CHAPTER 14.

An Act to make certain amendments in the law relating to agriculture and agricultural land in connection with the present war.

[21st March 1940.]

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 :—

PART I.

WHEAT.

Deficiency payments.

1.—(1) For the purpose of enabling deficiency payments under the Wheat Acts, 1932 and 1939, to be computed and made in respect of periods less than a year, every cereal year to which this section applies shall be divided into accounting periods as follows :—

(*a*) the first accounting period in the cereal year beginning on the first day of August nineteen hundred and thirty-nine shall be deemed to have ended with the eighth day of September;

(*b*) the second accounting period in that year shall be deemed to have ended with the twentieth day of October;

(*c*) each subsequent accounting period in that or any subsequent cereal year to which this

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section applies shall end or be deemed to have ended with such date as the Minister may by order determine after consultation with the Wheat Commission;

and, as respects home-grown millable wheat sold in any such year, the provisions of the said Acts relating to deficiency payments set out in the First Schedule to this Act shall have effect as if a reference to an accounting period were substituted for any reference to a cereal year.

(2) For the purpose of computing the amount of a deficiency payment payable in respect of any home-grown millable wheat sold in any accounting period, the Wheat Commission may, if it appears to them that the price of the wheat was fixed in some subsequent accounting period, treat the wheat as having been sold in that subsequent period.

(3) As respects home-grown millable wheat sold in any cereal year to which this section applies, the quantity of such wheat in respect of which deficiency payments may be made shall not be limited by reference to the anticipated supply of wheat for that year, and accordingly—

22 & 23 Geo. 5. c. 24.

(*a*) the proviso to subsection (1) of section one of the Wheat Act, 1932, and subsection (2) of section two of that Act shall not have effect as respects any such year; and

(*b*) it shall not be necessary for the Minister to make an order as respects any such year under subsection (4) of the said section two.

(4) This section shall apply to the cereal year beginning on the first day of August nineteen hundred and thirty-nine and every subsequent cereal year falling wholly or partly within the period of suspension.

Standard price.

2.—(1) As respects wheat sold in any cereal year to which this section applies, the standard price for the purpose of the Wheat Acts, 1932 and 1939, shall be eleven shillings per hundredweight, unless an order is made under the following provisions of this section as respects wheat sold in that year.

(2) As respects wheat sold in the cereal year beginning on the first day of August nineteen hundred

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and forty or any subsequent cereal year to which this section applies, the Minister may, by order made with the consent of the Treasury either in that or the preceding cereal year, direct that the standard price shall be such price as may be specified in the order instead of eleven shillings per hundredweight:

Provided that, after the end of the first of the accounting periods into which any cereal year is divided under the foregoing section of this Act, no such order shall be made as respects wheat sold in that year.

(3) Any order made under this section may be varied or revoked by a subsequent order made in like manner and subject to the like provisions.

(4) The next committee to be appointed under section one of the Wheat (Amendment) Act, 1939, to report as to the desirability of making alterations in the standard price shall be appointed in the year beginning on the first day of January in the last cereal year to which this section applies, and thereafter committees shall be appointed under that section in each third succeeding year as therein provided. 2 & 3 Geo. 6. c. 37.

(5) This section shall apply to every cereal year to which the last foregoing section of this Act applies.

Suspension of quota payments.

3.—(1) No quota payments shall be made under the Wheat Acts, 1932 and 1939, in respect of any flour, chargeable food or chargeable imports, by virtue of any delivery or importation thereof during the period of suspension, and accordingly the provisions of the Wheat (Amendment) Act, 1939, relating to such payments shall have effect subject to the amendments specified in the Second Schedule to this Act.

(2) The Minister of Food shall from time to time pay to the Wheat Commission out of moneys provided by Parliament such sums as may be certified by the Minister of Agriculture and Fisheries, with the consent of the Treasury, to be necessary to enable the Commission to discharge during the period of suspension its functions under the Wheat Acts, 1932 and 1939, as amended by this Act:

Provided that nothing in this subsection shall affect the provisions of subsection (6) of section ten of the Wheat Act, 1932 (which provides for the payment

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of the administrative expenses of the Commission by registered growers).

Delegation to committee of powers of Wheat Commission.

4.—(1) After such date as the Minister may by order appoint, and until the end of the period of suspension, all the powers and duties of the Wheat Commission shall be exercised and performed by a committee consisting of five members of the Commission appointed (subject to the provisions of this section) by the Commission.

(2) A member of the said committee shall be appointed until the expiration of one year from the date of his appointment or until the expiration of the period of suspension, whichever first occurs, but shall be eligible for re-appointment.

(3) The first members of the said committee shall be appointed within one month from the commencement of this Act, and any vacancy among the members of the said committee shall be filled by the Commission within one month after it occurs, and if the Commission fail to make any appointment as required by this subsection, the Minister shall make it.

(4) The said committee shall submit annually to the Commission a report on the discharge of their functions.

(5) The quorum of the said committee shall be three, and the committee shall have power to act notwithstanding any vacancy among the members thereof.

(6) In the case of an equality of votes at a meeting of the said committee, the chairman of the meeting shall have a second or casting vote.

Extension of powers of Wheat Commission.

5. The Wheat Commission shall have power and shall be deemed always to have had power—

(*a*) to enter into any agreement for the letting or use of their premises, or for the hiring or use of any of their equipment, or for the loan of any of their assets, to or by any Government Department or any person designated by any Government Department;

(*b*) to sell to any Government Department or any person so designated any of the Commission's property;

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(*c*) to make arrangements with any Government Department or person so designated and with any officer or servant of the Commission for the temporary use by that Department or person of the services of that officer or servant;

(*d*) subject to the concurrence of the Minister, to make payments to, or to the dependants of, any officer or servant of the Commission who is engaged in any national service or has been injured or killed in the performance of any such service.

Suspension of functions of Flour Millers' Corporation.

6. Until the end of the period of suspension, no order shall be made under subsection (3) of section one of the Wheat Act, 1932, requiring the Flour Millers' Corporation to buy any stocks of home-grown millable wheat, and accordingly until the end of that period—

(*a*) it shall not be necessary for the accounts of the Millers' Quota Fund to be audited; and

(*b*) the Minister shall not approve any arrangements made by the Corporation under paragraph 3 of the Second Schedule to that Act (which relates to the registration of millers) or any scheme submitted to him by the Corporation under paragraph 6 of the said Schedule (which provides for the election of members of the Corporation by registered millers);

and the Minister shall require the Corporation at the end of that period either to prepare and submit to him the draft of a new scheme under the said paragraph 6 or to give a fresh public notice under that paragraph with respect to the draft scheme already submitted.

Interpretation, construction and citation of Part I.

7.—(1) For the purposes of this Part of this Act, the expression "the period of suspension" means a period—

(*a*) beginning on such date as the Minister may by order appoint, being a date not later than the end of the three months beginning with the commencement of this Act; and

(*b*) ending on such date as His Majesty may by Order in Council appoint, being a date not later than the end of the two years beginning with the end of the war period.

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(2) This Part of this Act shall be construed as one with the Wheat Acts, 1932 and 1939, and may be cited together with those Acts and section thirteen of the Agriculture Act, 1937, as the Wheat Acts, 1932 to 1940.

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

PART II.

OATS, RYE, BARLEY AND PLOUGHING.

Amendment of oats subsidy.

8. The provisions of sections one and two of the Act of 1939 (which relate to oats subsidy payments) shall have effect subject to the following amendments:—

(*a*) the said payments shall be payable at the higher rate mentioned in paragraph (*a*) of subsection (1) of the said section two, whether or not the condition specified in subsection (2) of the said section one (which relates to wheat deficiency payments) is satisfied;

(*b*) no reduction in the said rate shall be made in any year under subsection (2) of the said section two, whatever the total acreage qualifying for oats subsidy payments in that year.

Extension of oats subsidy to rye.

9.—(1) For the purposes of any provision of the Act of 1939 (as amended by this Act) which relates to land being under oats at a particular time, land on which a crop of rye was growing at any time during a year to which this section applies shall be treated as land which was under oats at that time:

Provided that, for the purpose of computing the acreage qualifying in the case of any year for oats subsidy payments, the acreage of any land under rye shall be disregarded.

(2) The provisions of sections three, four and six of the said Act (which relate respectively to mixed crops, negligent cultivation, and changes in the occupation of farms) shall have effect, in the case of any year to which this section applies, subject to the amendments specified in the Third Schedule to this Act, being amendments consequential on the provisions of subsection (1) of this section.

(3) In the application to Scotland of the last foregoing subsection and the Third Schedule to this Act,

any reference to section six of the Act of 1939 shall be construed as a reference to the section substituted therefor by paragraph (*b*) of section thirty-nine of the Act of 1939. PART II. —*cont.*

(4) The years to which this section applies are every year falling wholly or partly within the war period, and the year next following the last such year.

10. No reduction shall be made in any sum payable for any year out of moneys provided by Parliament to the barley subsidy fund under section thirteen of the Act of 1939, or by way of barley subsidy payments under section fourteen of that Act, whatever the amount of home grown barley harvested in that year. Amendment of barley subsidy.

11.—(1) The Ministers may, by order made with the consent of the Treasury, direct that Part IV of the Act of 1939 (which makes provision for ploughing grants in respect of the ploughing up of land in the year nineteen hundred and thirty-nine) shall apply to the ploughing up of land in any subsequent year falling wholly or partly within the war period as it applies (as amended by this or the next following section) to the ploughing up of land in the year nineteen hundred and thirty-nine. Amendment as to ploughing grants.

(2) Subsection (2) of section twenty-seven of the Act of 1939 (which specifies conditions which must be satisfied in order that land may be qualified for a ploughing grant) shall have effect as if the following paragraphs were substituted for paragraphs (*a*) and (*d*) thereof:—

"(*a*) that the land has been ploughed up during such period in any year as may be specified by regulations made by the Ministers;"

"(*d*) that the land either—

(i) was capable of being substantially improved, in respect of fitness for re-seeding or re-introduction into a suitable rotation, by being ploughed up and dealt with as aforesaid, and would be capable of producing satisfactory arable crops for harvesting in the year in which it was ploughed up or the next following year; or

(ii) was capable of being substantially improved by being re-seeded to grass and has

PART II. —*cont.*

been or will have been so re-seeded, in accordance with regulations made by the Ministers, before such date in the year in which it was ploughed up or the next following year as may be specified in the regulations;"

(3) The following two subsections shall be substituted for subsections (2) and (3) of section twenty-eight of the Act of 1939:—

"(2) A ploughing grant shall not be made—

(*a*) in respect of any such land as aforesaid comprised in a farm, if the total area of such land comprised in the farm is less than one acre in extent; or

(*b*) in respect of any parcel of such land as aforesaid which is not comprised in a farm, if the area of the parcel is less than one acre in extent.

(3) In computing the amount of any such grant payable in respect of any such land comprised in a farm, or in respect of any parcel of such land not so comprised, if the total area of such land so comprised or the area of the parcel, as the case may be, is not an exact number of half acres, the odd fraction of a half acre shall be disregarded."

Ploughing grants in respect of smallholdings in Scotland where landholders share in common grazing.

12. For the purposes of Part IV of the Act of 1939, the holdings of any landholders who share in a common grazing for which a committee has been appointed in pursuance of the Small Landholders (Scotland) Acts, 1886 to 1931, may, if the Secretary of State so determines, be treated as one farm, and in that event ploughing grants payable in respect of such holdings shall be paid to the committee, who shall apportion the same among the landholders according to the areas ploughed on their respective holdings.

Interpretation, construction, citation and expenses of Part II, and repeals consequential thereon.

13.—(1) For the purposes of this Part of this Act, the expression "the Act of 1939" means the Agricultural Development Act, 1939.

(2) This Part of this Act shall be construed as one with the Act of 1939, and may be cited together with that Act as the Agricultural Development Acts, 1939 and 1940.

(3) There shall be defrayed out of moneys provided by Parliament any increase attributable to the passing of this Part of this Act in— PART II. —*cont.* 2 & 3 Geo. 6. c. 48.

(*a*) the sums which are authorised to be so defrayed by Part I, Part II or Part IV of the Act of 1939; and

(*b*) the expenses incurred for the purposes of those Parts of that Act which are authorised to be so defrayed by section thirty-three of that Act.

(4) The provisions of the Act of 1939 set out in the first column of the Fourth Schedule to this Act are hereby repealed to the extent specified in the second column of that Schedule.

PART III.

LAND DRAINAGE.

Drainage of outlying land.

14.—(1) Where the War Agricultural Executive Committee for a county or county borough consider that any agricultural land within the county or borough, but not within any drainage district other than a catchment area, is capable of improvement by the execution of drainage works, they may request the Catchment Board for any catchment area wholly or partly within the county or borough to prepare and carry out a scheme for draining the land.

(2) After receiving such a request as respects any land, the Catchment 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 five 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:

Provided that—

(i) no scheme under this section shall provide for the drainage of land outside the catchment area of the Board except with the consent of the Catchment Board for the area in which the land is situated or, in a case where the land is not situated in a catchment area, the council of the county or county borough in which the land is situated; and

PART III. —*cont.*

(ii) no scheme under this section shall provide for the execution of works on or in connection with the main river of any catchment area.

(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, (in that Schedule referred to as a "scheme"), and to the notices to be given in relation thereto.

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

(*a*) the Catchment Board may execute any works specified in the scheme, and for that purpose shall, whether or not the land comprised in the area of the scheme is comprised in the area of the Board, have all the powers which they have by virtue of the Land Drainage Act, 1930, in relation to the main river; and

20 & 21 Geo. 5. c. 44.

(*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

(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 Catchment 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;

PART III. —*cont.*

and the Board shall, for the purposes 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. 15 & 16 Geo. 5. c. 20.

(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 Catchment 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 to the landlord compensation equal to so much of the net cost of the scheme as was attributable to the execution of those works: 13 & 14 Geo. 5. c. 9.

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 purpose of any arbitration under this subsection, a certificate by the Catchment 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.

(7) The Minister may, out of moneys provided by Parliament, make towards expenditure incurred by Catchment Boards in preparing and carrying out schemes approved by him under this section grants of such amounts and subject to such conditions as may be approved by the Treasury.

(8) Where the whole or any part of the area of a scheme prepared by a Catchment Board and approved by the Minister under this section is comprised in another catchment area, the Board shall be entitled to recover from the Catchment Board for the last mentioned area,

PART III. —*cont.*

in respect of their expenditure in preparing and carrying out the scheme so far as that expenditure is not met otherwise under this section, such sum as may be determined by agreement between those Boards or, in default of agreement, by the Minister.

(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 a Catchment Board in preparing and carrying out the scheme less the amount of any grant made by the Minister towards that expenditure.

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

Mole drainage.

15.—(1) Where a scheme for the drainage of any agricultural land by the process known as mole drainage—

(*a*) has been submitted by the owner or occupier of the land to the War Agricultural Executive Committee for the county or county borough in which the land is situated; and

(*b*) has been approved by that Committee for the purposes of this section;

the Minister may, out of moneys provided by Parliament, make, towards expenditure incurred by any person in carrying out the scheme, grants of such amounts and subject to such conditions as the Treasury may approve.

(2) In assessing the amount of any compensation payable to a tenant of agricultural land, whether under the Agricultural Holdings Act, 1923, or under custom or agreement, by reason of the improvement of the land by mole drainage works in respect of which a grant has been made under this section, the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement, and the compensation shall be reduced accordingly.

PART III. —*cont.*

Powers over dams.

16.—(1) Where the Minister is satisfied by a drainage board that it is necessary or expedient so to do for the purpose of preventing or arresting injury to any agricultural land, he may authorise the board to repair, maintain, alter or remove any dam within the district of the board.

(2) A drainage board shall be liable to make compensation to any person for any loss sustained by him by reason of the exercise by the board of any powers conferred on them under this section:

Provided that no compensation shall be payable in respect of any dam if the whole or any part thereof has been erected in contravention of any enactment.

(3) If any question arises whether compensation is payable under this section or as to the amount of any such compensation, it shall, in default of agreement, be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919. 9 & 10 Geo. 5. c. 57.

(4) There shall be paid out of moneys provided by Parliament any increase attributable to the passing of this section in the grants that are authorised to be so paid by section fifty-five of the Land Drainage Act, 1930, or section fifteen of the Agriculture Act, 1937. 1 Edw. 8. & 1 Geo. 6. c. 70.

Control of sluices.

17.—(1) Where a drainage board are of opinion that it is necessary or expedient so to do for the purpose of preventing or arresting injury to any agricultural land, they may, by notice in writing served on the occupier or person in control of any dam within their district, require him, during such times and in such manner as may be specified in the notice, to keep open or closed any sluice forming part of the dam:

Provided that—

(*a*) no such notice shall require anything to be done before the expiration of forty-eight hours from the service of the notice unless it is stated in the notice that in the opinion of the board immediate action is necessary to meet an emergency;

(*b*) in exercising their powers under this section in relation to any sluice, the board shall have regard to any purpose for which the

PART III. —*cont.*

occupier or person in control of the dam or any other person interested in the water controlled by the sluice uses or desires to use the water so controlled and shall so exercise the said powers as to interfere as little as may be practicable with such user;

(*c*) a drainage board shall not exercise the powers conferred by this section in relation to any sluice which is vested in or controlled by a local authority or a navigation, harbour or conservancy authority or any undertakers authorised by or under any enactment to supply water or electricity; and

(*d*) a Catchment Board shall not exercise the powers conferred by this section in relation to any sluice which is vested in or controlled by an internal drainage board.

(2) If any notice served by a drainage board as aforesaid with respect to any sluice is not complied with—

(*a*) the person on whom it is served shall be guilty of an offence under this Part of this Act; and

(*b*) without prejudice to any prosecution for such an offence, the board may, after giving notice in writing to that person, take control of the sluice for such period as may be specified in the last mentioned notice; and

(*c*) if during that period any person operates the sluice without the authority of the board, he shall be guilty of an offence under this Part of this Act.

(3) In this section the expression "sluice" means a mechanical appliance by means of which the flow of water is capable of being regulated.

Powers of entry.

18.—(1) Any person authorised in writing in that behalf by a drainage board may, on production of his authority if so required, enter upon any land within the district of the board—

(*a*) for the purpose of exercising in relation to agricultural land any powers conferred on them by or under the Land Drainage Act, 1930, or by or under this Part of this Act; or

(*b*) for the purpose of seeing whether a notice served in pursuance of any such power is being complied with.

(2) Any person authorised in writing in that behalf by the Minister may, on production of his authority if so required, enter upon any land—

(*a*) for the purpose of seeing—

(i) whether it is expedient, for the purpose of draining agricultural land, to execute any works in respect of which the Minister is authorised, whether under this Part of this Act or any other enactment, to make a grant out of moneys provided by Parliament; or

(ii) whether any such works are being or have been properly executed; or

(*b*) for the purpose of exercising any power conferred on the Minister by this Part of this Act.

Powers of local authorities.

19. The council of any county or county borough shall, in relation to any area within the county or borough and not within a drainage district, have all the powers conferred on drainage boards by the last three foregoing sections, and accordingly those sections shall have effect as if—

(*a*) any reference therein to a drainage board included a reference to any such council; and

(*b*) any reference therein to a district of a drainage board included a reference to so much of a county or county borough as is not comprised in a drainage district.

Extension of powers of Catchment Boards as respects maintenance of watercourses.

20. As respects any agricultural land within a catchment area but not within an internal drainage district, the powers conferred on the council of the county or county borough within which the land is situated by section thirty-five and subsection (2) of section fifty of the Land Drainage Act, 1930 (which enable the council to require a person in default to put a watercourse in proper order) shall, during the war period, be exercisable by the Catchment Board for that area as well as by that council.

PART III. —*cont.*

Obstruction and penalties.

21.—(1) If any person obstructs or impedes any person in the exercise of any powers conferred on him by or under this Part of this Act, he shall be guilty of an offence under this Part of this Act.

(2) Any person guilty of any offence under this Part of this Act shall be liable—

(*a*) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine; or

(*b*) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.

Interpretation, construction, citation and duration of Part III.

22.—(1) In this Part of this Act—

(*a*) the expression "agricultural land" has the meaning assigned to it by section twenty-nine of the Land Drainage Act, 1930, for the purposes of Part IV of that Act;

(*b*) the expression "dam" includes a lock, weir or other structure affecting the flow of water in any watercourse.

(2) This Part of this Act shall be construed as one with the Land Drainage Act, 1930, and may be cited together with that Act as the Land Drainage Acts, 1930 and 1940.

(3) The powers conferred on any person by this Part of this Act shall be in addition to and not in derogation of any powers conferred upon him by the Land Drainage Act, 1930.

(4) No scheme shall be approved under this Part of this Act after the end of the war period, and the powers in relation to dams and sluices, and the powers of entry, conferred by this Part of this Act shall not be exercised after the end of that period.

PART IV.

MISCELLANEOUS AND GENERAL.

Provisions as to requisitioned land.

23.—(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 the

War Agricultural Executive Committee for the county or county borough in which the land is situated (hereafter in this section referred to as "the Committee") in the exercise of any power conferred by regulations made under the Emergency Powers (Defence) Act, 1939; and 2 & 3 Geo. 6. c. 62.

PART IV. —*cont.*

(*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;

the following provisions of this section shall have effect as respects that land.

(2) The Minister or the Committee may, after and notwithstanding the expiry of the said Act, continue in possession of the land, either by himself or themselves, or by any person with whom a contract has been made under the following provisions of this section, for any period not exceeding three years from the end of the war period.

(3) For the purpose of the Compensation (Defence) Act, 1939, the powers conferred by the last foregoing subsection shall be deemed to be emergency powers within the meaning of that Act, and there shall be paid out of moneys provided by Parliament any increase attributable to the passing of this subsection in the sums authorised to be so paid by way of compensation under that Act. 2 & 3 Geo. 6. c. 75.

(4) The Minister or the Committee, may, at any time before the end of the war period, make a contract for the occupation of the land by any person for any period expiring, or terminable by the Minister or the Committee, before the end of the said three years; and any such contract may incorporate with or without modifications any of the provisions of the Agricultural Holdings Act, 1923.

(5) When possession of the land is given up, the owner thereof shall be liable to pay to the Minister within one month after the date of a demand made in writing by the Minister a sum equal to so much of the

PART IV. —*cont.*

value of the land as is attributable to anything done on the land either—

(*a*) by the Minister or the Committee; or

(*b*) in a case where such a contract as aforesaid has been made, by the person occupying the land by virtue of the contract;

for the purpose of enabling the land to be properly farmed, or of securing increased efficiency in the farming of the land:

Provided that an owner by whom any sum is so payable may by notice in writing served on the Minister within the said one month elect to pay the said sum, 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 paid within one year from the said date; and

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

(6) Any question whether any amount is payable under the last foregoing subsection, or as to what amount is so payable, shall, in default of agreement, be determined by a single arbitrator appointed by agreement between the parties, or, in default of such agreement, by the President of the Chartered Surveyors' Institution, and, in determining any such question, the arbitrator shall be entitled to take into consideration any reasonable use to which the owner proves that he intends to put the land.

(7) Any amount payable to the Minister under subsection (5) of this section shall be a charge on the land in respect of which it is payable, 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.

(8) For the purposes of this section, the expression "rules of good husbandry" has the same meaning as it has for the purpose of the Agricultural Holdings Act,

1923, or, in relation to land which is not an agricultural holding, the meaning which it would have for the purpose of that Act if the land were such a holding. PART IV. —*cont.*

Antedating of directions to plough up land.

24. Where, before the thirty-first day of March nineteen hundred and forty, directions have been given in writing by a War Agricultural Executive Committee purporting to exercise powers conferred upon them under the Emergency Powers (Defence) Act, 1939, to require the ploughing up of any land comprised in an agricultural holding, and—

(*a*) before the directions were given, the land had already been ploughed up or the ploughing up thereof had already begun; and

(*b*) the ploughing up of the land was begun after the second day of September nineteen hundred and thirty-nine;

then, for the purposes of determining the rights and liabilities of the landlord and the tenant of the holding, the directions shall be deemed to have been given in pursuance of the said powers immediately before the ploughing up of the land was begun.

Expenses of Minister in providing goods and services required for agriculture.

25.—(1) If, at any time before the end of the war period, arrangements are made by the Minister with the consent of the Treasury, with a view to increasing the production of food in the United Kingdom or any part thereof, for providing goods or services to persons requiring them for agricultural purposes, any expenses incurred by the Minister in connection with the provision of goods or services in accordance with the arrangements shall be defrayed out of moneys provided by Parliament.

(2) Particulars of any such arrangements shall be laid before Parliament by the Minister as soon as may be after they are made.

Exclusion of certain holdings from Agricultural Holdings Act.

26.—(1) Nothing in the Agricultural Holdings Act, 1923, shall apply to a contract of tenancy of land for a term not exceeding four years beginning after the commencement of this Act and before the end of the war period, if—

(*a*) the contract of tenancy provides for the cultivation of the land as arable land and, in a case where immediately before the beginning of the

PART IV. —*cont.*

said term the land consisted of permanent pasture, for the sowing by the tenant of permanent grass seeds along with the last or waygoing crop; and

(*b*) immediately before the commencement of this Act and thereafter until the beginning of the said term either—

(i) the land was not being used for agricultural purposes; or

(ii) the land was being so used in pursuance of a letting not being a contract of tenancy within the meaning of the said Act; or

(iii) the land consisted of permanent pasture and was occupied by the landlord.

(2) Where, as respects any contract of tenancy made before the commencement of this Act and after the second day of September nineteen hundred and thirty-nine, the landlord satisfies an arbitrator appointed under the Agricultural Holdings Act, 1923—

(*a*) that that Act would not apply to the contract by virtue of subsection (1) of this section if references to the said second day of September were substituted in that subsection for references to the commencement of this Act; and

(*b*) that the parties to the contract intended, notwithstanding anything in that Act, that that Act or any provision thereof should not apply to the contract;

then that Act or that provision thereof, as the case may be, shall not apply to the contract of tenancy.

Extension of land fertility scheme to gardens.

27.—(1) Any land wholly or mainly cultivated for the production of vegetables or fruit shall, notwithstanding that it is not included in the definition of "agricultural land" contained in section thirty-two of the Agriculture Act, 1937, be deemed to be agricultural land for the purpose of the following provisions of that Act, namely—

(*a*) Part I of that Act (which provides for contributions out of moneys provided by Parliament towards the cost incurred by occupiers of agricultural land in acquiring lime or basic slag); and

PART IV. —*cont.*

(*b*) paragraph (*a*) of subsection (1) of section twenty-nine of that Act (which provides for the inspection of any agricultural land in respect of which such a contribution has been applied for or made);

and accordingly paragraph (*e*) of subsection (1) of section three of the said Act (which enables certain associations to be treated as if they were occupiers of agricultural land) shall have effect as if associations of occupiers of any land so cultivated were included among the associations mentioned in that paragraph.

(2) Provision may be made by the Land Fertility Scheme made under the said Part I for enabling any such council as is mentioned in section twenty-one of the Land Settlement (Facilities) Act, 1919 (which empowers certain councils to purchase fertilisers for resale to the cultivators of allotments) to be treated in such cases as may be provided by the scheme as if they were the occupiers of agricultural land. 9 & 10 Geo. 5. c. 59.

(3) There shall be defrayed out of moneys provided by Parliament any increase attributable to the passing of this section in the contributions which are payable out of moneys so provided by virtue of Part I of the Agriculture Act, 1937.

Regulations as to importation of livestock.

28.—(1) The Minister of Food, if he considers it expedient so to do having regard to any arrangement made by him for the purchase of livestock produced in the United Kingdom, may by regulations provide (subject to such exceptions, if any, as may be specified in the regulations) for the marking of livestock imported or brought into the United Kingdom or any class or description thereof.

(2) If any person—

(*a*) contravenes or fails to comply with any regulations made under the preceding subsection; or

(*b*) with intent to deceive, alters or defaces any mark placed on an animal for the purposes of such regulations;

he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

PART IV. —*cont.*

(3) The Minister of Food, if he considers it expedient so to do having regard to any such arrangement, may also by regulations—

(*a*) determine the times and places at which livestock or any class or description thereof may be imported or brought into the United Kingdom from Eire or the Isle of Man;

(*b*) make provision as to the routes to be followed by livestock so imported or brought or any class or description thereof, and as to their detention for inspection;

and any regulations made under this subsection may contain such provisions as appear to the said Minister to be necessary for securing the due operation and enforcement of the regulations, including provisions as to the forfeiture of livestock.

Sums retained out of the proceeds of any sale of livestock forfeited under any such provision as aforesaid shall be paid into the Exchequer.

(4) In this section the expression "livestock" means cattle, sheep and swine.

Provision for cleansing of channels of watercourses in Scotland.

29.—(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 cleanse or scour or to join in cleansing or scouring the channel of any watercourse in, or partly in, or adjoining that other land; and

(*b*) that the estimated cost of carrying out any operations necessary to remedy or prevent such injury 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 said other land requiring him to carry out within

PART IV. —*cont.*

such period as may be specified in the notice such operations necessary in his opinion to remedy or prevent the injury as may be so specified.

(2) Where the Secretary of State serves a notice on an owner of land in pursuance of the last foregoing subsection, he shall serve a copy of it on the owner of any other land which would in his opinion be affected by the carrying out of the operations specified in the notice.

(3) Any person on whom a notice or a copy of a notice has been served in pursuance of this section may within fourteen days thereafter make representations to the Secretary of State against the requirements of the notice, and the Secretary of State shall consider such representations and may thereafter withdraw the notice or confirm it with or without modification.

(4) Where the requirements of any notice served under subsection (1) of this section, against which no representations have been made under subsection (3) thereof or of any such notice which has been confirmed with or without modification in pursuance of the last mentioned subsection, have not been complied with within the period specified in the notice, the Secretary of State may carry out the operations therein specified and may require the person on whom the notice was served to pay the expense reasonably incurred in carrying out the operations:

Provided that—

(i) if it appears to the Secretary of State that the necessity for the aforesaid operations 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; and

(ii) 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.

PART IV. —*cont.*

(5) Any sum which an owner of land is required to pay in pursuance of the foregoing provisions of this section shall be recoverable from him by the Secretary of State.

(6) The Secretary of State may, out of moneys provided by Parliament, make grants of such amounts and subject to such conditions as the Treasury may approve to owners of land in respect of expense incurred by or recoverable from them in pursuance of this section, and where any grant is made in respect of expense so recoverable, the amount of the grant shall be deducted from the sum to be so recovered.

(7) Any person authorised in that behalf by the Secretary of State for the purpose of carrying his powers under this section into effect may, on production if so required of his authority, enter on and inspect any land and take measurements and observations by such methods as the Secretary of State may deem necessary, and any person who obstructs or prevents such entry, inspection or taking of measurements or observations, shall be liable on summary conviction to a fine not exceeding twenty pounds.

(8) Nothing in this section shall affect the right of the owner of any land to recover from the occupier thereof under any lease or other contract the amount of any expense incurred by or recovered from such owner under this section.

(9) Any expense incurred by the Secretary of State in pursuance of this section, so far as not recovered in accordance therewith, shall, to such amount as the Treasury may sanction, be defrayed out of moneys provided by Parliament.

(10) In this section the expression "watercourse" includes any stream, ditch, drain (whether open or closed), cut, culvert, dyke, or sluice; and the expression "Agricultural Executive Committee" means a committee to which the Secretary of State has delegated any of his powers under regulations made under the Emergency Powers (Defence) Act, 1939.

Definitions.

30.—(1) For the purposes of this Act—

(*a*) 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 who would so receive the rackrent of the land if it were let at a rackrent, and in this definition the expression "rackrent" has the same meaning as in the Public Health Act, 1936; 26 Geo. 5. & 1 Edw. 8. c. 49.

(*b*) the expression "War Agricultural Executive Committee" means—

(i) in relation to a county, the committee for that county the members whereof are authorised to exercise as respects land in that county any powers of the Minister under regulations made under the Emergency Powers (Defence) Act, 1939; and

(ii) in relation to a county borough, the committee the members whereof are authorised to exercise within that borough any of the powers aforesaid;

(*c*) the expression "war period" means the period for which the Emergency Powers (Defence) Act, 1939, is in force.

(2) For the purposes of this Part of this Act—

(*a*) the expression "agricultural holding" means a holding within the meaning of the Agricultural Holdings Act, 1923;

(*b*) the expression "the Minister" means the Minister of Agriculture and Fisheries.

31. This Act shall apply to Scotland subject to the following modifications:— **Application to Scotland.**

(1) In this Part of this Act—

(*a*) for any reference to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Secretary of State;

(*b*) for references to the Agricultural Holdings Act, 1923, and to a contract of tenancy within the meaning of that Act, there shall be respectively substituted references to the Agricultural Holdings (Scotland) Acts, 1923 and 1931, and to a lease within the meaning of those Acts;

PART IV. —*cont.*

(*c*) for any reference to the War Agricultural Executive Committee for a county or a county borough there shall be substituted a reference to the Agricultural Executive Committee for any area to which the Secretary of State has delegated any of his powers under regulations made under the Emergency Powers (Defence) Act, 1939;

(*d*) for any reference to such a council as is mentioned in section twenty-one of the Land Settlement (Facilities) Act, 1919, there shall be substituted a reference to a local authority within the meaning of section twenty-two of the Land Settlement (Scotland) Act, 1919;

9 & 10 Geo. 5. c. 97.

(*e*) the expression "owner" has the like meaning as in the Public Health (Scotland) Act, 1897.

60 & 61 Vict. c. 38.

(2) Section twenty-three of this Act shall have effect as if—

(*a*) for any reference in subsection (6) to an arbitrator there were substituted a reference to the Scottish Land Court, and

(*b*) for subsection (7) the following subsection were substituted:—

"(7) It shall be competent for the Secretary of State to make in favour of himself a charging order for any amount payable to him under subsection (5) of this section charging and burdening the land in respect of which the amount is payable, and the provisions of section twenty-two of the Housing (Scotland) Act, 1925, shall, with the following and any other necessary modifications, apply to any such charging order:—

15 & 16 Geo. 5. c. 15.

(*a*) for any reference to an annuity there shall be substituted a reference to the amount charged;

(*b*) for references to Part I of the said Act of 1925 there shall be substituted references to this Act;

(*c*) subsections (4) and (6) of the said section twenty-two shall not apply."

PART IV. —*cont.*

(3) Section twenty-six of this Act shall have effect as if for any reference in subsection (2) to an arbitrator there were substituted a reference to the Scottish Land Court.

(4) Part III of this Act shall not apply.

(5) For the purpose of determining any appeal to them or any question required to be determined by them under this Act, the Scottish Land Court shall have the like powers as they have under the Small Landholders (Scotland) Acts, 1886 to 1931, for the purpose of the determination of matters referred to the said Court thereunder, and those Acts shall apply accordingly subject to any necessary modifications.

Application to Northern Ireland.

32.—(1) Part III of this Act and sections twenty-four, twenty-six and twenty-nine of this Act shall not extend to Northern Ireland and, in the application of the other provisions of this Act to Northern Ireland, the modifications hereafter specified in this section shall be made.

(2) In section twenty-three—

(*a*) references to the Minister shall be construed as references to the Secretary of State or any Ministry in Northern Ireland which is authorised to exercise as respects land in Northern Ireland any powers of the Secretary of State under regulations made under the Emergency Powers (Defence) Act, 1939;

(*b*) any reference to the War Agricultural Executive Committee for a county or county borough shall be omitted;

(*c*) in subsection (4) the words from "and any such contract" to the end of the subsection shall be omitted, and the reference to the occupation of land shall include a reference to the use of land in conacre;

(*d*) in subsection (7) the words "under the Law of Property Act, 1925, and otherwise" shall be omitted;

(*e*) the expression "rules of good husbandry", in relation to land in Northern Ireland, shall have the meaning which it would have by

PART IV. —*cont.*

virtue of the Agricultural Holdings Act, 1923, if the land were an agricultural holding in England.

(3) In section twenty-five, references to the Minister shall be construed as references to the Secretary of State.

41 & 42 Vict. c. 52.

(4) In paragraph (*a*) of subsection (1) of section thirty, a reference to the Public Health (Ireland) Act, 1878, shall be substituted for the reference to the Public Health Act, 1936.

(5) In paragraph 3 of the Third Schedule, a reference to the first day of June shall be substituted for the reference to the fourth day of June.

Short title.

33. This Act may be cited as the Agriculture (Miscellaneous War Provisions) Act, 1940.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

PROVISIONS OF WHEAT ACTS IN WHICH REFERENCES TO ACCOUNTING PERIODS ARE TO BE SUBSTITUTED FOR REFERENCES TO CEREAL YEARS.

Act.	*Provision.*
The Wheat Act, 1932 - -	Subsection (1) of section one. Subsection (1) of section two. Paragraph (*b*) of subsection (2) of section five. Subsection (6) of section ten.
The Wheat (Amendment) Act, 1939.	Subsection (4) of section three.

SECOND SCHEDULE.

Section 3.

AMENDMENTS OF THE WHEAT (AMENDMENT) ACT, 1939, CONSEQUENTIAL ON SUSPENSION OF QUOTA PAYMENTS.

1. Any reference in section thirteen of the Wheat (Amendment) Act, 1939 (which relates to repayments and allowances in case of exported goods) to the amount of the quota payments which would accrue due on a delivery or importation of goods or materials on the day on which an exportation or shipment takes place shall, in relation to an exportation or shipment which takes place during the period of suspension be construed as a reference to the amounts of the quota payments which would have accrued due on a delivery or importation of the goods or materials immediately before the commencement of that period.

2. Any order in force under section fourteen of the said Act shall cease to have effect at the beginning of the period of suspension.

3. Any byelaws made by virtue of subsection (2) of section seventeen of the said Act shall, unless and except to the extent

2ND SCH. —*cont.*

that they otherwise provide, continue to have effect during the period of suspension.

4. Subsections (2) and (3) of section nineteen of the said Act (which relate to customs entries) shall not have effect as respects goods imported during the period of suspension.

5. Subsection (1) of section twenty-six of the said Act (which relates to the effect upon contracts of a reimposition of quota payments) shall have effect as if liability to make quota payments had been reimposed at the end of the period of suspension by virtue of an order under the Wheat Acts.

Section 9.

THIRD SCHEDULE.

TEMPORARY AMENDMENTS OF AGRICULTURAL DEVELOPMENT ACT, 1939, CONSEQUENTIAL ON RYE SUBSIDY.

1. Section three of the Act of 1939 (which relates to mixed crops) shall have effect subject to the following amendments :—

(i) for subsection (1) there shall be substituted the following two subsections—

"(1) Subject to the provisions of this section, for the purpose of any provision of this Act which relates to land being under oats at a particular time—

(*a*) land on which there was growing at that time two or all of the crops to which this paragraph applies, intermixed with one another but not intermixed with any other crop, shall be treated as land which was under oats at that time;

(*b*) land on which there was growing at that time one or more of the crops to which paragraph (*a*) of this subsection applies, intermixed with any crop or crops to which that paragraph does not apply, shall be treated as being under oats at that time in such cases as may be determined in accordance with regulations made by the Ministers.

(1A) The crops to which paragraph (*a*) of the preceding subsection applies are crops of oats, crops of rye and crops of barley."

(ii) in subsection (2) the words " or (*c*) " shall be omitted; 3RD SCH. —*cont.*

(iii) in subsection (3) after the word " Ministers " there shall be inserted the words " be disregarded or ".

2. Section four of the said Act (which relates to negligent cultivation) shall have effect as if a reference to a crop of oats included a reference to a crop of rye.

3. Section six of the said Act (which relates to changes in the occupation of farms) shall have effect as if any reference to harvesting or receiving payment for oats included a reference to harvesting or receiving payment for any crop by virtue whereof the land is to be treated as being under oats on the fourth day of June in the year in question.

FOURTH SCHEDULE.

Section 13.

PROVISIONS OF AGRICULTURAL DEVELOPMENT ACT, 1939, REPEALED.

Provision.	Extent of Repeal.
Section one - -	In subsection (1) the words from " following rate " to " the higher," and the words from " or (*b*) " to the end of the subsection; and subsection (2).
Section two - -	In subsection (1) the word " higher " and the words from " and (*b*) " to the end of the subsection; and subsection (2).
Section three - -	In subsection (3) the words " whether at the higher rate or at the lower rate ".
Section five - -	In subsection (2) the words from " or an election " to " payments ".
Section six - -	The words " or land under wheat " and the words " or wheat "; in paragraph (*a*) the words from " any election " to " year, or "; paragraph (*b*); and the words " one or ".
Section seven -	The whole section.
Section thirteen -	The proviso to subsection (4).
Section fourteen -	Subsection (3).
Section thirty-eight.	In subsection (1) the definition of " wheat deficiency payments ".

4TH SCH. —*cont.*

Provision.	Extent of Repeal.
Section thirty-nine	In paragraph (*b*) the words " or land under wheat " and the words " or wheat ".
First Schedule	In paragraph 2, the words " at the higher rate ".

Section 14.

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 Catchment Board by whom the scheme was prepared (hereafter in this Schedule referred to as " 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. The Board shall give to the owners and occupiers of the land comprised in the area of the scheme notice of the making of the draft of the scheme, of the place where it can be inspected and of the time (which shall not be less than twenty-one days from the date of the notice) within which objections thereto may be made to the Board.

3. After considering any objections duly made to the draft of a scheme and making any modifications therein which they think expedient having regard to any such objection, the Board may submit the scheme to the Minister for his approval.

4. After considering any such objections which have not been withdrawn and making any modifications in the scheme as submitted to him which he thinks expedient having regard to any such objection, the Minister may approve the scheme.

5TH SCH. —*cont.*

5. No land shall be included in the area of the scheme as approved by the Minister which was not included in the area of the scheme of which notice was given under paragraph 2 of this Schedule.

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.

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