CHAPTER 73.

An Act to make provision for promoting the rehabilitation of hill farming land; for the payment of subsidies in respect of hill sheep and hill cattle; for controlling the keeping of rams and ram lambs; for regulating the burning of heather and grass; for amending the law as to the valuation of sheep stocks in Scotland; and for purposes connected with the matters aforesaid.

[6th November 1946.]

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:—

Rehabilitation of Hill Farming Land.

Grants under schemes for improvement of hill farming land.

1.—(1) With a view to the rehabilitation of hill farming land the appropriate Minister may approve schemes duly submitted to him within five years from the commencement of this Act providing for the making of improvements for the benefit of such land or of other land suitable for use therewith for hill farming purposes (in this Act referred to as "hill farming land improvement schemes"), and may, subject to and in accordance with the provisions of this Act, make out of moneys provided by Parliament grants (in this Act referred to as "improvement grants") in respect of the cost of work done in accordance with an approved hill farming land improvement scheme.

(2) Before approving a hill farming land improvement scheme the appropriate Minister shall satisfy himself as to the following requirements, that is to say,—

(*a*) that the land for the benefit of which the improvements are proposed ought to be used for hill farming purposes, and comprises an area suitable to be dealt with as a unit for the purpose of rehabilitation thereof for such

purposes, and that the improvements proposed are comprehensive enough to provide adequately for the rehabilitation of the land for such purposes; and

(*b*) that the cost of the work required for making any of the improvements proposed will not be unreasonably high in relation to the benefit to be derived therefrom;

and before varying an approved scheme under any of the provisions of this Act in that behalf he shall satisfy himself that the scheme as varied will be in conformity with those requirements.

(3) In this Act—

the expression "hill farming land" means mountain, hill and heath land which is suitable for use for the maintenance of sheep of a hardy kind but not of sheep of other kinds, or which by improvement could be made so suitable;

the expression "hill farming purposes" means the maintenance of sheep of a hardy kind and the keeping and management thereof in accordance with the recognised practices of hill sheep farming, and includes other activities carried on in connection therewith; and

the expression "improvement" means, subject to the provisions of this section, an operation of any of the kinds specified in the First Schedule to this Act, and any operation incidental to, or necessary or proper in the carrying out of, an operation of any such kind or for securing the full benefit thereof.

(4) Subject to the provisions of section thirty-seven of this Act, the Ministers may from time to time by order modify the kinds of operations that are to be treated as improvements for the purposes of this Act by adding to the First Schedule to this Act, or by deleting therefrom, or modifying the description of, a kind of operation for the time being therein specified:

Provided that, for the purposes of this Act in its application to a scheme approved before the coming into force of an order under this subsection, any operation which would have been treated as an improvement apart from the order shall continue to be so treated, except that no provision for the carrying out of an operation which by virtue of the order is not to be treated as an improvement shall be made by any subsequent variation of the scheme.

(5) In considering the approval or variation of hill farming land improvement schemes the appropriate Minister shall have regard to any other provisions in force which may authorise the giving of assistance out of public moneys, by way of grant, subsidy or otherwise, in respect of improvements of the kind proposed, and the giving of assistance under any such other provision in respect of cost that would otherwise be the subject of an improvement grant shall be a ground on which the appropriate Minister may reduce or withhold the grant.

Amounts, and payment, of grants under improvement schemes.

2.—(1) The amount which may be paid by way of an improvement grant in respect of the cost of any work shall be one half of the cost of that work so far as approved by the appropriate Minister as having been reasonably incurred.

(2) Subject to any provision to the contrary made by the approved scheme, an improvement grant payable in respect of the cost of any work shall be paid to the person responsible under the scheme for doing that work.

(3) An improvement grant in respect of the cost of any work may be paid on the completion of the work, or by instalments on the completion of parts thereof.

(4) The aggregate of the amounts of improvement grants paid shall not exceed a maximum of four million pounds:

Provided that provision for increasing the said maximum by not more than one million pounds may be made by an order made by the Ministers with the consent of the Treasury at any time within five years from the commencement of this Act and approved by a resolution of the Commons House of Parliament.

Contents, submission and approval of improvement schemes.

3.—(1) A hill farming land improvement scheme shall describe the improvements proposed, the work required for making the improvements and the land on which the work is to be done, and shall specify, as respects each item of the work therein described, some person as the person responsible for doing that work.

(2) Such a scheme may be submitted by any person having an interest in the land for the benefit of which improvements are thereby proposed, or by any person desiring to acquire such an interest as aforesaid in the event of the scheme's being approved, or by two or more such persons, and the appropriate Minister may approve such a scheme submitted as aforesaid either with or without modifications.

(3) References in this Act to work done in accordance with an approved hill farming land improvement scheme shall be construed, as respects work done at any time, as references to work described in such a scheme (as it stands at that time, whether as approved or as varied under any of the provisions of this Act in that behalf) and done on the land therein described as the land on which the work is to be done by the person therein specified as the person responsible for doing the work.

(4) Every person who has an interest in land on which, in accordance with such a scheme as approved or as varied as aforesaid, any work is to be done, and who has joined in submitting the scheme or consented to the approval thereof, or has consented to the variation thereof, as the case may be, and every person

deriving title to any interest in that land through or under or in succession to any such person, shall be under obligation to permit the doing on the land of all things reasonably necessary to be done thereon for the doing of the work and the maintenance of the improvement.

(5) Before approving or varying such a scheme the appropriate Minister shall satisfy himself that the person or persons who will be responsible under the scheme as approved, or as varied as aforesaid, as the case may be, for doing the work described therein is or are willing that the work for which he or they respectively will be so responsible should be done by him or by them respectively, and that he or they will be in a position to do it having regard to the provisions of the last preceding subsection and to the nature of the interest or interests in the land of the persons who have joined or consented as aforesaid.

(6) The person specified in such a scheme as the person responsible for doing any work may make arrangements with the appropriate Minister or the appropriate local committee constituted under this Act for the doing of the work by the said Minister or committee instead of that person, but at his expense and so that for the purposes of improvement grant the work shall be treated as having been done by that person.

Revocation or variation of improvement schemes by consent.

4. A hill farming land improvement scheme may be revoked or varied at any time by the appropriate Minister—

(*a*) on application in that behalf being made to him by the person or persons who under the scheme, as it stands immediately before the revocation or variation, is or are responsible for doing the work described therein ; or

(*b*) in the absence of such application if that person, or each of those persons, consents.

Revocation or variation of improvement schemes on ground of public interest.

5.—(1) If after a hill farming land improvement scheme has been approved it appears to the appropriate Minister to be necessary so to do on the ground either—

(*a*) that it is in the public interest that land for the benefit of which an improvement thereby provided for is to be carried out should be used otherwise than for hill farming purposes, or that land on which work therein described is to be done should be used for a purpose inconsistent with the doing of that work thereon ; or

(*b*) that for any other reason the public interest so requires ;

he may revoke the scheme, or may vary the scheme as appears to him to be requisite on that ground.

(2) Before revoking or varying a scheme under this section the appropriate Minister shall consult the appropriate advisory committee constituted under this Act.

(3) Where an approved hill farming land improvement scheme is revoked or varied under this section and cost of work done in

accordance with the scheme is rendered abortive by the revocation or variation thereof, the appropriate Minister may pay out of moneys provided by Parliament to the person by whom that cost was incurred an amount equal to that cost in so far as it is so rendered abortive, less the amount of any improvement grant paid or payable in respect of that cost.

For the purposes of this subsection, cost of work done as aforesaid shall be treated as rendered abortive by the revocation or variation of the scheme if and in so far as that cost exceeds the amount of any increase attributable to the work in the value of any interest belonging to the person by whom that cost was incurred in any land, and the amount of any such increase shall be determined by agreement between the appropriate Minister and that person, or, in default of agreement, shall be determined by an official arbitrator to be appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall have the like powers with respect to procedure, costs, and the statement of special cases as he has under that Act. 9 & 10 Geo. 5. c. 57.

Revocation or variation of improvement schemes on ground of bad work, delay, etc.

6. Where in the opinion of the appropriate Minister any work described in an approved hill farming land improvement scheme has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed (otherwise than in consequence of a revocation or variation of the scheme under either of the two last preceding sections)—

(*a*) if it appears to him that in consequence thereof the improvements, so far as they are likely to be carried out, will not provide adequately for the rehabilitation of the land, or that the cost of the work described in the scheme so far as remaining to be done will be unreasonably high in relation to the benefit to be derived therefrom, he may revoke the scheme;

(*b*) if it appears to him that the position would be as mentioned in the preceding paragraph in the absence of a variation of the scheme, but can be rectified by specifying a different person as the person responsible for doing any work or by further or other variation of the scheme, he may vary the scheme accordingly;

(*c*) whether he acts under either of the preceding paragraphs or not, he may recover any payment made as an improvement grant or part of an improvement grant in respect of the cost of the work badly done or delayed or unlikely to be completed, and may recover any payment so made in respect of the cost of other work

done in accordance with the approved scheme if it appears to him that in the circumstances that work will not contribute to providing adequately for the rehabilitation of the land or that the cost thereof is excessive in relation to the benefit that will be derived therefrom.

Hearings before revocation or variation of improvement schemes.

7. Before revoking or varying a hill farming land improvement scheme the appropriate Minister shall afford to—

(*a*) the person or persons who under the scheme as it stands immediately before the revocation or variation, is or are responsible for doing the work described therein;

(*b*) any person having an interest in the land for the benefit of which improvements are thereby proposed or in other land specified in the scheme as land on which work is to be done; and

(*c*) any other person who satisfies the appropriate Minister that representations by him ought to be taken into consideration;

an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister, and shall consider the report of that person.

Requirements, in connection with improvement schemes, as to observance of rules of good husbandry, etc.

8.—(1) The fact that a person to whom an improvement grant in respect of the cost of any work is payable, or would otherwise be payable or has been paid, has in the opinion of the appropriate Minister, neglected, during the period whilst the work was being done, to do other work for the benefit of the land for the benefit of which the improvement was intended, or of contiguous or adjacent land, being work which he ought to have done in the ordinary course in accordance with the rules of good husbandry or with practice customary in the course of good estate management, shall be a ground on which the appropriate Minister may reduce or withhold the grant, or, if it has been paid, may recover from that person the grant or such part of it as appears to the appropriate Minister to be proper.

(2) The appropriate Minister may, as a condition of approving a hill farming land improvement scheme, require the making, by a person approved by him, of a record of the condition of land for the benefit of which improvements are thereby proposed containing particulars as respects such matters as ought in his opinion to be recorded in connection with the scheme, and the cost incurred in the making of such a record shall be deemed to be part of the cost of work done in accordance with an approved hill farming land improvement scheme for the purpose of subsection (1) of section one of this Act.

Operation of the Agricultural Holdings Act, 1923, etc., in relation to improvement schemes. 13 & 14 Geo. 5. c. 9.

9.—(1) Subject to the provisions of this section, the Agricultural Holdings Act, 1923, shall apply to improvements for which provision is made by an approved hill farming land improvement scheme as it applies to other improvements.

(2) Where a tenant of a holding within the meaning of the said Act of 1923 has made thereon an improvement comprised in Part I or Part II of the First Schedule to that Act in accordance with provision in such a scheme for the making of the improvement and for the tenant's being responsible for doing the work, being provision included in the scheme at the instance or with the consent of the landlord, then,—

(*a*) in the case of an improvement comprised in the said Part I, the landlord shall be deemed to have consented as mentioned in section two of that Act in relation to the improvement; or

(*b*) in the case of an improvement comprised in the said Part II, the tenant shall be deemed to have given notice to the landlord as mentioned in section three of that Act in relation to the improvement;

and any agreement as to compensation or otherwise made between the landlord and the tenant in relation to the improvement shall have effect as if it had been such an agreement on terms as is mentioned in the said section two, or the said section three, as the case may be:

Provided, as respects an improvement comprised in the said Part II, that subsection (3) of the said section three (which confers on a landlord power to execute an improvement as to which notice is given by a tenant, and to recover as rent from the tenant a sum in respect of outlay incurred) shall not apply.

(3) Where such a scheme provides for the making of an improvement that is for the benefit of a holding within the meaning of the said Act of 1923 and for the landlord's being responsible for doing work required for making the improvement, and that provision is included in the scheme at the instance or with the consent of the tenant, the landlord shall be entitled, in respect of the cost incurred by him of doing that work in accordance with the scheme, so far as approved by the appropriate Minister for the purposes of improvement grant as having been reasonably incurred, to recover from the tenant as rent a sum equal to such percentage per annum (not exceeding five per cent. per annum) of one-half of that cost as may be agreed between the landlord and the tenant, or, in default of agreement between them, as may be determined by arbitration under the Agricultural Holdings Act, 1923:

Provided that, if on the ground of the work's being badly done the appropriate Minister withholds or reduces the improvement grant in respect of that cost or takes steps to recover it or part of

it, he may direct that the right conferred by this section in respect of that cost shall not be exercisable in respect thereof or of a specified part thereof, and any such direction given after that right has been exercised shall be retrospective and any excess rent paid shall be repaid accordingly.

(4) Paragraph (*b*) of subsection (5) of section twelve of the said Act of 1923 (which provides that an arbitrator, in determining what rent is properly payable in respect of a holding, shall not take into account any increase in the rental value due to improvements so far as they were executed wholly or partly by and at the expense of the tenant and in the other circumstances therein mentioned, or fix that rent at a higher amount than would have been payable if those improvements had not been so executed) shall apply to improvements so far as the expense of the execution thereof is made good to the person by whom it was incurred by a payment by way of improvement grant.

(5) For the purposes of paragraph (*b*) of subsection (5) of section twelve of the said Act of 1923, expense of a tenant which is made good to him by a payment by way of improvement grant shall be treated as expense of his notwithstanding that it is so made good.

(6) In assessing the amount of any compensation payable, whether under the said Act of 1923 or under custom or agreement, to a tenant of agricultural land, if it is shown to the satisfaction of the person assessing the compensation that the improvement or cultivations in respect of which the compensation is claimed was or were wholly or in part the result of or incidental to work in respect of the cost of which an improvement grant has been paid or will be payable, the amount of 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 or cultivations, and the compensation shall be reduced to such extent as that person considers appropriate.

Attachment of conditions as to letting, etc., of new and improved cottages.

10.—(1) Regulations shall be made by the appropriate Minister—

(*a*) for securing that, where an improvement grant has been made in respect of cost of work done for the erection, improvement or reconditioning of a cottage, conditions with respect to the occupation and maintenance thereof shall apply to the cottage for such period from the date on which it first becomes fit for occupation after the completion of the work (not being longer than twenty years) as may be specified in the regulations, including (without prejudice to the generality of this subsection) a condition prohibiting the occupation of the cottage otherwise than by the owner or a tenant thereof; and

(*b*) in the event of a breach of any of the conditions for the recovery by the appropriate Minister from the owner of the cottage of sums paid (whether before or after the breach) on account of the grant, together with interest thereon at such rate as may be specified in the regulations and for withholding any sums which, apart from the breach, would be payable to him.

(2) Regulations under the preceding subsection shall provide for the conditions thereby applied to a cottage ceasing to apply on payment to the appropriate Minister by such person as may be specified in the regulations of such amount as may be so specified, and may contain such incidental and supplementary provisions as appear to the appropriate Minister to be requisite or expedient for the purposes thereof, and in this section the expressions "owner" and "tenant" mean, respectively, owner and tenant as defined by the regulations.

Provision as to application of capital for improvements to settled hill farming land.

11.—(1) For the purposes of the provisions of the Settled Land Act, 1925, relating to improvements authorised by that Act, any operation which is to be treated as an improvement for the purposes of this Act, and which is of a kind prescribed by regulations made by the Minister of Agriculture and Fisheries as being of a permanent character, shall be treated as if it were included in the Third Schedule to that Act and were specified in Part I thereof (which specifies improvements the cost of which is not liable to be replaced by instalments).

15 & 16 Geo. 5. c. 18.

(2) The preceding subsection shall apply for the purposes of the said provisions of the Settled Land Act, 1925, as extended to trusts for sale by section twenty-eight of the Law of Property Act, 1925.

15 & 16 Geo. 5. c. 20.

Improvement of hill farming land subject to rights of common.

12.—(1) Where the Minister of Agriculture and Fisheries (in this section referred to as "the Minister") is of opinion that it is expedient so to do for the purpose of rehabilitating hill farming land in England or Wales that is subject to rights of common of pasture, he shall have power, subject to the provisions of this section, to do work required for making improvements for the benefit thereof, and the provisions in that behalf of this section shall have effect as to the recovery by the Minister from persons claiming to enjoy rights over such land of sums amounting in the aggregate to one half of the cost of work done by him under this section.

(2) Before beginning to do work under this section, the Minister shall publish, in such manner as he thinks best adapted for informing persons enjoying rights of common over the land for the benefit of which the improvements are intended and any

person entitled as lord of the manor or otherwise to the soil of that land, a notice—

(*a*) stating that he is of the opinion aforesaid, specifying what improvements ought, in his opinion, to be made and the work required for making them, the land on which he proposes to do the work, the estimated cost of the work and the period (which shall not be less than twenty-eight days from the date of the publication of the notice) within which written objection to the doing of the work may be made to him by any person claiming to be such a person as aforesaid; and

(*b*) inviting any person so claiming who is willing to bear an apportioned part of half the estimated cost of the work to furnish to the Minister, within the period aforesaid, his name and address and particulars of such matters relating to the rights which he claims to enjoy as may be specified in the notice.

(3) If an objection to the doing of the work is duly made to the Minister by any person so claiming as aforesaid within the time limited by the notice for making objections, then, unless either—

(*a*) the objection is withdrawn by that person or appears to the Minister to be frivolous; or

(*b*) the Minister is satisfied that the claim is groundless;

no further steps shall be taken under this section in pursuance of the notice, but without prejudice to the publication of a fresh notice.

(4) Subject to the provisions of the last preceding subsection, the Minister, after the expiration of the said period, shall, by an instrument executed by him, apportion half the amount stated in the notice as the estimated cost of the work amongst the persons who have furnished their names under subsection (2) of this section as being willing to bear apportioned parts thereof, in such amounts as he thinks just, and shall serve on each of them, at the address furnished by him under that subsection, a copy of the said instrument having annexed thereto particulars of the matters by reference to which each of the amounts has been arrived at and a statement of the period (which shall not be less than twenty-eight days from the date of the service of the copy) within which written objection to the amount apportioned to that person may be made by him to the Minister.

(5) If no objection is duly made under the last preceding subsection within the time limited for the making of objections, or if all objections so made are withdrawn by the persons by whom they were respectively made, the Minister may do the work.

(6) If an objection duly made as aforesaid is not withdrawn by the person by whom it was made, the Minister may revise the apportionment, and the provisions of the two last preceding subsections shall apply to a revised apportionment as they apply to an original apportionment.

(7) Where the Minister has done work under this section, the amount apportioned to any person under the instrument by virtue of the execution of which the Minister became entitled to do the work or, where the actual cost of the work falls short of the estimated cost thereof, that amount abated rateably as between it and the remainder of the amounts so apportioned, shall be recoverable from that person by the Minister on the completion of the work.

(8) Where work under this section for making improvements consists of or includes the making or restoration of permanent fences, subsections (1) and (2) of this section shall have effect as if references therein to persons enjoying or claiming to enjoy rights of common over the land for the benefit of which the improvements are intended included references to persons occupying adjoining land, and as if, in relation to any such person, there were substituted, for the reference in paragraph (*b*) of the said subsection (2) to rights claimed to be enjoyed, a reference to the adjoining land occupied by him.

(9) Nothing done under this section shall be treated as an admission of the existence or non-existence of an obligation on the part of a person occupying land adjoining land subject to rights of common of pasture to fence against animals on the last-mentioned land, or as to the extent of any such obligation.

(10) No work under this section on land subject to rights of common of pasture shall be so done as to prevent or impede access to that land or any part thereof for a period exceeding three years from the beginning of the work.

(11) Notwithstanding the provisions of subsection (4) of section one of this Act, an operation specified in a notice published under subsection (2) of this section shall not, so far as the operation of this section is dependent on the publication of that notice, be deemed to cease to be an improvement by reason of the deletion from the First Schedule to this Act of that operation or any modification of the description thereof.

(12) The power conferred by this section on the Minister to do work required for making improvements for the benefit of any land shall not be construed as extending so as to authorise the Minister to do work for that purpose on other land without the consent of all persons interested in that other land whose consent to the doing of the work would be requisite apart from this section.

(13) The net cost of any work done under this section by the Minister shall be brought into account for the purposes of subsection (4) of section two of this Act as if it had been an improvement grant paid by him.

In this subsection the expression " net cost " means, in relation to any work, the cost of doing it less the aggregate of the amounts recoverable under subsection (7) of this section in respect thereof.

Subsidies for Hill Sheep and Hill Cattle.

Schemes for subsidy payments in respect of hill sheep and hill cattle.

13.—(1) The appropriate Minister may—

(*a*) in accordance with schemes made by him with the approval of the Treasury as respects England and Wales, Scotland and Northern Ireland respectively, make, out of moneys provided by Parliament, payments in respect of sheep of such descriptions as may be specified in the schemes respectively, and are comprised, on any of the relevant days as hereinafter defined, in flocks of such descriptions as may be so specified, being flocks kept in accordance with the schemes, in the areas to which they respectively relate, on hill land as thereby defined;

(*b*) in accordance with schemes so made, make, out of moneys so provided, in respect of the year nineteen hundred and forty-seven and each of the four next succeeding years, payments in respect of cattle of such descriptions as may be specified in the schemes respectively, being cattle grazed in accordance with the schemes, in the areas to which they respectively relate, on hill land as thereby defined.

(2) Schemes made under paragraphs (*a*) and (*b*) of the preceding subsection respectively are in this Act referred to respectively as " hill sheep schemes " and " hill cattle schemes ", a payment falling to be made in respect of an animal in accordance with any such scheme is in this Act referred to as a " subsidy payment ", and, for the purposes of the provisions of this Act relating to hill sheep schemes, the expression " the relevant days " means, in relation to such a scheme having effect as respects England and Wales or Scotland, such day of December in the year nineteen hundred and forty-six and in the four next succeeding years as may be specified in the scheme in relation to each of those years and, in relation to such a scheme having effect as respects Northern Ireland, such day of January in the year nineteen hundred and forty-seven and in the four next succeeding years as may be so specified.

Recipients, and amounts, of subsidy payments.

14.—(1) Subject to the provisions of the next succeeding section, subsidy payments falling to be made, in accordance with a hill sheep scheme, in respect of sheep comprised in a flock on any of the relevant days shall be made to the person maintaining the flock at the beginning of that day.

(2) Subject to the provisions of the next succeeding section, subsidy payments falling to be made, in accordance with a hill cattle scheme, in respect of any year in respect of cattle grazed on any land shall be made to the person who, at the beginning of such day as may be specified in the scheme, is the occupier of the land:

Provided that, in the case of cattle grazed on land that is subject to rights of common of pasture and in a case in which it appears to the appropriate Minister that it would more readily conduce to the achievement of the objects of a hill cattle scheme if subsidy payments to be made in accordance therewith in respect of cattle grazed on land of any description specified in the scheme were to be made to a person other than the occupier of land of that description, provision may be made by a hill cattle scheme for the making of the payments to a person who, at the beginning of such day as may be specified in the scheme, satisfies such conditions as may be so specified.

(3) The amount which may be paid by way of subsidy payment in respect of an animal—

(*a*) in the case of a payment falling to be made in accordance with a hill sheep scheme, in respect of any of the relevant days;

(*b*) in the case of a payment falling to be made in accordance with a hill cattle scheme, in respect of any year;

shall be such as may be prescribed as respects that scheme in relation to that day or year, as the case may be, by order of the appropriate Minister, and any such order may prescribe different amounts in relation to different descriptions of sheep or cattle, as the case may be, and, in the case of payments falling to be made in respect of sheep, in relation to sheep comprised in flocks kept for different purposes or in flocks wherein the number of sheep is maintained by different methods.

Supplementary provisions as to hill sheep and hill cattle schemes.

15.—(1) A hill sheep scheme and a hill cattle scheme may contain provisions—

(*a*) determining the minimum number of sheep or cattle in respect of which subsidy payments may be made to any person;

(*b*) determining the manner in which the number of sheep or cattle in respect of which such payments may be so made is to be computed;

(*c*) providing, in such circumstances as may be specified in the scheme, for the reduction, to such extent as may be so specified, of the number of sheep or cattle, computed in accordance with any provision of the scheme having effect by virtue of the last preceding paragraph, in respect of which subsidy payments would otherwise be made to any person;

(*d*) providing, in such circumstances as may be so specified, for the reduction, to such extent as may be so specified, of the amount of a subsidy payment;

(*e*) precluding, either generally or in such circumstances as may be so specified, and either wholly or to such extent as may be so specified, the making of subsidy payments to a person, or a person of such class as may be so specified, as to whom it is determined in accordance with the scheme that he has benefited from work done under section twelve of this Act and either that he did not agree to bear a part of the cost of the work done or that he has made default in payment of the amount which can be recovered from him under subsection (7) of that section or any part of that amount;

(*f*) for securing that no subsidy payment shall be made unless application therefor is made at the time and in the manner specified in the scheme; and

(*g*) generally for securing that subsidy payments are properly made;

and may contain such incidental and supplementary provisions as appear to the appropriate Minister to be requisite or expedient for the purposes of the scheme.

(2) A hill sheep scheme may contain provisions—

(*a*) defining the circumstances in which persons are to be treated for the purposes of the last preceding section as maintaining flocks of sheep; and

(*b*) for enabling subsidy payments in respect of sheep comprised in a flock on any of the relevant days to be made to a person who, if any such payment had been a debt which, at the beginning of that day, accrued due to the person who then maintained the flock, would have been entitled to claim the payment otherwise than by virtue of an assignment.

(3) A hill cattle scheme may contain provisions for enabling subsidy payments in respect of cattle grazed on any land, being payments which, apart from this provision, would be required to be made to the person who, at the beginning of a day specified in the scheme was the occupier of the land or satisfied conditions specified in the scheme, to be made to a person who,

if any such payment had been a debt which, at the beginning of that day accrued due to the first-mentioned person, would have been entitled to claim the payment otherwise than by virtue of an assignment.

Provisions as to imported sheep and cattle.

16.—(1) With a view to ensuring that subsidy payments are properly made, the Ministers may by order provide (subject to such exceptions, if any, as may be specified in the order) for the marking of sheep and cattle imported or brought into the United Kingdom.

(2) If any person—

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

(*b*) with intent to deceive alters or defaces a mark placed on an animal in pursuance of an order so made;

he shall be guilty of an offence and 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.

(3) With a view to ensuring that subsidy payments are properly made, the Ministers may by order determine the times and places at which sheep and cattle may be imported or brought into the United Kingdom from Eire or the Isle of Man, and make provision as to the routes to be followed by sheep and cattle so imported or brought and as to their detention for inspection, and an order under this subsection may contain such provisions as appear to the Ministers necessary for securing the due operation and enforcement of the order, including provision as to forfeiture of sheep and cattle.

Variation of hill sheep and hill cattle schemes and orders connected therewith.

17. The power hereinbefore conferred to make a hill sheep scheme or a hill cattle scheme or an order prescribing the amount of a subsidy payment or made under the last preceding section shall be construed as including a power to vary or revoke the scheme or order by a subsequent scheme or order, as the case may be.

Control of Rams (England and Wales).

Control of rams in England and Wales.

18.—(1) For the purpose of improving the quality of sheep the Minister of Agriculture and Fisheries may make regulations for controlling the keeping of rams and uncastrated ram lambs on land in England or Wales of such description as may be specified in the regulations, and, without prejudice to the generality of this subsection, any such regulations—

(*a*) may prohibit persons from permitting to be on any such land as aforesaid in any area specified in the regulations—

(i) any ram or uncastrated ram lamb unless it has been approved under the regulations as being suitable

for the purpose of breeding from the flocks from time to time on any such land in that area ; or

(ii) any ram or uncastrated ram lamb declared, in manner provided by the regulations, to be, in the opinion of the said Minister, not so suitable ;

(*b*) may prohibit persons from permitting any ram or uncastrated ram lamb to be, during such period as may be specified in the regulations, on any such land as aforesaid in any area so specified, except under the authority of a licence granted in that behalf by the said Minister ;

(*c*) may provide for the inspection of rams and uncastrated ram lambs ;

(*d*) may provide for the marking, in accordance with the regulations, of any ram or uncastrated ram lamb inspected under the regulations according as it appears to the person or authority by whom the inspection is carried out to be suitable or unsuitable for the purpose of breeding from the flocks from time to time on land in any area specified in the regulations ; and

(*e*) may provide for requiring the slaughter or castration within such time as may be specified in the requisition of any ram or uncastrated ram lamb which, upon being inspected under the regulations, appears to the person or authority by whom the inspection is carried out to be—

(i) of defective or inferior conformation and likely to beget defective or inferior progeny ;

(ii) permanently affected with any contagious or infectious disease ; or

(iii) permanently affected with any other disease rendering the ram or lamb unsuitable for breeding purposes ;

and may empower such person or authority as may be specified in the regulations to cause a ram or ram lamb in respect of which default is made in complying with any such requisition as aforesaid to be castrated or slaughtered, and provide for the recovery of the cost incurred thereby from the person in default.

(2) Regulations under this section may contain such incidental and supplemental provisions as appear to the Minister of Agriculture and Fisheries to be requisite or expedient for the purposes thereof, and may make different provision in relation to land in different areas and different descriptions of rams and lambs.

Penalties for offences in connection with control of rams.

19.—(1) If any person permits a ram or lamb to be on any land in contravention of regulations made under the last preceding section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds, and, if any such contravention in respect of which a person has been convicted

continues after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding five pounds for each day on which the contravention so continues.

(2) If any person with intent to deceive—

(*a*) forges (within the meaning of the Forgery Act, 1913) or uses, or lends to or allows to be used by another person, a licence granted under regulations made under the last preceding section; or 3 & 4 Geo. 5. c. 27.

(*b*) makes or has in his possession a document so closely resembling such a licence as to be calculated to deceive; or

(*c*) alters or defaces a mark placed on a ram or lamb in pursuance of regulations so made;

he shall be guilty of an offence and 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.

(3) If any person—

(*a*) places on a ram or lamb, otherwise than in pursuance of regulations made under the last preceding section, a mark prescribed by regulations so made; or

(*b*) places on a ram or lamb a mark so closely resembling a mark so prescribed as to be calculated to deceive;

he shall be guilty of an offence and 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.

(4) If a person on whom a requisition for the slaughter or castration of a ram or lamb has been duly served under regulations made under the last preceding section fails to comply with the requisition, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and, if any such failure in respect of which a person has been convicted continues after the conviction, he shall be guilty of a further offence and liable on summary conviction to a further fine not exceeding five pounds for every day during which the failure so continues.

(5) If any person, without the permission of the Minister of Agriculture and Fisheries, at any time after any such requisition aforesaid has been duly served on him under regulations made under the last preceding section removes (otherwise than to a slaughter-house for the purpose of slaughter) the ram or lamb to which the requisition relates, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

(6) If any person obstructs or impedes any person in the exercise of any power conferred upon him by virtue of the last preceding section, he shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

Burning of Heather and Grass (England and Wales).

Power to regulate heather and grass burning in England and Wales.

20.—(1) The Minister of Agriculture and Fisheries may by regulations make provision for regulating or prohibiting the burning of heather and grass on land in England or Wales, and any such regulations may be made so as to extend to the whole of England and Wales or to any specified area therein, may regulate or prohibit the burning of heather and grass at all times or during such period as may be specified in the regulations and may contain different provisions with respect to land in different parts of England and Wales and to different periods.

(2) If any person contravenes any provision of regulations made under this section, he shall be liable on summary conviction to a fine not exceeding five pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

Avoidance or relaxation of covenants against heather and grass burning in England and Wales.

21.—(1) Where a lease of land in England or Wales contains a covenant, condition or agreement whereby the burning of heather or grass by the tenant is prohibited or restricted, the Minister of Agriculture and Fisheries, after affording to the landlord and to any other person who appears to him to be concerned an opportunity of making representations and, if so required by the landlord or that other person, of being heard, may, if it appears to the Minister that the covenant, condition or agreement is preventing or impeding the proper use for agricultural purposes of the land comprised in the lease or any of that land and that it is expedient in all the circumstances so to do, give such directions for avoiding or relaxing the covenant, condition or agreement, as he thinks fit.

(2) This section applies to leases made before or after the commencement of this Act and shall have effect notwithstanding any stipulation to the contrary.

(3) In this section the expressions "landlord", "tenant" and "lease" have the meanings assigned to them respectively by the Landlord and Tenant Act, 1927.

17 & 18 Geo. 5. c. 36.

Muirburn (Scotland).

Repeal of 16 & 17 Geo. 5. c. 30.

22. The Heather Burning (Scotland) Act, 1926, is hereby repealed and, in relation to Scotland, the provisions of the five next succeeding sections shall have effect in lieu thereof.

Prohibition of muirburn at certain times.

23.—(1) Subject to the provisions of this section it shall not be lawful to make muirburn except before the sixteenth day of April or after the thirtieth day of September in any year:

Provided that it shall be lawful for the proprietor of any lands, or for the tenant with the written authority of the proprietor or of his factor or commissioner, to make muirburn thereon during the period from the sixteenth day to the thirtieth day of April both days inclusive.

(2) In the case of lands more than fifteen hundred feet above sea level the preceding subsection shall have effect as if for the thirtieth day of April there were substituted the fifteenth day of May.

(3) The Secretary of State may in any year, if it appears to him necessary or expedient so to do for the purpose of facilitating the making of muirburn, direct that subsection (1) of this section shall have effect as respects such lands as may be specified in the direction as if for the sixteenth day of April there were substituted such day thereafter as he may deem proper, being a day not later than the first day of May or, in the case of lands more than fifteen hundred feet above sea level, the sixteenth day of May. Any such direction may be given as respects all lands in Scotland, or as respects the lands in any county or any part of a county, or as respects any particular lands or classes of lands.

Notice of the giving of any direction under this subsection (other than a direction given only as respects any particular lands) shall be published in one or more newspapers circulating in the locality in which the lands to which the direction relates are situated.

(4) Any person who makes muirburn or causes or procures the making of muirburn on any lands in contravention of this section shall be guilty of an offence.

Right of tenant to make muirburn notwithstanding terms of lease.

24.—(1) Where the tenant of any land is of the opinion that it is necessary or expedient for the purpose of conserving or improving that land to make muirburn thereon, it shall, subject to the provisions of this Act, be lawful for him to make muirburn thereon notwithstanding any provision in the lease of such land prohibiting, whether absolutely or subject to conditions, or restricting in any way, the making of muirburn.

(2) Not less than twenty-eight days before so making muirburn the tenant shall give notice to the proprietor of the land of the places at which, and the approximate extent to which he proposes to make muirburn; and if the proprietor is dissatisfied as to the places at which, or the extent to which the tenant proposes to make muirburn, he shall, within seven days after the receipt of the intimation from the tenant, give

notice to the tenant stating the grounds of his dissatisfaction and shall refer the matter to the Secretary of State for his decision, and pending such decision the tenant shall not proceed with the operation of muirburn with respect to which reference has been so made.

(3) On any reference under the foregoing subsection the Secretary of State, after such inquiry as he may think fit, and after considering any representations made by the parties interested, shall give such directions as he may deem proper regulating the muirburn, and it shall thereupon be lawful for the tenant to make muirburn in accordance with the direction. Any direction given by the Secretary of State under this subsection shall be final.

(4) It shall subject to the provisions of this Act be lawful for the tenant of any land, notwithstanding any provision in the lease of such land prohibiting, whether absolutely or subject to conditions, or restricting in any way, the making of muirburn, to make muirburn thereon if the work is done in accordance with an approved hill farming land improvement scheme; and the provisions of subsections (2) and (3) of this section shall not apply to the making of such muirburn.

Regulation of muirburn.

25. Any person who—

(*a*) commences to make muirburn between one hour after sunset and one hour before sunrise; or

(*b*) fails to provide at the place where he is about to make muirburn, or to maintain there while he is making muirburn, a sufficient staff and equipment to control and regulate the burning operations so as to prevent damage to any woodlands on or adjoining the land where the operations are taking place or to any adjoining lands, march fences or other subjects; or

(*c*) makes muirburn on any land without having given to the proprietors of the lands or woodlands adjoining the land and, if he is a tenant, to the proprietor of the land, not less than twenty-four hours' notice of his intention to make muirburn and of the day on which, the places at which and the approximate extent to which, he intends to make muirburn; or

(*d*) makes muirburn on any land without due care so as to cause damage to any woodlands on or adjoining the land or any adjoining lands, woodlands, march fences or other subjects,

shall be guilty of an offence.

Notices as to muirburn.

26.—(1) Any notice required to be given under either of the two last preceding sections shall be given in writing.

(2) Any notice so required to be given to a proprietor shall be deemed to be given to the proprietor if it is given to his factor, commissioner or other local representative.

Offences as to muirburn.

27. Any person guilty of an offence against section twenty-three or section twenty-five of this Act shall be liable on summary conviction to a fine not exceeding five pounds or to imprisonment for a term not exceeding thirty days or to both such fine and such imprisonment.

Valuation of Sheep Stocks (Scotland).

Rules as to valuation of sheep stocks

28.—(1) In any arbitration in pursuance of any lease of an agricultural holding in Scotland entered into after the commencement of this Act as to the value of sheep stock to be taken over at the termination of the tenancy by the landlord or the incoming tenant, the arbiter shall fix the value of the sheep stock in accordance, in the case of a valuation made in respect of a tenancy terminating at Whitsunday in any year, with the provisions of Part I of the Second Schedule to this Act, or in the case of a valuation made in respect of a tenancy terminating at Martinmas in any year, with the provisions of Part II of the said Schedule.

1 Edw. 8 & 1 Geo. 6. c. 34.

(2) Subsection (1) of section one of the Sheep Stocks Valuation (Scotland) Act, 1937 (which requires certain particulars to be given in an arbiter's award) shall, in relation to an arbitration to which subsection (1) of this section applies, have effect as if for the words from "show the basis" to the end of the subsection there were substituted the words "state separately the particulars set forth in Part III of the Second Schedule to the Hill Farming Act, 1946."

Valuation by Land Court of sheep stocks. 1 Edw. 8 & 1 Geo. 6. c. 34.

29.—(1) Section three of the Sheep Stocks Valuation (Scotland) Act, 1937 (which relates to the determination by the Land Court of questions as to the value of sheep stocks) shall, in relation to any question or difference as to the value of sheep stock required in terms of a lease entered into after the commencement of this Act to be taken over at the termination of the tenancy by the landlord or the incoming tenant, have effect as if for the words "may, if both parties agree" and the words "on the joint application of the parties" there were substituted respectively the words "shall, if either party so desires" and the words "on the application of that party".

(2) The Land Court shall determine any question or difference which they are required to determine under the said section three as amended by the last foregoing subsection in accordance with the appropriate provisions of the Second Schedule to this Act.

Production of documents for purposes of valuation of sheep stocks.

30. Where any question as to the value of any sheep stock has been submitted for determination to the Land Court or to an arbiter, the outgoing tenant shall, not less than twenty-eight days before the determination of the question, submit to the Court or to the arbiter, as the case may be, a statement of the sales of sheep from such stock during the preceding three years in the case of a valuation made in respect of a tenancy terminating at Whitsunday, or during the current year and in each of the two preceding years in the case of a valuation made in respect of a tenancy terminating at Martinmas. The outgoing tenant shall also submit such sale-notes and other evidence as may be required by the Court or the arbiter to vouch the accuracy of such statement.

Any document submitted by the outgoing tenant in pursuance of this section shall be open to inspection by the other party to the valuation proceedings.

Construction and citation of ss. 27 to 29.

31. The three last preceding sections and the Second Schedule to this Act shall be construed as one with the Sheep Stocks Valuation (Scotland) Act, 1937, and may be cited with that Act as the Sheep Stocks Valuation (Scotland) Acts, 1937 and 1946.

General.

Advisory committees.

32.—(1) There shall be constituted, with the function of advising the appropriate Minister as to the exercise of his powers under this Act, an advisory committee for England, Wales and Northern Ireland, a sub-committee of that committee for Wales and Monmouthshire, and an advisory committee for Scotland.

(2) The members of each of the said committees and of the said sub-committee shall be appointed by the appropriate Minister, and he shall have power to determine the constitution thereof:

Provided that not less than one half of the members of the said sub-committee shall be persons who are members of the advisory committee for England, Wales and Northern Ireland.

(3) The reference in section five of this Act to the appropriate advisory committee to be consulted as to revoking or varying a hill farming land improvement scheme shall be construed as a reference to the said sub-committee where the scheme is concerned only with land in Wales or Monmouthshire.

(4) The appropriate Minister may defray expenses incurred by the committee or sub-committee to be appointed by him under this section.

Local committees.

33.—(1) The appropriate Minister may constitute local committees for such areas as he may determine with the function of assisting him in the exercise, as respects those areas, of his powers under this Act, and may appoint the members thereof.

(2) The appropriate Minister may delegate to a local committee constituted under this section functions of his under this Act, other than the making of improvement grants or subsidy payments, the approval, making, revocation or variation of any scheme, or the making of any order or regulations.

(3) For the purposes of a delegation by the appropriate Minister to such a local committee of his power to do work under the provisions of this Act relating to the making of improvements for the benefit of hill farming land that is subject to rights of common of pasture, references in those provisions to work done by the appropriate Minister shall include references to work done by the committee.

(4) The appropriate Minister may defray expenses incurred by such a local committee.

(5) If any question arises as to which of two or more such local committees is or was the appropriate local committee for any purpose, that question shall be determined by the appropriate Minister.

Power to enter on and inspect land.

34.—(1) For the purposes of this Act, an officer of the appropriate Minister authorised in that behalf by general or special directions given by him, and a member or officer so authorised of a local committee constituted under this Act, shall, on producing, if so required written evidence of his authority, have power at all reasonable times to enter on and inspect—

(*a*) any land which he has reason to believe to be used, or to be capable of being used, for hill farming purposes; and

(*b*) any land which he has reason to believe to be used in connection with the use for hill farming purposes of other land:

Provided that admission to any land shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If any person obstructs or impedes an officer of the appropriate Minister authorised as aforesaid or a member or officer so authorised of any such local committee as aforesaid in the exercise of his powers under the preceding subsection, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

Recovery of sums by Ministers.

35. Any sum recoverable under this Act by the Ministers or either of them may be recovered as a debt due to the Crown or summarily as a civil debt, and a complaint made for the purposes of recovering any such sum summarily as a civil debt may be made at any time within twelve months from the time when the matter of the complaint arose.

Expenses of, and disposal of sums accruing to, Ministers

36.—(1) Any expenses which are incurred for the purposes of this Act by the Ministers or either of them, and which are not hereinbefore directed to be defrayed out of moneys provided by Parliament, shall be defrayed out of moneys so provided.

(2) All sums recovered under any provision of this Act from any person by the Ministers or either of them, or retained by them out of the proceeds of any sale of sheep or cattle forfeited under an order made under the provisions of this Act relating to sheep or cattle imported or brought into the United Kingdom, shall be paid into the Exchequer.

Provisions as to laying before Parliament of instruments made under this Act.

37.—(1) Any such instrument as the following made under this Act shall be laid before Parliament forthwith after it is made, that is to say—

(*a*) an order modifying the kinds of operations that are to be treated as improvements for the purposes of this Act;

(*b*) any regulations made under the provisions of this Act relating to the imposition of conditions with respect to the occupation and maintenance of cottages.

(*c*) a hill sheep scheme or a hill cattle scheme;

(*d*) an order prescribing the amount of a subsidy payment or an order varying or revoking any such order;

(*e*) any order made under the provisions of this Act relating to sheep or cattle imported or brought into the United Kingdom;

(*f*) any regulations made under the provisions of this Act relating to the keeping of rams and uncastrated ram lambs on land in England or Wales; and

(*g*) any regulations made under the provisions of this Act relating to the burning of heather and grass in England or Wales,

and if either House of Parliament within the period of forty days after any such instrument is laid before it resolves that it be annulled, it shall thereupon become void, but without prejudice to the validity of anything done thereunder in the meantime or to the making of a new order or scheme or new regulations.

In reckoning the period of forty days aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

56 & 57 Vict. c. 66.

(2) Section one of the Rules Publication Act, 1893, shall not apply to any such order, scheme or regulations as aforesaid.

Interpretation.

38. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

"the appropriate Minister" means, in relation to England, Wales or Northern Ireland or functions exercisable with

respect to England, Wales or Northern Ireland, the Minister of Agriculture and Fisheries, and, in relation to Scotland, the Secretary of State; and "the Ministers" means the Minister of Agriculture and Fisheries and the Secretary of State;

"hill farming land" and "hill farming purposes" have respectively the meanings assigned to them by section one of this Act.

Provisions as to Scotland.

39.—(1) This Act shall, in its application to Scotland, have effect subject to the following modifications:—

(*a*) in subsection (2) of section three there shall be inserted after the words "having an interest" the words "as proprietor or as tenant";

(*b*) any question which under section five is to be determined by an official arbitrator shall be determined by the Land Court;

(*c*) in section nine for a reference to any provision of the Agricultural Holdings Act, 1923, there shall be substituted a reference to the corresponding provision of the Agricultural Holdings (Scotland) Act, 1923; 13 & 14 Geo. 5. c. 10.

(*d*) in section fourteen for subsections (1) and (2) there shall be substituted the following subsection—

"(1) Subject to the provisions of the next succeeding section, subsidy payments falling to be made, in accordance with a hill sheep scheme, in respect of sheep comprised in a flock on any of the relevant days shall be made to the person maintaining the flock on that day; and subsidy payments falling to be made, in accordance with a hill cattle scheme, in respect of cattle grazed on any land shall be paid to the person who, at the beginning of such day as may be specified in the scheme, is the occupier of the land:

Provided that, in the case of sheep or cattle belonging to a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931, and grazed on land which is a common pasture or grazing, provision may be made by a hill sheep scheme or a hill cattle scheme for the making of the subsidy payments to the clerk of the committee appointed under those Acts for the management of such common pasture or grazing."

(*e*) in section thirty-five the word "summarily" and the words from "and a complaint" to the end of the section shall be omitted;

(*f*) unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them respectively, that is to say—

"lease" in relation to a common pasture or grazing includes regulations made or approved by the Land Court under the Small Landholders (Scotland) Acts, 1886 to 1931;

"making muirburn" includes setting fire to or burning any heath or muir; and

"tenant" means a tenant for agricultural or pastoral purposes, and, in the case of a common pasture or grazing, includes the committee appointed under the Small Landholders (Scotland) Acts, 1886 to 1931.

(2) The provisions of the Small Landholders (Scotland) Acts, 1886 to 1931, with regard to the Land Court shall, with any necessary modifications, apply for the purpose of the determination of any matter which they are required by or under this Act to determine, in like manner as those provisions apply for the purpose of the determination by the Land Court of matters referred to them under those Acts.

Application to Northern Ireland.

40.—(1) This Act shall, in its application to Northern Ireland, have effect subject to the modifications specified in the succeeding provisions of this section.

(2) The burning of heather or grass shall not be treated as an improvement for the purposes of this Act.

(3) Subsection (5) of section one shall have effect as if the reference therein to public moneys included a reference to moneys provided by the Parliament of Northern Ireland.

(4) The reference in subsection (3) of section five to the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be construed as a reference to that Act as amended by any Act of the Parliament of Northern Ireland.

(5) For section eleven there shall be substituted the following section:—

45 & 46 Vict. c. 38.

"11. The Settled Land Act, 1882, as amended by any subsequent enactment, shall have effect as if the improvements enumerated in section twenty-five thereof (being improvements on which capital trust money may be expended) included any operation which is to be treated as an improvement for the purposes of this Act, and which is of a kind prescribed by regulations made by the Minister of Agriculture and Fisheries as being of a permanent character."

(6) Section thirty-four shall have effect as if references therein to an officer of the appropriate Minister authorised as therein mentioned by general or special directions given by him included references to an officer of the Ministry of Agriculture for Northern Ireland authorised to act under that section by general or special directions given by that Ministry on behalf of the appropriate Minister.

(7) The expression " summary conviction " means conviction subject to, and in accordance with, the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland) amending that Act. 14 & 15 Vict. c. 93.

41. This Act may be cited as the Hill Farming Act, 1946. Short title.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

IMPROVEMENTS WHICH MAY BE INCLUDED IN SCHEMES FOR REHABILITATION OF HILL FARMING LAND.

1. Erection, alteration, enlargement or reconditioning of farm buildings.
2. Alteration, enlargement or reconditioning of farm houses.
3. Erection, improvement or reconditioning of cottages attached, or to be attached, to a hill farm.
4. Making or improvement of roads or bridges.
5. Making or improvement of watercourses, ponds or wells or of works for the application of water power or for the supply of water for agricultural or domestic purposes.
6. Execution of works for or in connection with the supply of electricity for agricultural or domestic purposes.
7. Provision of accommodation for the dipping or treatment of sheep or cattle.
8. Provision of pens and other equipment for use for or in connection with the sheltering, gathering, marking, dipping or treatment of sheep or cattle.
9. Formation of silos.
10. Making or removal of permanent fences.
11. Restoration of permanent fences.
12. Provision of grids designed or adapted to prevent the passage of sheep or cattle.
13. Drainage.
14. Reclaiming of waste land.
15. Establishment of shelter belts.
16. Liming of land.
17. Application to land of purchased artificial or other purchased manure.
18. Laying down of permanent pasture.
19. Reseeding and regeneration of grazings and other cultural operations.
20. Removal of bracken, whins, gorse, bushes, scrub, stumps, roots or boulders.
21. Burning heather or grass or making muirburn.
22. Provision of machinery and implements.
23. Pest destruction.

SECOND SCHEDULE.

Section 28.

PROVISIONS AS TO VALUATION OF SHEEP STOCKS IN SCOTLAND.

PART I.

Provisions as to a valuation made in respect of a tenancy terminating at Whitsunday.

1. The Land Court or the arbiter (in Part I and Part II of this Schedule referred to as " the valuer ") shall ascertain the number of, and the prices realised for, the ewes and the lambs sold off the hill from the stock under valuation at the autumn sales in each of the three preceding years, and shall determine by inspection the number of shotts present in the stock at the time of the valuation.

2. The valuer shall calculate an average price per ewe, and an average price per lamb, for the ewes and lambs sold as aforesaid for each of the three preceding years. In calculating the average price for any year the valuer shall disregard such number of ewes or lambs so sold in that year, being the ewes or lambs sold at the lowest prices, as bears the same proportion to the total number of ewes or lambs so sold in that year as the number of shotts as determined bears to the total number of ewes or lambs in the stock under valuation.

3. The valuer shall then ascertain the mean of the average prices so calculated for the three preceding years for ewes and for lambs respectively. The figures so ascertained or ascertained, in a case to which the next succeeding paragraph applies, in accordance with that paragraph, are in this Part of this Schedule referred to as the " three year average price for ewes " and the " three year average price for lambs ".

4. In the case of any sheep stock in which the number of ewes or the number of lambs sold off the hill at the autumn sales during the preceding three years has been less than half the total number of ewes or of lambs sold, the three-year average price for ewes or the three-year average price for lambs, as the case may be shall, in lieu of being ascertained by the valuer as aforesaid, be determined by the Land Court on the application of the parties; and the Land Court shall determine such prices by reference to the prices realised at such sales for ewes and for lambs respectively from similar stocks kept in the same district and under similar conditions.

5. The three year average price for ewes shall be subject to adjustment by the valuer within the limits of ten shillings upwards or downwards as he may think proper having regard to the general condition of the stock under valuation and to the profit which the purchaser may reasonably expect it to earn. The resultant figure shall be the basis of the valuation of the ewes, and is in this Part of this Schedule referred to as the " basic ewe value ".

The valuer shall similarly adjust the three year average price for lambs, and the resultant figure shall be the basis for the valuation of the lambs and is in this Part of this Schedule referred to as the " basic lamb value ".

2ND SCH. —*cont.*

6. In making his award the valuer shall value the respective classes of stock in accordance with the following rules, that is to say—

(*a*) ewes of all ages (including gimmers) shall be valued at the basic ewe value with the addition of fifteen shillings per head;

(*b*) lambs shall be valued at the basic lamb value; so however that twin lambs shall be valued at such price as the valuer thinks proper;

(*c*) ewe hoggs shall be valued at two-thirds of the combined basic values of a ewe and a lamb subject to adjustment by the valuer within the limits of five shillings per head upwards or downwards as he may think proper, having regard to their quality and condition;

(*d*) tups shall be valued at such price as in the opinion of the valuer represents their value on the farm having regard to acclimatisation or any other factor for which he thinks it proper to make allowance;

(*e*) eild sheep shall be valued at the value put upon the ewes subject to such adjustment as the valuer may think proper having regard to their quality and condition; and

(*f*) shotts shall be valued at such value not exceeding two-thirds of the value put upon good sheep of the like age and class on the farm as the valuer may think proper.

PART II.

Provisions as to a valuation made in respect of a tenancy terminating at Martinmas.

1. The valuer shall ascertain the number of, and the prices realised for, the ewes sold off the hill from the stock under valuation at the autumn sales in the current year and in each of the two preceding years, and shall calculate an average price per ewe so sold for each of the said years. In calculating the average price for any year the valuer shall disregard one-tenth of the total number of ewes so sold in that year, being the ewes sold at the lowest prices.

2. The mean of the average prices so calculated shall be subject to adjustment by the valuer within the limits of five shillings upwards or downwards as he may think proper having regard to the general condition of the stock under valuation and to the profit which the purchaser may reasonably expect it to earn. The resultant figure shall be the basis of the valuation of the ewes and is in this Part of this Schedule referred to as the " basic ewe value ".

3. In making his award the valuer shall assess the respective classes of stock in accordance with the following rules, that is to say—

(*a*) ewes of all ages (including gimmers) shall be valued at the basic ewe value with the addition of fifteen shillings per head;

(*b*) ewe lambs shall be valued at the basic ewe value subject to adjustment by the valuer within the limits of five shillings per head upwards or downwards as he may think proper having regard to their quality and condition; and

(*c*) tups shall be valued at such price as in the opinion of the valuer represents their value on the farm having regard to acclimatisation or any other factor for which he thinks it proper to make allowance. 2ND SCH. —*cont*

PART III.

Particulars required to be shown in an arbiter's award.

1. The three year average price for ewes and the three year average price for lambs ascertained under Part I, or the mean of the average prices calculated under Part II, of this Schedule, as the case may be.

2. Any amount added or taken away by way of adjustment for the purpose of fixing the basic ewe value or the basic lamb value, and the grounds on which such adjustment was made.

3. The number of each class of stock valued (ewes and gimmers of all ages with lambs being taken as one class, and eild ewes and eild gimmers being taken as separate classes at a Whitsunday valuation, and ewes and gimmers of all ages being taken as one class at a Martinmas valuation) and the value placed on each class.

4. Any amount added or taken away by way of adjustment in fixing the value of ewe hoggs at a Whitsunday valuation, or the value of ewe lambs at a Martinmas valuation, and the grounds on which such adjustment was made.

PART IV.

Interpretation.

In this Schedule the expressions " ewe ", " gimmer ", " eild ewe ", " eild gimmer ", " lamb ", " ewe hogg ", " shott ", " eild sheep " and " tup " shall be construed as meaning respectively sheep of the classes customarily known by those designations in the locality in which the flock under valuation is maintained.

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