



# Agriculture Act 1986

## 1986 CHAPTER 49

### *Provision of agricultural services and goods*

#### **1 Provision of services and goods connected with agriculture and countryside.**

- (1) The Minister may make provision for the supply to any person of any services or goods relating to—
  - (a) the production and marketing of agricultural produce and other food;
  - (b) the conservation and enhancement of the natural beauty and amenity of the countryside; or
  - (c) any other agricultural activity or other enterprise of benefit to the rural economy.
- (2) The provision which may be made under this section includes, in particular, provision for—
  - (a) the giving of information, advice, instruction and training;
  - (b) the undertaking of research and development;
  - (c) the examination or testing of any substance;
  - (d) the supply of veterinary services and of goods required for veterinary purposes;
  - (e) the performance of any service required in connection with the drainage of agricultural land.
- [<sup>F1</sup>(3) The provision which may be made under this section includes provision for any services or goods mentioned in subsection (1) above to be supplied—
  - (a) through any person with whom the Minister enters into a contract for the making of the supply; or
  - (b) through any organisation established by him for the purposes of this section.]
  - (4) Any services or goods provided by virtue of this section may be provided free of charge or for such reasonable charge as the Ministers may determine.

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- (5) For the purposes of this section the conservation of the natural beauty of the countryside includes the conservation of flora and fauna and geological and physiographical features.
- (6) In this section—
- “agriculture” has the same meaning as in the <sup>M1</sup>Agriculture Act 1947; “food” has the same meaning as in the [<sup>F2</sup>Food Safety Act 1990]; and “the Minister” means—
- (a) in relation to services or goods provided in England, the Minister of Agriculture, Fisheries and Food; and
- (b) in relation to services or goods provided in Wales, the Secretary of State, and “the Ministers” means those Ministers acting jointly.

#### Textual Amendments

**F1** S. 1(3) substituted (3.1.1995) by 1994 c. 40, ss. 76, 82(2), **Sch. 16 para. 14**.

**F2** Words substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 54, 59(1), **Sch. 3 para. 35**

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

**C1** S. 1(4): power to transfer certain functions conferred (27.12.1999) by S.I. 1999/3141, arts. 2(1)(5), 3, **Sch.**

#### Marginal Citations

**M1** 1947 c. 48.

### *Fees and charges to meet costs of statutory functions connected with agriculture*

## 2 Fees under seeds regulations.

In section 16 of the <sup>M2</sup>Plant Varieties and Seeds Act 1964 (seeds regulations) after subsection (5) there shall be inserted—

“(5A) In determining any fees to be charged under seeds regulations the Minister may have regard to the costs incurred by him in connection with the enforcement of the regulations.”.

#### Marginal Citations

**M2** 1964 c. 14.

## 3 Fees and charges under Plant Health Act 1967.

After section 4 of the <sup>M3</sup>Plant Health Act 1967 there shall be inserted the following section—

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#### **“4A Charges in connection with import and export licences and certificates.**

Without prejudice to section 4(1) above, an order under this Act may impose such reasonable fees or other charges as the competent authority may, with the consent of the Treasury, prescribe—

- (a) in connection with applications for and the issue of any licence or certificate which may be issued in pursuance of such an order in connection with the import or export of any article; and
- (b) in respect of the performance by the authority of any service without the performance of which any requirement for the issue of such a licence or certificate would not be met.”.

#### **Marginal Citations**

M3 1967 c. 8.

### *Agricultural marketing*

#### **4 Constitution and functions of Home-Grown Cereals Authority.**

- (1) The <sup>M4</sup>Cereals Marketing Act 1965 shall have effect subject to the following amendments (which relate to the constitution and functions of the Home-Grown Cereals Authority).
- (2) In subsection (1) of section 1 of that Act (establishment of the Authority for the purpose of improving the marketing of home-grown cereals) for the word “marketing” there shall be substituted the words “production and marketing”.
- (3) For subsections (2) to (4) of that section (membership of the Authority) there shall be substituted—
  - “(2) The Authority shall consist of not less than twelve and not more than twenty-one members appointed by the Ministers.
  - (3) Of those members—
    - (a) not less than two and not more than three shall be appointed as being independent; and
    - (b) an equal number (being not less than five and not more than nine) shall be appointed as being respectively—
      - (i) persons capable of representing the interests of growers of home-grown cereals, and
      - (ii) persons capable of representing the interests of persons who are either dealers in or processors of home-grown cereals.
  - (4) Of the members appointed under paragraph (b) of subsection (3) of this section as being persons capable of representing the interests of growers of home-grown cereals—
    - (a) such number as appears to the Ministers to be adequate shall be appointed as being also capable of representing the interests of

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farmers who use home-grown cereals for feeding livestock kept by them; and

- (b) at least one shall be appointed as being capable of representing, in particular, the interests of growers of home-grown cereals in Scotland, one the interests of such growers in Wales and one the interests of such growers in Northern Ireland.

(4A) The Ministers shall appoint one of the members appointed under paragraph (a) of subsection (3) of this section to be chairman and another to be deputy chairman of the Authority.”

<sup>F3</sup>(4) .....

(5) In section 6 of that Act (non-trading functions of Home-Grown Cereals Authority) in subsection (5)—

- (a) after the words “work in” there shall be inserted the words “connection with any matter relating to—
  - (aa) the breeding and cultivation of cereals,”;
- (b) for the words “the marketing of cereals” there shall be substituted the words “the production or marketing of cereals”; and
- (c) for paragraph (b) there shall be substituted—
  - “(b) the invention of new uses of, or processes which might be applied to, home-grown cereals or straw or the development or assessment of such uses or processes or existing uses or processes,”.

(6) In paragraph 10 of Schedule 1 to that Act (appointment by the Home-Grown Cereals Authority of advisory committees)—

- (a) at the beginning of sub-paragraph (1) there shall be inserted the words “Subject to sub-paragraph (1A) below,”; and
- (b) after that sub-paragraph there shall be inserted—
  - “(1A) The Authority shall appoint a committee to determine programmes for and report on research and development in connection with home-grown cereals and shall, if the Ministers so direct, appoint a committee to determine programmes for and report on the encouragement of the marketing of such cereals.

(1B) Different committees may be appointed under this paragraph in respect of different kinds of cereals.”.

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|---------------------------|---|
| <b>Textual Amendments</b> |   |
| <b>F3</b>                 | S. 4(4) repealed (22.7.2004) by <a href="#">Statute Law (Repeals) Act 2004 (c. 14)</a> , <a href="#">Sch. 1 Pt. 2</a> Group 1 |
| <b>Marginal Citations</b> |   |
| <b>M4</b>                 | 1965 c. 14.   |

**5 Levies under Cereals Marketing Act 1965.**

<sup>F4</sup>(1) .....

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(2) For subsection (1) of section 16 of that Act (preparation and submission of schemes for imposing levies) there shall be substituted—

“(1) The Authority may at any time prepare and submit to the Ministers a scheme for imposing a levy on persons specified in the scheme who are growers or processors of, or dealers in, home-grown cereals of a kind so specified or who in the course of their business act as intermediaries in the selling and buying of such cereals.

(1A) Before submitting a scheme under subsection (1) above, the Authority shall in such manner as they consider appropriate consult such persons or organisations as appear to them to represent the interests concerned.”.

(3) In subsection (2) of that section (by virtue of which such schemes may provide for the registration of such growers, dealers and processors and require them to furnish information and keep records) for the words “any persons who are growers of, or dealers in, home-grown cereals or who process home-grown cereals” there shall be substituted the words “any such persons as are mentioned in subsection (1) above”.

(4) After that subsection there shall be inserted—

“(2A) A scheme under this section—

- (a) may authorise such of the persons on whom the levy is imposed as may be specified in the scheme to recover all or part of the levy payable by them from such other persons (being persons mentioned in subsection (1) above) as may be so specified and may provide for direct collection from those other persons; and
- (b) may authorise the deduction from the levy payable by persons with such a right of recovery, or the repayment to them, of—
  - (i) such amounts as may be determined in accordance with the scheme in respect of expenses incurred by them in exercising that right, and
  - (ii) any sums which are in accordance with the scheme to be treated as irrecoverable.”.

(5) For section 20(2) of that Act (disclosure of information to Home-Grown Cereals Authority) there shall be substituted—

“(2) Any information obtained by the Intervention Board for Agricultural Produce may be disclosed to the Authority for the purpose of assisting them in collecting any levy imposed under this Act; and any such disclosure shall not be treated as a breach of contract, trust or confidence.”.

(6) In section 24 of that Act (interpretation)—

- (a) in subsection (4)(a) (under which orders under section 13 may include provision as to the circumstances in which cereals shall be treated as delivered) after the words “specified in” there shall be inserted the words “the order”;
- (b) in subsection (5) (which defines a dealer in home-grown cereals as a person trading as a wholesale buyer and seller of such cereals and a processor of home-grown cereals as a person who applies an industrial process to such cereals with a view to selling the processed cereals in the course of his business) for the words “wholesale buyer and seller” there shall be substituted

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the words “wholesale buyer or seller” and the words “with a view to selling the processed cereals” shall be omitted.

- (7) In Schedule 3 to that Act (supplementary provisions concerning levies), for paragraphs 4 to 6 there shall be substituted—

“4 For the purposes of sections 13 to 17 of this Act and of this Schedule a crop which consists of two or more kinds of home-grown cereals shall be treated as if it were a separate kind of home-grown cereals.”.

#### Textual Amendments

**F4** S. 5(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

## 6 Extension of Cereals Marketing Act 1965 to new cereals and other crops.

- (1) The Ministers may, if they think fit, by order provide that the provisions of the <sup>M5</sup>Cereals Marketing Act 1965 shall apply in relation to any such crop falling within subsection (2) below as may be specified in the order as if it were a kind of cereals and, in the case of a crop grown in the United Kingdom, a kind of home-grown cereals within the meaning of that Act.
- (2) The crops referred to in subsection (1) above are—
- herbage seed, flax and any seed grown with a view to the production of oil from it;
  - peas and beans grown for harvesting in a dried state;
  - any crop (except grass) normally grown only for use in feeding livestock;
  - any other arable crop (except sugar, hops, potatoes or any horticultural produce within the meaning of section 8(1) of the <sup>M6</sup>Horticulture Act 1960).
- (3) Before making an order under this section in respect of any crop the Ministers shall consult the Home-Grown Cereals Authority and such persons or organisations as appear to them to represent the interests concerned.
- (4) An order under this section may make such modifications of the <sup>M7</sup>Cereals Marketing Act 1965 as the Ministers consider necessary or expedient in consequence of the provisions of the order.
- (5) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (6) In this section “the Ministers” has the same meaning as in that Act.
- (7) In section 24 of that Act (interpretation)—
- in subsection (2)—
    - in the definition of “home-grown cereals” for the words “or rye” there shall be substituted the words “rye, maize or triticale”, and
    - after the definition of “related product” there shall be inserted—  
“wheat’ includes durum wheat”; and
  - in subsection (3) for the words “and rye” there shall be substituted the words “rye, maize and triticale”.

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

- C2** S. 6: power to transfer certain functions conferred (27.12.1999) by S.I. 1999/3141, arts. 2(1)(5), 3, Sch.

**Marginal Citations**

- M5** 1965 c. 14.  
**M6** 1960 c. 22.  
**M7** 1965 c. 14.

**7 Constitution and levy schemes of Meat and Livestock Commission**

- (1) In section 1(3) of the <sup>M8</sup>Agriculture Act 1967 (maximum number of members of the Meat and Livestock Commission) for the word “ten” there shall be substituted the word “fifteen”.
- (2) In section 13 of that Act (levy to meet the Commission’s expenses)—
- (a) at the end of subsection (1) there shall be inserted the words “; and a levy scheme may make different provision in relation to charges to be imposed to meet expenses incurred by the Commission for different purposes”;
  - (b) after that subsection there shall be inserted—
- (1A) Before submitting a levy scheme under subsection (1) above the Commission may in such manner as they consider appropriate consult such persons as appear to them to represent the interests concerned”;
- (c) in subsection (4) (maximum charges)—
    - (i) the word “and” at the end of paragraph (a) shall be omitted, and
    - (ii) at the end of paragraph (b) there shall be inserted the words “and
  - (c) may differ between the different classes or descriptions of persons chargeable”
  - (d) in subsection (6) (provision in levy schemes for persons on whom levy imposed to recover all or a specified part of sums paid by them from others) the words “all or a specified part of” shall be omitted; and
  - (e) after that subsection there shall be inserted—
- “(6A) Where a levy scheme makes such provision as is mentioned in subsection (6) above it shall—
- (a) authorise the Commission from time to time to determine the proportion of the sums paid under the levy scheme which shall be recoverable;
  - (b) specify whether the Commission may determine that the whole of those sums shall be recoverable and, if not, the maximum proportion of them which they may determine shall be recoverable; and
  - (c) specify whether the Commission may determine that none of those sums shall be recoverable and, if not, the minimum proportion of them which they may determine shall be recoverable.”.

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### Marginal Citations

M8 1967 c. 22.

## 8 Constitution and funding of Food from Britain

- (1) The <sup>M9</sup>Agricultural Marketing Act 1983 shall have effect subject to the following amendments (being amendments relating to the constitution and funding of Food from Britain).
- (2) In section 1(2) (Food from Britain to consist of no fewer than thirteen and no more than fifteen members) for the word “fifteen” there shall be substituted the words “twenty-one”.
- (3) In section 7 (grants etc. by Ministers)—
  - (a) at the end of subsection (1) there shall be inserted the words “and such grants may be made subject to such conditions as the Ministers may with the approval of the Treasury impose”; and
  - (b) at the end of subsection (2) there shall be inserted the words “and any such sums may be lent subject to such conditions as the Ministers may with the approval of the Treasury impose”.
- (4) For paragraph 5 of Schedule 1 (payment by Ministers of remuneration etc. to members of Food from Britain) there shall be substituted—

“5 Food from Britain may—

- (a) pay to its members such remuneration (whether by way of salary or fees) and such travelling or other allowances as it may determine;
- (b) pay such pension, or make such payments towards the provision of a pension, to or in respect of any of its members as it may determine; and
- (c) if it appears to it that there are special circumstances which make it right that a person should receive compensation on ceasing to be a member, pay him such amount by way of compensation as it may determine.”.

<sup>F5</sup>(5) .....

<sup>F6</sup>(6) .....

### Textual Amendments

**F5** S. 8(5) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1

**F6** S. 8(6) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1

### Commencement Information

**I1** s. 8 not in force at Royal Assent see s. 24(2); s. 8(2) in force at 8.9.1986 by [S.I. 1986/1596](#), [art. 2](#); s. 8(4)-(6) in force at 1.4.1998 by [S.I. 1998/879](#), [art. 2](#).



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**Marginal Citations**

M9 1983 c. 3.

**F79 Abolition of Eggs Authority.**

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**Textual Amendments**

F7 S. 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

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

C3 S. 9: power to transfer certain functions conferred (27.12.1999) by S.I. 1999/3141, arts. 2(1)(5), 3, Sch.

**F810 Repeal of certain ministerial powers concerning eggs.**

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**Textual Amendments**

F8 S. 10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

**11 Consolidation of agricultural marketing schemes.**

After paragraph 5 of Schedule 1 to the <sup>M10</sup>Agricultural Marketing Act 1958 (amendment and revocation of agricultural marketing schemes) there shall be inserted—

- “5A (1) Where the Minister considers it appropriate to do so he may—
- (a) prepare a consolidation of any scheme as it has effect with amendments (“the amended scheme”); and
  - (b) by order revoke the amended scheme and approve the consolidated scheme.
- (2) An order made by virtue of this paragraph—
- (a) shall state that it is made only for the purposes of consolidation; and
  - (b) may contain such transitional and consequential provision as the Minister considers necessary or expedient.”

**Marginal Citations**

M10 1958 c. 47.

**F912 Validation of Apple and Pear Development Council orders.**

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#### Textual Amendments

**F9** S. 12 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

### *Compensation to tenants for milk quotas*

#### 13 Compensation to outgoing tenants for milk quota.

Schedule 1 to this Act shall have effect in connection with the payment to certain agricultural tenants on the termination of their tenancies of compensation in respect of milk quota (within the meaning of that Schedule).

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

**C4** S. 13 excluded (1.9.1995) by [1995 c. 8, ss. 16\(3\), 41\(2\)](#) (with s. 37).

#### 14 Compensation to outgoing tenants for milk quota: Scotland.

Schedule 2 to this Act shall have effect in connection with the payment to outgoing tenants who are—

- (a) tenants of agricultural holdings within the meaning of [<sup>F10</sup>the 1991 Act];
- (b) landholders within the meaning of section 2 of the <sup>M11</sup>Small Landholders (Scotland) Act 1911;
- (c) statutory small tenants within the meaning of section 32(1) of that Act;
- (d) crofters within the meaning of section 3(2) of the <sup>M12</sup>Crofters (Scotland) Act 1955,

of compensation in respect of milk quotas.

#### Textual Amendments

**F10** Words in s. 14(a) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11 para. 43**, (with s. 45(3), Sch. 12 para. 3)

#### Marginal Citations

**M11** 1911 c. 49.  
**M12** 1955 c. 21.

#### 15 Rent arbitrations: milk quotas.

- (1) Where there is a reference under section 12 of the <sup>M13</sup>Agricultural Holdings Act 1986 (arbitration of rent) in respect of land which comprises or is part of a holding in relation to which quota is registered under the <sup>M14</sup>Dairy Produce Quotas Regulations 1986 which was transferred to the tenant by virtue of a transaction the cost of which was borne wholly or partly by him, the arbitrator shall (subject to any agreement between the landlord and tenant to the contrary) disregard—

- (a) in a case where the land comprises the holding, any increase in the rental value of the land which is due to that quota (or, as the case may be, the corresponding part of that quota); or

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- (b) in a case where the land is part of the holding, any increase in that value which is due to so much of that quota (or part) as would fall to be apportioned to the land under those Regulations on a change of occupation of the land.
- (2) In determining for the purposes of this section whether quota was transferred to a tenant by virtue of a transaction the cost of which was borne wholly or partly by him—
- (a) any payment made by the tenant in consideration for the grant or assignment to him of the tenancy or any previous tenancy of any land comprised in the holding, shall be disregarded;
- (b) any person who would be treated under paragraph 2, 3 or 4 of Schedule 1 to this Act as having had quota transferred to him or having paid the whole or part of the cost of any transaction for the purposes of a claim under that Schedule shall be so treated for the purposes of this section; and
- (c) any person who would be so treated under paragraph 4 of that Schedule if a sub-tenancy to which his tenancy is subject had terminated, shall be so treated for the purposes of this section.
- (3) In this section—
- “quota” and “holding” have the same meanings as in the <sup>M15</sup>Dairy Produce Quotas Regulations 1986;
- “tenant” and “tenancy” have the same meanings as in the <sup>M16</sup>Agricultural Holdings Act 1986.
- (4) Section 95 of that Act (Crown land) applies to this section as it applies to the provisions of that Act.

#### Marginal Citations

**M13** 1986 c. 5.

**M14** S.I. 1986/470.

**M15** S.I. 1986/470.

**M16** 1986 c. 5.

## 16 Rent arbitrations: milk quotas, Scotland.

- (1) Paragraph 1 and the other provisions of Schedule 2 to this Act referred to therein shall have effect for the interpretation of this section, as they do in relation to that Schedule.
- (2) This section applies where an arbiter or the Scottish Land Court is dealing with a reference under—
- (a) section 6 of the 1886 Act;
- (b) section 32(7) of the 1911 Act;
- (c) [<sup>F11</sup>section 13 of the 1991 Act]; or
- (d) section 5(3) of the 1955 Act,
- (determination of rent) and the tenant has milk quota, including transferred quota by virtue of a transaction the cost of which was borne wholly or partly by him, registered as his in relation to a holding consisting of or including the tenancy.

[<sup>F12</sup>(2A) In this section, in relation to a reference under section 13 of the 1991 Act, “arbiter” includes any other person determining the matter in respect of which the reference is made.]

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- (3) Where this section applies, the arbiter or, as the case may be, the Land Court shall disregard any increase in the rental value of the tenancy which is due to—
- (a) where the tenancy comprises the holding, the proportion of the transferred quota which reflects the proportion of the cost of the transaction borne by the tenant;
  - (b) where such transferred quota affects part only of the tenancy, that proportion of so much of the transferred quota as would fall to be apportioned to the tenancy under the 1986 Regulations on a change of occupation of the tenancy.
- (4) For the purposes of determining whether transferred quota has been acquired by virtue of a transaction the cost of which was borne wholly or partly by the tenant any payment by a tenant when he was granted a lease, or when a lease was assigned to him, shall be disregarded.
- (5) Paragraph 3 of Schedule 2 to this Act (in so far as it relates to transferred quota) shall apply in relation to the operation of this section as it applies in relation to the operation of that Schedule.
- (6) This section shall apply where paragraph 4 of Schedule 2 to this Act applies, and in any question between the original landlord and the head tenant, this section shall apply as if any transferred quota acquired by the sub-tenant by virtue of any transaction during the subsistence of the sub-lease had been acquired by the head tenant by virtue of that transaction.
- (7) [<sup>F13</sup>Section 79 of the 1991 Act] (Crown land) shall have effect in relation to this section as it does in relation to that Act.

#### Textual Amendments

- F11** Words in s. 16(2) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11 para. 44\(a\)](#), (with s. 45(3), Sch. 12 para. 3)
- F12** [S. 16\(2A\)](#) inserted (S.) (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 9](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with Sch.)
- F13** Words in s. 16(7) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), [Sch. 11 para. 44\(b\)](#), (with s. 45(3), Sch. 12 para. 3)

### Conservation

#### 17 Duty to balance interests in exercise of agricultural functions.

- (1) In discharging any functions connected with agriculture in relation to any land the Minister shall, so far as is consistent with the proper and efficient discharge of those functions, have regard to and endeavour to achieve a reasonable balance between the following considerations—
- (a) the promotion and maintenance of a stable and efficient agricultural industry;
  - (b) the economic and social interests of rural areas;
  - (c) the conservation and enhancement of the natural beauty and amenity of the countryside (including its flora and fauna and geological and physiographical features) and of any features of archaeological interest there; and
  - (d) the promotion of the enjoyment of the countryside by the public.

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(2) In this section—

“agriculture” has the same meaning as in the <sup>M17</sup>Agriculture Act 1947 or, in Scotland, the <sup>M18</sup>Agriculture (Scotland) Act 1948; and

“the Minister” means—

- (a) in relation to land in England, the [<sup>F14</sup>Secretary of State]<sup>F14</sup>; and
- (b) in relation to land in Wales or Scotland, the Secretary of State.

#### Textual Amendments

**F14** Words in s. 17(2) in definition of “the Minister” substituted (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), art. 5(1), **Sch. 1 para. 28** (with arts. 5(3), 6)

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

**C5** S. 17 explained by [Farm Land and Rural Development Act 1988 \(c. 16, SIF 2:1\)](#), s. 4(2)

#### Marginal Citations

**M17** 1947 c. 48.

**M18** 1948 c. 45.

## 18 Designation and management of environmentally sensitive areas.

(1) If it appears to the Minister that it is particularly desirable—

- (a) to conserve and enhance the natural beauty of an area;
- (b) to conserve the flora or fauna or geological or physiographical features of an area; or
- (c) to protect buildings or other objects of archaeological, architectural or historic interest in an area,

and that the maintenance or adoption of particular agricultural methods is likely to facilitate such conservation, enhancement or protection, he may, with the consent of the Treasury and after consulting the persons mentioned in subsection (2) below as to the inclusion of the area in the order and the features for which conservation, enhancement or protection is desirable, by order designate that area as an environmentally sensitive area.

(2) The persons referred to in subsection (1) above are—

- (a) in the case of an area in England, <sup>F15</sup>... [<sup>F16</sup>Natural England];
- (b) in the case of an area in Wales, the [<sup>F17</sup>Countryside Council for Wales]; and
- <sup>F18</sup>[(c) in the case of an area in Scotland, Scottish Natural Heritage.]

(3) If the Minister considers that any of the purposes mentioned in paragraphs (a) to (c) of subsection (1) above is likely to be facilitated in a designated area by doing so, he may make an agreement with any person having an interest in agricultural land in, or partly in, the area by which that person agrees in consideration of payments to be made by the Minister to manage the land in accordance with the agreement.

(4) An order under this section designating an area may specify—

- (a) the requirements as to agricultural practices, methods and operations and the installation or use of equipment which must be included in agreements under subsection (3) above as respects land in the area;

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- <sup>F19</sup>[( aa ) the requirements as to public access which may be included in such agreements]
- (b) the period or minimum period for which [<sup>F20</sup>requirements included in such agreements under paragraph (a) or paragraph (aa) above must be imposed];
- (c) the provisions which must be included in such agreements concerning the breach of such requirements; and
- (d) the rates or maximum rates at which payments may be made by the Minister under such agreements and the matters in respect of which such payments may be made.
- <sup>F21</sup>[( 4A ) Where the Minister considers it necessary for the purposes of Article 10 or 20 of Commission Regulation ( EC ) No. 746/96 (aid for agricultural production methods compatible with protection of the environment: combination of aids, and penalties), an agreement under subsection (3) may contain—
- (a) provision requiring the payment of penalties to the Minister in the case of breach of the agreement, and
- (b) provision for payments by the Minister to be withheld in specified circumstances.]
- (5) Subject to the foregoing provisions of this section, an agreement under subsection (3) above may contain such provisions as the Minister thinks fit and, in particular, such provisions as he considers are likely to facilitate such conservation, enhancement or protection as is mentioned in subsection (1) above.
- (6) The Minister shall not make an agreement with any person under subsection (3) above in respect of any land unless that person has certified to the Minister—
- (a) that no person other than he is the owner of the land; or
- (b) that he has notified any other person who is an owner of the land of his intention to make an agreement under subsection (3) above in respect of the land;
- and in this subsection references to the owner of the land are to the estate owner in respect of the fee simple in the land or, in Scotland, [<sup>F22</sup>the owner of the dominium utile].
- (7) The provisions of an agreement under subsection (3) above with any person interested in any land in England or Wales shall, unless the agreement otherwise provides, be binding on persons deriving title under or from that person and be enforceable by the Minister against those persons accordingly.
- (8) Where agreements have been made under subsection (3) above with persons having an interest in land in a designated area the Minister shall arrange for the effect on the area as a whole of the performance of the agreements to be kept under review and shall from time to time publish such information as he considers appropriate about those effects.
- (9) Schedule 2 to the <sup>M19</sup>Forestry Act 1967 (power for tenant for life and others to enter into forestry dedication covenants, or, in Scotland, forestry dedication agreements) shall apply to agreements under subsection (3) above as it applies to forestry dedication covenants or, as the case may be, forestry dedication agreements.
- (10) This section applies to land an interest in which belongs to Her Majesty in right of the Crown or to the Duchy of Lancaster, the Duchy of Cornwall or a Government department or which is held in trust for Her Majesty for the purposes of a Government

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department, but no agreement under subsection (3) above shall be made as respects land to which this subsection applies without the consent of the appropriate authority.

(11) In this section—

“agricultural” has the same meaning as in the <sup>M20</sup>Agriculture Act 1947 or, in Scotland, the <sup>M21</sup>Agriculture (Scotland) Act 1948;

“the appropriate authority” has the same meaning as in section 101(11) of the National Parks and Access to the <sup>M22</sup>Countryside Act 1949;

“the Minister” means—

- (a) in relation to an area in England, the [<sup>F23</sup>Secretary of State]<sup>F23</sup>; and
- (b) in relation to an area in Wales or Scotland, the Secretary of State.

(12) The power to make an order under this section shall be exercisable by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(13) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M23</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this section—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House.

#### Textual Amendments

- F15** Words in s. 18(2)(a) repealed (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), art. 5(2), **Sch. 2** (with art. 6)
- F16** Words in s. 18(2)(a) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 107**; S.I. 2006/2541, art. 2 (with Sch.)
- F17** Words in s. 18(2)(b) substituted (1.4.1991) as provided by [Environmental Protection Act 1990 \(c. 43\)](#), SIF 46:4, s. 132, **Sch. 9 para. 13**; S.I. 1991/685, **art. 3**
- F18** S. 18(2)(c) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28\)](#), SIF 46:1, s. 27(1), **Sch. 10 para. 12**; S.I. 1991/2633, **art. 4**
- F19** S. 18(4)(aa) inserted (1.3.1994) by S.I. 1994/249, **reg. 2(a)**.
- F20** Words in s. 18(4)(b) substituted (1.3.1994) by 1994/249, reg. 2(b).
- F21** S. 18(4A) inserted (1.7.1997) by S.I. 1997/1457, **reg. 2**.
- F22** Words in s. 18(6) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1992 \(c. 55\)](#), SIF 2:3, ss. 88(1), 89(2), **Sch. 11 para. 45** (with s. 45(3), Sch. 12 para. 3)
- F23** Words in s. 18(11) in the definition of “the Minister” substituted (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), art. 5(1), **Sch. 1 para. 29** (with arts. 5(3), 6)

#### Marginal Citations

- M19** 1967 c. 10.
- M20** 1947 c. 48.
- M21** 1948 c. 45.
- M22** 1949 c. 97.
- M23** 1974 c. 28.

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## **19 Supplementary provisions regarding agreements under s.18(3) in Scotland.**

- (1) Where a person having an interest of a kind described in section 18(3) above in land in Scotland, being an interest which enables him to bind the land, enters into an agreement under that subsection—
  - (a) where the land is registered in the Land Register of Scotland, the agreement may be registered in that Register;
  - (b) in any other case the agreement may be recorded in the appropriate Division of the General Register of Sasines.
- (2) An agreement registered or recorded under subsection (1) above shall be enforceable at the instance of the Secretary of State against persons deriving title to the land (including any person acquiring right to a tenancy by assignation or succession) from the person who entered into the agreement; provided that such an agreement shall not be enforceable against a third party who shall have in good faith and for value acquired right (whether completed by infestment or not) to the land prior to the agreement being registered or recorded as aforesaid, or against any person deriving title from such third party.
- (3) Notwithstanding the terms of any agreement registered or recorded under subsection (1) above, the parties to the agreement or any persons deriving title from them may at any time agree to terminate it; and such an agreement to terminate it shall be registered or recorded in the same manner as was the original agreement.
- (4) A grazings committee appointed under section 24 of [<sup>F24</sup>the 1955 Act] may, with the consent of a majority of the crofters ordinarily resident in the township, enter into an agreement under section 18(3) above in relation to any part of the common grazings and may agree to the revocation or variation of any such agreement, and such agreement, revocation or variation shall be binding upon all their successors.
- (5) In the case of an agreement of a kind referred to in subsection (4) above, the payments by the Secretary of State shall be made to the grazings committee and shall be applied by them either—
  - (a) by division among the crofters who share in the common grazings in proportion to their respective rights therein; or
  - (b) subject to subsection (6) below, in carrying out works for the improvement of the common grazings or the fixed equipment required in connection therewith.
- (6) A grazings committee to whom such a payment as is referred to in subsection (5) above has been made and who are proposing to apply the payment in carrying out works in accordance with paragraph (b) of that subsection shall give notice in writing to each crofter sharing in the common grazings of their proposals: and any such crofter may within one month of the date of such notice make representations in respect of the proposals to the Crofters Commission who may approve them with or without modifications or reject them.
- (7) “Crofter” and other expressions used in any of subsections (4) to (6) above and in section 3 of the Crofters (Scotland) Act 1955 have the same meaning in this section as they have in that section as read with section 15(6) of the <sup>M24</sup>Crofters (Scotland) Act 1961.



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#### Textual Amendments

**F24** Words in s. 19(4) substituted (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(2), **Sch. 11 para. 46** (with s. 45(3), Sch. 12 para. 3)

#### Marginal Citations

**M24** 1961 c. 58.

## 20 EEC farm grants relating to areas of special scientific interest or National Parks etc.

- (1) The provisions of this section shall have effect for the purpose of amending certain provisions of the <sup>M25</sup>Wildlife and Countryside Act 1981 which apply to grants under schemes made under section 29 of the <sup>M26</sup>Agriculture Act 1970 so as to apply them to certain agricultural grants under regulations made under section 2(2) of the <sup>M27</sup>European Communities Act 1972.
- (2) In subsection (1) of section 32 of the said Act of 1981 (duties of agriculture Ministers to exercise functions so as to further conservation where applications are made to them for grants under such schemes with respect to areas of special scientific interest)—
  - (a) for the words “a grant under a scheme made under section 29 of the Agriculture Act 1970 (farm capital grants)” there shall be substituted the words “a farm capital grant”; and
  - (b) in paragraph (a) for the words “the scheme and section 29 of the said Act of 1970” there shall be substituted the words “the grant provisions”.
- (3) For subsection (3) of that section (definition of “the appropriate Minister”) there shall be substituted—
  - “(3) In this section—
    - “the appropriate Minister” means the Minister responsible for determining the application;
    - “farm capital grant” means—
      - (a) a grant under a scheme made under section 29 of the Agriculture Act 1970; or
      - (b) a grant under regulations made under section 2(2) of the European Communities Act 1972 to a person carrying on an agricultural business within the meaning of those regulations in respect of expenditure incurred or to be incurred for the purposes of or in connection with that business, being expenditure of a capital nature or incurred in connection with expenditure of a capital nature;
    - “grant provisions” means—
      - (i) in the case of such a grant as is mentioned in paragraph (a) above, the scheme under which the grant is made and section 29 of the Agriculture Act 1970; and
      - (ii) in the case of such a grant as is mentioned in paragraph (b) above, the regulations under which the grant is made and the Community instrument in pursuance of which the regulations were made.”.

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- (4) In subsection (3) of section 41 of the said Act of 1981 (which makes similar provision in relation to land which is in a National Park or an area specified for the purposes of that subsection)—
  - (a) for the words “a grant under a scheme made under section 29 of the Agriculture Act 1970 (farm capital grants)” there shall be substituted the words “a farm capital grant”;
  - (b) in paragraph (a) for the words “the scheme and the said section 29” there shall be substituted the words “the grant provisions”.
- (5) In subsection (5) of the said section 41 (definitions) for the definitions of “agricultural business” and “the appropriate Minister” there shall be substituted—
  - ““agricultural business” has the same meaning as in section 29 of the Agriculture Act 1970;
  - “the appropriate Minister”, “farm capital grant” and “grant provisions” have the same meanings as in section 32;”.
- (6) For the definition of “farm capital grant” in subsection (4) of section 50 of that Act (payments under certain agreements offered by authorities where applications for grants under section 29 of the said Act of 1970 are refused) there shall be substituted—
  - ““farm capital grant” has the same meaning as in section 32;”

**Marginal Citations**  
**M25** 1981 c. 69.  
**M26** 1970 c. 40.  
**M27** 1972 c. 68.

**21** ..... <sup>F25</sup>

**Textual Amendments**  
**F25** S. 21 repealed by Rights of Way Act 1990 (c. 24, SIF 59), s. 6(4)

*Farm grants*

**22** <sup>F26</sup> **Farm capital grants: ancillary businesses etc.**

- (1) In section 28 of the <sup>M28</sup>Agriculture Act 1970 (interpretation of provisions relating to capital and other grants) at the end of the definition of “agricultural business” there shall be inserted the words “and includes any other business, of a kind for the time being specified by an order made by the appropriate authority, which is carried on by a person also carrying on a business consisting in or partly in the pursuit of agriculture and is carried on on the same or adjacent land”.
- (2) The existing provisions of that section shall become subsection (1) of that section and after that subsection there shall be inserted—

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“(2) An order under subsection (1) above shall be made by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

**Textual Amendments**

**F26** S. 22 repealed (N.I.) by S.I.1987/166 (N.I. 1),art.20, Sch.

**Marginal Citations**

**M28** 1970 c. 40.

*Supplemental*

**23 Financial provisions.**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses incurred by a Minister by virtue of this Act; and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.
- (2) Any sums received by a Minister under this Act shall be paid into the Consolidated Fund.

[<sup>F27</sup>23A In this Act—

- “the 1886 Act” means the Crofters Holdings (Scotland) Act 1886;
- “the 1911 Act” means the Small Landholders (Scotland) Act 1911;
- “the 1955 Act” means the Crofters (Scotland) Act 1955; and
- “the 1991 Act” means the Agricultural Holdings (Scotland) Act 1991.]

**Textual Amendments**

**F27** S. 23A inserted (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(1), 89(2), Sch. 11 para. 47 (with s. 45(3), Sch. 12 para. 3)

**24 Short title, commencement, consequential amendments, repeals and extent.**

- (1) This Act may be cited as the Agriculture Act 1986.
- (2) Sections 8, <sup>F28</sup>... above and the repeals consequential on sections 8 <sup>F28</sup>... above shall come into force on such date as the Ministers acting jointly may by order made by statutory instrument appoint <sup>F28</sup>...; and in this subsection “the Ministers” means the Ministers responsible for agriculture in the parts of the United Kingdom to which the provision in question extends.
- (3) An order under subsection (2) above may appoint different dates for the coming into force of different provisions.

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- (4) The provisions mentioned in Schedule 3 to this Act shall have effect subject to the amendments there specified (being amendments consequential on the provisions of this Act).
- (5) The enactments mentioned in Schedule 4 to this Act (which include some spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (6) Sections 1, 13, 15, 18(7) <sup>F29</sup>... above and Schedule 1 to this Act do not extend to Scotland.
- (7) The provisions of this Act do not extend to Northern Ireland except for sections 4 to 6, 8, <sup>F30</sup>... 11, 18(13) and 22, this section and the provisions of Schedules 3 and 4 which affect enactments extending there.

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#### **Subordinate Legislation Made**

- P1** S. 24: power of appointment conferred by s. 24 partly exercised: [S.I. 1986/1484](#), 1485, 1596, 2301
- P2** S. 24(2): s. 24(2) power exercised by [S.I. 1991/2635](#)
- P3** S. 24(2) power partly exercised (19.3.1998): 1.4.1998 appointed for specified provision by [S.I. 1998/879](#).

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#### **Textual Amendments**

- F28** Words in [s. 24\(2\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1
- F29** Words in [s. 24\(6\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1
- F30** Words in [s. 24\(7\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 1

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#### **Commencement Information**

- I2** S. 24 partly in force; s. 24(5) partly in force 21.11.1991, see [S.I. 1991/2635](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture Act 1986.