



Agriculture (Scotland) Act 1948

1948 CHAPTER 45 11 and 12 Geo 6

PART II

GOOD ESTATE MANAGEMENT AND GOOD HUSBANDRY

Modifications etc. (not altering text)

C1 Part II saved by [Agricultural Holdings \(Scotland\) Act 1949 \(c. 75\)](#), s. 99(8); restricted by [Crofters \(Scotland\) Act 1955 \(3 & 4 Eliz. 2 c. 21\)](#), s. 38(3), [Sch. 6 Pt. I](#)

26 Duties of good estate management and good husbandry

(1) ^{F1}

(2) The provisions of the Fifth Schedule and of the Sixth Schedule to this Act shall have effect respectively for the purpose of determining for the purposes of this Act whether the owner of agricultural land is fulfilling his responsibilities to manage it in accordance with the rules of good estate management, and whether the occupier of an agricultural unit is fulfilling his responsibilities to farm it in accordance with the rules of good husbandry.

Textual Amendments

F1 Ss. 26(1), 27–34, 36–38 repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)

27—34 ^{F2}

Textual Amendments

F2 Ss. 26(1), 27–34, 36–38 repealed by [Agriculture Act 1958 \(c. 71\)](#), [Sch. 2 Pt. I](#)

Status: Point in time view as at 29/06/2011.

Changes to legislation: Agriculture (Scotland) Act 1948, Part II is up to date with all changes known to be in force on or before 02 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)

Special directions to secure production

35 Special directions to secure production.

- (1) Where it appears to the Secretary of State necessary so to do in the interest of the national supply of food or other agricultural products, he may by statutory instrument order that all or any of the powers conferred on him by the next following subsection shall be exercisable by him for a period of one year from the making of the instrument . . . ^{F3}
- (2) During the period for which the said powers are exercisable the Secretary of State may by notice in writing served on the person occupying or entitled to occupy any agricultural land give such directions—
 - (a) as to the use of the land for any of the purposes of agriculture and the manner in which and the produce for which it is to be so used,
 - (b) as to the carrying out of any work required to enable the land to be used as directed under paragraph (a) of this subsection,
 - (c) as to any other matters as to which directions may be given to an occupier of an agricultural unit where a warning notice under this Part of this Act is in force in relation to his farming of the unit,
 - (d) without prejudice to the general powers conferred by the foregoing paragraphs, as to the maximum area of land which may be maintained on an agricultural unit under pasture laid down with clover, grass, lucerne, sainfoin or other seeds or under herbage crops grown for commercial seed production, as appear to the Secretary of State expedient in the interest aforesaid and reasonable having regard to the character and situation of the land and other relevant circumstances.
- (3) If any person to whom a direction is given under this section contravenes or fails to comply with the direction, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.
- (4) Subsections (6) to (9) of section twenty-nine of this Act shall apply in relation to directions under this section as they apply in relation to directions under the said section twenty-nine.
- (5) The provisions of the Third Schedule to this Act shall have effect where a direction is given under this section requiring the ploughing-up of permanent pasture or the performing of other acts of cultivation.
- (6) Nothing done or omitted by an occupier in pursuance of a direction under this section shall be treated as a failure to fulfil his responsibilities to farm land in accordance with the rules of good husbandry, so long as the act or omission was reasonably necessary in consequence of the giving of the direction.
- (7) Any period for which the powers conferred on the Secretary of State by subsection (2) of this section are exercisable shall be extended by a further year if the Secretary of State by statutory instrument made not earlier than one month before the date on which the said period would otherwise expire orders that the said period shall be so extended.
- (8) The expiration of the said period shall not affect the operation of any direction under this section previously given.

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(9) A statutory instrument made under this section shall be of no effect unless approved by resolution of [^{F4}the Scottish Parliament]:

Provided that if at the time when such an instrument is made [^{F5}the Scottish Parliament is dissolved or is in recess] for more than four days, the foregoing provisions of this subsection shall not apply but the instrument shall be laid before [^{F6}the Scottish] Parliament as soon as may be and shall cease to have effect unless approved by resolution of [^{F4}the Scottish Parliament] before the expiration of the twenty-eighth day on which [^{F7}the Scottish Parliament] has sat after the instrument is laid before it.

Textual Amendments

- F3** Words repealed with saving by [Agriculture Act 1958 \(c. 71\)](#), s. 10(4), **Sch. 3**
- F4** Words in s. 35(9) substituted (27.7.2000) by [S.I. 2000/2040](#), art. 2(1), **Sch. Pt. I para. 1(2)**
- F5** Words in s. 35(9) substituted (27.7.2000) by [S.I. 2000/2040](#), art. 2(1), **Sch. Pt. I para. 1(3)**
- F6** Words in s. 35(9) inserted (27.7.2000) by [S.I. 2000/2040](#), art. 2(1), **Sch. Pt. I para. 1(4)**
- F7** Words in s. 35(9) substituted (27.7.2000) by [S.I. 2000/2040](#), art. 2(1), **Sch. Pt. I para. 1(5)**

36—38 ^{F8}

Textual Amendments

- F8** [Ss. 26\(1\), 27–34, 36–38](#) repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 2 Pt. I**

Status:

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