CHAPTER 50.

An Act to amend the law relating to agriculture (including bee-keeping) and agricultural land.

[11th November, 1941.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment as to period for making Exchequer contributions towards purchases of lime and basic slag and abolition of functions of Land Fertility Committee.

1 Edw. 8. & 1 Geo. 6. c. 70.

1.—(1) Section one of the Agriculture Act, 1937 (which authorises Exchequer contributions towards purchases of lime and basic slag), shall have effect as if for subsection (3) thereof (which prohibits the making of contributions after the thirty-first day of July, nineteen hundred and forty, subject to a power to postpone the date for not more than two successive periods of one year), there were substituted the following subsection :—

> "(3) Contributions shall not be made under this section towards any cost incurred in respect of basic slag by an occupier of agricultural land after the thirty-first day of July, nineteen hundred and forty-one, or towards any cost incurred in respect of lime by an occupier of agricultural land after the thirty-first day of July, nineteen hundred and forty-four."

(2) Section two of the said Act (which provides for the appointment and functions of the Land Fertility Committee) shall cease to have effect, and the Land Fertility Committee shall cease to exercise any functions in relation to the Land Fertility Scheme, and those functions, except so far as they are of an advisory character, shall be exercised by the Ministers as defined by section thirty-two of the said Act.

(3) This section shall be deemed to have come into operation on the first day of August, nineteen hundred and forty-one.

Amendment as to period for making Exchequer grants towards land drainage expenditure.

2.—(1) Section fifteen of the Agriculture Act, 1937 (which authorises Exchequer grants towards expenditure incurred by drainage authorities), shall have effect as if for subsection (3) thereof (which prohibits the making of grants after the thirty-first day of July, nineteen hundred and forty, subject to a power to postpone the date for not more than two successive periods of one year) there were substituted the following subsection :—

"(3) Grants shall not be made under this section towards any expenditure incurred by an authority after the thirty-first day of July, nineteen hundred and forty-four."

(2) This section shall be deemed to have come into operation on the first day of August, nineteen hundred and forty-one.

Exchequer contributions towards expenditure on supply of water to agricultural land.

3 & 4 Geo. 6. c. 14.

3 & 4 Geo. 6. c. 50.

3. Section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by section one of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940 (which authorises Exchequer grants towards expenditure on the field drainage of agricultural land and the improvement of ditches on any such land), shall have effect as if after the words "improvement of ditches on any such land" there were inserted the words "or for the supply of water to any such land."

Power of Minister to make advances towards expenditure of drainage authorities.

4. The Minister may, out of moneys provided by Parliament, make advances of such amounts and subject to such conditions as may be approved by the Treasury to any drainage authority towards expenditure to be incurred by the authority in carrying out any drainage scheme or in preparing or carrying out any scheme approved by him under section fourteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, being expenditure towards which it appears to the Minister that a grant will be made under section fifteen of the Agriculture Act, 1937, or under the said section fourteen, as the case may be.

Extension of powers as to drainage schemes.

5.—(1) Section fourteen of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which enables schemes to be prepared by Catchment Boards for the drainage of certain agricultural land), shall apply in relation to land within a local drainage district as it applies in relation to land not within such a district, and accordingly, in subsection (1) of the said section fourteen, the words "but not within any drainage district other than a catchment area" are hereby repealed :

Provided that no scheme prepared by a Catchment Board under the said section fourteen shall provide for the drainage of land within a local drainage district except with the consent of the drainage board for that district or of the Minister.

(2) A scheme may be prepared under the said section fourteen by a Catchment Board for draining any land notwithstanding that they are of opinion that the cost of preparing and carrying

out the scheme will exceed an amount equal to five pounds for each acre of the land, so long as they are of opinion that the said cost will not exceed an amount equal to ten pounds for each acre thereof, and accordingly in paragraph (*a*) of subsection (2) of the said section fourteen for the words " five pounds " there shall be substituted the words " ten pounds."

(3) Any increase in any grant payable under subsection (7) of the said section fourteen which is ascribable to the foregoing provisions of this section shall be paid out of moneys provided by Parliament.

(4) Where the area of a scheme prepared under the said section fourteen by a Catchment Board (whether before or after the commencement of this Act) includes land not within a local drainage district, the Catchment Board shall, until the expiration of three years from the end of the war period, have power to maintain and work any works executed under the scheme and shall for that purpose have all the powers which they have by virtue of the Land Drainage Act, 1930, in relation to the main river; and the Board shall, on demand made of any person who at the time of the demand occupies any of the land comprised in the area of the scheme, be entitled to recover from him as a debt the amount apportioned to the land so occupied by him of any expenses incurred by the Board for the maintenance or working of those works, being expenses incurred before the expiration of three years from the end of the war period. 20 & 21 Geo. 5. c. 44.

Any apportionment under this subsection shall be made on the basis set out in the scheme for the apportionment of the net cost of the scheme, and any amount recoverable under this subsection may, without prejudice to any other mode for the recovery thereof, be recovered summarily as a civil debt.

(5) The provisions of the said section fourteen and of the Fifth Schedule to the said Act, as set out with adaptations and modifications in the First Schedule to this Act, shall have effect for the purpose of enabling the drainage board of any local drainage district to exercise in relation to land within that district similar powers to those exercisable by Catchment Boards under the said section fourteen, subject, however, in the case of an internal drainage board to the supervision and control of the Catchment Board provided for by section seven of the Land Drainage Act, 1930.

(6) This section shall be deemed to have come into operation on the fifth day of August, nineteen hundred and forty-one, and anything done or purporting to be done under or by virtue of paragraphs (4), (4A) and (4B) of Regulation sixty-two C of the Defence (General) Regulations, 1939, shall be deemed to have been done or to have purported to have been done under or by virtue of the foregoing provisions of this section.

Recovery of expenses of certain drainage works.

6.—(1) Where work for the drainage of any agricultural land has been done (whether before or after the passing of this Act) under the authority of the Minister in the exercise of powers conferred by Defence Regulations, the expenses reasonably incurred in connection with the work—

(*a*) may, in a case where the land on which the work was carried out is in a local drainage district which existed at the time of the completion of the work or was constituted not later than one year thereafter, be recovered from the drainage board for that district, and in that case the provisions of the Second Schedule to this Act shall apply; or

(*b*) in any case may be recovered from the owners of land, the value of which for agricultural purposes will be increased by the doing of the work, and in that case the provisions of the Third Schedule to this Act shall apply.

In this subsection, the expression "owner" has the meaning assigned to it by paragraph 8 of the said Third Schedule.

13 & 14 Geo. 5. c. 9.

(2) Where, on the termination of a tenancy of a holding within the meaning of the Agricultural Holdings Act, 1923, in respect of which any sum has been paid or become recoverable by virtue of a notice served under the said Third Schedule as applied by this section, the landlord proves to the satisfaction of an arbitrator appointed under that Act that all or any of the work in respect of which the payment has been or will be made was rendered necessary by the neglect of the tenant to comply with any obligation relating to the maintenance or repair of a watercourse imposed on him by virtue of the contract of tenancy, the arbitrator shall award the landlord compensation equal to so much of the sum paid or payable as was attributable to the doing of that work:

Provided that, where any agreement is made between the landlord and tenant of such a holding as aforesaid for the payment by the tenant of any contribution in respect of the sum paid or payable as aforesaid, that contribution shall be recoverable from the tenant in lieu of compensation under this subsection.

For the purposes of any arbitration under this subsection, a certificate by the Minister that such part of any sum paid or payable as aforesaid as may be specified in the certificate was attributable to the doing of work so specified shall be conclusive evidence of that fact.

(3) Section two of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940 (which provides for the recovery of expenses from the owners of certain fen-land in respect of the improvement of ways and drainage works on such land), shall

cease to apply to drainage works; and accordingly the words in subsection (1) of that section " or for the drainage of such fen-land " and the words in subsection (8) thereof " or the land comprising the drainage works, as the case may be," are hereby repealed.

Provisions as to ways over fen-lands wholly or partly in internal drainage districts.

7.—(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.

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

8.—(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 recovered 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 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 and shall be registrable under section fifteen of the Land Charges Act, 1925, accordingly, and the council shall, for the purpose of enforcing the charge, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as they would have if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases, and of appointing a receiver.

15 & 16 Geo. 5. c. 22.

15 & 16 Geo. 5. c. 20.

(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 paragraph 8 of the Third Schedule to this Act.

Power of Minister to buy requisitioned land.

9.—(1) Where, whether before or after the commencement of this Act,—

(*a*) possession has been taken of any land for agricultural purposes by the Minister or by the Committee in the exercise of any power conferred by Defence Regulations; and

(*b*) the Minister, on the advice of the Committee, has certified that at the time possession was so taken, the land was not being cultivated, or was not being cultivated in accordance with the rules of good husbandry; and

(*c*) the Minister, on the advice of the Committee, has further certified that the value of the land has been or will be substantially increased by things which have been done, or which it is intended should be done, on the land by, or by arrangement with, the Minister or the Committee,

then, for the purpose of preserving for the Crown the benefit of that increase in value, the Minister may acquire and resell the land in accordance with the provisions of this and the next succeeding section, and, pending the resale, may create such tenancies, easements and other rights, make such contracts and do such things in relation to the land as will in his opinion conduce to the proper management and cultivation of that or any neighbouring land.

(2) The Minister may acquire the land either by agreement or compulsorily, and for the purposes of the acquisition thereof, the Lands Clauses Acts shall be incorporated with this Act, subject, however, to the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, to the adaptations and modifications set out in the Fourth Schedule to this Act and to the following provisions of this section:

9 & 10 Geo. 5. c. 57.

Provided that no land shall be acquired under this section unless the contract for the acquisition thereof is made, or, as the case may be, the notice to treat is served, while the Minister or the Committee still continue in possession of the land, either by himself or themselves or by any person occupying the land under an occupation contract.

(3) In determining the amount of compensation to be given for any land acquired compulsorily under this section, the value of that land shall be taken to be the price which a willing seller would, at the date of the notice to treat, have been likely to obtain in the open market for the land if it had remained in the condition in which it was at the time when possession was taken by the Minister or the Committee, as the case may be, and such reduction, if any, shall be made in the compensation as is necessary in order to off-set any appreciation in the value of the land which is directly or indirectly ascribable to the war.

4 & 5 Geo. 6. c. 12.

(4) For the purposes of section sixteen of the War Damage Act, 1941 (which relates to the payment to be made in a case where land which has sustained war damage, is, before the damage has been fully made good, acquired compulsorily by virtue of an enactment passed before the passing of that Act), this Act shall be deemed to have been passed before that Act, and, where land is acquired under this section, no value payment shall be made under that Act in respect of any damage to the land occurring after possession of the land had been taken by the Minister or the Committee, as the case may be.

(5) On the acquisition by the Minister under this section of any land which is the subject of an occupation contract, that contract shall, as from the date of the acquisition, have effect for all purposes (including the purposes of the next succeeding section) as if it had created a tenancy granted by the Minister :

Provided that the Agricultural Holdings Act, 1923, shall not, by virtue of this subsection, apply in relation to any such tenancy except in so far as it was incorporated in the occupation contract.

29 & 30 Vict. c. 122.

(6) Nothing in this section shall authorise the acquisition of any land which is, or forms part of, a metropolitan common within the meaning of the Metropolitan Commons Act, 1866, or which is subject, or might be made subject, to regulation under an order or scheme made in pursuance of the Inclosure Acts, 1845 to 1882, or under any local Act or otherwise, or which is or forms part of any town or village green, or of any area dedicated or appropriated as a public park, garden or pleasure ground, or for use for the purposes of public recreation, or of any land the fee simple absolute in possession of which belongs to, and is held inalienably by, the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907, whether subject to any tenancy or not.

7 Edw. 7. c. cxxxvi.

(7) The expenses of the Minister in acquiring land under this section shall be defrayed out of moneys provided by Parliament.

Disposal of land acquired under the last preceding section.

10.—(1) Where the Minister has acquired any land under the last preceding section, he shall, at such time as he thinks fit but not in any case more than five years after the end of the war period, make to such person as is mentioned in subsection (2) of this section such an offer as is mentioned in subsection (3) thereof :

Provided that the Minister shall not be under any obligation to make any such offer in the case of any land if, at the time when he would otherwise have made such an offer in the case of that land, either—

(*a*) after such advertisement and enquiry as appears to the Minister to be reasonable, no such person can be found ; or

(*b*) the Minister, after having given an opportunity to any persons appearing to him as likely to be affected of making representations and considered any such representations made, certifies that in his opinion the result of the making and acceptance of such an offer would be that the land could not or would not be properly managed and cultivated.

(2) The person to whom the said offer shall be made shall—

(*a*) where, when possession of the land was taken by the Minister or the Committee, the land formed part of an estate, and, when the offer is made, some person owns at least two-thirds (in area) of the land which was comprised in that estate, be that person ; and

(*b*) in any other case, be such person, if any, as, in the opinion of the Minister, is proper to be treated as the person who would, but for the acquisition of the land by the Minister, own the land.

In this subsection, the expression " estate " means land managed as one unit by or on behalf of the owner thereof (whether or not parts of it are farmed or occupied by different persons) and the expression " own " means own in fee simple, whether or not subject to any mortgage or tenancy, and includes owning as a tenant for life or in any other fiduciary capacity.

(3) The said offer shall be an offer to sell the land for an estate in fee simple absolute in possession, subject however to any tenancies, easements or other rights which existed when the Minister acquired the land or were granted by the Minister in so far as they are still subsisting at the date of the offer, at such price as may be specified in the offer or, if the person to whom the offer is made so elects in accepting the offer, at such price as may be agreed, or, in default of agreement, as may be determined by arbitration to be the price which a willing seller would at the date of the offer have been likely to obtain in the open market :

Provided that, where the price or compensation paid by the Minister for the acquisition of the land from the person to whom the offer is made or his predecessor in title included a sum in respect of severance from, or injurious affection of, other land, and the damage for which that sum was paid will be wholly or partly made good to the person to whom the offer is made by his availing himself of the offer, the Minister, in considering what price he is prepared to accept, and the arbitrator, in determining what price is to be paid, shall include therein such sum as corresponds to the damage so made good, not exceeding the sum included as aforesaid in the price or compensation paid by the Minister.

(4) An offer made under the last preceding subsection shall remain open for three months from the date of the making thereof and shall not be capable of being withdrawn before the expiration of that period.

(5) Where such an offer as aforesaid is accepted and the price falls to be determined by arbitration, the arbitrator shall be such one of the official arbitrators under the Acquisition of Land (Assessment of Compensation) Act, 1919, as may be selected by the Reference Committee under that Act on the written application either of the Minister or of the person to whom the offer was made.

There shall be payable in respect of any such application and in respect of any hearing the same fees, to be collected in the same manner, as would be payable if the arbitration were an arbitration under the said Act, but subject as aforesaid the Arbitration Acts, 1889 and 1934, shall apply to the arbitration.

(6) Where such an offer as aforesaid is made and lapses or is duly withdrawn, or where for any reason no such offer has to be made, the Minister may resell the land when, to whom and in what manner he thinks fit; and the title of a purchaser of any land from the Minister shall not be impeachable on the ground of the failure of the Minister to make such an offer as aforesaid or of any irregularity in relation to any such offer, and such a purchaser shall not, either before or on conveyance, be concerned to see or inquire whether or not there has been any such failure or irregularity.

(7) A sale by the Minister under this section may, if the Minister thinks fit, be made in consideration, wholly or partly, of the granting to the Minister of a rentcharge issuing out of the land sold, and on any sale by the Minister under this section, any part of the price may, if the Minister thinks fit, be left outstanding and secured by a mortgage to the Minister of all or any part of the land sold.

Prevention of bee diseases.

11.—(1) For the purpose of preventing the spreading of pests or diseases among bees, the Minister may by order provide—

(*a*) for obtaining information as to the persons who keep bees, and as to the occurrence of any such pest or disease affecting bees as may be specified in the order;

(*b*) for the inspection of bees and combs, and of hives, containers, and other appliances used in connection therewith;

(*c*) for prohibiting or restricting the movement of bees and combs, and of any such appliances as aforesaid;

(*d*) for determining whether any bees or combs, or any such appliances as aforesaid, are infected, or have been exposed to infection, with any pest or disease specified in the order, and for the destruction or treatment of any bees, combs or appliances determined to be so infected or to have been exposed to such infection;

(*e*) for such incidental and supplementary matters as may be necessary or expedient.

(2) The Minister shall appoint an advisory committee for the purposes of this section, and shall exercise the powers conferred on him by subsection (1) of this section and, to such extent as may be provided in any order made thereunder, the powers conferred on him by any such order, after consultation with that committee.

(3) If any person contravenes or fails to comply with the provisions of any order made under this section, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

(4) Any order made under this section may be revoked or varied by a subsequent order thereunder.

(5) The expenses incurred by the Minister in exercising his powers under this section or under any order made thereunder shall be defrayed out of moneys provided by Parliament.

(6) In this section the term "bees" means honey bees, and includes such bees in any stage of their life cycle.

(7) This section shall be deemed to have come into operation on the thirtieth day of May, nineteen hundred and forty-one, and anything done under or by virtue of Regulation sixty-two BB of the Defence (General) Regulations, 1939, shall be deemed to have been done under or by virtue of the foregoing provisions of this section.

Application to Scotland.

12.—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) In sections nine and ten and in the Fourth Schedule for any reference to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Secretary of State, and in the said sections the expression "the Committee" means the Agricultural Executive Committee referred to in subsection (1) of section thirty-one of the Agriculture (Miscellaneous War Provisions) Act, 1940.

(3) "Easement" means servitude; "own in fee simple" means be the proprietor of the *dominium utile*; "mortgage" means heritable security; "arbitrator" means arbiter; "sell" includes feu; and "tenant for life" means liferenter.

(4) For section three there shall be substituted the following section—

> "3. Section sixteen of the Agriculture Act, 1937, (which authorises Exchequer grants towards expenditure on the drainage of agricultural land in Scotland) shall have effect as if after the words 'the drainage thereof' there were inserted the words 'or on the supply of water thereto'."

(5) Section nine shall in relation to any land, which, at the time possession was taken, was kept or preserved mainly or

exclusively for purposes of sport or recreation, have effect as if in paragraphs (*b*) and (*c*) of subsection (1) the words "on the advice of the Committee" were omitted.

(6) In section nine for the reference to the Agricultural Holdings Act, 1923, there shall be substituted a reference to the Agricultural Holdings (Scotland) Acts, 1923 and 1931; and for the reference to land the fee simple absolute in possession of which belongs to, and is held inalienably by, the National Trust for Places of Historic Interest or Natural Beauty, incorporated by the National Trust Act, 1907, there shall be substituted a reference to land held inalienably by the National Trust for Scotland for Places of Historic Interest or Natural Beauty, incorporated under the National Trust for Scotland Order Confirmation Act, 1935.

26 Geo. 5. & 1 Edw. 8. c. ii.

(7) In section ten for the reference to selling land for an estate in fee simple absolute in possession there shall be substituted a reference to selling the whole right, title and interest in land; and the reference to the Arbitration Acts, 1889 and 1934, shall be omitted.

(8) Section eleven shall not apply.

(9) In the Fourth Schedule—

(*a*) for paragraph 2 there shall be substituted the following paragraph—

8 & 9 Vict. c. 19.

"2. The following provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, that is to say—

(*a*) sections eighty-three to eighty-nine (which relate to entry on the land acquired);

(*b*) sections one hundred and twenty to one hundred and twenty-seven (which relate to the sale of superfluous land and to deficiencies of land-tax and rates); and

(*c*) sections one hundred and forty-two and one hundred and forty-three (which relate to access to the Special Act),

shall not apply"; and

(*b*) paragraph 4 shall not apply.

Other provisions as to Scotland. 27 & 28 Vict. c. 114.

13.—(1) Section seventeen of the Improvement of Land Act, 1864 (which relates to the advertisements and notices preliminary to sanction of improvements), shall, in so far as it requires notice of an application to be given by advertisement in any newspaper, cease to have effect.

(2) Section twenty-nine of the Agriculture (Miscellaneous War Provisions) Act, 1940 (as amended by section seven of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940) shall have effect as if in paragraph (*a*) of subsection (1) thereof

there were inserted after the words " any other land " the words " (whether or not the owner or occupier of that other land is also the owner or occupier of the first-mentioned land) ".

Application to Northern Ireland.

14. Section one of this Act shall extend to Northern Ireland but the remainder of this Act shall not extend to Northern Ireland.

Interpretation.

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

" the Minister " means the Minister of Agriculture and Fisheries ;

" the Committee " means the War Agricultural Executive Committee as defined by section thirty of the Agriculture (Miscellaneous War Provisions) Act, 1940 ;

" Defence Regulations " means Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940 ;

" drainage ", " drainage authority ", " internal drainage board ", and " internal drainage district " have the same meanings as in the Land Drainage Act, 1930 ;

" 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 ;

" the rules of good husbandry " has the same meaning as for the purposes of section twenty-three of the Agriculture (Miscellaneous War Provisions) Act, 1940, and " occupation contract " means any such contract for the occupation of land as is mentioned in the said section twenty-three ; and

" the war period " means the period for which the Emergency Powers (Defence) Act, 1939, is in force. 2 & 3 Geo. 6. c. 62.

Short title.

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

SCHEDULES

Section 5.

FIRST SCHEDULE.

PROVISIONS OF THE AGRICULTURE (MISCELLANEOUS WAR PROVISIONS) ACT, 1940, APPLIED, WITH ADAPTATIONS AND MODIFICATIONS, TO LOCAL DRAINAGE DISTRICTS.

Section fourteen

14.—(1) Where the War Agricultural Executive Committee for a county or county borough consider that any agricultural land within the county or borough, being land within a local drainage district, is capable of improvement by the execution of drainage works, they may request the drainage board for that district to prepare and carry out a scheme for draining the land.

(2) After receiving such a request as respects any land, the board may prepare a scheme for draining the land, if they are of opinion—

(*a*) that the cost of preparing and carrying out the scheme will not exceed an amount equal to ten pounds for each acre of the land; and

(*b*) that the value of the land for agricultural purposes will be increased in consequence of the carrying out of the scheme.

(3) The provisions of the Fifth Schedule to this Act shall have effect with respect to the contents and approval by the Minister of a scheme under this section and to the notices to be given in relation thereto.

(4) Where a scheme prepared by a drainage board under this section has been approved by the Minister—

(*a*) the board may execute any works specified in the scheme, and for that purpose shall have all the powers which are exercisable by them under the Land Drainage Act, 1930, in relation to land in their district; and

(*b*) the owner of any land comprised in the area of the scheme shall be liable to pay to the board, within one month after the date of a demand made in writing by the board, the amount apportioned under the scheme to that land of the net cost of the scheme:

Provided that an owner by whom any amount is so payable may, by notice in writing served on the board within the said one month, elect to pay the said amount, together with interest thereon from the said date, by such number of equal annual instalments, not exceeding five, as may be specified in the notice, so, however, that—

(i) the first such instalment shall be payable within one year from the said date; and

1ST SCH. —*cont.*

(ii) the rate of interest shall, in default of agreement between the owner and the board, be fixed by the Minister.

(5) Any sum payable to a board under the last foregoing subsection—

(*a*) may be recovered by the board summarily as a civil debt; and

(*b*) shall be a charge on the land in respect of which it is payable; and the board shall, for the purpose of enforcing any such charge, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as they would have if they were mortgagees by deed, having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

(6) Where, on the termination of the tenancy of a holding within the meaning of the Agricultural Holdings Act, 1923, in respect of which any sum has been paid or is payable to a board by virtue of a scheme under this section, the landlord proves to the satisfaction of an arbitrator appointed under that Act that any works executed in pursuance of the scheme were rendered necessary by the neglect of the tenant to comply with any obligation relating to the maintenance or repair of a watercourse imposed on him by virtue of the contract of tenancy, the arbitrator shall award the landlord compensation equal to so much of the net cost of the scheme as was attributable to the execution of those works:

Provided that, where any agreement is made between the landlord and the tenant of such a holding as aforesaid for the payment by the tenant of any contribution in respect of the sum paid or payable as aforesaid, that contribution shall be recoverable from the tenant in lieu of compensation under this subsection.

For the purposes of any arbitration under this subsection, a certificate by the board that such part of the net cost of the scheme as may be specified in the certificate was attributable to the execution of works so specified shall be conclusive evidence of that fact.

(9) For the purposes of this section—

(*a*) the expression "the area of the scheme" means, in relation to any scheme, the area of the land set out in the scheme as being the land to be drained in pursuance of the scheme; and

(*b*) the expression "net cost" means, in relation to any scheme, such expenditure as is certified by the Minister to have been incurred by the board in preparing and carrying out the scheme, less the amount of any grant made by the Minister towards that expenditure; and

(*c*) the expression "local drainage district" means a drainage district other than a catchment area.

(10) The provisions of this section shall have effect notwithstanding anything in any award made under any enactment.

1ST SCH. —*cont.*

Fifth Schedule.

Provisions as to certain drainage schemes.

1. Every scheme shall set out—

(*a*) the area of the land to be drained in pursuance of the scheme;

(*b*) a description of the works proposed to be executed in pursuance of the scheme;

(*c*) the estimated cost of preparing and carrying out the scheme;

(*d*) the amount of any grant which will, if the scheme is approved by the Minister, be made by him to the board towards the expenditure incurred by the board in preparing and carrying out the scheme; and

(*e*) the basis of apportionment, as between the lands comprised in the area of the scheme, of the net cost of the scheme.

2. When the board have prepared the scheme, they may submit it to the Minister for his approval, and he may approve it either without modification or with any modifications which he considers expedient.

6. If the scheme is not approved by the Minister, no further proceedings shall be taken thereon by the board.

7. If the scheme is approved by the Minister, the board shall as soon as may be serve on the owners of land comprised in the area of the scheme a notice stating that the scheme has been approved, and every such notice shall contain a copy of the scheme.

Section 6.

SECOND SCHEDULE.

RECOVERY FROM DRAINAGE BOARDS OF EXPENSES OF CERTAIN DRAINAGE WORKS.

1. The Minister shall serve on the drainage board, within one year from the completion of the work or from the constitution of the drainage board, whichever is the later, a notice specifying the amount of the expenses which the board is required to pay, and the said expenses shall become recoverable as a debt due to His Majesty at the expiration of one year from the date of the service of the notice and shall, without prejudice to any other mode for the recovery thereof, be recoverable by the Minister summarily as a civil debt.

2. The drainage board may, by notice in writing served on the Minister at any time within one year from the date of the service of the notice by the Minister under the foregoing paragraph, elect to pay

2ND SCH. —*cont.*

the said expenses, together with interest thereon from the date on which the expenses would otherwise have become recoverable from the board, by such number of equal annual instalments, not exceeding five, as may be specified in the 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 board and the Minister, be fixed by the Treasury.

3. Where the drainage board do not exercise the powers conferred on them by paragraph 2 of this Schedule, they may borrow money under section forty-six of the Land Drainage Act, 1930, for the purpose of defraying the said expenses as if those expenses were expenses incurred by them under that Act.

4. Notwithstanding anything in subsection (2) of section twenty-four of the Land Drainage Act, 1930, a rate raised by a drainage board for the purpose of defraying any sums they are required to pay under this Schedule shall be an owners' drainage rate.

THIRD SCHEDULE.

Sections 6 and 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

3RD SCH. —*cont.*

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;

(*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 purposes of paragraph 1 hereof, and the Minister shall, for the purpose of enforcing the charge, have the same powers and remedies under the 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.

7. A notice to be served for the purposes of this Schedule may be served in any manner specified in section seventy-five of the Land Drainage Act, 1930, in relation to notices required or authorised to be served under or by virtue of that Act.

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 rack rent, and in this paragraph the expression "rack rent" has the same meaning as in the Public Health Act, 1936.

26 Geo. 5. & 1 Edw. 8. c. 49.

FOURTH SCHEDULE.

Sections 9, 12.

ADAPTATIONS AND MODIFICATIONS OF THE LANDS CLAUSES ACTS.

1. This Act shall be deemed to be the Special Act, references to the promoters of the undertaking shall be construed as references to the Minister, and the undertaking shall be deemed to be the cultivation of the land for agricultural purposes.

2. The following provisions of the Lands Clauses Consolidation Act, 1845, that is to say,— 8 & 9 Vict. c. 18.

(*a*) sections eighty-four to ninety-one (which relate to entry upon the land acquired);

(*b*) sections one hundred and twenty-seven to one hundred and thirty-three (which relate to the sale of superfluous land and deficiencies of land-tax and rates); and

(*c*) sections one hundred and fifty and one hundred and fifty-one (which relate to access to the Special Act),

shall not apply.

3. Such adjustment shall be made in the compensation payable in respect of the acquisition of any land compulsorily acquired as may be just, having regard to any payment of, or right to, compensation under the Compensation (Defence) Act, 1939, in respect of the taking of possession of the land under Defence Regulations; and any such adjustment may, if the arbitrator thinks fit, take the form of a direction that the compensation payable to any person on the acquisition of the land shall be wholly or partly conditional on his relinquishing any such right, to such extent as is specified in the direction. 2 & 3 Geo 6. c. 75.

4. Where the land acquired is glebe land or other land belonging to an ecclesiastical benefice, sums agreed upon or awarded by way of compensation shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

Printed by SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E.,
Controller of His Majesty's Stationery Office
and
King's Printer of Acts of Parliament.