



Agriculture (Miscellaneous Provisions) Act 1941 (repealed 5.11.1993)

1941 CHAPTER 50 4 and 5 Geo 6

1 ^{F1}

Textual Amendments

F1 S. 1 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), Sch. 1 Pt.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

2 ^{F2}

Textual Amendments

F2 S. 2 repealed by [Agriculture \(Miscellaneous Provisions\) Act 1943 \(c. 16, SIF 2:1\), s. 2](#)

3 ^{F3}

Textual Amendments

F3 S. 3 repealed with saving by [Agriculture Act 1970 \(c. 40, SIF 2:1\), Sch. 5 Pt.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

4–6 ^{F4}

Textual Amendments

F4 Ss. 4–6, 9, 10 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt.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

Status: Point in time view as at 01/12/1991.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legislation: There are currently no known outstanding effects for the Agriculture (Miscellaneous Provisions) Act 1941 (repealed 5.11.1993).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)

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

- (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.

- (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 applied by this section, subsection (2) of the last preceding section shall apply as if the sum were recoverable under section two of the ^{MI}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

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- 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.

9, 10. ^{F6}

Textual Amendments

F6 Ss. 4–6, 9, 10 repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt.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

11 ^{F7}

Textual Amendments

F7 S. 11 repealed by Bees Act 1980 (c. 12, SIF 2:1), s. 5(3)

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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** Definitions 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**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 [^{F12}the Minister of Agriculture, Fisheries and Food];
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“Defence Regulations” means Regulations made under the ^{M6}Emergency Powers (Defence) Acts, 1939 ^{M7} and 1940;

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“drainage”, “drainage authority”, “internal drainage board”, and “internal drainage district” have the same meanings as in the ^{M8}[^{F14}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;

F13

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

F12 Words substituted by virtue of [S. I. 1955/555](#)

F13 Definitions repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. VIII](#)

F14 Words substituted by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), [Sch. 6 para. 9](#)

Marginal Citations

M6 [1939 c. 62.](#)

M7 [1940 c. 20.](#)

M8 [1976 c. 70.](#)

16 Short title.

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

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Changes to legislation:

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