

HISTORIC

LBK no. 598 of 15/07/1999

Ministry of Food, Agriculture and Fisheries

The Agricultural Act

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## Proclamation of the Agricultural Act

The Agricultural Act is hereby promulgated, cf. Legislative Decree No. 769 of 24 August 1994 with the amendments resulting from Act No. 472 of 1 July 1998 and Act No. 350 of 2 June 1999.

### Chapter I

#### *Introduction*

##### *A. Purpose and scope of the Act*

§ 1. This Act aims to

- 1) protect the arable land and the associated landscape values, so that both the commercial economic interests of agriculture and consideration for the surrounding environment are taken care of,
- 2) ensure proper utilization of the agricultural land resources and
- 3) ensure an appropriate development of the agricultural industries and an improved competitiveness in these industries.

*PCS. 2.* The Act must be used in particular to

- 1) ensure that land use is administered based on the consideration that agricultural land is a limited natural resource, so that the consumption of

- 1) ensure that land use is administered based on the consideration that agricultural land is a limited natural resource, so that the consumption of agricultural land for non-agricultural purposes does not become greater than necessary, and so that the most suitable agricultural land is secured,
- 2) preserve larger total agricultural areas, which, due to the nature of the area, the structure of the properties in question and the creditworthiness of the land, are of particular importance with a view to safeguarding the business opportunities of agriculture,
- 3) accommodate the full-time farms and preserve a wide variety of properties in agriculture, as well as ensure an appropriate property structure and land allotment, and
- 4) accommodate population growth in rural areas.

*PCS. 3.* The Minister for Food, Agriculture and Fisheries can lay down rules for

- 1) inclusion of agricultural land for non-agricultural purposes,
- 2) acquisition and leasing of agricultural land by public authorities and
- 3) proper utilization of agricultural land.

*PCS. 4.* The Minister may lay down rules that public and private projects, facilities and dispositions which will result in large agricultural areas being seized for non-agricultural purposes, or will result in significant interventions in the zoning or operation of agricultural properties, must be submitted to the Minister as soon as possible, and before a decision is made to promote the project, etc. It is hereby assumed that no local plan is provided and that it is not a matter of facilities that are dealt with according to the law on the procedure for expropriation of real estate.

*PCS. 5.* Those in subsection The rules referred to in 3 and 4 are laid down by the minister after negotiation with the minister for the environment and energy and the relevant minister.

**§ 2.** Agricultural properties are subject to agricultural duty according to the rules in this Act.

*PCS. 2.* An agricultural property is understood to mean a property that is listed in the cadastre as an agricultural property.

*PCS. 3.* The Minister for Food, Agriculture and Fisheries, on the basis of the most recent assessment for property value and land value, has a listing of agricultural duty on areas that, without being covered by the listing in the cadastre, have been assessed under the property. However, areas that have been permitted to be separated from the property within the past 5 years are disregarded.

*PCS. 4.* The Minister may deviate from the rules in subsection 3, when special circumstances warrant it.

**§ 3.** The Minister for Food, Agriculture and Fisheries shall have properties of 2 ha or more registered in the cadastre as specified in § 2, if at least 2 ha of the property's land is used for agriculture, horticulture, including flower gardening, orchards, nurseries or similar agricultural activities, and the property is provided with a residential building, from which the land is run by the residents.

*PCS. 2.* The Minister can also, upon application, have a listing of horticulture, especially greenhouse horticulture, regardless of whether the property's adjoining land is less than 2 ha. It is assumed that in subsection 1, last indent, specified conditions are met.

*PCS. 3.* Listing can be omitted when the circumstances warrant it.

### *B. Planning*

**Section 3 a.** The Minister for Food, Agriculture and Fisheries classifies the agricultural land.

*PCS. 2.* On the basis of the 1 classification, the county council, in cooperation with the municipal councils, carries out planning to secure the purposes referred to in § 1, including in particular to secure particularly valuable agricultural areas. The planning is part of regional and municipal planning.

*PCS. 3.* The county council must at least once in each election period prepare and publish an account of the planning pursuant to subsection 2. In this connection, the county council must indicate which goals the county council will seek to achieve through planning, as well as how these goals are deemed to be met.

*PCS. 4.* The Minister may lay down rules for the preparation and content of the planning pursuant to subsection 2 and for the procedure according to subsection 3.

### *C. Repeal of agricultural duty*

**§ 4.** The Minister for Food, Agriculture and Fisheries may permit the cancellation of agricultural duty on an agricultural property or on part of an agricultural property by subdivision or land transfer. The permit can generally be expected to be issued,

- 1) when in the near future the land can be expected to be involved in the development of urban communities with housing, workplaces, etc., for public purposes or for the construction of summer houses, etc., and the land is located in an urban zone, in a summer house area or in areas of a rural zone, as in a finally adopted or approved local plan is laid out for the stated purposes,
- 2) when the land can be expected to be used for construction etc. in the near future, and the plot does not exceed 5,000 m<sup>2</sup>,
- 3) when special conditions speak for it.

*PCS. 2.* The agricultural duty can be lifted on forest areas over 35 ha, which are subject to peace forest duty.

*PCS. 3.* Repeal of agricultural duty pursuant to subsection 1 can i.a. conditional on the area in question being farmed, cf. § 7 a, subsection 1, until it is

*PCS. 3.* Repeal of agricultural duty pursuant to subsection 1 can i.a. conditional on the area in question being farmed, cf. § 7 a, subsection 1, until it is put into use for another purpose, and that the area is again subject to agricultural duty and disposed of if it is not put into use for the purpose within a specified period of at least 18 months. Imposition of agricultural duty can in this case be done either by restoring the property as agricultural property, or by selling the area for amalgamation with an existing agricultural property in accordance with the rules in section 13.

*PCS. 4.* Revocation of agricultural duty can also be conditional on the property's other lands being separated from the property and combined with other agricultural property. If the land is considered to be used for forest or recreational purposes, the permit can, among other things, conditional on the land being planted and being subject to peace forest duty in accordance with the Forest Act, or the land being subject to obligations aimed at preserving landscape values or benefits public order and general societal considerations, including, among other things, ensuring public access to the areas. If the land is deemed to be used for exploitation of raw material deposits, the permit may include, among other things, conditions are set as stated in § 7 a, subsection 4, last point

*PCS. 5.* Revocation of the agricultural duty on part of an agricultural property can, among other things, is refused when it is desired to separate residential or breeding buildings that belong to the property, or when the remaining property will be divided in a way that is unfavorable for the operation.

*PCS. 6.* When an agricultural property is reduced to less than 2 ha by subdivision or in some other way, the agricultural obligation is lifted, unless the owner wishes it to be maintained. If the property is reduced to less than 0.5 ha, the agricultural obligation ceases.

*PCS. 7.* The minister lays down rules that the agricultural duty may be waived without permission pursuant to subsection 1 in connection with subdivision etc

#### *D. Listing in the land register*

§ 5. The Minister for Food, Agriculture and Fisheries' permission to cancel the agricultural obligation and to convert land between agricultural properties as well as the rules pursuant to § 4, subsection 7, and § 13, subsection 9, is the basis for changes in the cadastre's listing of properties as agricultural properties.

§ 6. (Repealed)

### Chapter II

#### *Use of land and buildings etc*

§ 7. An agricultural property must be maintained as an independent use and kept provided with a suitable residential building from which the land is operated by the residents, cf. however § 8, subsection 4 and 6, § 9, subsection 1 and 2, and § 10.

*PCS. 2.* The property must be operated in a responsible manner, taking into account the commercial exploitation possibilities, livestock health conditions as well as nature and the environment.

*PCS. 3.* Transport of livestock manure beyond a road distance of 10 km from the production facility can only take place in accordance with rules laid down by the Minister for Food, Agriculture and Fisheries.

*PCS. 4.* The person who, as an owner or lessee, operates the property or as a manager manages the operation of the property on behalf of the owner or lessee, must have a permanent residence on the property, cf. § 18b. The owner himself must have a permanent residence on the property and run the property himself to the extent that this follows from the conditions for the acquisition.

*PCS. 5.* The Minister may lay down rules for the proper operation of agricultural properties and agricultural holdings, including whether

- 1) maximum for keeping animals on the individual property and farm,
- 2) requirements for share of own land for properties and holdings with livestock,
- 3) construction of new buildings and facilities on an agricultural property and
- 4) size, location and nature of the home from which the residence requirement must be fulfilled.

*PCS. 6.* Where special reasons justify it, the minister may deviate from subsection 1, 3 and 4.

**Section 7 a.** The land for an agricultural property must be utilized in a responsible agricultural manner to the extent that it is suitable for this purpose. Agricultural use means that the land is used for agriculture, forestry, horticulture, including flower gardening, orchards, nurseries or similar agricultural activities. No part of the land may be used for other uses, including for the utilization of deposits in the ground, such as stone, gravel, sand, clay, chalk and peat, cf. however subsection 2, No. 1 and 2.

*PCS. 2.* The owner may:

- 1) utilize deposits in the ground to a limited extent for own use or grant others a similarly limited exploitation right,
- 2) use or allow others to use a smaller part of the property for limited non-agricultural purposes, provided that an agricultural use of the areas is not hindered, cf. however section 12, subsection 2,
- 3) taking agricultural land, establishing wet meadows, carrying out nature restoration or the like.

INDICER, cf. HOWEVER SECTION 12, SUBSECTION 2,

3) taking agricultural land, establishing wet meadows, carrying out nature restoration or the like.

*PCS. 3.* The Minister for Food, Agriculture and Fisheries may lay down special rules on afforestation, including rules that afforestation may not be carried out within areas where afforestation is undesirable according to a finally approved regional plan.

*PCS. 4.* Where special circumstances warrant this, the minister may make an exception to the provisions in subsection 1. Permission for a non-agricultural use can be time-limited and, among other things, is given on terms that aim for the lands to be reprocessed so that they can be used for agricultural purposes again. Permission to exploit special occurrences in the ground to a wider extent than specified in subsection 2, no. 1, can i.a. subject to the fact that the areas used for digging and depositing material, through appropriate treatment and planting, etc., are put in such a condition that they do not work unsightly for the landscape, and that the necessary security is provided for the fulfillment of any conditions regarding the restoration of the area on which the exploitation of raw materials has taken place.

*PCS. 5.* When registering contracts for the utilization of agricultural property's land or parts thereof for non-agricultural purposes, the provisions of section 26 apply accordingly.

**§ 7 b.** The requirement in § 7 that an agricultural property must be used in a responsible business manner does not prevent fur farms, horse studs, beekeeping, pond farming, eel farming etc. being operated on an agricultural property. etc., if such activity is part of the agricultural use of the property.

**§ 8.** The residential building must be properly maintained. If it is completely or partially destroyed, the necessary housing must be rebuilt or repairs carried out within 2 years.

*PCS. 2.* The residential building must be adequately fire insured. The fire damage compensation may only be paid for rebuilding or repairing the building. When disposing of an agricultural property damaged by fire, the seller cannot reserve the fire damage compensation. Agricultural properties belonging to the state are exempt from the requirement for insurance.

*PCS. 3.* When the residential building is located on an area that is separated from the property, necessary housing must be built on the remaining property within 2 years, cf. however subsection 4. The separation may be conditional on security being provided for the construction. The provisions in this paragraph apply correspondingly in the case of subdivision for the creation of new agricultural properties.

*PCS. 4.* Regardless of the provision in section 7, subsection 1, the buildings on an agricultural property can be separated without requiring the construction of a new residence, if the property is owned and operated legally together with another agricultural property with a residential building. However, buildings can only be separated on one of the jointly run properties. After the separation, no new buildings may be erected on the property without the permission of the Minister for Food, Agriculture and Fisheries, and it must be owned and operated legally together with an agricultural property with a residential building. In the event of a change of ownership, the property must be sold for amalgamation or for co-operation with an agricultural property with a residential building.

*PCS. 5.* If unused buildings on an agricultural property appear highly unsightly in relation to the surroundings, the Minister may issue an order to the owner to remove the building within a fixed period or bring it into such a condition that it no longer appears highly unsightly. The same applies if a building, which has been partially demolished or destroyed by fire or in another way, remains in such a state for a long period of time that it appears to be highly disfiguring in relation to the surroundings. Permission to cancel agricultural duty on an agricultural property or on a built-up residual parcel of an agricultural property can be conditioned on the fact that bad maintained buildings are either removed or put in a safe condition.

*PCS. 6.* Where there are special reasons for this, the minister may make an exception to the provisions in subsection 1-4.

*PCS. 7.* If the residential building on an agricultural property has been unoccupied for more than 2 years, or if an agricultural property has been without a residential building for more than 2 years without the Minister's permission, the Minister may waive the requirement in section 7, subsection 1, that the property must be provided with a residential building, and can decide that no new buildings may be erected on the property, and that the property must be disposed of for merger with an existing agricultural property in accordance with the rules in section 13 upon the next change of ownership. A permit to to separate the residential buildings of the property according to § 4, subsection 1, or a permit or dispensation according to other provisions of the law may also conditional on the property not being built on, but sold to an association with existing agricultural property in accordance with the rules in section 13.

### Chapter III

#### *Co-operation, joint operation, leasing and rental relationships*

**§ 9.** Agricultural properties that belong to the same owner and agricultural properties that are leased may, regardless of § 7, subsection 1, are operated together if the distance between the properties' lands does not exceed 15 km. It is also a condition that

- 1) the number of properties included in the joint operation does not exceed 5 or
- 2) the area of the jointly managed lands does not exceed 375 ha.

*PCS. 2.* The distance between the properties in subsection 1 is calculated by the route used from the buildings on the property where the operator lives



*PCS. 2.* The distance between the properties in subsection 1 is calculated by the route used from the buildings on the property where the operator lives to each individual plot of land of the other properties that are part of the joint operation. However, continuous grazing areas and areas as listed in section 13, subsection 7. The provisions in subsection 1 also applies to parts of properties that are leased. Partial areas of a property are included as one property in the total number of properties, and the areas are included in the total area. At the area limit of 375 ha in par. 1, no. 2, areas as listed in section 13, subsection 7.

*PCS. 3.* The Minister for Food, Agriculture and Fisheries may permit joint operation to a greater extent than pursuant to subsection 1 and 2, when special circumstances warrant it. The distance limit of 15 km in subsection 1 can be waived when taking out agricultural land. The conditions in subsection 1, no. 1 or 2, can also be waived to the extent that the area is needed to create harmony in the holding between the herd and those adjacent to the land.

*PCS. 4.* The provisions in section 7, subsection 1, 2 and 4, apply to the entire operating unit, and § 8, subsection 1 and 2, applies as far as the residential buildings are concerned to all jointly managed properties, cf. however section 8, subsection 4.

*PCS. 5.* If a company, an association, an association or an institution owns more than 5 agricultural properties, the minister can issue an order to the owner that properties that exceed the limit in subsection 1, no. 1 or 2, and which constitute independent operating units, must be leased out in accordance with the rules of the law for a period that must not normally be less than 8 years. It is a prerequisite for issuing an injunction that the properties must not, due to joint investments, employment conditions or the like, be given decisive importance for the finances of the institution in question.

*PCS. 6.* The Minister may lay down detailed rules for information and reporting obligations with a view to control and registration, etc. of co-operation and leasing.

**§ 10.** Agricultural properties may regardless of § 7, subsection 1, is wholly or partly operated in an operating community that meets the requirements laid down by the Minister for Food, Agriculture and Fisheries, or which is approved by him.

*PCS. 2.* Regardless of the provisions in §§ 9, 11 and 12, the Minister may lay down rules on access to the establishment of joint ventures. The minister can also lay down rules on fulfilling the requirement for own operation in section 16 when participating in a group farm.

**Section 11.** Leasing of an agricultural property in its entirety can be done without the permission of the Minister for Food, Agriculture and Fisheries, if it is done to a person, and if

- 1) the lessee is 18 years old,
- 2) the lessee is a Danish citizen or is a citizen of a country whose citizens, pursuant to the rules of the European Communities or according to a treaty, have access to acquire agricultural land in Denmark,
- 3) the lessee meets the education requirement in section 16, subsection 1, no. 6, if the area of the property exceeds 30 ha, or if it is a joint operation of more than 30 ha,
- 4) during the entire lease period, the lessee has a permanent residence on the leased property or on another agricultural property that the lessee owns or has on lease, and which is within a road distance of 15 km calculated as stated in section 9, subsection 2, and
- 5) the number and area of the properties or parts of properties that the lessee or his spouse owns or leases does not exceed the limitation in section 9, subsection 1, No. 1 or 2. The restriction applies regardless of whether joint operation takes place.

*PCS. 2.* Leasing of an agricultural property in its entirety may also take place without the Minister's permission if the lease is to a community that meets the conditions in section 18 a, subsection 1-3, or to a company that meets the conditions in section 20, subsection 1. If the lessee is already the owner or lessee of another agricultural property, the conditions in section 9, subsection 1, cf. subsection 2, be fulfilled, regardless of whether cooperation takes place.

*PCS. 3.* An agreement to lease an agricultural property in its entirety must be in writing and must contain provisions on the duration of the lease, on the notice period and on the lease fee.

*PCS. 4.* An agreement to lease an agricultural property in its entirety can be entered into for a period of up to 30 years.

*PCS. 5.* The Minister may dispense with the provisions of subsection 1 and 2, when the conditions warrant it.

**Section 12.** Leasing or renting a part of an agricultural property can take place without the permission of the Minister for Food, Agriculture and Fisheries for a period of up to 30 years, if

- 1) the lease relates to land, possibly with buildings that are part of joint operation according to the rules in section 9, subsection 1 and 2, and the conditions in section 11, subsection 1, no. 1, 2, 4 and 5, or subsection 2, is fulfilled,
- 2) the leasing relationship only concerns meadow, heath, bog or marsh areas which are used for continuous grazing, provided that the leased area is not to be used for other uses and that the lessee has a permanent residence within a road distance of 15 km from the area,
- 3) the lease only concerns breeding buildings,
- 4) the tenancy only concerns residential buildings, possibly with an associated garden etc. etc., to the extent that the residence is not necessary for the

- 4) the tenancy only concerns residential buildings, possibly with an associated garden etc. etc., to the extent that the residence is not necessary for the independent operation of the property, or
- 5) the lease only relates to an area to be used for the construction of buildings for agricultural production.

*PCS. 2.* The Minister may permit leasing or renting to a wider extent than under subsection 1, when special circumstances warrant it. Permission for a longer period of time than 30 years cannot, however, be granted.

*PCS. 3.* Leases relating to the residential buildings of agricultural properties can be terminated with 6 months' notice, regardless of the provisions of the tenancy legislation and regardless of whether a longer period of notice has been stipulated in the tenancy, when the apartment is to be used to fulfill the residence requirement upon acquisition of the property or as a residence for persons who are engaged in operation of the property. Regardless of whether a shorter notice is stipulated in the tenancy, the tenant is still entitled to a notice of termination of 3 months.

## Chapter IV

### *Conversion of lands between agricultural properties*

§ 13. The Minister for Food, Agriculture and Fisheries may allow an agricultural property or an area separated from an agricultural property to be merged with another agricultural property when the total area after the merger does not exceed 125 ha.

*PCS. 2.* Permission according to subsection 1 for amalgamation can be notified if

- 1) the lands that are wanted together are conveniently located for joint operation from the property's buildings, in the case of farmland within a road distance of 2 km,
- 2) a property's lands will not be divided in a way that is detrimental to the operation and
- 3) that the amalgamation will not result in an inappropriate distribution of property,
  - a) because the owner of the property that is to be supplemented does not meet the conditions for acquisition of the supplemented property, cf. § 16, § 18 a, subsection 2 and 3, and section 20, subsection 1, however, disregarding the provisions on distance and number of properties, or
  - b) because the owner, his spouse and children under the age of 18 will become owners of more than 375 ha.

*PCS. 3.* If, after the amalgamation, the applicant will come to own or co-own more than 70 ha, the minister can refuse amalgamation when

- 1) the owner of a nearby agricultural property wishes for additional land,
- 2) the supplementary land is located within a road distance of 2 km from the buildings on the property mentioned in no. 1,
- 3) the owner in question will not own or co-own more than 70 ha after the merger,
- 4) the owner in question meets the requirements for an agricultural education set by the minister,
- 5) the owner in question will acquire the land at a price that corresponds to the usual commercial price for agricultural land of similar creditworthiness in the area, and which, if no agreement can be reached between the parties, is determined by the minister, and
- 6) the lands may otherwise be permitted together with this property, cf. subsection 2.

*PCS. 4.* If the supplementary land, cf. subsection 3, are released areas according to the rules in the Act on cessation of support for farmers, the owner of a nearby agricultural property that meets the conditions in subsection 3, no. 1-6, also fulfill the conditions for transferees under the Act on Cessation of Support for Farmers.

*PCS. 5.* If the applicant himself needs the area in order to create harmony in the holding between herd and adjacent land or to create an appropriate relationship between production facilities and adjacent land in a holding with significant special production, amalgamation can, however, only be refused pursuant to subsection 3, cf. subsection 4, if the person who wants priority needs the area to create harmony in a farm with animal production or to create an appropriate relationship between production facilities and land adjacent to a farm with significant special production.

*PCS. 6.* The rules on priority in subsection 3-5 do not apply to land conversions that are carried out by land distribution according to the rules in the Act on land distribution between country properties or by expropriation, if the land conversions take place in connection with the transfer of agricultural land to public facilities, etc.

*PCS. 7.* For the area limits in subsection 1-3 do not include forest areas that are subject to peace forest duty, and areas that are completely of no agricultural value, including lake areas, shorelines and the like as well as areas that may not be fertilized.

*PCS. 8.* The Minister may permit amalgamation to a greater extent than pursuant to subsection 1-3.

*PCS. 9.* The Minister may lay down rules that subdivision and consolidation of agricultural properties may take place without permission pursuant to subsection 1 in connection with matricular changes.

§ 14. The Minister for Food, Agriculture and Fisheries may permit subdivision of an agricultural property with a view to the creation of new independent agricultural properties, cf. § 8, subsection 3 and 4.

*PCS. 2.* The Minister may allow previously abandoned agricultural properties and detached residential properties to be supplemented and established as new independent agricultural properties.

§ 15. Merging according to § 13 must take place in compliance with the rules in §§ 21 and 23 of the Property Registration Act.

## Chapter V

### Acquisition of agricultural properties

#### A. Persons

**Section 16.** Access to an agricultural property located in a rural zone and whose area exceeds 30 ha can be acquired by a person if

- 1) the acquirer is 18 years old,
- 2) the acquirer is a Danish citizen or is a citizen of a country whose citizens, pursuant to the rules of the European Communities or according to a treaty, have access to acquire agricultural land in Denmark,
- 3) the acquirer, his spouse or children under the age of 18 are not, prior to the acquisition, owners or co-owners of any agricultural property, including agricultural holdings abroad,
- 4) the acquirer takes up permanent residence on the property within 6 months of the acquisition,
- 5) the acquirer himself operates the property, and
- 6) the acquirer meets the requirements for an agricultural education, which are determined by the Minister for Food, Agriculture and Fisheries after negotiation with the agricultural organisations.

*PCS. 2.* Access to an agricultural property whose area does not exceed 30 ha can be acquired if the acquirer meets the requirements in subsection 1, No. 1-4.

*PCS. 3.* If the transferee, his or her spouse or children under 18 are already the owner or co-owner of one or two agricultural properties, including agricultural holdings abroad, the person in question may acquire access to an additional agricultural property, if

- 1) the acquirer meets the requirements in subsection 1, No. 1 and 2,
- 2) the acquirer has or, within 6 months after the acquisition, takes up permanent residence on the property or on another agricultural property of which the person in question may be the owner or co-owner,
- 3) the acquirer meets the requirements in subsection 1, nos. 5 and 6, if the total area of the agricultural properties owned or co-owned after the acquisition exceeds 30 ha,
- 4) all the properties owned after the acquisition are within a road distance of 10 km, calculated as stated in section 9, subsection 2, 1st point, from the property where the owner lives or takes up permanent residence,
- 5) at most one of the agricultural properties owned after the acquisition is without buildings, cf. section 8, subsection 4, 6 and 7, and
- 6) the total area of the agricultural properties owned and co-owned after the acquisition does not exceed 70 ha.


*PCS. 4.* At the area limits in subsection 1-3 do not include those in section 13, subsection 7, listed areas.

§ 17. Regardless of the provisions of § 16, the owner's spouse may acquire access to an agricultural property by taking over the property in unaltered property, by dividing joint property or by inheritance, if the owner has had legal access to the property.

*PCS. 2.* Notwithstanding the provisions of section 16, someone other than the owner's spouse may acquire access to an agricultural property by inheritance, if

- 1) the testator or his spouse has had legal access to the property in question for at least 8 years,
- 2) the acquirer is a Danish citizen or is a citizen of a country whose citizens, pursuant to the rules of the European Communities or according to a treaty, have access to acquire agricultural land in Denmark, and
- 3) within 2 years of the acquisition, the acquirer takes up permanent residence on the property or on one of the agricultural properties of which the person in question may be the owner.

*PCS. 3.* The Minister for Food, Agriculture and Fisheries may waive the provisions of subsection 2, if special circumstances warrant this, and may grant permission in particular in cases where the property has been in the family's possession for a longer period of time and is desired to be transferred to a relative. In particular, the Minister can waive the residence requirement in subsection 2, no. 3, in cases where, due to education, the acquirer is temporarily prevented from fulfilling the residence requirement. In special cases, the Minister may also waive the residence requirement in subsection 2, no. 3, if the property is leased out for a period that may not normally be less than 8 years, to a lessee who meets the conditions in section 11, subsection 1 and 2, or if the property is run by a manager who meets the corresponding requirements. The exemption from the residence requirement can be made time-limited and cannot normally be granted for a longer period than 15 years.

§ 17 a. Regardless of the provisions of § 16, access to an agricultural property can be transferred to the owner's spouse or to a person who is related to the owner in the ascending or descending line, if: 

- 1) the transferor or his spouse has had legal access to the property in question for at least 8 years,
- 2) the transferee is 18 years old,



1) the transferor or his spouse has had legal access to the property in question for at least 5 years,

2) the transferee is 18 years old,

3) the acquirer, his spouse and children under the age of 18 after the acquisition will not together be the owner or co-owner of more than three agricultural properties, including agricultural holdings abroad,

4) the acquirer is a Danish citizen or is a citizen of a country whose citizens, pursuant to the rules of the European Communities or according to a treaty, have access to acquire agricultural land in Denmark,

5) within 2 years of the acquisition, the acquirer takes up permanent residence on the property or on another agricultural property of which the person in question may be the owner.

*PCS. 2.* The Minister for Food, Agriculture and Fisheries may waive the provisions of subsection 1, if special circumstances warrant this, and may grant permission in particular in cases where the property has been in the family's possession for a longer period of time and is desired to be transferred to a relative. The minister can also waive the residence requirement as stated in section 17, subsection 3.

**§ 17 b.** When calculating the number of agricultural properties in § 16, subsection 1, no. 3, and subsection 3, § 17 a, subsection 1, no. 3, and § 18 a, subsection 1, no. 3, with the exception of agricultural properties for which a listing has been made in the land register in accordance with § 11, subsection 1, last sentence, in Act No. 291 of 31 March 1949 on agricultural properties or listing in accordance with § 17, subsection 3, of Act No. 114 of 4 April 1967 on agricultural properties, that the property is a family property.

*PCS. 2.* Listing in accordance with section 17, subsection 3, in Act No. 114 of 4 April 1967 on agricultural properties must be deleted upon change of ownership, unless the acquisition takes place as stated in section 17, subsection 1, of the said Act, or the transferee documents that he is related or brother-in-law to the transferor as stated in Section 17, subsection of the said Act. 2. The listing must also be deleted if the property's value is increased after 1 January 1965.

**§ 18.** Apart from the cases referred to in §§ 16, 17 and 17 a, access to an agricultural property in a rural zone can only be acquired with the permission of the Minister for Food, Agriculture and Fisheries.

*PCS. 2.* The Minister may grant permission in special cases where the acquirer, on the basis of previous employment or other education than that required in accordance with section 16, subsection 1, no. 6, must be assumed to be qualified to manage the operation of the property in question, or when the circumstances otherwise speak for it.

*PCS. 3.* The Minister may grant permission for a person to acquire temporary access to more than three agricultural properties, if the acquisition takes place with a view to amalgamation, which can be permitted under section 13, or if one of the owner's other agricultural properties is disposed of in connection with the acquisition.

*PCS. 4.* The Minister may grant permission for a person to acquire access to an agricultural property when

1) the acquisition takes place with a view to use as stated in § 4, subsection 1, no. 1, and the property in the near future can be expected to be allocated for the purpose in question,

2) the acquisition takes place for business purposes with a view to a non-agricultural use, which must otherwise be considered desirable based on a general societal assessment,

3) the acquisition takes place for special purposes, including use for scientific, educational, general social, health or general recreational purposes,

4) the acquisition takes place in connection with the establishment of wet meadows, nature restoration or the like or

5) special conditions otherwise speak for it.

*PCS. 5.* Permission cannot generally be granted if

1) it is estimated that the acquisition is mainly aimed at capital investment or there is a mismatch between the purchase price and the real value of the property, or

2) the acquisition will result in an inappropriate operating structure or property structure.

*PCS. 6.* If the acquirer, his spouse or children under the age of 18 are already the owner or co-owner of one or two agricultural properties, including agricultural holdings abroad, permission to acquire an additional agricultural property cannot normally be granted if the total area of the property and the previously owned properties exceed 70 ha, and the owner of an agricultural property as referred to in section 13, subsection 3 and 4, has a desire for priority for supplementary land, cf. however subsection 7-9.

*PCS. 7.* If the applicant himself needs the area in order to create harmony in the holding between the herd and the land adjacent to the land or to create an appropriate relationship between the production plant and the land adjacent to the land in a holding with significant special production, the priority position only applies if the person who wants the priority position has need for the area to create harmony in a farm with animal production or to create an appropriate relationship between the production plant and land adjacent to a farm with significant special production.

*PCS. 8.* When acquiring an agricultural property with a residential building as property no. 2, the rules in subsection 6 and 7 on priority do not apply, regardless of the fact that the total area of the two properties exceeds 70 ha. Permission is granted on the condition that the rules on priority apply if the property or its lands are combined with another agricultural property of which the owner, his spouse or children under the age of 18 are the owner or

co-owner, or if the buildings of the property are separated.

*PCS. 9.* The rules on priority in subsection 6 and 7 cannot, however, be applied if the property or properties that are to be acquired are below or will be



co-owner, or if the buildings of the property are separated

*PCS. 9.* The rules on priority in subsection 6 and 7 cannot, however, be applied if the property or properties that are to be acquired are below or will be reduced below a size where the requirement for own land, cf. provisions laid down pursuant to section 7, subsection 5, cannot be fulfilled.

**Section 18 a.** A person can acquire access to a share in an agricultural property by division of joint property, by inheritance from a spouse or by inheritance in unexchanged property. In addition, a person can acquire access to a share in an agricultural property if

- 1) the acquisition takes place by inheritance, or if the transferor or the other co-owners are the acquirer's spouse, siblings or relatives in the ascending or descending line,
- 2) at least one of the shareholders is the owner of a share of 1/5 or more of the property and fulfills the conditions in §§ 16, 17 or 17 a and
- 3) the acquirer is not, after the acquisition, the owner or co-owner of more than three agricultural properties, including agricultural holdings abroad.

*PCS. 2.* Apart from those in subsection In the case mentioned in 1, two or more persons in association may acquire access to an agricultural property if

- 1) each individual shareholder fulfills the conditions in section 16, subsection 1, no. 1-3,
- 2) at least one of the shareholders is the owner of a share of 1/5 or more of the property, has permanent residence and legal access to the property or meets the conditions for personal acquisition of this and
- 3) each of the other shareholders within 6 months of acquisition takes up permanent residence on the property or participates in the day-to-day operations and has a permanent residence no more than 10 km from the property.

*PCS. 3.* The circle of shareholders, cf. subsection 2, who already owns one or two agricultural properties, may, regardless of the provisions of subsection 2, no. 1, acquire access to an additional agricultural property, if a shareholder who meets the conditions in subsection 2, no. 2, also fulfills the conditions for personal acquisition of an additional agricultural property.

*PCS. 4.* The Minister for Food, Agriculture and Fisheries may, regardless of the provisions in subsection 2 and 3 lay down rules on the acquisition of agricultural property by communities.

*PCS. 5.* Does a person alone or together with his spouse or children under 18 own a share of 1/5 or more of an agricultural property or 1/5 or more of the capital in a company etc. that owns an agricultural property, cf. §§ 20 and 21, or a person owns shares or shares that represent the majority of the votes in a company that owns an agricultural property, cf. section 20, subsection 1, the person concerned is considered to be a co-owner of the agricultural property in question.

*PCS. 6.* The Minister may waive the provisions of subsection 1-3.

**§ 18 b.** Anyone who has a duty to reside on a property according to the law must have a fixed and permanent residence on the property in question, which must also serve as the main residence in the tax sense. The Minister for Food, Agriculture and Fisheries lays down, after negotiation with the agricultural organisations, more detailed rules on the requirement for permanent and permanent residence.

*PCS. 2.* After negotiation with the agricultural organisations, the Minister lays down detailed rules on the law's requirements for own operation of an agricultural property.

**§ 18 c.** (Repealed)

**§ 19.** According to the regulation of 13 May 1769, § 5, sentence 1, and later provisions, the applicable rules on freeholder farmers' right to testamentary disposition apply with regard to testamentary dispositions of agricultural properties with accessories. However, the aforementioned rules do not apply in cases covered by the provisions of the regulation of 21 May 1845 § 27, 2nd sentence, cf. Act No. 563 of 4 October 1919 § 5, penultimate paragraph.

#### *B. Companies, associations, institutions etc*

**Section 20.** A limited liability company or limited liability company may acquire and remain the owner of an agricultural property located in a rural zone, if

- 1) shares or shares that represent the majority of the votes in the company and constitute at least 10 per cent. of the company capital, is owned by a participant who
  - a) until the company's acquisition of the property has had legal access to it or
  - b) fulfills the conditions for personal acquisition of the property, cf. §§ 16, 17, 17 a and 18, however such that any claim for own operation is transferred to the company, and
- 2) all other shares or shares are owned by persons who are the spouse, siblings or relatives in the ascending or descending line of the person mentioned in no. 1, or by pension funds and life insurance companies.

*PCS. 2.* In the case of limited liability companies, all shares must be listed by name.

*PCS. 3.* The company's articles of association and agreements between the company's participants must not conflict with the rules of the law. 

*PCS. 4.* If a company no longer meets the conditions in subsection 1, the company must dispose of the property within 6 months, unless a

*PCS. 4.* If a company no longer meets the conditions in subsection 1, the company must dispose of the property within 6 months, unless a dispensation is obtained pursuant to subsection 7.

*PCS. 5.* The Minister for Food, Agriculture and Fisheries may lay down detailed rules for the practice of agriculture in company form, including rules on the disposal of shares or shares, residency requirements, etc., and on the powers and termination conditions, etc., which must accrue to the person who meets the conditions in PCS. 1, letter a or b. These rules must not be overridden by agreement between the participants in the company.

*PCS. 6.* The Minister may also lay down detailed rules for information and reporting obligations for purposes of control and registration, etc., in connection with the acquisition and possession of agricultural property by limited liability companies.

*PCS. 7.* The Minister may dispense with the provision in subsection 1, no. 2, if special circumstances justify it.

§ 21. Apart from the cases referred to in § 20, a company, an association or other association or community, a public or private institution, a foundation or a foreign public authority may only with the permission of the Minister for Food, Agriculture and Fisheries acquire access to a agricultural property that is located in a rural zone, or on a share in such, cf. however subsection 3.

*PCS. 2.* The Minister can grant permission if

- 1) the acquisition takes place with a view to using the land for experimental, research or breeding activities,
- 2) access is acquired for the purpose of joint operation covered by section 10,
- 3) the acquirer is a company whose participants meet the conditions in § 18 a, subsection 2 or 3, or
- 4) special circumstances otherwise speak for it.

*PCS. 3.* As regards the folk church's acquisition of agricultural properties, it is notified in subsection 1 permission from the Minister of Church.

**Section 22.** The responsible management for a company etc. may, regardless of provisions in the articles of association, foundation etc. Eq. dispose of properties or areas used for agricultural purposes.

*PCS. 2.* To the extent that, as a result of the provisions of this Act, a company etc. is prevented from acquiring agricultural property, the management may use the funds for the purchase of real estate of another kind or place them in accordance with the rules laid down by the Ministry of Justice for the placement of authorities' restricted funds. The same applies to funds arising from the sale of properties or land as mentioned in subsection 1.

*PCS. 3.* For companies etc. under public or other specially prescribed supervision, the supervision's approval is required for those in subsection 1 and 2 mentioned deviations from articles of association, foundations etc.

## Chapter VI

### *Common provisions on the acquisition and leasing etc. of agricultural properties*

**Section 23.** Permits pursuant to this Act may be conditional and time-limited. Conditions and time limits are binding on holders of rights in the property regardless of the time of establishment of the right and can be caused by the Minister for Food, Agriculture and Fisheries to be registered at the owner's expense.

*PCS. 2.* A permit granted pursuant to this Act shall lapse if it has not been used within 3 years of being granted.

**Section 24.** Permission to acquire or lease an agricultural property must be applied for within 4 weeks after an agreement on purchase or lease has been entered into, unless the Minister for Food, Agriculture and Fisheries, upon application, decides to extend the deadline in individual cases.


*PCS. 2.* Permission to continue to maintain access to an agricultural property or to continue leasing such must be sought within 4 weeks if the owner or lessee no longer meets the conditions for continuing to have access to or to be able to continue leasing the property. The deadline runs from the time when the owner or lessee no longer meets the conditions mentioned.

**Section 25.** A property that has been taken over at auction or as a usable mortgage must be sold within 1 year from the date of takeover to a person or a company that meets the acquisition conditions. However, the Minister for Food, Agriculture and Fisheries can extend the deadline or allow the property to be sold to another party.

§ 26. If no permission from the Minister for Food, Agriculture and Fisheries or the necessary documentation that the acquisition or leasing can take place without permission, the judge sets a deadline for obtaining permission or documentation in accordance with the rules in the Land Registration Act. In those in section 21, subsection 3, referred to, permission from the Minister of Church must be presented.

*PCS. 2.* Conditions included in the minister's permit do not prevent the document from being published without a deadline.

*PCS. 3.* The minister lays down rules on the documentation that must be presented to the land registry judge.

**Section 27.** If the acquirer does not meet the conditions for acquiring access to an agricultural property or a share in such property, the Minister for Food, Agriculture and Fisheries may issue the relevant order to dispose of the property within a period of at least 6 months and at most 1 year. 

*PCS. 2.* If an application for a permit to acquire an agricultural property or an application for a permit to lease an agricultural property is not

*PCS. 2.* If an application for a permit to acquire an agricultural property or an application for a permit to lease an agricultural property is not submitted in time, the minister may issue an order to the owner to dispose of the property within a period of at least 6 months and no more than 1 year or issue an order to the lessee or tenant to withdraw from the usage relationship within a corresponding period. The same applies if permission is refused or lapses, or the conditions set for the permission are not met. In the case of a property being taken over as a usable mortgage, under the same circumstances, the mortgagee can be notified of an order to have the property sold by forced auction or waive the mortgage before the mentioned deadline.

## Chapter VII

### *General provisions*

**Section 28.** The municipal authorities must report to the Minister for Food, Agriculture and Fisheries if they become aware of violations of the provisions of this Act. The municipal authorities must, at the request of the minister, the public prosecutor's office or the courts, carry out inspections and give opinions on the buildings and operating conditions of agricultural properties.

§ 29. The Minister for Food, Agriculture and Fisheries and the relevant Chief of Police or municipal authority may demand to be shown documents which may be of importance for assessing whether there has been a breach of the provisions of the Act.

*PCS. 2.* The land registration, assessment and assessment authorities and the municipal authorities must notify the minister of the information necessary for the implementation of the Act.

**Section 30.** An agricultural commission consisting of a chairman and two additional members is set up for each county municipality. The members are appointed by the county municipality. An alternate is appointed for each member.

*PCS. 2.* The chairman must have passed the master's degree in law. The other two members are appointed on the recommendation of the local associations under the Danish Landboforeninger and Dansk Familielandbrug, respectively.

*PCS. 3.* The Minister for Food, Agriculture and Fisheries lays down detailed rules for the reduction of the agricultural commissions.

*PCS. 4.* The county municipality provides the agricultural commission with secretarial assistance and bears the costs connected with the agricultural commission's work. The minister can lay down detailed rules for the agricultural commissions' activities and the tasks of the county and primary municipalities in connection therewith.

§ 30 a. The Minister for Food, Agriculture and Fisheries can authorize the agricultural commissions, the municipal and county municipal authorities as well as agencies under the Ministry of Food, Agriculture and Fisheries to exercise powers under this Act.

*PCS. 2.* If a decision is made by an agricultural commission, permission cannot be granted when a member opposes this.

*PCS. 3.* Complaints about those in subsection The decision of the authorities referred to in 1 after authorisation, may be submitted to the minister, cf. however subsection 5. The appeal deadline is 4 weeks from the day the decision is communicated to the complainant. The Minister can lay down rules according to which appeals can only be made against the decision on legal issues.

*PCS. 4.* The minister may lay down detailed rules on supervision of the agricultural commissions, including on the commissions' processing of applications, handling of supervision and control, reporting on decisions and statistical information thereon, and on the fact that decisions in matters of greater importance or principle must be made by the minister.

*PCS. 5.* The Minister may delegate his authority to make a decision in complaints to an agency under the Ministry of Food, Agriculture and Fisheries. The minister can lay down rules according to which decisions made by an agency under the Ministry of Food, Agriculture and Fisheries cannot be further appealed.

**Section 30 b.** The Minister for Food, Agriculture and Fisheries or the person authorized by the Minister to do so, ensures that the law and regulations issued pursuant to the law are complied with, including that orders and conditions laid down in permits are complied with.

*PCS. 2.* To check compliance with the law and with rules and conditions issued pursuant to the law, the minister or the person authorized by the minister to do so may inspect agricultural properties. The inspection can be carried out without a court order, but against identification and as far as possible after prior notification to the owner or user.

**Section 30 c.** The Minister for Food, Agriculture and Fisheries or the person authorized by the Minister to do so can obtain the information from other public authorities that is necessary to check that the law and regulations issued pursuant to the law are being complied with, including .a. with a view to register matching and compilation of information for control purposes, including information on tax matters.

§ 30 d. The Minister for Food, Agriculture and Fisheries may exempt the regional land purchase boards, etc., which exercise powers pursuant to § 30 a of the Land Purchase Act, cf. Executive Order No. 493 of 13 June 1997, for in connection with the acquisition of immovable property according to the rules in Section 18 of the aforementioned Act to comply with the rules in the Agricultural Act.



RULES IN SECTION 10 OF THE ABOVEMENTIONED ACT TO COMPLY WITH THE RULES IN THE AGRICULTURAL ACT.

**Section 31.** The Minister for Food, Agriculture and Fisheries may lay down detailed rules on which information and declarations must be included in applications for permits etc. in accordance with the law.

**Section 32.** The rules of the Act apply correspondingly to agreements whereby the provisions of this Act are sought to be circumvented.

**Section 33.** The person who

- 1) violates section 7, subsection 1-4, § 7 a, subsection 18 pcs. 1-4, § 9, subsection 1, § 11, subsection 1-4, § 12, subsection 1, § 16, subsection 1-3, § 17, subsection 2, § 17 a, subsection 1, § 18a, subsection 1-3, § 20, subsection 1-4, § 24 or § 25,
- 2) overrides conditions attached to a permit pursuant to section 4, subsection 1, § 7, subsection 6, § 7 a, subsection 4, § 8, subsection 4, 6 and 7, § 9, subsection 3, § 11, subsection 5, § 12, subsection 2, § 13, subsection 1 and 8, § 14, subsection 1 and 2, § 17, subsection 3, § 17a, subsection 2, § 18, subsection 1-4 and 6-8, § 18a, subsection 6, § 20, subsection 7, or § 21 or
- 3) fails to comply with orders pursuant to section 8, subsection 5 and 7, § 9, subsection 5, or § 27.

*PCS. 2.* In the same way, whoever

- 1) maintains a tenancy or tenancy in violation of the law,
- 2) retains access to an agricultural property in violation of the law or
- 3) violates the conditions in section 13, subsection 2.

*PCS. 3.* In regulations that are issued in accordance with the law, a penalty of fine may be established for violation of provisions in the regulations.

*PCS. 4.* Companies etc. (legal persons) may be held criminally liable according to the rules in Chapter 5 of the Criminal Code.

## Chapter VIII

### *Entry into force etc*

§ 34. The Act enters into force the day after the announcement in the Law Gazette.

*PCS. 2.* Act No. 291 of 31 March 1949 on agricultural property and Act No. 127 of 16 April 1957 on the agricultural land of associations and institutions are repealed.

§ 35. A usufruct relationship regarding an agricultural property, which is legal according to the previous legislation, may, even if it is contrary to the provisions of this Act, continue until the contractual relationship expires.

*PCS. 2.* Partnerships established under the previous legislation, but which could not have been established under this Act, may continue for up to 8 years from the beginning of the partnership.

*PCS. 3.* The provision in section 11, subsection 2, on the right to terminate a tenancy with six months' notice, regardless of whether a longer period of notice has been stipulated in the tenancy, does not apply to tenancy agreements entered into before the law came into force.

*PCS. 4.* Subdivision of an agricultural property and cancellation of the agricultural obligation must be permitted to the extent that it may prove necessary in the event of a forced auction for reasons of mortgage rights that only rest on part of the property.

*PCS. 5.* Permits that have been issued under the previous legislation retain their validity. The same applies to the conditions stipulated in the permits, unless the Minister for Food, Agriculture and Fisheries makes an exception to this.

*PCS. 6.* The provisions in § 3, cf. § 7, in Act No. 127 of 16 April 1957 on the agricultural land of associations and institutions are maintained, as far as agricultural properties that were acquired before the entry into force of this Act are concerned.

*PCS. 7.* The provisions of Section 11 of Act No. 291 of 31 March 1949 on agricultural properties are maintained as far as applications that are submitted in time are concerned.

§ 36. The Act does not apply to the municipalities of Copenhagen and Frederiksberg, the Faroe Islands and Greenland.

§ 37. (Repealed)

Act No. 114 of 4 April 1967 on agricultural properties entered into force on 21 April 1967.

Act No. 230 of 19 May 1971 on the amendment of the Act on Agricultural Properties Section 2 contains the following provisions:

**Section 2.** The Act enters into force on 1 July 1971.

*PCS. 2.* Act No. 240 of 7 June 1952 on the use and transfer of certain agricultural properties to self-ownership is repealed. The use contracts entered



*PCS. 2.* Act No. 240 of 7 June 1952 on the use and transfer of certain agricultural properties to self-ownership is repealed. The use contracts entered into in accordance with the Act on the use of certain agricultural properties and transfer to freehold ownership remain valid until they are legally terminated, or the user who was at the time of the law's entry into force, or his spouse, dies. Those in § 2, subsection 2-9, and §§ 3-14 of the Act on the use of certain agricultural properties and the provisions contained in the transition to self-ownership still apply to these conditions of use.

*PCS. 3.* Before the end of 1973, the Ministry of Agriculture makes a note in the land register that the current users' and spouses' right to contract renewal is preserved until the user's or their spouse's death, and causes it in § 1, subsection 5, in the Act on the use of certain agricultural properties and the transfer to freehold ownership, the listing mentioned is deleted when the conditions for the release of the property are met.

*PCS. 4.* Act No. 241 of 7 June 1952 on the use of certain properties and dwellings in the countryside is repealed. User relationships entered into in accordance with the aforementioned law and which exist when the law comes into force retain their validity until the user relationship is legally terminated. Sections 2-6 and Section 7 of the Act on the use of certain properties and dwellings in the countryside still apply to these conditions of use.

Act No. 300 of 6 June 1973 § 3 contains the following provisions:

**§ 3.** The time for the law to come into force is determined by the Minister of Agriculture. The provisions in section 13, subsection 2, and § 16, subsection 3 and 4, however, shall enter into force immediately.

*PCS. 2.* The new wording of section 9 of the Agricultural Act has effect for co-operation relationships that begin after the entry into force of the act, or which are continued after the entry into force of the act by someone other than the previous owner's or lessee's relatives according to section 16, subsection 1.

*PCS. 3.* The new wording of Section 11 of the Agricultural Act has effect for agreements on subleasing or renting that are entered into, amended or extended after the law comes into force with anyone other than the surviving spouse or life heirs of the previous lessee or lessee.

*PCS. 4.* The new wording of Sections 4 and 13 of the Agricultural Act has effect for applications received by the cadastral authorities after the entry into force of the Act.

The changes that are a consequence of Act No. 300 of 6 June 1973 entered into force on 15 August 1973. The provisions in Section 13, subsection of the Agricultural Act. 2, and § 16, subsection 3 and 4, however, entered into force on 15 June 1973.

Act No. 263 of 8 June 1978 § 2 contains the following provisions:

**§ 2.** The provisions in § 1, § 3 a and § 9, subsection of the Act. 1, 3rd point, enters into force the day after the act's announcement in the Official Gazette. The other provisions of the Act enter into force on 1 January 1979, however, the provisions in section 9, subsection 2, first in force on 1 January 1984.

*PCS. 2.* The new wording of section 9, subsection 3 and 4, have effect for co-operation relationships that are initiated after the law comes into force, or which are continued after the law comes into force by someone other than the previous owner's or lessee's next of kin in accordance with section 16, subsection 1, No. 2.

*PCS. 3.* The new wording of § 11 and § 12, subsection 1, no. 1, has effect for tenancy agreements that are entered into, amended or extended after the law comes into force with someone other than the former lessee's spouse or life heirs.

*PCS. 4.* The new wording of § 4, § 13, § 16, § 17, § 17 a and § 17 b has effect for applications received by the Ministry of Agriculture, the cadastral authorities or the National Land Law Committee after the law comes into force. However, applications for permission received within 3 months of the law coming into force will be processed according to the rules in force until now, if it is documented that the application is based on agreements entered into within 6 months before the law comes into force, or the Ministry of Agriculture finds that special reasons advocates that the case be dealt with according to the rules currently in force.

*PCS. 5.* The new wording of section 24 applies to agreements entered into after the law comes into force.

Act No. 206 of 25 May 1983 § 2 contains the following provision:

**§ 2.** The Act enters into force the day after announcement in the Law Gazette.

Act No. 583 of 19 December 1985 § 2 contains the following provision:

Act No. 583 of 19 December 1985 § 2 contains the following provision:

**Section 2.** The Act enters into force on 1 January 1986.

Act No. 327 of 4 June 1986 § 2 contains the following provisions:

§ 2. The time for the law to come into force is determined by the Minister of Agriculture.

*PCS. 2.* The Act has effect for legal transactions entered into after its entry into force, cf. however subsection 3.

*PCS. 3.* The Act has effect for applications received by the Ministry of Agriculture, the Cadastre Directorate, the Directorate of Agriculture, the Land Law Committee or the agricultural commissions after its entry into force. However, applications for permission received within 3 months of the law coming into force will be processed according to the rules in force so far, if it is documented that the application is based on legal transactions entered into within 6 months before the law comes into force, or the Minister of Agriculture finds that special reasons advocates that the case be dealt with according to the rules currently in force.

*PCS. 4.* Permits that have been issued under the previous legislation retain their validity. The same applies to the conditions laid down in the permits, unless the Minister of Agriculture decides otherwise.

*PCS. 5.* Cooperative and tenancy relationships, which were legally established before the law came into force, can be continued by the owner or the lessee or their next of kin in accordance with section 17 a, subsection 1. In the case of leasing, however, the joint operation can only be continued within the agreed leasing period.

Act No. 327 of 4 June 1986 entered into force on 15 July 1986.

Act No. 381 of 7 June 1989 § 5 contains the following provisions:

§ 5. The Act enters into force on 1 September 1989, cf. however subsection 2 and 3. The provisions in § 3 a, subsection 2 and 3, in the previous wording and the provisions in the Act on Free Municipalities § 22, subsection 1, no. 2, in the previous wording, however, continues to apply to the county municipalities within the metropolitan area of the Capital City Council that have not drawn up a plan for securing particularly valuable agricultural areas.

*PCS. 2.* The time for entry into force of section 1, no. 37 and no. 38, and section 2 is determined by the Minister of Agriculture. The time for the repeal of §§ 31-34 in the Act on the state's acquisition of land and lending for agricultural purposes, etc., cf. Executive Order No. 61 of 14 February 1983, is also determined by the Minister of Agriculture.

*PCS. 3.* The Minister of Agriculture can lay down rules for the composition and functioning of the Land Law Committee and the agricultural commissions set up pursuant to the Act on the State's acquisition of land and lending for agricultural purposes, etc., as well as for the Jordfonden's coverage of their expenses, until the end of the tasks assigned to these authorities. The Minister of Agriculture may deviate from the provisions of §§ 31-35 of the Act in question. This paragraph enters into force when the Act is promulgated in the Lovtidende.

*PCS. 4.* The Act has effect for legal transactions entered into after its entry into force, cf. however subsection 5.

*PCS. 5.* The provisions of the Act may, upon application, be applied to legal transactions entered into before its entry into force, if the circumstances warrant it.

*PCS. 6.* Permits that have been issued under the previous legislation retain their validity. The same applies to the conditions laid down in the permits, unless the Minister of Agriculture decides otherwise.

*PCS. 7.* Cooperative and tenancy relationships, which were legally established before the law came into force, can be continued by the owner or the lessee or their next of kin in accordance with § 17 a, subsection 1. In the case of leasing, however, the joint operation can only be continued within the agreed leasing period.

Act No. 138 of 7 March 1990 amending various statutory provisions relating to Section 4, Section 8 and Section 12 enters into force on 1 April 1991.

Act No. 1106 of 22 December 1993 on cessation support for farmers, which concerns § 9 and § 13, enters into force on 1 August 1994.

Act No. 436 of 1 June 1994 § 3 contains the following provisions:

§ 3. The time for the law or parts of the law to come into force is determined by the Minister of Agriculture.

*PCS. 2.* The time for entry into force of section 1, no. 2, is determined by the Minister of Agriculture. Section 7, subsection 5, of the Act on agricultural properties as drafted by section 1, no. 5 of this act, enters into force the day after the act's announcement in the Official Gazette.

*PCS. 3.* The Act has effect for legal transactions entered into after the Act comes into force.

*PCS. 4.* Section 8, subsection 4, and § 13, of the Act on agricultural properties, as amended by § 1, no. 7 and no. 11-18 of this act, have effect for applications received by the agricultural commissions or the Mapping and Cadastre Agency after the law comes into force. Applications for permission received within 3 months of the law coming into force are, however, processed according to the rules in force until now, if it is documented that the application is based on agreements that were entered into before the law came into force, or the Agricultural Commission finds that there are special reasons why the case is processed according to the rules in force until now.

*PCS. 5.* Permits that have been issued under the previous legislation retain their validity. The same applies to conditions laid down in the permits, unless the Minister of Agriculture decides otherwise.

*PCS. 6.* Cooperative and tenancy relationships that were legally established before the law came into force can be continued by the owner or the lessee or their next of kin in accordance with section 17 a, subsection 1. In the case of leasing, however, the joint operation can only be continued within the agreed leasing period.

With the exception of section 1, no. 2, which comes into force later according to the Minister of Agriculture's determination, and section 1, no. 5, which came into force on 2 June 1994, the Act comes into force on 1 September 1994.

Act No. 472 of 1 July 1998 on the agricultural use of fertilizers and on plant cover, which concerns § 7, subsection 5, entered into force on 1 August 1998.

Act No. 350 of 2 June 1999 § 2 contains the following provisions:

§ 2. The Act enters into force on 1 September 1999, cf. however subsection 2.

*PCS. 2.* The provisions in Section 7, subsection of the Agricultural Act. 5, Nos. 1 and 2, as amended by Section 1, Nos. 5 and 6 of this Act, and Section 20, as amended by Section 1, No. 34 of this Act, enter into force the day after the announcement in the Legislative Gazette.

*PCS. 3.* The Act has effect for legal transactions entered into after 1 September 1999, cf. however subsection 2 and 4.

*PCS. 4.* Section 13 of the Landbrugsloven, as amended by this act's nos. 14-23, has effect for applications received by the agricultural commissions or the Map & Cadastre Agency after 1 September 1999. However, applications for permission received before 1 December 1999 will be processed according to the rules in force until now, if it is documented that the application is based on agreements entered into before 1 September 1999, or the agricultural commission finds that there are special reasons for the case to be processed according to the rules in force until now.

*PCS. 5.* Permits that have been issued under the previous legislation retain their validity. The same applies to conditions stipulated in the permits, unless the Minister for Food, Agriculture and Fisheries decides otherwise.

*PCS. 6.* Cooperative and tenancy relationships that were legally established before 1 September 1999 can be continued by the owner or lessee or their next of kin in accordance with Section 17a, subsection of the Agricultural Act. 1. In the case of leasing, however, the joint operation can only be continued within the agreed leasing period.

The amended provisions in section 7, subsection 5, no. 1 and 2, and section 20 entered into force on 4 June 1999.

*The Ministry of Food, Agriculture and Fisheries, on 15 July 1999*

Henrik Dam Kristensen

/Bodil Ekner



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