



Agriculture Act 1970

1970 CHAPTER 40

An Act to make provision with respect to agriculture and related matters and with respect to flood warning systems; and to amend the Diseases of Animals Act 1950. [29th May 1970]

Extent Information

- E1** Pt. III extends to England and Wales only see s. 65; Pt. VI extends to Scotland only see s. 98

Modifications etc. (not altering text)

- C1** Act extended (1.11.1991) by [S.I. 1991/2197](#), [reg.11](#) (with [reg. 1\(2\)\(3\)](#)).
- C2** Certain provisions in Act applied (N.I.) (18.5.1992) by [S.R. 1992/187](#), [reg.11](#) (with [reg. 1\(2\)](#)).
- C3** Certain provisions in Act applied (N.I.) (27.7.1992) by [S.R. 1992/270](#), [reg.23](#) (with [reg. 22](#)).
- C4** Act (except s. 53): Functions transferred (W.) (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)
- C5** Act modified (W.) (11.10.2010) by [The Feed \(Sampling and Analysis and Specified Undesirable Substances\) \(Wales\) Regulations 2010](#) (S.I. 2010/2287), [reg. 3](#)
- C6** Act applied (W.) (12.5.2016) by [The Animal Feed \(Hygiene, Sampling etc. and Enforcement\) \(Wales\) Regulations 2016](#) (S.I. 2016/387), [reg. 12\(2\)](#)

Commencement Information

- I1** Act partly in force at Royal Assent; Act wholly in force at 1.1.1974

PART I

1—27. ^{F1}

Textual Amendments

- F1** [Ss. 1—27](#) repealed by [Agriculture Act 1986](#) (c. 49, [SIF 2:1](#)) ss. 10, 24(5), [Sch. 4](#) (the repeals being in force 31.12.1986 as regards ss. 25 and 26 and as to the other sections 25.9.1986 unless consequential on sections 8 to 10 of the 1986 Act as mentioned in s. 24 of that Act which latter repeals are (*prosp.*))

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PART II

CAPITAL AND OTHER GRANTS

28 Interpretation of Part II.

[^{F2}(1)] In this Part of this Act, except where the context otherwise requires, the following expressions have the following meaning respectively, that is to say—

“agricultural business” means a business consisting in, or such part of any business as consists in, the pursuit of agriculture [^{F3}and includes any other business, of a kind for the time being specified by an order made by the appropriate authority, which is carried on by a person also carrying on a business consisting in or partly in the pursuit of agriculture and is carried on on the same or adjacent land];

“agriculture” and cognate expressions shall be construed, except in relation to Scotland, in accordance with section 109 of the ^{M1}Agriculture Act 1947 and, in relation to Scotland, in accordance with section 86 of the ^{M2}Agriculture (Scotland) Act 1948;

“the appropriate authority” in relation to any order, scheme or regulations under this Part of this Act, means the appropriate Minister, or the appropriate Ministers acting jointly, for the part or parts of the United Kingdom for which the order, scheme or regulations is or are made;

“the appropriate Minister”, except in sections 31 to 33 of this Act, means—

- (a) in relation to England, the Minister;
- (b) in relation to Wales, the Minister and the Secretary of State acting jointly;
- (c) in relation to Scotland, the Secretary of State;
- (d) in relation to Northern Ireland, the Minister;

“the Minister”, except in section 35 of this Act, means the Minister of Agriculture, Fisheries and Food;

“Wales” includes Monmouthshire and references to England shall be construed accordingly.

[^{F2}(2)] An order under subsection (1) above shall be made by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F2 S. 28(2) inserted (the existing provisions of s. 28 becoming s. 28(1)) as provided by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 22\(2\)](#)

F3 Words inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 22\(1\)](#)

Modifications etc. (not altering text)

C7 Certain functions of Minister of Agriculture, Fisheries and Food under Pt. II now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1978/272, art. 2, Sch. 1](#)

Marginal Citations

M1 1947 c. 48.

M2 1948 c. 45.

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[^{F4}29] Farm capital grants.

- (1) The appropriate authority may with the approval of the Treasury by scheme provide for the making, subject to such exceptions or restrictions as may be provided for by the scheme, of grants of amounts determined in such manner as may be provided for by or under the scheme towards expenditure incurred or to be incurred for the purposes of, or in connection with, the carrying on or establishment of an agricultural business, being expenditure which—
 - (a) has been or is to be incurred in respect of any such matters as may be specified in the scheme, or in respect of works or facilities certified under section 26(6) of the ^{M3} Agriculture Act 1967 as amended by subsection (2)(e) of section 32 of this Act; and
 - (b) appears to the appropriate Minister to be of a capital nature or incurred in connection with expenditure of a capital nature; and
 - (c) is approved by the appropriate Minister for the purposes of a grant under the scheme.
- (2) Any scheme under this section shall be made by statutory instrument and—
 - (a) may be made for any one, or jointly for any two or for all three, of the following, namely—
 - (i) England and Wales;
 - (ii) Scotland;
 - (iii) Northern Ireland;
 - (b) may make different provision for different circumstances;
 - (c) may vary or revoke any previous scheme under this section if or so far as that previous scheme is made for the same part or parts of the United Kingdom as the revoking or varying scheme;
 - (d) shall be laid before Parliament after being made and cease to have effect (without prejudice to anything previously done thereunder or to the making of a new scheme) after the expiration of a period of forty days (calculated in accordance with section 7(1) of the ^{M4} Statutory Instruments Act 1946) beginning with the day on which it is made unless within that period it has been approved by resolution of each House of Parliament;and the duration of such a scheme (that is to say, the period within which expenditure must qualify in accordance with the provisions of the scheme for consideration for a grant thereunder) shall be a period not exceeding seven years, but that period may from time to time be extended by further schemes under this section for periods not exceeding seven years at a time.
- (3) Any grant under such a scheme may be made, and any approval under such a scheme may be given, subject to such conditions as the appropriate Minister thinks fit; and any payment by way of such a grant shall be made at such time, or by such instalments at such intervals or times, as the appropriate Minister may determine—
 - (a) where the expenditure in question is incurred for the purposes of activities on land situated in England, Wales or Northern Ireland, by the Minister;
 - (b) where that expenditure is incurred for the purposes of activities on land situated in Scotland, by the Secretary of State.
- (4) If at any time after the appropriate Minister has approved any expenditure for the purposes of a grant under such a scheme it appears to that Minister—
 - (a) that any condition subject to which the approval was given or the grant has been made has not been complied with; or

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- (b) that any work in respect of expenditure on which the approval was given has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed; or
- (c) that the person by whom the application for that approval [^{F5}or for the making of any payment was made] gave information on any matter relevant to the giving of the approval [^{F6}or the making of the payment] which was false or misleading in a material respect,

the appropriate Minister may revoke the approval in respect of the whole or part of the expenditure and, where in pursuance of subsection (3)(a) or (b) of this section any payment has been made by the Minister or the Secretary of State by way of grant, the Minister or, as the case may be, the Secretary of State may on demand recover an amount [^{F7}equal to the payment which has been so made] or such part thereof as the appropriate Minister may specify; but before revoking an approval in whole or in part under this subsection the appropriate Minister—

- ^{F8}(i) I shall give to the person to whom any payment by way of grant would be payable, or from whom any such amount would be recoverable, a written notification of the reasons for the action proposed to be taken by the appropriate Minister;
- (ii) shall afford that person an opportunity of appearing before and being heard by a person appointed for the purpose by the appropriate Minister; and
- (iii) shall consider the report by a person so appointed and supply a copy of the report to the person mentioned in paragraph (i) above.]

- (5) If any person, for the purpose of obtaining for himself or any other person any grant under such a scheme, knowingly or recklessly makes a false statement, he shall be liable on summary conviction to a fine not exceeding [^{F9}£400][^{F9}level 5 on the standard scale].

^{F10}(6)]

Textual Amendments

- F4** S. 29 repealed (N.I.) by [S.I. 1987/166 \(N.I. 1\)](#), art. 20, **Sch.**
- F5** Words substituted by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\)](#), **s. 15(1)(a)** except in relation to information given before 15.11.1976: *ibid.*, s. 15(2)
- F6** Words inserted by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\)](#), **s. 15(1)(a)** except in relation to information given before 15.11.1976: *ibid.*, s. 15(2)
- F7** Words substituted by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\)](#), **s. 15(1)(b)** except in relation to information given before 15.11.1976: *ibid.*, s. 15(2)
- F8** S. 29(4)(i)-(iii) substituted by [Agriculture \(Miscellaneous Provisions\) Act 1976 \(c. 55\)](#), **s. 15(1)(c)** except in relation to information given before 15.11.1976: *ibid.*, s. 15(2)
- F9** “level 5 on the standard scale” substituted (E.W.S.) for “£400” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**
- F10** S. 29(6)(7) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. II**

Modifications etc. (not altering text)

- C8** S. 29(3) amended by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), **s. 10(4)**

Marginal Citations

- M3** 1967 c. 22.

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M4 1946 c. 36.

30 Supplementary provisions as to farm capital grants.

- [^{F11}(1) The provisions of the ^{M5} Settled Land Act 1925 relating to improvements authorised by that Act [^{F12}(including those provisions as extended to trusts for sale by section 28 of the Law of Property Act 1925)] shall, if it is so provided by regulations made with the approval of the Treasury by the appropriate authority, have effect as if such as may be specified in the regulations of the matters in respect of which expenditure may be approved for grant under a scheme made under section 29 of this Act were included in Schedule 3 to that Act (which sets out the improvements so authorised, distinguishing in Parts I, II and III of that Schedule between improvements the costs of which are not liable to be replaced, may be required to be replaced, and must be required to be replaced) and were contained in the Part of that Schedule specified in the regulations.
- (2) In the application of subsection (1) of this section to Northern Ireland—
- (a) for any reference to the Settled Land Act 1925 or to Schedule 3 to that Act there shall be substituted a reference to the ^{M6} Settled Land Act 1882 or, as the case may be, to section 25 of the said Act of 1882;
 - (b) [^{F13}the words from “(including those provisions” to “Law of Property Act 1925)” and] the words from “distinguishing in” onwards shall be omitted.]
- (3) The appropriate authority may with the approval of the Treasury by regulations make provision for subsections (1) to (12) of section 12 of the ^{M7}Hill Farming Act 1946 (which in England and Wales enable the appropriate Minister to carry out improvements to certain land that is subject to rights of common of pasture and to recover a proportion of the expenditure of his so doing from persons claiming to enjoy rights over that land) to apply, with such modifications appearing to the appropriate authority to be necessary or expedient as may be specified in the regulations, to such as may be so specified of the matters in respect of which expenditure may be approved for grant under section 29 of this Act as they apply to improvements within the meaning of that Act.
- [^{F11}(4) Regulations under subsection (1) of this section may be made for England and Wales and for Northern Ireland respectively either separately or jointly; and any regulations under that subsection or subsection (3) of this section shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.]
- ^{X1}(5) In section 83(4) of the ^{M8}Capital Allowances Act 1968 (which specifies certain grants the making of which in respect of any expenditure disentitles a grantee to an initial allowance in respect of that expenditure) at the end of paragraph (d) added by section 3(2) of the ^{M9}Transport (London) Act 1969 there shall be inserted the words “or
- (e) a grant made under section 29 of the Agriculture Act 1970”.

Editorial Information

- X1** The text of ss. 30(5), 31(1)(2), 32(4)(a), 33(1), 34(3), 87(3)(4) and 106(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F11** S. 30(1)(2)(4) repealed (N.I.) by [S.I. 1987/166 \(N.I. 1\)](#), art. 20, [Sch.](#)