

CHAPTER 40 AGRICULTURE ACT

• Act • Subsidiary Legislation •

ACT

Act No. 23 of 1951

Amended by

Act No. 21 of 1956

Act No. 3 of 1969

Act No. 3 of 1978

SRO 38 of 1980

Act No. 20 of 1987

SRO of 1991

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CHAPTER 40 AGRICULTURE ACT

An Act to ensure that owners and occupiers of agricultural land fulfil their obligations to the community by managing their land in such manner as to prevent erosion and ruination of the soil and by cultivating all cultivatable land under their control.

[Act No. 23 of 1951 amended by Act No. 21 of 1956, Act No. 3 of 1969, Act No. 3 of 1978, SRO 38 of 1980, Act No. 20 of 1987, SRO of 1991.]

[Date of commencement: 9th September, 1954.]

Preliminary

1. Short title

This Act may be cited as the Agriculture Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**agricultural land**” means land used for agriculture which is so used for the purposes of a trade or business:

Provided that this expression shall not extend to land used as pleasure grounds or private gardens;

“**agriculture**” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands when that use is ancillary to the farming of land for other agricultural purposes, and “**agricultural**” shall be construed accordingly;

“**relevant circumstances**”, in relation to an owner or occupier, includes all circumstances affecting management or farming, other than the personal circumstances of the owner.

3. Responsibility of owners, etc., of agricultural land

(1) The provisions of this Act shall have effect for the purpose of securing that owners and occupiers of agricultural land fulfil their responsibilities to the community to manage and farm the land so as to prevent erosion and ruination of the soil.

(2) For the purposes of this Act, an owner of agricultural land shall be deemed to have fulfilled his responsibilities to the community as mentioned in subsection (1), if the management of the land by him is such as to be reasonably adequate, having regard to the character and situation of the land and other relevant circumstances, to enable an occupier of the land reasonably skilled in husbandry to prevent erosion and ruination of the soil.

(3) In determining whether the owner or occupier of agricultural land is fulfilling his responsibilities as aforesaid, regard shall be had to the character and situation of the land and to the extent to which steps are being taken—

- (a) to terrace sloping land under cultivation;

- (b) to prevent or check the formation of gullies;
- (c) to prevent surface water from causing erosion on adjoining land;
- (d) to protect water courses or public roads;
- (e) to preserve forest and vegetation on ridges and steep slopes;
- (f) to control, or where necessary prevent, the grazing of animals on steep slopes; and
- (g) to cultivate all cultivable land under his control in accordance with the accepted standards of good husbandry.

PART I

Supervision Orders

4. Power to supervise management and farming

(1) Where the Chief Agricultural Officer is satisfied that the owner or occupier of any agricultural land is not fulfilling his responsibilities as aforesaid, the Chief Agricultural Officer may apply to the Governor-General to make an order (hereafter referred to as a “supervision order”) placing the owner or occupier of the land under the supervision of the Chief Agricultural Officer in so far as it relates to the management and farming of the land in question.

(2) Before a supervision order is made in pursuance of subsection (1), the Governor-General shall afford the owner or occupier of the said land an opportunity of being heard in opposition to the Chief Agricultural Officer’s application, and for this purpose an agricultural area committee shall examine the said application and shall inform the owner or occupier accordingly.

(3) If an owner or occupier does not appear at the time and place fixed for the hearing of the application, or on any adjournment thereof granted by the agricultural area committee, the committee may, on proof of service of a summons or notice on him requiring his attendance, hear the application in his absence.

5. Duties and powers under supervision order

(1) While a supervision order is in force, the Chief Agricultural Officer, or any of his officers authorised by him in writing in that behalf, may at all reasonable times enter upon the land to which the order relates, for the purpose of inspecting the way in which it is being managed and farmed.

(2) Where a supervision order is in force and the Governor-General is satisfied that, by reason of the standard of management and husbandry, as the case may be, attained by the person to whom it relates it is no longer necessary that the order should continue in force, the Governor-General shall revoke the order:

Provided that the revocation of an order shall not affect any direction given thereunder in so far as it is in force immediately before the revocation of the order.

(3) Forthwith after the making of a supervision order the Governor-General shall cause a copy of the order to be served upon the person to whom it relates and forthwith; after the revocation of such an order the Governor-General shall cause notice of such revocation to be served upon the person to whom it relates.

6. Supervision order not affected by change of owner or occupier

Where a supervision order is in force in respect of an owner or occupier, any disposition of land to which the order relates whereby some other person becomes the

owner or occupier of that land shall not affect the continued operation of the supervision order, and the order shall continue in force so far as it relates to that land as if it had been made so as to relate to the new owner or occupier, as the case may be, as well as to the former owner or occupier.

7. Directions to secure good management, etc.

(1) Where a supervision order is in force, the Chief Agricultural Officer shall, by notice in writing served on the person to whom the order relates, give to that person such directions as he is satisfied are required to secure that the person fulfils his responsibilities to manage and farm the land so as to avoid erosion and ruination of the soil.

(2) Such directions may impose requirements, restrictions or prohibitions as to the carrying out of work and as to the manner in which the land is to be used.

(3) Any person to whom a direction is given under this section who contravenes or fails to comply with the direction is guilty of an offence and liable to a fine of one thousand dollars.

(4) Without prejudice to the bringing of proceedings under subsection (3), where a direction under this section to carry out any work is not complied with, any person authorised by the Chief Agricultural Officer in that behalf may enter upon the land to which the direction relates and carry out the work required by the direction, and the reasonable cost of carrying out such work shall be recoverable from the person to whom the direction was given.

(5) Any person who obstructs a person acting in the exercise of the powers conferred by subsection (4) is guilty of an offence and liable to a fine of one thousand dollars.

(6) Where a direction under this section provides for the doing of anything within a specified time and (whether before or after the expiration of the said time) the Chief Agricultural Officer is satisfied that it is reasonable that the said time should be extended, he may extend it accordingly.

8. Reference of notice to area committee

(1) Any person upon whom a notice is served under the provisions of the preceding section may within twenty-one days of the service of such notice request the Chief Agricultural Officer to refer his case to an agricultural area committee who shall decide whether the notice shall stand or be modified or cancelled.

(2) Upon receipt of this request the Chief Agricultural Officer shall inform the Governor-General thereof, and the Governor-General shall direct an agricultural area committee to hear such person and shall inform him of the direction to the said committee.

PART II

Agricultural Areas and Committees

9. Agricultural areas, etc.

(1) The Governor-General shall, for the purpose of carrying into effect the provisions of this Act—

- (a) divide Saint Vincent and the Grenadines into agricultural areas;
- (b) appoint a panel of persons, not exceeding twenty-four, from which panel the members of agricultural area committees shall be selected;

- (c) appoint agricultural area committees for the purposes of this Act; and
- (d) appoint a central agricultural committee in the manner hereinafter provided.

(2) The persons appointed under subsection (1)(b) shall not be Government employees and shall possess some reasonable experience in, and a practical working knowledge of, agriculture.

10. Constitution of agricultural area committees

(1) An agricultural area committee shall consist of a chairman and two other persons appointed by the Governor-General from among the panel mentioned in section 9.

(2) The members of an agricultural area committee shall hold office for a year in each instance:

Provided that all or any of the members may be re-appointed for a further period of one year.

(3) The terms of reference by which agricultural area committees shall operate shall be in accordance with a memorandum from time to time from the Chief Agricultural Officer.

11. Powers of agricultural area committee

(1) An agricultural area committee appointed under this Act shall have all such powers, rights and privileges as are vested in a magistrate under the Magistrates' Act on the occasion of any hearing, in respect of the following matters—

- (a) enforcing the attendance of witnesses and examining them on oath, or affirmation;
- (b) issuing summonses under the hand of the chairman;
- (c) authorising the representation before them of any person appearing to them to be interested by legal practitioner, or otherwise if they consider that any injustice would ensue if that person were not so represented.

[Chapter 30.]

(2) The procedure at a hearing before an agricultural area committee, the remuneration of witnesses for attendance thereat and all questions incidental to the hearing shall be in accordance with the practice and procedure of a magistrate's court in civil proceedings in so far as the same are applicable.

12. Central agricultural committee

(1) The Governor-General shall appoint a central committee which shall have power to review any decision of an agricultural area committee given under section 4 or 8 at the request either of the Chief Agricultural Officer or of the owner or occupier of the land affected by such decision. The review shall be by way of re-hearing, and for this purpose the central agricultural committee shall have the same powers as are conferred on an agricultural area committee by section 11.

(2) The committee shall consist of five persons qualified in like manner as members of an agricultural area committee, and no Government employee may be a member thereof.

(3) A person shall not be disqualified for membership of the central agricultural committee by reason only that his name is on the panel of persons from whom the agricultural area committees are selected.

(4) The members of the central agricultural committee shall select one of their number to be chairman of the committee and in his absence may appoint some other member to perform the duties of chairman.

(5) Any three members of the central agricultural committee shall form a quorum and every question before the committee shall be decided by a majority of the votes of the members present.

PART III

Miscellaneous

13. Maintenance of anti-erosion works

(1) Where any anti-erosion works have been established by the owner or occupier of any land in pursuance of a direction issued by the Chief Agricultural Officer, or by any person authorised by the Chief Agricultural Officer on a failure to obey such direction, the owner or occupier of such land shall at all times maintain the said anti-erosion works in a fit and proper condition to the satisfaction of the Chief Agricultural Officer.

(2) Any person who fails to maintain the said anti-erosion works is guilty of an offence and liable to a fine of one thousand dollars and to imprisonment for three months.

14. Application for advances

Where any person is required, under the provisions of section 7, to do any act or thing which may involve him in the expenditure of any money, he may, subject to the provisions of any regulations made under the provisions of section 19, apply to the Chief Agricultural Officer for an advance of money to enable him to do such act or thing, and the Chief Agricultural Officer, in making the advance, shall state the terms and conditions under which the advance is made and such advance shall be recoverable in the name of the Chief Agricultural Officer from the owner as a civil debt.

15. Advances

Any advance under the provisions of this Act shall—

- (a) be made from funds provided for the purpose by Parliament;
- (b) bear interest at such rate per annum as the Governor-General may determine;
- (c) be repaid in equal yearly instalments of capital and interest within such period, not exceeding thirty years, as may be agreed upon between the applicant and the Chief Agricultural Officer:

Provided that nothing in paragraph (c) shall preclude any person from repaying any balance due from him to the Chief Agricultural Officer at any time before the expiration of the period so agreed upon.

16. Advance to be a charge on land

All monies advanced under the provisions of this Act, together with any interest thereon and all charges incidental thereto and to the repayment thereof, shall be a charge upon the land in respect of which the advance of payment has been made:

Provided that—

- (a) where the Chief Agricultural Officer proposes to make an advance on land which is subject to a statutory or contractual mortgage or charge; or

- (b) where the Chief Agricultural Officer proposes to make an advance on land which is the subject to a lease, and the lessee (not being a lessee from the Crown) is in possession, the Chief Agricultural Officer shall in writing advise the mortgagee or chargee or lessor, as the case may be, who shall, if he objects to the making of the advance, be given an opportunity of being heard by the Chief Agricultural Officer before the advance is made.

17. Registration of advances

(1) As soon as possible after an advance has been approved by the Chief Agricultural Officer, the Chief Agricultural Officer shall prepare a notification in the form in the Schedule and shall sign and forward the same to be registered by the Registrar without charge under the provision of the Registration of Documents Act. Such notification shall be certified by the Registrar to the effect that the land in question is or is not subject to any registered charge or lease as the case may be.

[Chapter 132.]

(2) As soon as such notification has been certified and registered by the Registrar he shall inform the Chief Agricultural Officer who shall pay the advance to the owner in accordance with the terms contained in such notification.

18. Right of lessee to compensation for work done

Where a lessee holding land under a lease from any other person has, in complying with any order or direction issued under the provisions of this Act, done at his own expense any work on such land, such lessee shall be entitled at the termination of his lease to obtain from the lessor as compensation such sum as fairly represents the residuary value of such work to the lessor.

19. Power to make Regulations

The Governor-General may make regulations governing the making of advances under the provisions of this Act and without prejudice to the generality of the foregoing, for all or any of the following purposes—

- (a) prescribing the manner in which applications for advances shall be made;
- (b) prescribing the purposes for, and the terms and conditions on which, advances may be made;
- (c) prescribing the maximum amount of, and the rate of interest to be charged on, advances;
- (d) appointing an advisory board or boards to consider and report upon, and to make recommendations in regard to, applications for advances under this Act;
- (e) carrying into effect the provisions of this Act.

20. Service of notices

(1) Any notice or other document required or authorised by or under this Act to be given or served on any person shall be duly given or served if it is delivered to him, or left at his proper address, or, where this is not known, his last known address, or sent to him by post in a registered letter.

(2) Any such document required or authorised to be given to or served on an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body at the registered or principal office of the company or body.

[Chapter 40.]

(a) Name and address of applicant

(b) Name, extent, description and boundaries of land against which advance is made

(c) Amount of advance

(d) Date of repayment or dates and amounts of instalments of repayment

.....

(e) Approved

.....

(f) The above-mentioned land is

*subject to the following registered charge or lease

*not subject to any registered charge or lease

.....

(g) *Advance made this day of, 20.....
 *First instalment

.....

Chief Agricultural Officer

* Delete if not applicable.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation