EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, made with the approval of the Treasury under section 4 (1) of the Agriculture Act, 1947, provides for the continuation of crop acreage payments in respect of the year 1950. The Order prescribes the crops for which payment may be made, fixes the rates of payment for these crops and contains provision for withholding payment in certain circumstances.

GENERAL REGULATIONS

The Agriculture (Scotland) (No. 2) Regulations, 1950

1950 No. 1552 (S. 113)

Made - - - -	*18th September,* 1950
Laid before Parliament	*20th September,* 1950
Coming into Operation	*1st October,* 1950

In exercise of the powers conferred on me by the following provisions of the Agriculture (Scotland) Act, 1948(a), namely,

(*a*) subsection (3) of section 31 and subsection (4) of section 34,
(*b*) subsection (1) of section 68,
(*c*) section 69,
(*d*) subsection (1) of section 71, and
(*e*) subsections (3) and (4) of section 80,

and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Short title and commencement

1. These regulations may be cited as the Agriculture (Scotland) (No. 2) Regulations, 1950, and shall come into operation on the 1st day of October, 1950.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

"the Act" means the Agriculture (Scotland) Act, 1948;

"area" means an area for which there has been established a Committee;

"Committee" means an Agricultural Executive Committee established under subsection (1) of section 68 of the Act and, in relation to any notice, representation or other document referred to in these regulations, means the Agricultural Executive Committee in whose area the land to which such notice, representation or other document relates is comprised, or in terms of these regulations is deemed to be comprised; and "sub-committee" means a sub-committee appointed by a Committee under subsection (2) of the said section;

"land" includes a holding, an agricultural unit and agricultural land.

(2) Any reference in these regulations to the Secretary of State in relation to functions which have been delegated by him, under section 69 of the Act, to a Committee shall be read as a reference to that Committee.

(a) 11 & 12 Geo. 6. c. 45.

(3) Any reference in these regulations to a Committee in relation to functions which have been delegated by them, under subsection (2) of section 68 of the Act, to a sub-committee shall be read as a reference to that sub-committee.

(4) The Interpretation Act, 1889(a), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Miscellaneous time limits

3.—(1) The period within which the Secretary of State may certify, pursuant to subsection (3) of section 31 of the Act, that a representation requiring the Secretary of State to purchase an interest in land is not justified, shall be three months from the date of the service upon him of the notice in writing containing the said representation.

(2) The period on the expiration of which the Secretary of State shall be deemed, in terms of subsection (4) of section 34 of the Act, to have given notice of his proposal to refuse a request that he shall exercise his powers under subsection (1) of section 31 or subsection (1) of section 32 of the Act, shall be two months from the making of such a request.

Areas of Committees

4.—(1) Subject as hereinafter provided, each of the areas set out in the First Schedule hereto and numbered respectively 1 to 11 in the first column of the said Schedule shall be an area for which the Secretary of State is required, in terms of subsection (1) of section 68 of the Act, to establish a Committee, and shall be known by the title set out in the second column of the said Schedule opposite to the description of the area in the third column thereof.

(2) The areas aforesaid shall comprise the counties, parts of counties, and counties of cities set out in the third column of the said Schedule opposite to the title of each area.

(3) For the purposes of these regulations "county" includes any burgh (other than a county of a city) therein.

(4) Where any land lies partly in one of the areas aforesaid and partly in another, such land shall, for the purpose of the exercise by a Committee of the functions delegated to them under these regulations, be deemed to be comprised in the area in which lies the greater part of the land.

Delegation of functions to Committees

5. Subject to the provisions of these regulations, the functions of the Secretary of State relating to agriculture under the enactments set out in the first column of the Second Schedule hereto (other than the function of prescribing anything which in terms of the said enactments is to be prescribed) are hereby delegated to the Committee for the area in which is comprised the land to which the said functions relate:

Provided that in any case, or in any class of cases, where the Secretary of State intimates to a Committee that he has decided himself to exercise in relation to that case or class of cases functions delegated to them under these regulations, such intimation shall be deemed to be a recall of the delegation to the Committee, and of any delegation by the Committee to a sub-committee, of such functions so far as relating to that case or class of cases.

Without prejudice to the generality of the foregoing delegation, the principal functions under the said enactments are as indicated in the second column of the said Schedule.

(a) 52 & 53 Vict. c. 63.

Restrictions on exercise of delegated functions

6.—(1) The following functions shall not be exercisable by Committees except with the prior approval in writing of the Secretary of State, namely,

(*a*) giving notice under subsection (2) of section 32 of the Act of a proposal to make an order of dispossession on grounds of bad husbandry ;

(*b*) giving directions under subsection (1) of section 36 of the Act as to the stocking of deer forests and grouse moors ; and

(*c*) serving notice under subsection (1) of section 39 of the Act requiring the killing, taking or destruction of birds or their eggs.

(2) The functions under subsection (2) of section 35 of the Act (which relates to the giving of directions to secure production) shall be exercisable by Committees during such periods and to such extent as the said functions are exercisable by the Secretary of State under subsection (1) of the said section.

(3) The functions under section 71 of the Act (which provides that a proposal of the Secretary of State to take any action shall be referred to the Land Court in any case where by any of the provisions of the Act a person is empowered to require such reference) are delegated to Committees in so far as relating to the following provisions of the Act:—

(*a*) subsection (2) of section 30 ;

(*b*) subsection (1) of section 32 ;

(*c*) subsection (4) of section 32 ;

(*d*) subsection (5) of section 34 ; and

(*e*) subsection (4) of section 36.

(4) The functions under section 80 of the Act (which provides for the requirements to be complied with in affording a person an opportunity of making representations) are delegated to Committees in relation only to cases in which by virtue of these regulations the function of affording the opportunity of making representations is also delegated.

(5) The functions under paragraph (*a*) of subsection (1) of section 27 and subsection (1) of section 82 of the Act (which provide for authorising any person to enter on and inspect land for certain purposes) are delegated to the extent only that a Committee may so authorise any person added by them to a sub-committee in exercise of powers under paragraph 4 of Part I of the Eighth Schedule to the Act.

(6) The functions under the Schedule to the Corn Production Acts (Repeal) Act, 1921(**a**), are delegated to Committees in so far only as relating to agricultural land, as defined in the Act.

References to the Land Court

7.—(1) The time within which a person may, in terms of the Act, require that a proposal of the Secretary of State to take any action shall be referred to the Land Court, shall be the period of fourteen days from the date on which the Secretary of State gives notice, or is deemed in accordance with the provisions of the Act to have given notice, of the proposal to such person.

(**a**) 11 & 12 Geo. 5. c. 48.

(2) The manner in which a person may make such a requirement as aforesaid shall be by serving—

(*a*) in a case where the Secretary of State has himself given or is deemed to have given notice of the proposal, on the Secretary of State, and

(*b*) in a case where a Committee, or a sub-committee of a Committee, have given or are deemed to have given notice of the proposal, on the Secretary of the Committee, a notice in writing setting forth the proposal and the requirement that it be referred as aforesaid.

Making of representations

8.—(1) Where the Secretary of State has given to any person a notice specifying any action proposed to be taken and informing him of his right to make representations that person may, within ten days from the date of the giving of such notice—

(*a*) make representations to the Secretary of State by serving, in manner provided in this regulation, a statement setting forth in detail the matters which he desires the Secretary of State to consider before taking the action in question, and

(*b*) require that an opportunity be afforded to him of being heard by a person appointed by the Secretary of State for the purpose by serving in manner provided in this regulation a requirement to that effect.

(2) Any such statement or requirement shall be in writing and shall be served—

(*a*) in a case where the Secretary of State has himself given the notice, on the Secretary of State, and

(*b*) in a case where a Committee, or sub-committee of a Committee, have given the notice, on the Secretary of the Committee.

Revocation

9.—(1) The Agriculture (Scotland) Regulations, 1948 to 1950(**a**) (except in so far as those regulations have effect for the purposes of Part I of the Act), are hereby revoked.

(2) Notwithstanding the foregoing revocation,

(*a*) anything done under those regulations prior to the coming into operation of these regulations shall have full force and effect as if done under the corresponding provisions of these regulations, and

(*b*) where a Committee has, under subsection (2) of section 68 of the Act, delegated any functions to a sub-committee prior to the coming into operation of these regulations such delegation, until revoked, shall continue to have effect as if it referred to the corresponding functions delegated to the Committee under these regulations.

Dated the 18th day of September, 1950.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(**a**) S.I. 1948 (No. 2357) I, p. 101; S.I. 1949 (No. 2425) I, p. 131; S.I. 1950 No. 456.

FIRST SCHEDULE

Regulation 4.

AREAS FOR AGRICULTURAL EXECUTIVE COMMITTEES

(1) Number of Area	(2) Title of Area	(3) Description of Area— Counties and Counties of Cities comprised therein
1	Northern ...	Sutherland, Caithness, Orkney and Zetland.
2	Highland ...	Moray, Nairn, Inverness and Ross & Cromarty.
3	North Eastern	Aberdeen, the County of the City of Aberdeen, Banff and Kincardine.
4	Eastern ...	Angus, the County of the City of Dundee, Fife, Kinross and the Eastern part of the County of Perth comprising the following districts and parishes:—
		Districts — *Parishes*
		Perth ... ... Aberdalgie, Abernethy, Abernyte, Arngask, Auchtergaven, Dron, Dunbarney, Errol, Findo Gask, Forgandenny, Forteviot, Inchture, Kilspindie, Kinclaven, Kinfauns, Kinnaird, Kinnoull, Longforgan, Methven, Moneydie, Perth, Redgorton, Rhynd, St. Madoes, Scone, Tibbermore.
		Blairgowrie ... Alyth, Bendochty, Blairgowrie, Caputh, Cargill, Clunie, Collace, Coupar-Angus, Kinloch, Kirkmichael, Lethendy, Meigle, Rattray, St. Martin.
		Highland ... Blair Atholl, Dull, Dunkeld and Dowally, Fortingall, Kenmore, Little Dunkeld, Logierait, Moulin, Weem.
		Central ... Auchterarder, Dunning.
5	Central ...	Stirling, Clackmannan and the Western part of the County of Perth comprising the following districts and parishes:—
		Districts — *Parishes*
		Western ... Aberfoyle, Ardoch, Balquhidder, Callander, Dunblane and Lecropt, Killin, Kilmadock, Kincardine, Port of Menteith.
		Central ... Blackford, Comrie, Crieff, Fowlis Wester, Glendevon, Logiealmond, Madderty, Monzievaird, Muckhart, Muthill, Trinity Gask.
6	Argyll ...	Argyll.
7	Clyde ...	Renfrew, Lanark, Bute (excluding the Island of Arran), Dunbarton and the County of the City of Glasgow.
8	South Western	Ayr, Wigtown, and the Island of Arran.
9	Southern ...	Dumfries and Kirkcudbright.
10	Border ...	Selkirk, Peebles, Roxburgh and Berwick.
11	Lothians ...	Midlothian, the County of the City of Edinburgh, East and West Lothian.

SECOND SCHEDULE

Regulation 5.

FUNCTIONS DELEGATED BY THE SECRETARY OF STATE TO AGRICULTURAL EXECUTIVE COMMITTEES

Enactments	*Principal Functions*
Part II of the Act.	
Section 27 (1) ..	Serving warning notices, and in connection therewith authorising entry on land for inspection purposes.
Section 27 (3) ..	Reviewing warning notices, and withdrawing or continuing such notices.
Section 27 (4) ..	Affording both owner and occupier an opportunity of making representations under section 27 (1), and serving documents in connection with warning notices.
Section 28	Approving transfer of an interest in land to which a warning notice relates.
Section 29 (1) ..	Giving directions to secure good estate management and good husbandry where a warning notice is in force.
Section 29 (2) ..	Approving a person appointed by an owner to manage land.
Section 29 (3) ..	Giving directions as to fixed equipment where there is no warning notice in force.
Section 29 (6) ..	Taking steps for the carrying out of work required in a direction under section 29 which has not been complied with, and recovering the reasonable cost.
Section 29 (9) ..	Extending the time for complying with directions under section 29.
Section 30 (1) ..	Giving an owner of land notice of a proposal to give a direction under section 29 to provide fixed equipment.
Section 30 (3) ..	Affording both owner and occupier an opportunity of making representations under section 29 (1).
Section 30 (4) and paragraph 2 of the Third Schedule	Ordering, in certain cases where a direction is given under section 29, that a lease shall have effect subject to modifications as to the area of pasture to be left on termination of the tenancy.
Section 31 (4) (in so far only as it relates to the functions specified in the second column)	Affording any such person as is specified in section 31 (6) an opportunity of making representations, before the Secretary of State gives notice of a proposal to give a certificate under section 31 (1), (2) or (3).
Section 32 (1) ..	Ordering dispossession of an occupier or owner-occupier of land on grounds of bad husbandry, and approving arrangements for farming the land thereafter.
Section 32 (2) ..	Giving notice of a proposal to make an order of dispossession under section 32 (1).
Section 32 (3) ..	Taking into consideration, in the case of land in a crofting parish occupied by a landholder or statutory small tenant, the general circumstances of the occupier before making an order of dispossession under section 32 (1).
Section 34 (1) ..	Considering a request for dispossession under section 31 (1) or section 32 (1).
Section 34 (2) (in so far only as it relates to refusing a request under section 34 (1))	Refusing a request for dispossession under section 31 (1) or section 32 (1).

Enactments	*Principal Functions*
Part II of the Act—cont.	
Section 34 (3) ..	Giving notice of a proposal to refuse a request for dispossession under section 31 (1) or section 32 (1).
Section 35 (2) ..	Giving such directions to secure production as are provided for under section 35.
Section 35 (4) ..	Taking steps for the carrying out of work required in a direction under section 35 which has not been complied with, and recovering the reasonable cost; and extending the time for complying with such directions.
Section 35 (5) and paragraph 2 of the Third Schedule ..	Ordering, in certain cases where a direction is given under section 35, that a lease shall have effect subject to modifications as to the area of pasture to be left on termination of the tenancy.
Section 36 (1) ..	Giving directions as to the stocking of deer forests and grouse moors.
Section 36 (2) ..	Giving notice of a proposal to give a direction under section 36 (1).
Section 36 (3) ..	Affording an opportunity of making representations, and giving notice of a proposal to give a direction under section 36, to the owner of land as well as to the occupier.
Section 36 (5) ..	Extending the time for complying with a direction under section 36.
Section 38 (2) ..	Approving an agreement as to the person to be treated as the owner of land, and withdrawing such approval.
Part III of the Act.	
Section 39 (1) ..	Requiring steps to be taken for the killing, taking or destruction of animals or birds to which section 39 applies, or the eggs of such birds.
Section 40	Requiring steps to be taken to prevent the escape of captive animals.
Section 41 (2) ..	Taking steps to secure compliance with a requirement under section 39 or section 40, and recovering the reasonable cost.
Section 41 (3) ..	Giving directions as to the keeping or disposal of animals, birds or eggs killed or taken in pursuance of section 39 or section 41.
Section 44 (1) ..	Considering any complaint concerning damage caused by deer and taking steps to reduce the number of deer.
Section 44 (4) ..	Approving a proposal by the occupier of an agricultural holding to authorise a person to kill deer in pursuance of section 44 (1) (*a*).
Section 44 (5) ..	Withdrawing any authorisation to kill deer under section 44 (1) (*a*), or varying the conditions attached to such authorisation.
Section 44 (6) ..	Withdrawing any approval given under section 44 (4).
Section 44 (7) ..	Giving notice of action taken in pursuance of section 44 (1) (*a*), (4), (5) and (6).
Section 45 (1) ..	Defraying the expenses of killing deer in cases where the authority to kill includes authority to sell the carcases, and recovering or accounting for any difference between expenses and proceeds of sale.
Section 45 (2) ..	Recovering the expenses of killing deer in cases where the authority to kill does not include authority to sell the carcases.

Enactments	*Principal Functions*
Part III of the Act—cont.	
Section 45 (3) ..	Allocating between owners the sums ascertained under section 45 (1) and (2), in cases where two or more owners are involved.
Section 45 (4) ..	Furnishing owners with statement of expenses incurred in killing deer and of any sums recoverable under section 45.
Section 48 (2) ..	Sanctioning the authorisation by an occupier of land of a reasonable number of persons to kill and take ground game.
Section 48 (3) ..	Requiring an occupier to withdraw any authorisation, and recalling or varying any sanction, granted under section 48 (2).
Part VI of the Act.	
Section 71	Referring to the Land Court a proposal to take any action, in any case where such reference is duly required, and complying with the subsequent procedure set forth in section 71.
Part VII of the Act.	
Section 80	Complying with the requirements involved in affording a person an opportunity of making representations as set forth in section 80.
Section 82 (1) ..	Authorising a person to enter on and inspect any land for certain purposes.
Section 86 (1) ..	Designating agricultural land.
Section 86 (2) ..	Giving directions as to land to be farmed in conjunction with an agricultural unit.
Corn Production Acts (Repeal) Act, 1921	
Paras (1), (2) and (3) of the Schedule	Taking steps to secure the cutting down or destruction of injurious weeds.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	
Paragraph (*g*) of the First Schedule	Granting a certificate as to the employment of a person for whose occupation possession of a dwelling-house is required by a landlord.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Following on the passing of the Agricultural Holdings (Scotland) Act, 1949, these Regulations re-enact (with minor modifications) the Agriculture (Scotland) Regulations, 1948 to 1950, except such as have effect for the purposes of the 1949 Act which are re-enacted in the Agricultural Holdings (Scotland) Regulations, 1950.