



Agriculture Act 1970

1970 CHAPTER 40

PART III

SMALLHOLDINGS IN ENGLAND AND WALES

General and supplementary provisions

57 F1

Textual Amendments

F1 S. 57 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

58 **Accounts and records of smallholdings authorities.**

- (1) A smallholdings authority shall keep a separate account of their receipts and expenses (including capital receipts and expenses) with respect to smallholdings.
- (2) Every smallholdings authority shall compile and keep, and, if so required at any time by a person authorised by the Minister in that behalf, shall produce to him—
 - (a) a record of all land which is or has at any time been held by the authority for the purposes of smallholdings, of the persons in occupation of such of that land as is for the time being let by the authority as smallholdings and of the rents at which it is let to them, and of the purchasers of so much of that land as has been sold by the authority, and
 - (b) a map or plan showing the size, boundaries and situation of each smallholding provided by the authority.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: General and supplementary provisions. (See end of Document for details)

59 Annual reports.

- (1) Every smallholdings authority shall, before such date in each year as the Minister may direct, send to the Minister a report, relating to such matters as the Minister may direct, of the proceedings of the authority during the preceding financial year.
- (2) The Ministers shall lay before Parliament a report in respect of each financial year, summarising for that year the proceedings of smallholdings authorities and the proceedings of the Minister, and of the Ministers acting jointly, in relation to smallholdings.

60 Cottage holdings.

- (1) No land shall after the commencement of this Part of this Act—
 - (a) be sold by a county council [^{F2}, a county borough council], . . . ^{F3} or the Greater London Council as a cottage holding, or
 - (b) be let by such a council as a cottage holding by a letting effected after the commencement of this Part of this Act, whether the land was previously so let or not, or
 - (c) be acquired (whether by way of purchase or lease) by such a council for the purpose of being sold or let as a cottage holding.
- (2) The provisions of section 52(2) of this Act shall have effect in relation to land which immediately before the commencement of this Part of this Act is held by any such council for the purposes of cottage holdings as they have effect in relation to land then held by a smallholdings authority for the purposes of smallholdings as if in those provisions—
 - (a) any reference to a smallholdings authority were a reference to such a council, and
 - (b) the reference to section 2 of the ^{M1}Small Holdings and Allotments Act 1926 included a reference to that section as applied to cottage holdings by section 12 of that Act or by section 12 of the ^{M2}Agricultural Land (Utilisation) Act 1931.
- (3) Any regulations made by the Ministers in the exercise of the powers conferred by section 52(2) of this Act as applied by subsection (2) of this section may revoke any regulations for the time being in force under section 2 of the Small Holdings and Allotments Act 1926 in their application to cottage holdings.
- (4) Where any regulations exercise the power of revocation conferred by subsection (3) of this section, the regulations may contain such transitional provisions with respect to matters in progress under the regulations so revoked as the Ministers may consider appropriate having regard to the provisions of sections 52(2) and 62 of this Act.

Textual Amendments

- F2** Words in s. 60(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 38(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F3** Words repealed by **Local Government Act 1972** (c. 70), **Sch. 30**

Marginal Citations

- M1** 1926 c. 52.
- M2** 1931 c. 41.

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61 Special classes of land.

- (1) Land forming part of the possessions . . . ^{F4} of the Duchy of Cornwall may be leased to a smallholdings authority or to the Minister for the purposes of smallholdings for a term not exceeding 35 years, with or without a right of renewal for a further term not exceeding 35 years.
- (2) The powers of leasing conferred by subsection (1) of this section shall be exercisable—
 - (a) ^{F5}
 - (b) in the case of land forming part of the possessions of the Duchy of Cornwall, by the Duke of Cornwall or such other persons as for the time being have power to dispose of land belonging to the Duchy.
- (3) In the case of glebe land—
 - (a) the like powers of leasing may be exercised by the [^{F6}incumbent of the ecclesiastical benefice to which the land belongs][^{F6}Diocesan Board of Finance in which the land is vested], but shall not be so exercised except with the consent of the Church Commissioners[^{F7} in a case where their consent would be required [^{F8}under section 21 of the Church Property Measure 2018 if the transaction were carried out under Part 2 of that Measure]];
 - (b) the consent of any person, other than the Church Commissioners, shall not be required to enable the land to be sold to a smallholdings authority or to the Minister for the purposes of smallholdings.
- (4) [^{F9}Where any glebe land has, whether before or after the commencement of this Part of this Act, been leased to a smallholdings authority or to the Minister for the purposes of smallholdings—
 - (a) the provisions of the Ecclesiastical Dilapidations Measures 1923 to 1951, or of any other enactment or Measure relating to dilapidations of ecclesiastical property which is for the time being in force, shall not have effect in relation to buildings on that land during the tenancy of the smallholdings authority or of the Minister, and
 - (b) at any time within twelve months from the date on which possession of the land is delivered up by the smallholdings authority or the Minister at the end of the tenancy the incumbent of the ecclesiastical benefice to which the land belongs may apply to the Church Commissioners for their consent to the removal of any buildings which have been erected on the land for the purpose of adapting it to the purposes of smallholdings.]
- (5) [^{F9}Where an application is made to the Church Commissioners under subsection (4) (b) of this section, and it is proved to the satisfaction of the Commissioners that any buildings to which the application relates are useless, and that it is to the interest of the benefice that they should be removed, the incumbent may, with the consent of the Commissioners, and subject to such directions as they may give, pull down those buildings and dispose of the materials from them, and any proceeds shall be paid to the Commissioners to be applied by them to the improvement of the benefice in such manner as the Commissioners may direct.]
- (6) Where, in any case not falling within any of the preceding subsections, a person, by virtue of the ^{M3}Settled Land Act 1925, the ^{M4}Universities and College Estates Act 1925 or any other enactment, has power, whether subject to any consent or conditions or not, to lease any land for agricultural purposes for a term not exceeding that specified in the enactment, he shall (without prejudice to that power) have power by virtue of this subsection, subject to the like consent and conditions (if any), to lease the land

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to a smallholdings authority or to the Minister for the purposes of smallholdings for a term not exceeding 35 years, with or without a right of renewal for a further term not exceeding 35 years.

Textual Amendments

- F4** Words repealed by [Duchy of Lancaster Act 1988 \(c. 10, SIF 29:10\)](#), s. 1(4), **Sch.**
- F5** S. 61(2)(a) repealed by [Duchy of Lancaster Act 1988 \(c. 10, SIF 29:10\)](#), s. 1(4), **Sch.**
- F6** Word in s. 61(3)(a) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 5 para. 17(a)**; 2006 No. 2, Instrument made by Archbishops
- F7** Words in s. 61(3)(a) added (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 5 para. 17(a)**; 2006 No. 2, Instrument made by Archbishops
- F8** Words in s. 61(3)(a) substituted (E.) (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), **Sch. 1 para. 12**; S.I. 2019/97, art. 2
- F9** S. 61(4)(5) repealed (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 5 para. 17(b)**; 2006 No. 2, Instrument made by Archbishops; 2006 No. 2, Instrument made by Archbishops

Marginal Citations

- M3** 1925 c. 18.
- M4** 1925 c. 51.

62 Provisions as to Wales (including Monmouth-shire).

- (1) Where by or under any provisions to which this section applies (including any enactment as applied by such a provision) anything is authorised or required to be done—
 - (a) by the Minister in relation to the council of a county [^{F10}or county borough] . . . ^{F11} in Wales, or
 - (b) by such a council in relation to the Minister,
 whether (in either case) the council fall within that provision in their capacity as a smallholdings authority or otherwise, any reference in that provision to the Minister shall, for the purposes of the application of that provision in relation to that council, be construed as a reference to the Ministers.
- (2) This section applies to the following provisions, that is to say—
 - (a) all the provisions of this Part of this Act except sections 37, 52(1), 54, 55, 56(2) and (4), 59(2) and 61 and Schedule 3;
 - (b) section 2(7) and the proviso to section 6(1) of the ^{M5}Small Holdings and Allotments Act 1926, as those provisions have effect (in relation to certain matters in existence before 1st October 1949) by virtue of paragraph (a) of the proviso to section 67(2) of the ^{M6}Agriculture Act 1947; and
 - (c) the provisions of the Small Holdings and Allotments Acts 1908 to 1926, as applied to cottage holdings by section 12 of the ^{M7}Agricultural Land (Utilisation) Act 1931, with the exception of section 2(2) of the Small Holdings and Allotments Act 1926 as so applied.
- (3) In this section any reference to Wales includes Monmouthshire.

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Textual Amendments

- F10** Words in s. 62(1)(a) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 38(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F11** Words repealed by **Local Government Act 1972** (c. 70), **Sch. 30**

Marginal Citations

- M5** 1926 c. 52.
M6 1947 c. 48.
M7 1931 c. 41.

63 Provisions as to regulations.

- (1) The Ministers shall have power to make regulations for any purpose for which regulations are authorised or required to be made under this Part of this Act; and any such regulations may make different provision for different circumstances.
- (2) Any power to make regulations under this Part of this Act shall be exercisable by statutory instrument; and any statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

64 Transitional provisions and amendments.

- (1) The transitional provisions contained in Schedule 3 to this Act shall have effect.
- (2) Subject to those provisions, the enactments specified in Schedule 4 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential upon the preceding provisions of this Part of this Act.

65 Commencement and extent of Part III.

- (1) This Part of this Act shall come into operation on such day as the Ministers may by order made by statutory instrument appoint^{F12} . . .
- (2) This Part of this Act extends to England and Wales only.

Textual Amendments

- F12** Words in s. 65(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.II**

Modifications etc. (not altering text)

- C1** 1.8.1970 appointed under s. 65(1) by S.I. 1970/1048, **art. 2**

Changes to legislation:

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