



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART III

#### SMALLHOLDINGS IN ENGLAND AND WALES

##### *General and supplementary provisions*

#### **57 County borough councils**

- (1) On the application of any county borough council who are not for the time being a smallholdings authority, the Minister may direct that the council shall be a smallholdings authority.
- (2) Where a county borough council are a smallholdings authority, whether by virtue of a direction under subsection (1) of this section or otherwise, then, if at any time no land is held by that council for the purposes of smallholdings, the Minister may direct that the council shall cease to be a smallholdings authority.

#### **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.

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## **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, a county borough council 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 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 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.

## **61 Special classes of land**

- (1) Land forming part of the possessions of the Duchy of Lancaster or 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) in the case of land forming part of the possessions of the Duchy of Lancaster, by the Chancellor and Council of the Duchy by deed under the seal of the Duchy in the name of Her Majesty, Her heirs and successors, and
  - (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 incumbent of the ecclesiastical benefice to which the land belongs, but shall not be so exercised except with the consent of the Church Commissioners;
  - (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) 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) 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 Settled Land Act 1925, the 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 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.

## **62 Provisions as to Wales (including Monmouthshire)**

- (1) Where by or under any provision 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 or county borough 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 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 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 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.

## **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, and different days may be so appointed for different provisions of this Part of this Act or for different purposes ; and any reference in any provision of this Part of this Act to the commencement of this Part of this Act

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shall be construed as a reference to the day so appointed for the coming into operation of that provision; and for the purposes of this subsection Part III of Schedule 5 to this Act shall be deemed to be included in this Part of this Act.

(2) This Part of this Act extends to England and Wales only.