



Agriculture (Miscellaneous Provisions) Act 1941

1941 CHAPTER 50 4 and 5 Geo 6

E+W+S

An Act to amend the law relating to agriculture (including bee-keeping) and agricultural land. [11th November 1941]

Commencement Information

II Act wholly in force at Royal Assent

1 ^{F1} **U.K.**

Textual Amendments

F1 S. 1 repealed by Statute Law (Repeals) Act 1986 (c. 12), Sch. 1 Pt. II

2 ^{F2} **U.K.**

Textual Amendments

F2 S. 2 repealed by Agriculture (Miscellaneous Provisions) Act 1943 (c. 16, SIF 2:1), s. 2

3 ^{F3} **U.K.**

Status: Point in time view as at 01/12/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1941 (repealed 5.11.1993). (See end of Document for details)

Textual Amendments

F3 S. 3 repealed with saving by [Agriculture Act 1970 \(c. 40, Sif 2:1\)](#), [Sch. 5 Pt. I](#)

4-6 ^{F4} **U.K.**

Textual Amendments

F4 Ss. 4-6, 9, 10 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. VIII](#)

7 Provisions as to ways over fenlands wholly or partly in internal drainage districts. U.K.

- (1) Section two of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940 (which provides for the recovery of expenses in respect of the improvement of ways over fen-land in internal drainage districts and for the maintenance of work done for the improvement of such ways) shall apply in relation to ways partly within an internal drainage district as well as in relation to ways wholly within such a district; and an order may be made under subsection (8) of that section requiring the internal drainage board of an internal drainage district to maintain the work done on any way which is partly within and partly not within that district as if the whole way were within that district, and references in that section to the internal drainage board of the internal drainage district in which the land over which the way runs is situated shall be construed accordingly.
- (2) Where any sum is recoverable under the said section two from the owner of fen-land in respect of expenses incurred in connection with the improvement of any way over the land, and the land is held on any tenancy, he shall be entitled to recover from the tenant, and any assignee or successor of the tenant, interest on the said sum as from the date on which it became recoverable, at such rate as, in default of agreement between the owner and the tenant, may be fixed by the Treasury, and the interest shall be payable at the same times and be recoverable in the same manner as the rent payable under the tenancy.

In a case where the owner has elected to pay the said sum by instalments, the reference in this subsection to the date on which it became recoverable shall be construed as a reference to the date on which it would have become recoverable but for the election.

8 Provisions as to ways over fen-lands not in any internal drainage district. U.K.

- (1) Where work for the improvement of a way (not being a highway repairable by the inhabitants at large) over fen-land has been done under the authority of the Minister in the exercise of powers conferred by Defence Regulations, and no part of the way is within an internal drainage district, the following provisions of this section shall have effect.
- (2) The expenses reasonably incurred in connection with the work may be recoverable from the owners of land the value of which for agricultural purposes will be increased by the doing of the work, and the provisions of the Third Schedule to this Act shall apply for that purpose, and where any sum is recoverable under the said Schedule as

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applied by this section, subsection (2) of the last preceding section shall apply as if the sum were recoverable under section two of the ^{M1}Agriculture (Miscellaneous War Provisions) (No.2) Act, 1940.

- (3) If, either before or after the commencement of the work, the council of the county within which the way is situated notify the Minister in writing that they will undertake the maintenance of the work—
- (a) the council shall maintain the work accordingly, for the benefit of all persons from time to time interested in any of the lands which have been charged under the Third Schedule to this Act with the expenses incurred in connection with the work;
 - (b) the Minister shall, as soon as may be after the completion of the work, deliver to the council a certificate in writing specifying the lands which have been charged as aforesaid and the proportion which, in the case of each parcel of land, the amount charged bore to the total amount charged under that Schedule in respect of the expenses incurred in connection with the work;
 - (c) whenever the council incur any expense in maintaining the work, they shall be entitled to recover as a debt from the owner of each of the said parcels such amount as bears to that expense the proportion specified in relation to that parcel in the certificate given by the Minister under paragraph (b) of this subsection;
 - (d) as from the delivery of the said certificate, the council shall be entitled to a charge on each of the said parcels for the said proportion of any expense incurred or to be incurred by them in the maintenance of the work.
- (4) Any sum recoverable by a council under paragraph (c) of the last preceding subsection shall, without prejudice to any other mode for the recovery thereof, be recoverable summarily as a civil debt; and any charge under paragraph (d) of that subsection shall be a local land charge [^{F5}and shall be registrable under section fifteen of the ^{M2}Land Charges Act, 1925], accordingly, and the council shall, for the purpose of enforcing the charge, have the same powers and remedies under the ^{M3}Law of Property Act, 1925, and otherwise as they would have if they were mortgages by deed having powers of sale and lease, of accepting surrenders of leases, and of appointing a receiver.
- (5) In determining for the purposes of this section, and of the Third Schedule to this Act as applied by this section, whether, and the amount by which, the value for agricultural purposes of any land will be increased by the doing of the work, due regard shall be had to the provisions of the two last preceding subsections.
- (6) In this section the expression “owner” has the meaning assigned to it by paragraphs 8 of the Third Schedule to this Act.

Textual Amendments

F5 Words repealed (E.W.) with saving by Local land Charges Act 1975 (c. 76, SIF 98:2), s. 19, **Sch. 2**

Marginal Citations

M1 1940 c. 50.

M2 1925 c. 22.

M3 1925 c. 20.

Status: Point in time view as at 01/12/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1941 (repealed 5.11.1993). (See end of Document for details)

9, 10. ^{F6}..... **U.K.**

Textual Amendments

F6 Ss. 4–6, 9, 10 repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VIII**

11 ^{F7}..... **U.K.**

Textual Amendments

F7 S. 11 repealed by Bees Act 1980 (c. 12, SIF 2:1), s. 5(3)

12–14 ^{F8}..... **U.K.**

Textual Amendments

F8 Ss. 12–14 repealed by Statute Law (Repeals) Act 1986 (c. 12), **Sch. 1 Pt. II**

15 **Interpretation.** **E+W**

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the Minister” means [^{F9}the Minister of Agriculture, Fisheries and Food];
.....^{F10}

“Defence Regulations” means Regulations made under the ^{M4}Emergency Powers (Defence) Acts, 1939 ^{M5}and 1940;

[^{F11}“drainage” has the same meaning as in the Land Drainage Act 1991;

“drainage authority” means the National Rivers Authority or an internal drainage board;]

“fen-land” shall be construed generally, and not as limited to land in that part of England commonly known as “the Fens”;

“local drainage district” means a drainage district other than a catchment area;

.....^{F10}

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

F9 Words substituted by virtue of S. I. 1955/555

F10 Definitions repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VIII**

F11 Defintions in s. 15 substituted (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1**, para. 3

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Marginal Citations

M4 1939 c. 62.

M5 1940 c. 20.

15 Interpretation. **S**

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the Minister” means [^{F15}the Minister of Agriculture, Fisheries and Food];
.....^{F16}

“Defence Regulations” means Regulations made under the ^{M9}Emergency Powers (Defence) Acts, 1939 ^{M10} and 1940;

“drainage”, “drainage authority”, “internal drainage board”, and “internal drainage district” have the same meanings as in the ^{M11}[^{F17}Land Drainage Act 1976;]

“fen-land” shall be construed generally, and not as limited to land in that part of England commonly known as “the Fens”;

“local drainage district” means a drainage district other than a catchment area;
.....^{F16}

Extent Information

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

Textual Amendments

F15 Words substituted by virtue of S. I. 1955/555

F16 Definitions repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VIII**

F17 Words substituted by virtue of Land Drainage Act 1976 (c. 70, SIF 73:1), **Sch. 6 para. 9**

Marginal Citations

M9 1939 c. 62.

M10 1940 c. 20.

M11 1976 c. 70.

16 Short title. **U.K.**

This Act may be cited as the Agriculture (Miscellaneous Provisions) Act, 1941.

Status: Point in time view as at 01/12/1991.

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F12F12 FIRST, SECOND
SCHEDULES U.K.

Textual Amendments

F12 Schs. 1, 2, 4 repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. VIII

F12

THIRD SCHEDULE U.K.

Sections 6 & 8.

PROVISIONS APPLICABLE TO RECOVERY OF EXPENSES FROM OWNERS OF LAND

- 1 A proportion of the expenses shall be recoverable as a debt due to His Majesty from each owner of land the value of which will be increased by the doing of the work on whom a notice in writing requiring payment thereof is served by the Minister within one year from the completion of the work, and shall, without prejudice to any other mode for the recovery thereof, be recoverable by the Minister summarily as a civil debt.
- 2 A notice served for the purposes of the preceding paragraph shall specify the sum which the owner on whom it is served is required to pay and the land in respect of which he is required to pay it, and that sum shall not exceed either of the following limits, that is to say—
 - (a) the amount by which the value for agricultural purposes of the specified land will be increased by the doing of the work;
 - (b) the same proportion of the expenses as the amount aforesaid bears to the amount by which the value for agricultural purposes of all the land affected will be increased by the doing of the work.
- 3 Subject to the provisions of the two next succeeding paragraphs, the sum specified in such a notice shall become recoverable at the expiration of three months from the date of the service thereof.
- 4 If an owner on whom such a notice is served claims that none of the land in his ownership will be increased in value for agricultural purposes by the doing of the work, or that the sum specified in the notice exceeds either of the limits mentioned in paragraph 2 of this Schedule, he may, by notice in writing served on the Minister at any time within the said three months, require his claim to be referred for determination by a single arbitrator appointed by agreement between him and the Minister, or, in default of such agreement, by the President of the Chartered Surveyors' Institution and, if he does so, no sum shall be recoverable from him until his claim has been so determined, and—
 - (a) if it is determined that none of the land in his ownership will be increased in value as aforesaid, no part of the expenses shall be recoverable from him;

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- (b) if it is determined that the sum specified exceeds either of the said limits, the sum recoverable from him shall be that sum less such amount as the arbitrator may determine to be requisite in order to bring it within those limits.

5 An owner on whom a notice for the purposes of paragraph 1 of this Schedule is served may, by notice in writing served on the Minister at any time within the said three months, or, if he has claimed a reference under the last preceding paragraph, at any time within one month from the date on which his claim has been determined, elect to pay any sum recoverable from him under this Schedule, together with interest thereon from the date on which that amount would otherwise have become recoverable from him, by such number of equal annual instalments, not exceeding five, as may be specified in his notice:

Provided that—

- (a) the first instalment shall be payable within one year from the last-mentioned date; and
- (b) the rate of interest shall, in default of agreement between the owner and the Minister, be fixed by the Treasury.

6 Any amount recoverable under the preceding provisions of this Schedule shall be a charge on the land specified in the relevant notice served for the purpose of paragraph 1 hereof, and the Minister shall, for the purpose of enforcing the charge, have the same powers and remedies under the ^{M6}Law of Property Act, 1925, and otherwise as he would have if he were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases, and of appointing a receiver.

Marginal Citations

M6 1925 c. 20.

7 A notice to be served for the purposes of this Schedule may be served in any manner specified in [^{F13}section one hundred and eight of the ^{M7}Land Drainage Act 1976], in relation to notices required or authorised to be served under or by virtue of that Act.

Textual Amendments

F13 Words substituted by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), [Sch. 6 para. 9](#)

Marginal Citations

M7 1976 c. 70.

8 In this Schedule the expression “owner” in relation to land means the person who is receiving the rack rent of the land, whether on his own account or as agent or trustee for any other person, or would so receive the rack rent of the land if it were let at a

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rack rent, and in this paragraph the expression “rack rent” has the same meaning as in the ^{M8}Public Health Act, 1936.

Marginal Citations

M8 1936 c. 49.

FOURTH
SCHEDULE.
F14 **U.K.**

Textual Amendments

F14 Schs. 1, 2, 4 repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VIII**

Status:

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Changes to legislation:

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