

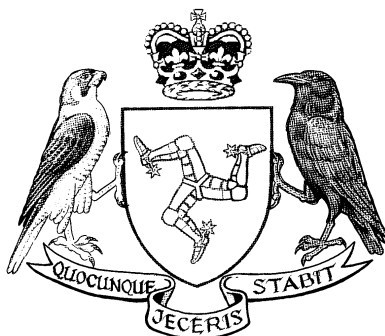
# **AGRICULTURAL (MISCELLANEOUS PROVISIONS) ACT 2008**

## **Arrangement of Sections**

### Section

1. Repeal of defunct, etc. fisheries legislation
2. Amendment of defunct, etc. legislation relating to agriculture and rural industries
3. Amendment of Wildlife Act 1990
4. Amendment of Destructive Imported Animals Act 1963
5. Short title

Schedule — Repeal of enactments



Isle of Man } Signed in Tynwald: 15th July 2008  
in Wit } Received Royal Assent: 16th July 2008  
Announced to Tynwald: 16th July 2008

## AN ACT

to repeal and amend Acts of Tynwald relating to the fishery industry and agricultural and rural industries that are defunct, superseded or unnecessary; to amend the Wildlife Act 1990 and the Destructive Imported Animals Act 1963; and for connected purposes.

**B**E IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows: —

1. The Acts mentioned in column 1 of Part 1 of the Schedule (being provisions that are defunct, superseded or unnecessary) are repealed to the extent specified in column 3 of the Schedule. Repeal of defunct, etc. fisheries legislation
  
2. (1) In the Agricultural and Rural Industries Act 1914 — Amendment of defunct, etc. legislation relating to agriculture and rural industries
  - (a) in section 4 —
    - (i) in subsection (5), for “shall” substitute “may”;
    - (ii) after subsection (5) add —  

“(6) The Department shall take such steps as it thinks proper to further education in agricultural and rural industries.[IX p.390]
  
- (7) For the avoidance of doubt —

- (a) the Department has the power to sell any land purchased with the money provided under the Memorandum of Agreement set out in the Schedule to this Act; and
  - (b) that Memorandum shall not be construed as creating a trust in respect of that money and accordingly, the land referred to in paragraph (a) and the proceeds of any sale of that land are free of any trust.”;
  - (b) section 6, which is spent, shall cease to have effect; and
  - (c) the Agricultural Fund, which is now defunct, is abolished and accordingly, sections 7 and 9 shall cease to have effect.
- (2) The Acts mentioned in column 1 of Part 2 of the Schedule (being provisions that are defunct, superseded or unnecessary) are repealed to the extent specified in column 3 of the Schedule.

Amendment  
of Wildlife  
Act 1990

[c. 2]

**3. In the Wildlife Act 1990 —**

- (a) in sections 1(1) and (5), 3(1)(a), 9(1) and (4) and 12(1) after “intentionally”, wherever it appears, add the words “or recklessly”; and
- (b) in section 9 (protection of certain wild animals) —
  - (i) in subsection (1) after “Schedule 5” add “without reasonable excuse”;
  - (ii) after subsection (4) add —
 

“(4A) Subject to the provisions of this Part, any person who intentionally or recklessly disturbs any wild animal included in Schedule 5 or —

    - (a) a dolphin or whale (cetacean);
    - (b) a basking shark (*cetorhinus maximus*);
    - (c) a seal (all species) (*pinnepedia*); or
    - (d) a turtle (marine) (all species) (*dermochelydiae* and *cheloniidae*),

shall be guilty of an offence.”; and
- (c) in section 29(1) (compensation for area of special scientific interest) for “shall” substitute “may”.

**4.** In the Destructive Imported Animals Act 1963 —

Amendment  
of Destructive  
Imported  
Animals Act  
1963

(a) in section 6(1) the words “, and shall on summary conviction on the complaint of the Department be liable” to the end of that subsection, are repealed; and

[XIX p.858]

(b) after section 6(1) add —

“(1A) Any person guilty of an offence under subsection (1) shall on summary conviction on the complaint of the Department be liable —

(a) in the case of an offence under paragraph (a), (b), (d) or (e) of subsection (1), to a penalty of £5,000; and

(b) in the case of an offence under paragraph (c) or (f) of subsection (1), to a penalty of £2,500,

and a court before which any person is convicted of an offence under paragraph (a), (b) or (c) of subsection (1) may order any animals in respect of which the offence was committed to be forfeited and destroyed.”.

**5.** This Act may be cited as the *Agricultural (Miscellaneous Provisions) Act 2008*. Short title

## Section 1

## SCHEDULE

## REPEAL OF ENACTMENTS

## PART 1

## REPEAL OF DEFUNCT, etc. FISHERY ACTS

<i>Volume/Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
X p.25	Herring Fishery (Branding) Act 1916	The whole Act.
XI p.199	Imported Kipperred Herrings Act 1921	The whole Act.
XIV p.310	Imported Kipperred Herrings Amendment Act 1935	The whole Act.
XV p.227	Fishery (Herring Industry) Act 1939	The whole Act.
XVII p.20	Fishery Act 1948	The whole Act.
XIX p.214	Fishery (Herring Industry) Act 1961	The whole Act.
1971 c.28	Marine Biological Station, etc., Transfer Act 1971	The whole Act.
1980 c.1	Governor's General Functions (Transfer) Act 1980	In Schedule 1, entry 131 and the cross-heading relating to that entry.
1985 c.25	Treasury Act 1985	In Schedule 2, entry 54 and the cross-heading relating to that entry.
1986 c.1	Fines Act 1986	In Schedule 2, entry 42 and the cross-heading relating to that entry.
1989 c.6	Statute Law Revision Act 1989	In Schedule 1, entry 49(1)(d).

## PART 2

REPEAL OF DEFUNCT, etc. ACTS RELATING TO AGRICULTURAL  
AND RURAL INDUSTRIES

<i>Volume/Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
IX p.390	Agricultural and Rural Industries Act 1914	In section 2, the definitions of “Noble’s Trustees”, the “Northern Agricultural Society” and the “Southern Agricultural Society” and sections 6, 7 and 9.
XI p.402	Agricultural and Rural Industries Acts Amendment Act 1923	The whole Act.
XII p. 622	Public Markets (Weighing of Cattle) Act 1929	The whole Act.
XIII p. 487	Agricultural Produce (Grading and Marking) Act 1931	The whole Act.
XIV p. 93	Public Markets (Weighing of Cattle) Act 1933	The whole Act.
XVII p. 1063	Agricultural Holdings and Dwellings Act 1951	The whole Act.
XVIII p. 258	Rating and Valuation Act 1953	Section 49(1)(d).
XXI p.482	Consumer Protection (Trade Descriptions) Act 1970	Section 2(4)(b).
1973 c.14	European Communities (Isle of Man) Act 1973	Schedule 2.
1991 c.11	Consumer Protection Act 1991	In Schedule 4, entry 1 and the cross-heading relating to that entry.
1986 c.1	Fines Act 1986	In Schedule 2, entries 33 and 34.
1992 c.14	Currency Act 1992	Paragraph 6(b) of Schedule 3, so far as it relates to entry 6 of Schedule 2 to the Decimal Currency (Isle of Man) Act 1970.

