



Agriculture (Miscellaneous War Provisions) (No. 2) Act 1940

1940 CHAPTER 50

7 Amendment of 3 and 4 Geo. 6. c. 14, s. 29

(1) For subsection (1) of section twenty-nine of the Agriculture (Miscellaneous War Provisions) Act, 1940, the following subsection shall be substituted—

“(1) Where, on consideration of a report from the Agricultural Executive Committee for any area in Scotland, the Secretary of State is satisfied—

(a) that any agricultural land in the area of that Committee is being injured or in danger of being injured by reason of the failure of the owner or occupier of any other land to undertake or to join in undertaking—

(i) the cleansing or scouring of the channel, or

(ii) the keeping in repair of any sluice or flap valve, or

(iii) the restoration of the banks or of any embankment,

of or in any watercourse in or partly in that other land; or

(b) that in order to protect from flooding any agricultural land in the area of the Committee it is essential that the channel of a watercourse in or partly in any other land should be widened or deepened, or that sluices or flapvalves should be constructed in such a watercourse, or that an embankment should be erected on any other land; and

(c) in any such case as aforesaid, that the estimated cost of carrying out any operations necessary to remedy or prevent such injury, or to secure such protection from flooding", as the case may be, would not be unreasonable having regard to the benefits to agriculture that would accrue and would not in any case exceed an amount equal to five pounds for each acre of agricultural land benefited by the operations;

the Secretary of State may serve a notice on the owner of the other land requiring him to carry out within such period as may be specified in the notice

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

such operations as may be necessary in his opinion to remedy or prevent the Injury, or to secure the protection from flooding, as may be so specified.”

- (2) Subsection (4) of the aforesaid section shall have effect as if for the proviso thereto there were substituted the following proviso—

“Provided that—

- (i) if it appears to the Secretary of State that the necessity for any such operations as are required to remedy or prevent such injury as aforesaid is due in whole or in part to the neglect of the owner of any land other than that belonging to the person on whom the notice was served, or that any benefit has accrued or is expected to accrue in consequence of the carrying out of the operations to the owner of any land other than as aforesaid, the Secretary of State may require the owner of that other land to pay such proportion of the aforesaid expense as in all the circumstances seems Just;
 - (ii) in the case where the operations were necessary to secure protection from flooding, the Secretary of State shall require the expense to be paid in such proportions as in all the circumstances shall seem just by the owners of any lands to whom benefit has accrued or is expected to accrue in consequence of the carrying out of the operations, and no part of such expense shall be recoverable from the person on whom the notice was served if no benefit has so accrued or is expected so to accrue to him, and
 - (iii) any person required to pay the whole or any part of such expense may, within fourteen days after being so required, appeal to the Scottish Land Court against the requirement.”
- (3) Subsection (10) of the aforesaid section shall have effect as if after the word " any ", in the first place where that word occurs, the word " river " were inserted.
- (4) There shall be paid out of moneys provided by Parliament any increase attributable to the passing of this section in the expense authorised by subsection (9) of the aforesaid section twenty-nine to be defrayed out of moneys so provided.