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*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent*

*Changes to legislation: Agricultural Land (Removal of Surface Soil) Act 1953, Section 2 is up to date with all changes known to be in force on or before 12 July 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) View outstanding changes*

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# Agricultural Land (Removal of Surface Soil) Act 1953

1953 CHAPTER 10 1 and 2 Eliz 2

## 2 Punishment of offences against this Act. **E+W**

- (1) A person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that where a person is convicted of an offence against this Act and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence, he shall be liable—

- (a) to imprisonment for a term not exceeding three months; or
  - (b) to a fine not exceeding fifty pounds for every day on which the earlier offence has been so repeated or continued by him or two hundred pounds (whichever is the greater), or to both.
- (2) Where an offence against this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by members thereof, means a member of that body.

- (3) In proceedings under this Act it shall be a defence to show that, before the carrying out of the operations in respect of which the proceedings are brought, [F1 a certificate was issued under section 192 of the Town and Country Planning Act 1990 that the operations would be lawful.]

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### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

### Textual Amendments

- F1** Words in s. 2(3) substituted (E.W.)(27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para.1](#) (with s. 84(5)); S.I. 1992/1630, art.2, [Sch. 1](#) (with art. 3(3))

### Modifications etc. (not altering text)

- C1** [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.)

## 2 Punishment of offences against this Act. **S**

- (1) A person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that where a person is convicted of an offence against this Act and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence, he shall be liable—

- (a) to imprisonment for a term not exceeding three months; or  
(b) to a fine not exceeding fifty pounds for every day on which the earlier offence has been so repeated or continued by him or two hundred pounds (whichever is the greater), or to both.
- (2) Where an offence against this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by members thereof, means a member of that body.

- (3) In proceedings under this Act it shall be a defence to show that, before the carrying out of the operations in respect of which the proceedings are brought, it was determined or decided under [<sup>F2</sup>section 64 of the Town and Country Planning Act 1990], that those particular operations would not fall within paragraph (b) of subsection (1) of the foregoing section; but a determination or decision under the said section seventeen shall not in other circumstances be treated as conclusive for the purposes of this Act.

### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

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#### **Textual Amendments**

- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\)](#), s. 4, [Sch. 2 para. 3\(2\)](#)

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

- C2** [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. [289E](#) (in relation to liability on first and subsequent convictions), and s. [289G](#) (substitution of references to levels on the standard scale) apply (S.)

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 2(1) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)