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. 41(2), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

- 1 In this Schedule “the repeal” means the repeal by this Act of the enactments specified in Part III of Schedule 5 thereto, and “the repealed enactments” means the enactments so specified.
- 2 Any land which immediately before the commencement of Part III of this Act is held by a smallholdings authority for the purposes of smallholdings shall, notwithstanding the repeal, continue to be held by that authority for the purposes of smallholdings, subject to any power exercisable by the authority by virtue of any enactment to appropriate or dispose of it for other purposes.
- 3 The repeal shall not affect the validity of any letting effected before the commencement of Part III of this Act.
- 4 The repeal shall not affect the operation of any of the repealed enactments in relation to allotments or in relation to allotment committees.
- 5 The repeal, in so far as it relates to section 48 of the <sup>M8</sup>Small Holdings and Allotments Act 1908, shall not affect the operation of that section in relation to cottage holdings.

**Marginal Citations**

- M8** 1908 c. 36.

<sup>F3</sup>6 .....

**Textual Amendments**

- F3** [Sch. 3 para. 6](#) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt.II](#)

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- 7 The repeal shall not affect any duty of the Minister to give effect to any trust on which any land is held by the Minister or to any scheme established under the Charitable Trusts Acts 1853 to 1939, or any of those Acts, and subsisting immediately before the commencement of Part III of this Act in accordance with section 48(4) of the <sup>M9</sup>Charities Act 1960.

**Marginal Citations**

**M9** 1960 c. 58.

F48 .....

**Textual Amendments**

**F4** Sch. 3 para. 8 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 3

- 9 Without prejudice to the preceding provisions of this Schedule, in so far as any agreement made, record, map or plan compiled and kept, or other thing done by virtue of any of the repealed enactments could have been made, compiled and kept or done by virtue of a corresponding provision of Part III of this Act, it shall not be invalidated by the repeal but shall effect as if made, compiled and kept or done by virtue of that corresponding provision.

SCHEDULE 4

Section 64(2).

ENACTMENTS AMENDED

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

**C3** 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.

<b>Enactment</b>	<b>Amendment</b>
The Agricultural Land (Utilisation) Act 1931 (21 & 22 Geo. 5. c. 41)	At the end of section 12 there shall be added the following proviso:- “Provided that this section shall have effect subject to section 60 of the Agriculture Act 1970”
The Agriculture Act 1947 (10 & 11 Geo. 6. c. 48)	In section 58, in subsection (1), after the words “they may” there shall be inserted the words “at any time before the passing of the Agriculture Act 1970”.  In Schedule 8, in Part II, in the first entry, for the words from “the application” to the end of the entry, there shall be substituted the words “any regulations made under

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section 52(2) of the Agriculture Act 1970 ”,  
and in the second entry, for the words “not  
authorised by Part IV of this Act” there shall  
be substituted the words “not authorised by  
Part III of the Agriculture Act 1970”

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F5

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F5

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F6

**Textual Amendments**

- F5** Entry repealed by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 101, Sch. 13 para. 3, **Sch. 15 Pt. I**
- F6** Entry repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **Sch. 6**

<sup>F7</sup>**SCHEDULE 5**

**Textual Amendments**

- F7** [Schedule 5](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s.1(1), **Sch. 1 Pt. XI**

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F7

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