



# Agriculture Act 1947

## 1947 CHAPTER 48

### PART I

#### GUARANTEED PRICES AND ASSURED MARKETS.

- 1 Provisions for securing efficient agricultural production and proper agricultural conditions.**
  - (1) The following provisions of this Part of this Act shall have effect for the purpose of promoting and maintaining, by the provision of guaranteed prices and assured markets for the produce mentioned in the First Schedule to this Act, a stable and efficient agricultural industry capable of producing such part of the nation's food and other agricultural produce as in the national interest it is desirable to produce in the United Kingdom, and of producing it at minimum prices consistently with proper remuneration and living conditions for farmers and workers in agriculture and an adequate return on capital invested in the industry.
  - (2) This Part of this Act shall extend to Scotland and Northern Ireland.
- 2 Annual and special reviews of condition of agricultural industry.**
  - (1) As at such date in each year as the Ministers may determine, they shall review the general economic condition and prospects of the agricultural industry.
  - (2) If it appears to the Ministers at any time between two annual reviews under the last foregoing subsection that there has been, or there is likely to be, a change in the economic condition of the agricultural industry or any section thereof, arising (otherwise than in the course of a continuous development) from a substantial alteration of costs of production or any other special cause, and that the change is or is likely to be of sufficient importance to require that the Ministers should exercise their powers under this subsection, the Ministers may hold a special review of the matters referred to in the last foregoing subsection, in so far as they are or may be affected by the change.

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- (3) In holding any review under this section the Ministers shall consult with such bodies of persons as appear to them to represent the interests of producers in the agricultural industry.

**3 Variation of factors determining operation of arrangements for providing guaranteed prices and assured markets.**

- (1) Any fixing or variation of any price, method of calculating a price, or other factor affecting the operation of any arrangements—
- (a) which are in operation by virtue of any enactment (including an enactment contained in this Part of this Act); and
  - (b) of which the object or one of the objects is the provision of guaranteed prices or assured markets for producers of produce mentioned in the First Schedule to this Act,

which under the enactments regulating the operation of the arrangements is authorised or required to be carried out by a Minister or other authority shall be carried out in the light of the Ministers' conclusions from reviews held by them under the last foregoing section.

- (2) Where in consequence of an annual or special review held by the Ministers under the last foregoing section it appears to the appropriate Minister expedient so to do, or if it appears to him otherwise expedient so to do in the public interest, he may by order fix or vary any such price or other factor as aforesaid notwithstanding that under the enactments regulating the operation of the arrangements in question there is no power to fix or vary the factor or it would fall to be fixed or varied at some other time or in some other manner or by some person other than him:

Provided that—

- (a) the appropriate Minister shall not exercise his powers under this subsection in any manner which in his opinion would reduce the amounts payable to producers in respect of produce mentioned in the First Schedule to this Act except where it appears to him expedient so to do in consequence of an annual or special review held by the Ministers under the last foregoing section;
- (b) where the appropriate Minister fixes or varies any factor appearing to him to affect the quantity of any produce in relation to which any such arrangements as aforesaid are to have effect, he shall so exercise his powers under this section as to secure that all other factors appearing to him to affect the amounts payable to producers under the said arrangements in respect of that produce shall (except in so far as it appears to him, after considering any such other factor which has already been fixed, that no variation thereof is expedient in consequence of the fixing or variation of the said factor affecting quantity) be fixed or varied as nearly as may be at the same time as he fixes or varies the said factor affecting quantity.

**4 Power to supplement arrangements.**

- (1) Where it appears to the appropriate Minister that arrangements such as are mentioned in subsection (1) of the last foregoing section which are in operation in the case of any of the produce mentioned in the First Schedule to this Act are in any respect not well adapted for securing their object, or that no satisfactory arrangements such as are mentioned in the said subsection (1) are in operation in the case of that produce, he may by order provide—

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- (a) for varying the methods by which under any such arrangements the object thereof is to be achieved;
  - (b) where no such arrangements are in operation, for bringing into operation, or where such arrangements are in operation for replacing or supplementing them by, such provisions as appear to him expedient for providing guaranteed prices or assured markets as mentioned in the said subsection (1), including (but without prejudice to the generality of the foregoing provisions of this paragraph) provisions for all or any of the following matters, that is to say—
    - (i) for securing that, subject to any specified limits of quantity, a producer who has failed to effect a sale at a specified price through the ordinary means of trading in produce mentioned in the First Schedule to this Act shall, subject to the specified conditions, be enabled to sell the produce at the specified price to such person as may be specified;
    - (ii) for authorising the purchase, by such person as may be specified and subject to the specified conditions, of such produce as aforesaid which the producer offers for sale in the specified manner;
    - (iii) for authorising the making of payments at the specified rate per acre to producers of any such produce as aforesaid, subject to the specified conditions and to any specified power to reduce or withhold payment on specified grounds.
- (2) No order under this section shall have effect after the expiration of the period of three years from the passing of this Act:

Provided that at any time before the expiration of the said period of three years, or of that period as extended under this proviso, the Ministers may by order direct that the said period shall be extended for a further year.

- (3) The provisos to subsection (2) of the last foregoing section shall apply for the purposes of subsection (1) of this section as they apply for the purposes of the said subsection (2), and no order shall be made under subsection (1) of this section except after consultation with such bodies of persons as appear to the appropriate Minister to represent the interests of producers of the produce in question.

## **5 Provisions for enabling producers to plan ahead.**

- (1) The appropriate Minister shall exercise his powers under the foregoing provisions of this Part of this Act so as to secure—
- (a) in the case of produce mentioned in the First Schedule to this Act being wheat, barley, oats, rye, potatoes or sugar beet, that the relevant factors determined in consequence of any annual review are determined in the year in which the review is held and so as to relate to the crops harvested in the year beginning on the first day of July in the calendar year next following that in which the review is held;
  - (b) in the case of any other produce mentioned in the said First Schedule, that the relevant factors determined in consequence of any annual review are determined as soon as may be after the completion thereof and so as to apply to such produce referable to the period of one year beginning on such date after the completion of the review as may be specified by the appropriate Minister at the time when the factors are determined.
- (2) The Ministers shall, in the light of their conclusions from the annual review held by them in the year nineteen hundred and forty-eight and each subsequent alternate year,

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by order fix minimum terms for the relevant factors relating to the following produce mentioned in the First Schedule to this Act, that is to say milk, cattle, sheep, pigs and eggs; and where minimum terms have been fixed for any relevant factor that factor shall not, so far as it relates to any of the said produce referable to the period of two years beginning on the specified date in the second calendar year after the year in which the review in question was held, be fixed or varied, whether under the foregoing provisions of this Part of this Act or otherwise, so as to be less beneficial to the producer than if it had been fixed or varied in accordance with the minimum terms.

- (3) The periods to which produce is to be referable for the purposes of the two last foregoing subsections shall be determined by order of the Minister or Ministers therein referred to.
- (4) In this section the expression " relevant factor " means any factor which appears to the Minister or Ministers making the order in question to affect, under any such arrangements as are referred to in subsection (1) of section three of this Act, the amounts payable to producers in respect of the produce in question, being a factor as to which the Minister or Ministers in question is or are of opinion that it is practicable at the time required by subsection (1) or subsection (2) of this section, as the case may be, to determine the factor or to fix minimum terms therefor.

## **6 Power to vary scheduled produce.**

- (1) The Ministers may, after consultation with such bodies of persons as appear to them to represent the interests of producers of the produce in question, by order direct that the First Schedule to this Act shall have effect, for the purposes of all or any of the provisions of this Part of this Act, with the addition thereto of any such produce as may be specified.
- (2) Any order under this section may make such modifications of the provisions of the last foregoing section as appear to the Ministers consequential on the making of the order.

## **7 Orders under Part I.**

- (1) Any order under this Part of this Act shall be made with the approval of the Treasury.
- (2) An order under section four or six of this Act shall be of no effect unless approved by resolution of each House of Parliament.
- (3) Any other order under this Part of this Act shall be laid before Parliament forthwith after being made, and if either House of Parliament, within the period of forty days beginning with the day on which the order is laid before it, resolves that an Address be presented to His Majesty praying that the order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the order, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the order or to the making of a new order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (4) An order under this Part of this Act may make different provisions for different circumstances, and in particular in relation to any produce may make different

provisions for different qualities or descriptions thereof or for different seasons of the year or according to the purpose for which the produce is to be used.

- (5) In this Part of this Act the expression " specified " means specified by or under an order under this Part of this Act.
- (6) For the purposes of any order made by a Minister and relating to produce mentioned in the First Schedule to this Act, a certificate of that Minister whether the object or one of the objects of any arrangements is such as is mentioned in paragraph (b) of subsection (1) of section three of this Act shall be conclusive.

## **8 Interpretation of Part I.**

- (1) In this Part of this Act the expression " the Ministers " means the Minister of Agriculture and Fisheries and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland, acting jointly; and the expression " the appropriate Minister " means in relation to any part of the United Kingdom the Minister concerned with agriculture therein or the Minister of Food.
- (2) Reference in this Part of this Act to the provision of guaranteed prices for producers shall include references to the provision of payments to them (whether by reference to acreage or otherwise) in respect of produce mentioned in the First Schedule to this Act, as an alternative to the provision of guaranteed prices.

## **PART II**

### **GOOD ESTATE MANAGEMENT AND GOOD HUSBANDRY.**

## **9 Duties of good estate management and good husbandry.**

The following provisions of this Part of this Act shall have effect for the purpose of securing that owners of agricultural land fulfil their responsibilities to manage the land in accordance with the rules of good estate management, and that occupiers of agricultural land fulfil their responsibilities to farm the land in accordance with the rules of good husbandry.

*Rules of good estate management and good husbandry.*

## **10 Good estate management.**

- (1) For the purposes of this Act, an owner of agricultural land shall be deemed to fulfil his responsibilities to manage it in accordance with the rules of good estate management in so far as his management of the land and (so far as it affects the management of that land) of other land managed 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 maintain efficient production as respects both the kind of produce and the quality and quantity thereof.
- (2) In determining whether the management of land is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which the owner is providing, improving, maintaining and

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repairing fixed equipment on the land in so far as is necessary to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as aforesaid.

- (3) The responsibilities under the rules of good estate management of an owner of land in the occupation of another person shall not in relation to the maintenance and repair of fixed equipment include an obligation to do anything which that other person is under an obligation to do by virtue of any agreement.

## **11 Good husbandry.**

- (1) For the purposes of this Act, the occupier of an agricultural unit shall be deemed to fulfil his responsibilities to farm it in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the unit is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) is such that, having regard to the character and situation of the unit, the standard of management thereof by the owner and other relevant circumstances, the occupier is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while keeping the unit in a condition to enable such a standard to be maintained in the future.
- (2) In determining whether the manner in which a unit is being farmed is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which—
- (a) permanent pasture is being properly mown or grazed and maintained in a good state of cultivation and fertility and in good condition,"
  - (b) the manner in which arable land is being cropped is such as to maintain that land clean and in a good state of cultivation and fertility and in good condition;
  - (c) the unit is properly stocked where the system of farming practised requires the keeping of livestock, and an efficient standard of management of livestock is maintained where livestock are kept and of breeding where the breeding of livestock is carried out;
  - (d) the necessary steps are being taken to secure and maintain crops and livestock free from disease and from infestation by insects and other pests;
  - (e) the necessary steps are being taken for the protection and preservation of crops harvested or lifted, or in course of being harvested or lifted;
  - (f) the necessary work of maintenance and repair is being carried out.
- (3) The responsibilities under the rules of good husbandry of an occupier of an agricultural unit which is not owned by him shall not include an obligation to carry out any work of maintenance or repair which the owner of the unit or any part thereof is under an obligation to carry out in order to fulfil his responsibilities to manage in accordance with the rules of good estate management.

### *Supervision Orders.*

## **12 Power of Minister to supervise estate management and husbandry.**

- (1) Where the Minister of Agriculture and Fisheries (hereafter in this Act referred to as "the Minister") is satisfied that the owner of agricultural land is not fulfilling his responsibilities to manage the land in accordance with the rules of good estate management, or that the occupier of an agricultural unit is not fulfilling his

responsibilities to farm the unit in accordance with the rules of good husbandry, the Minister, after affording to the owner or occupier, as the case may be, an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, may by order (hereafter in this Part of this Act referred to as a "supervision order") place the owner under the Minister's supervision so far as relates to his management of the land, or the occupier under the Minister's supervision so far as relates to his farming of the unit, as the case may be; and while such an order is in force—

- (a) any person authorised by the Minister 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 or farmed, as the case may be;
- (b) the Minister shall have the powers of direction and dispossession conferred by the following provisions of this Part of this Act.

For the avoidance of doubt it is hereby declared that the fact that a person is both the occupier of the unit and also the owner of the unit or part thereof does not prevent the making of orders under this subsection placing him under supervision both in relation to farming and in relation to management.

- (2) While a supervision order is in force, the Minister shall from time to time review the management (if the order relates to management) or the farming (if the order relates to farming) of the land or agricultural unit to which the order relates, and—
  - (a) a review shall be held under this subsection as soon as may be after the expiration of twelve months from the coming into operation of the order, and, where one or more reviews have already been held under this subsection in relation to the order, such a review shall be held as soon as may be after the expiration of twelve months from the previous or last such review;
  - (b) a review under this subsection shall be held after affording to the person to whom the order relates an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister.
- (3) Where a supervision order is in force and the Minister is satisfied that by reason of the standard of management or husbandry, as the case may be, attained by the person to whom the order relates it is no longer necessary that the order should continue in force, the Minister shall revoke the order:

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

- (4) Forthwith after the making of a supervision order the Minister shall serve a copy of the order on the person to whom it relates, and forthwith after the revocation of such an order the Minister shall serve notice of the revocation on the person to whom the order related.
- (5) Where the owner of land is not also the occupier thereof—
  - (a) an opportunity of making representations to the Minister shall be afforded under subsection (1) or (2) of this section both to the owner and to the occupier, and not only to the person for whose supervision the Minister is considering making the order or the person to whom the order relates, as the case may be;
  - (b) any service of a copy of an order or of a notice required by the last foregoing subsection shall be effected both on the owner and on the occupier, and not only on the person to whom the order relates or related.

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- (6) Forthwith after the making of a supervision order it shall be registered, in the manner provided for under paragraph (b) of this subsection, in the register of local land charges by the proper officer of the council of each county borough or county district in which the land to which the order relates or any part thereof is situated, or, if that land or any part thereof is situated in the administrative county of London, by the proper officer of the London County Council; and—
- (a) it shall be the duty of the Minister forthwith after a supervision order has been made to notify that fact to the proper officer of any council by whom the order is required to be registered as aforesaid and to furnish to him all information relating to the order requisite in that behalf;
  - (b) the power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection.
- (7) If while a supervision order is in force in relation to the farming of an agricultural unit additional land becomes comprised in the unit, the supervision order shall by virtue of this subsection extend to the farming of that additional land, and references in this Act to the coming into operation of the order shall be construed as references to the date at which the order originally came into operation as well in relation to the additional land as in relation to any other land to which the order relates:

Provided that nothing in this subsection shall be construed as imposing on any person any liability with respect to the additional land at a date before it became part of the said agricultural unit.

### **13 Changes of owner or occupier effected without approval of Minister not to invalidate supervision orders.**

Where a supervision order is in force in respect of an owner or occupier, any disposition of land to which the order relates, other than a testamentary disposition, whereby some other person becomes the owner or occupier of that land shall not, unless approved by the Minister either before or after the disposition is completed, affect the continued operation of the supervision order, and accordingly in default of such approval the supervision order shall continue in force so far as it relates to that land (but subject to the provisions of subsection (3) of the last foregoing section) 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.

*Directions to secure good estate management and good husbandry.*

### **14 Directions to secure good estate management and good husbandry.**

- (1) Where a supervision order is in force, the Minister, after affording to the person to whom the order relates an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, may by notice in writing served on the person to whom the order relates give to that person such directions as the Minister is satisfied are required—
- (a) where the order is for the supervision of the management of land, to secure that the said person fulfils his responsibilities to manage the land in accordance with the rules of good estate management;



- (b) where the order is for the supervision of the farming of an agricultural unit, to secure that the said person fulfils his responsibilities to farm the unit in accordance with the rules of good husbandry.
- (2) Without prejudice to the generality of the provisions of the last foregoing subsection, in so far as it appears to the Minister requisite for the purposes of that subsection—
- (a) a direction under paragraph (a) thereof may impose requirements, restrictions or prohibitions as to the carrying out of work and may require that the management to which the direction relates shall be entrusted to a person appointed by the owner to whom the direction relates and approved by the Minister;
  - (b) a direction under paragraph (b) thereof may impose requirements, restrictions or prohibitions as to the carrying out of work and as to the purpose for which and the manner in which land is to be used for agricultural production:

Provided that a direction under the said paragraph (b) shall not be given to the tenant of a holding (as defined in the Agricultural Holdings Act, 1923, and Part III of this Act) to carry out on the holding any improvement falling within Part I of the Third Schedule to this Act unless either the landlord has (whether on the application of the tenant or of the Minister) consented in accordance with the said Part III to the carrying out of the improvement or by virtue of the provisions of the said Act of 1923 and this Act relating to market gardens compensation for the carrying out of the improvement does not depend on the landlord's consent thereto.

- (3) Any direction requiring only the doing of one or more of the following things, that is to say, the provision, improvement, maintenance or repair of fixed equipment, which could be given under subsection (1) of this section while a supervision order is in force may be given notwithstanding that no such order is in force.
- (4) If any person to whom a direction is given under this section contravenes or fails to comply with the direction, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.
- (5) Without prejudice to the bringing of proceedings under the last foregoing subsection, where a direction under this section to carry out any work is not complied with any person authorised by the Minister in that behalf may enter upon the land to which the direction relates and any other land managed or, as the case may be, farmed in conjunction therewith, and carry out the work required by the direction, and the reasonable cost of carrying out work in the exercise of powers conferred by this subsection shall be recoverable by the Minister from the person to whom the direction was given.
- (6) Any dispute arising under the last foregoing subsection as to what is the reasonable cost of any work shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.
- (7) Any person who obstructs a person acting in the exercise of powers conferred by subsection (5) of this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.
- (8) 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 Minister is satisfied that it is reasonable that the said time should be extended, he may extend it accordingly.

## 15 Supplementary provisions as to directions.

- (1) The Minister shall not give to the owner of land consisting of or comprised in any agricultural unit a direction under the last foregoing section to provide fixed equipment on that land until, after affording to the owner an opportunity of making representations to the Minister, as required by subsection (1) thereof, the Minister has given to the owner notice in writing of the proposal to give the direction, specifying the nature of the direction which the Minister proposes to give.

The references in this and the next following subsection to the provision of fixed equipment include references to the provision thereof by the conversion of existing fixed equipment and the improvement thereof by the enlargement of buildings.

- (2) An owner to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and the provisions of the said Part V shall apply accordingly, in any case in which the owner proves to the satisfaction of the Tribunal that—
- (a) the estimated reasonable cost of the work involved in the proposal, and
  - (b) the cost borne by the owner of any other work for providing fixed equipment on the agricultural unit carried out within the two years immediately preceding the service of the notice, being work requisite for compliance with the owner's responsibilities to manage in accordance with the rules of good estate management,

together exceed the annual value of the land owned by him and comprised in the agricultural unit, or in any case in which either an authority or person has at the time when the notice is given power without further authorisation to acquire compulsorily the land to which the notice relates or at that time that land is designated by a development plan under the enactments relating to town and country planning as subject to compulsory acquisition, or designated by an order under section one of the New Towns Act, 1946.

For the purposes of this subsection, the annual value of land shall be taken to be the annual value thereof as determined for the purposes of income tax under Schedule A of the Income Tax Act, 1918, at the time when the notice under the last foregoing subsection was given, or, if the land is not a unit for which the annual value was then determined for those purposes, such proportion thereof as the Agricultural Land Tribunal may determine to be appropriate.

- (3) Where, for the purposes of determining whether a direction under the last foregoing section is to be given to the owner or occupier of land which is let, it is necessary to ascertain the respective liabilities of the owner and occupier under the contract of tenancy in relation to fixed equipment, the Minister may by notice in writing served on the owner or the occupier require him within twenty-one days from the service of the notice if there is an agreement in writing relating to the said liabilities to send or produce the agreement or a copy thereof for inspection by such person as may be specified in the notice, and in any case within the said twenty-one days to furnish in such manner and to such person as may be so specified such information as to the said liabilities of the owner and occupier, in so far as they do not depend on an agreement in writing, as may be so specified, and—
- (a) if where a requirement is made under this subsection an owner or occupier fails to comply therewith, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and to a further fine not exceeding five pounds for each day after conviction on which the failure continues;

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- (b) if in purported compliance with such a requirement an owner or occupier knowingly or recklessly furnishes any copy of an agreement or any information which is false in any material particular, he shall be liable to the penalties specified in subsection (7) of the last foregoing section.
- (4) Where a direction is proposed to be given under the last foregoing section to an owner who is not the occupier of the land in question or to an occupier who is not the owner thereof, and the proposed direction would require the provision, improvement, maintenance or repair of fixed equipment, or the ploughing-up of permanent pasture, an opportunity of making representations to the Minister shall be afforded under subsection (1) of the last foregoing section both to the owner and to the occupier, and not only to the person to whom it is proposed to give the direction.
- (5) The provisions of the Second Schedule to this Act shall have effect where a direction is given under the last foregoing section requiring the ploughing-up of permanent pasture or the carrying out of other acts of cultivation.
- (6) Where the tenant of a holding (as defined in the Agricultural Holdings Act, 1923, and Part III of this Act) in pursuance of a direction under the last foregoing section carries out on the holding any improvement specified in Part II of the Third Schedule to this Act, the direction shall have effect, as respects the right of the tenant to compensation for the improvement, as if it were the approval of the Minister given in accordance with the said Part III to the carrying out of the improvement, and—
  - (a) without prejudice to the provisions of subsection (4) of this section the direction shall be given after affording to the tenant and to the landlord an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister;
  - (b) the direction may impose on the tenant such terms, whether as to reduction of the compensation which would be payable apart from the terms or as to other matters, as appear to the Minister to be just.
- (7) Where the Minister proposes to give such a direction as is mentioned in subsection (1) of this section, or where a proposal to give such a direction is referred to the Agricultural Land Tribunal in accordance with subsection (2) thereof, the Minister or, as the case may be, the Tribunal may require the surveyor of taxes for the district in which the land is situated to furnish information as to the annual value of the land as determined for the purposes mentioned in the said subsection (2).

*Dispossession of owners or occupiers on grounds  
of bad estate management or bad husbandry.*

**16 Dispossession on grounds of bad estate management.**

- (1) Where a supervision order is in force in relation to the management of land, and the Minister is satisfied that the management thereof does not while the order is in force show satisfactory improvement, and certifies accordingly, the Minister shall subject to the provisions of this section have power to purchase compulsorily in accordance with the provisions of this Act in that behalf the land to which the order relates or any part of that land.
- (2) Where the Minister proposes to purchase any land under the last foregoing subsection and is satisfied that it is necessary for the purpose of securing the proper management thereof that he should acquire any other land which is being managed by the same

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person in conjunction with the first-mentioned land, and certifies accordingly, the Minister shall subject to the provisions of this section have power to purchase that other land compulsorily in accordance with the provisions aforesaid.

- (3) Where any person having an interest in land, by notice in writing served on the Minister within six months of the giving by the Minister of a certificate under the foregoing provisions of this section relating to any other land, represents to the Minister that the first-mentioned land was at the time when the certificate was given being managed in conjunction with that other land and that it is not reasonably practicable to manage it except in conjunction therewith, and requires that the Minister shall purchase the said interest, then unless the Minister is satisfied that the representation is not justified and certifies accordingly before the expiration of the prescribed period, the Minister shall be deemed on the date on which the said period expires to have been authorised to purchase the interest compulsorily in accordance with the provisions of this Act in that behalf and to have served a notice to treat in respect of the interest on that date.

The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this subsection.

- (4) The Minister shall not give any certificate under subsection (1), (2) or (3) of this section until, after affording to any such person as is specified in subsection (6) of this section an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, the Minister has given to any such person as is so specified notice in writing of the proposal to give the certificate together with such particulars as appear to the Minister requisite for informing him of the general grounds on which the Minister is satisfied as mentioned in subsection (1) of this section.
- (5) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and the provisions in that behalf of the said Part V shall apply accordingly.
- (6) The persons referred to in subsection (4) of this section are, in the case of a proposed certificate under subsection (1) or (2) of this section—
- (a) every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any direction under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land to which the proposed certificate is to relate, and
  - (b) if the certificate relates to land which is settled land within the meaning of the Settled Land Act, 1925, any other person entered on the register kept for the purposes of this Part of this Act who is a trustee of the settlement or who under the settlement has a vested interest in the land immediately following upon the interest of the person beneficially entitled to the land in possession, or who being an infant is beneficially entitled to the land in possession:

in the case of a proposed certificate under subsection (3) of this section, the person by whom the representation in question was made.

(7) No certificate under subsection (1) or (2) of this section shall be given until not less than twelve months has expired from the coming into operation of the supervision order in question, except where the person who for the time being is the owner to whom the order relates has failed to comply with any direction under the foregoing provisions of this Part of this Act given to him as the owner—

- (a) in the case of a proposed certificate under subsection (1) of this section, of the land to which the proposed certificate is to relate,
- (b) in the case of a proposed certificate under subsection (2) thereof, of the land proposed to be acquired under subsection (1) of this section;

and no person on whom a notice to treat is served under powers conferred by either of the said subsections (1) and (2) shall be required to convey his interest to the Minister, or if he is in occupation of the land in question to give up the occupation thereof, before the expiration of three months from the service of the notice to treat.

## **17 Dispossession on grounds of bad husbandry.**

(1) Where a supervision order is in force in relation to the farming of an agricultural unit, and the Minister is satisfied that the farming thereof does not while the order is in force show satisfactory improvement, then subject to the provisions of this section—

- (a) where in the case of any land comprised in the unit the occupier is not the owner thereof, the Minister shall have power by order to terminate his interest in that land, or any part thereof specified in the order, as from such date not earlier than three months after the making of the order as may be specified therein, and to require that the owner shall as from the said date either farm it himself, if he so elects and the Minister approves, or let it to a tenant approved by the Minister;
- (b) where in the case of any land comprised in the unit the occupier is the owner thereof, the Minister shall have power by order to direct that as from such date as aforesaid the occupier shall give up his occupation of that land, or any part thereof specified in the order, and let it to a tenant approved by the Minister.

(2) The Minister shall not make an order under the last foregoing subsection until, after affording to the occupier and, in the case of a proposal to make an order under paragraph (a) thereof, to the owner of the land to which the proposed order is to relate an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, the Minister has given to the occupier, and in such a case as aforesaid to the said owner, notice in writing of the proposal to make the order, together with such particulars as appear to the Minister requisite for informing the recipient of the notice as to the general grounds on which the Minister is satisfied as mentioned in subsection (1) of this section.

(3) An occupier or owner to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and the provisions in that behalf of the said Part V shall apply accordingly.

(4) No order under subsection (1) of this section shall be made until not less than twelve months has expired from the coming into operation of the supervision order in question, except where the person who for the time being is the occupier to whom the supervision order relates has failed to comply with any direction under the foregoing provisions of this Part of this Act given to him as the occupier of land comprised in

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the agricultural unit to which the proposed order under subsection (1) of this section is to relate.

- (5) For the avoidance of doubt it is hereby declared that the termination under paragraph (a) of subsection (1) of this section of the interest of a tenant in any land is to be treated, for the purposes of the provisions relating to compensation of the Agricultural Holdings Act, 1923, and of Part III of this Act, as the termination of his tenancy of the land, but nothing in this section shall be construed as entitling the tenant to any compensation for disturbance.
- (6) Where under paragraph (a) of subsection (1) of this section an order is made terminating the interest of a tenant in part only of a holding (as defined in the said Act of 1923 and Part III of this Act).—
- (a) the said provisions relating to compensation shall apply as if the part to which the order relates were a separate holding; and
  - (b) the tenant shall be entitled to a reduction of rent proportionate to the part to which the order relates, and the amount of that reduction shall be settled by arbitration under the said Act of 1923.
- (7) Where the interest of an occupier in any land is terminated under subsection (1) of this section, or an occupier is required thereunder to give up his occupation of any land, and at any time after the date specified for the purposes of that subsection the occupier remains in possession of the land, the Minister may make complaint to a court of summary jurisdiction and thereupon the court shall by its warrant order vacant possession of the land to be given to the Minister forthwith.

A warrant under this subsection shall subject to the necessary modifications be in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect.

## **18 Power of Minister to take possession where occupier dispossessed and no other arrangements made.**

- (1) Where, at the date as from which a person is required under paragraph (a) or (b) of subsection (1) of the last foregoing section himself to farm any land or to let it to a person approved by the Minister, the person on whom the requirement is imposed has not complied therewith, the Minister may take possession of the land for the purpose of farming it, and—
- (a) on the Minister taking possession of the land any tenancy thereof granted without the Minister's approval and since the imposition of the requirement shall be deemed to have terminated by reason of a notice to quit duly given by the landlord, and
  - (b) subsection (7) of the last foregoing section shall apply in relation to the tenant whose tenancy is deemed to have terminated as aforesaid as it applies in relation to an occupier whose interest is terminated under subsection (1) of that section.
- (2) While the Minister is in possession of land under this section, it shall be his duty to secure that it is farmed in accordance with the rules of good husbandry either—
- (a) by a person acting under the direction of the Minister, or
  - (b) by a person entrusted by the Minister with the farming thereof on such terms, being terms which in the opinion of the Minister would be appropriate to a

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letting thereof to a tenant from year to year, as may be agreed between the Minister and the said person;

and subject to the provisions of this section the Minister and the person who, apart from any tenancy deemed to have terminated under paragraph (a) of subsection (1) of this section, for the time being would be entitled to possession of the land but for the exercise by the Minister of his powers under this section (hereafter in this section referred to as " the landlord ") shall have the like rights against and liabilities to each other as if the Minister were a tenant of the land under a tenancy from year to year beginning on the date on which the Minister took possession of the land and granted by the landlord under a tenancy agreement containing such provisions (other than provisions as to rent or any such payment as is mentioned in the next following subsection) as may be agreed between the Minister and the landlord, and providing for the making of payments by the Minister of such amounts at such times as a tenant under such an agreement might reasonably be expected to make by way of rent.

- (3) On the Minister taking possession of land under this section there shall be ascertained—
- (a) the amount (if any) in addition to rent which might reasonably have been expected to be payable by an incoming tenant, under the agreement referred to in the last foregoing subsection, in respect of tilings previously done for the purposes of the farming of the land, and in respect of seeds, tillages, growing crops and other matters;
  - (b) the cost of the carrying out of any work which under the rules of good husbandry or under a contract of tenancy ought to have been carried out on the land by the occupier before the Minister took possession thereof, being work which is necessary for putting the land into good tenable condition, and if the said amount is greater than the said cost the difference shall be recoverable from the Minister by the landlord, and if less the difference shall be recoverable from the landlord by the Minister.
- (4) Where the Minister has taken possession of land under this section in consequence of the termination of the interest of a tenant, then without prejudice to the responsibilities of the landlord under the rules of good estate management he shall be liable to the Minister to carry out any work which under the contract of tenancy with the tenant the owner of the reversion expectant upon the termination of the tenancy was liable to carry out, being work which is necessary for putting the land into good tenable condition; and any such liability shall be enforceable by the Minister in like manner as if it were imposed by the agreement referred to in subsection (2) of this section.
- (5) The Minister shall be entitled to continue in possession of land under this section—
- (a) where it is being farmed by a person acting under the direction of the Minister, and it is shown to the Minister that the landlord has made arrangements satisfactory to the Minister for the farming of the land by himself or by a person approved by the Minister, until the next twenty-ninth day of September, eleventh day of October, twenty-fifth day of March, or sixth day of April, as may be specified in a notice in writing served on the Minister by the landlord not later than two months before the said day;
  - (b) where it is being farmed by a person to whom the Minister has entrusted the farming thereof, until that person is entitled to possession of the land as tenant thereof under an agreement with the landlord approved by the Minister.
- (6) Nothing in subsection (2) of this section shall entitle the Minister, on giving up possession of land, to compensation for disturbance; but save as aforesaid that

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subsection shall apply as if when the Minister gives up possession he were quitting the land on the termination of the tenancy referred to in that subsection by notice to quit duly given by the landlord.

- (7) The enactments relating to income tax and the enactments relating to land tax, and in particular such of those enactments as relate to the deduction of tax from rent and to the taxation of excess rents, shall apply—
- (a) in relation to payments made under subsection (2) of this section by the Minister to the landlord, as if the Minister were a tenant and the landlord were a lessor of the land under such a tenancy agreement as is mentioned in the said subsection (2) and the payments were rent paid thereunder;
  - (b) in relation to payments made by any such person as is mentioned in paragraph (b) of that subsection to the Minister, as if the said person were a tenant and the Minister were a lessor of the land under such a letting as is mentioned in the said paragraph (b) and the payments were rent paid thereunder.
- (8) Any question arising under subsections (2) to (6) of this section between the Minister and the landlord shall in default of agreement be determined by arbitration under the Agricultural Holdings Act, 1923.

## **19 Power of tenant or landlord to apply for dispossession of owner or occupier under supervision.**

- (1) On any review under subsection (2) of section twelve of this Act of the management of land or farming of an agricultural unit of which the owner is not also the occupier.—
- (a) if the review is of management, the representations under paragraph (b) of that subsection of the occupier may include a request that the Minister shall exercise his powers under subsection (1) of section sixteen of this Act in relation to the land;
  - (b) if the review is of farming, the representations under the said paragraph (b) of any owner of land comprised in the agricultural unit may include a request that the Minister shall exercise his powers under subsection (1) of section seventeen of this Act in relation to the said land.
- (2) Where such a request is made the Minister shall not comply therewith unless he is satisfied that the management or farming, as the case may be, has not shown satisfactory improvement while the supervision order has been in force, but save as aforesaid may, subject to the provisions of this section, either comply with or refuse the request.
- (3) If the Minister proposes to refuse such a request, he shall give notice in writing of his proposal to the owner and to the occupier.
- (4) If before the expiration of the prescribed period from the making of such a request no notice has been given either under the last foregoing subsection of a proposal to refuse the request or under section sixteen or seventeen of this Act of a proposal complying with the request, the Minister shall be deemed to have given notice of his proposal to refuse the request.
- (5) Where notice of a proposal to refuse such a request is given or deemed to have been given, the person by whom the request is made may require that the proposal shall be referred to the Agricultural Land Tribunal constituted under Part V of this Act, and the provisions in that behalf of the said Part V shall apply accordingly.



- (6) Where in consequence of a reference to the Agricultural Land Tribunal under the last foregoing subsection the Minister complies with such a request as aforesaid, the provisions of subsections (4) and (5) of section sixteen of this Act or subsections (2) and (3) of section seventeen thereof, as the case may be, shall not apply to any action of the Minister necessary to comply with the request.

*Supplementary.*

**20 Service of notices on agents.**

- (1) Without prejudice to the general provisions of Part V of this Act as to the service of notices, any notice required or authorised to be served on an owner or occupier by the provisions of this Part of this Act relating to the making of supervision orders and the giving of directions shall, where an agent or servant of the owner or occupier is responsible for the control of the management or farming, as the case may be, of the land in question, be duly served if served on that agent or servant:

Provided that where by virtue of this subsection any notice is served in connection with a direction to entrust the management of land to a person approved by the Minister, and the owner of the land is entered on the register kept for the purposes of this Part of this Act, a copy of the notice shall be served on the owner at the address entered on the register in that behalf.

- (2) Anything which under subsection (3) of section fifteen of this Act may be required to be done by an owner or occupier may, where such an agent or servant as aforesaid is responsible for the control of the management or farming, as the case may be, of the land in question, be required to be done by the said agent or servant, and references in paragraphs (a) and (b) of the said subsection (3) to an owner or occupier shall be construed accordingly.

**21 Interpretation in Part II of references to " owner " and " manager " ; and registration of certain owners, trustees, etc.**

- (1) In this Part of this Act, the expression " owner ", subject to the provisions of the next following subsection, means the person in whom for the time being is vested the legal estate in fee simple.
- (2) Where, in relation to all or any of the provisions of this Part of this Act.—
- (a) all persons appearing to the Minister to be concerned agree, with the approval of the Minister, that some person shall be treated as the owner of land other than the person who would be so treated apart from the agreement, or
- (b) on an application in that behalf to the Agricultural Land Tribunal established under Part V of this Act the Tribunal determine, having regard to the respective interests of the persons interested in the land, that some person shall be treated as the owner of the land other than the person who would be so treated apart from the determination,
- that person shall be so treated, but without prejudice to a subsequent agreement or determination or to his ceasing to be so treated if the Minister withdraws his approval under paragraph (a) of this subsection.
- (3) Any question arising under this Part of this Act whether two parcels of land are being managed by the same person shall be determined, if the management of either or both

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of the parcels is under the control of an agent or servant, by reference to the person by whom the agent or servant is employed and not by reference to the agent or servant.

- (4) For the purposes of this Part of this Act the Minister shall keep, in such form as he may determine, a register of owners of land and other persons who are trustees of, or interested under, settlements as mentioned in paragraph (b) of subsection (6) of section sixteen of this Act, being in any case persons who in the prescribed manner apply to be entered on the register.

### PART III

#### AGRICULTURAL HOLDINGS.

*Compensation to tenant for improvements and to landlord for deterioration.*

#### **22 Compensation to tenant for improvements, etc.**

- (1) The tenant of a holding shall, subject to the provisions of this Part of this Act, be entitled at the termination of the tenancy on quitting the holding to obtain from his landlord compensation for any improvement carried out by the tenant on the holding, being an improvement specified in the Third Schedule to this Act or in Part I of the Fourth Schedule thereto, and for any such matter as is specified in Part II of the said Fourth Schedule:

Provided that where the contract of tenancy was made before the first day of January, nineteen hundred and twenty-one, the tenant shall not be entitled to compensation under this section for any such improvement as aforesaid which he was required to carry out by the terms of his tenancy.

- (2) The Minister may, after consultation with such bodies of persons as appear to him to represent the interests of landlords and tenants of holdings, by order vary the provisions of the Third and Fourth Schedules to this Act; and an order under this section may make such provision as to the operation of this Part of this Act and the said Schedules in relation to tenancies current when the order takes effect as appears to the Minister to be just having regard to the variation of the said Schedules effected by the order.

An order under this subsection shall be of no effect unless approved by resolution of each House of Parliament.

- (3) The provisions of this section shall have effect in substitution for the provisions of section one of the Agricultural Holdings Act, 1923 (hereafter in this Part of this Act referred to as the " Act of 1923 " ), and sections one to four of that Act and the First Schedule thereto shall cease to have effect.
- (4) References in any enactment, other than an enactment contained in this Act, to the First Schedule to the Act of 1923 shall be construed as follows, that is to say—
- (a) references to Part I, II or III thereof shall be construed respectively as references to the Third Schedule to this Act, to Part II of that Schedule and to the Fourth Schedule to this Act;
  - (b) subject as aforesaid references to the said First Schedule shall be construed as references to the Third and Fourth Schedules to this Act;

and references in any enactment, other than an enactment contained in this Act, to improvements specified in Part III of the said First Schedule shall be construed as including references to any matters specified in Part II of the Fourth Schedule to this Act.

**23 Measure of compensation for long-term improvements.**

The amount of any compensation under this Part of this Act for an improvement specified in the Third Schedule to this Act shall be an amount equal to the increase attributable to the improvement in the value of the holding as a holding, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry.

**24 Consent of landlord or approval of Minister required for long-term improvements.**

- (1) Subject to the provisions of the next following subsection, a tenant shall not be entitled to compensation for an improvement specified in the Third Schedule to this Act unless the landlord has given his consent in writing to the carrying out thereof, and any such consent may be given by the landlord unconditionally, or upon such terms as to compensation or otherwise as may be agreed upon in writing between the landlord and the tenant; and if any such agreement is made the provisions of the last foregoing section shall have effect subject to the provisions of the agreement.
- (2) Where, in the case of any improvement specified in Part II of the said Third Schedule, a tenant is aggrieved by the refusal of his landlord to give his consent under the last foregoing subsection, or is unwilling to agree to any terms subject to which the landlord is prepared to give his consent, the tenant may, after giving notice in writing to the landlord of his intention so to do, apply to the Minister for approval of the carrying out of the improvement, and on any such application—
  - (a) the Minister may, after affording to the tenant and to the landlord an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, approve the carrying out of the improvement, either unconditionally or upon such terms, whether as to reduction of the compensation which would be payable if the Minister approved unconditionally or as to other matters, as appear to the Minister to be just, or may withhold his approval, and in either case forthwith after coming to a decision on the application shall notify his decision to the landlord and to the tenant;
  - (b) if the Minister grants his approval, the landlord may within the prescribed period from receiving notification of the Minister's decision serve notice in writing on the Minister and the tenant that the landlord proposes himself to carry out the improvement;
  - (c) where the Minister grants his approval, then if either—
    - (i) no notice is duly served by the landlord under the last foregoing paragraph ; or
    - (ii) such a notice is duly served, but on an application in that behalf made by the tenant the Minister, after affording to the tenant and the landlord such an opportunity as aforesaid, determines that the landlord has failed to carry out the improvement within a reasonable time,

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the approval of the Minister shall have effect for the purposes of the last foregoing subsection as if it were the consent of the landlord, and any terms subject to which the approval was given shall have effect as if they were contained in an agreement in writing between the landlord and the tenant.

**25 Measure of compensation for improvements, etc., in Fourth Schedule.**

- (1) The amount of any compensation under this Part of this Act for an improvement specified in Part I of the Fourth Schedule to this Act, or for any matter falling within Part II of that Schedule, shall be the value thereof to an incoming tenant; and the Minister may make regulations prescribing the method of calculating the said, value.
- (2) The Minister shall appoint a committee to advise him as to the provisions to be included in regulations under this section, consisting of such number of persons, having such qualifications, as the Minister thinks expedient, including persons appointed by the Minister as having experience in land agency, farming, estate management and the valuation of tenant right.  

The Minister may pay to members of the committee such travelling and other allowances as he may with the consent of the Treasury determine.
- (3) Nothing in this Part of this Act shall prevent the substitution, in the case of matters falling within Part II of the Fourth Schedule to this Act, for the measure of compensation specified in subsection (1) of this section of such measure of compensation, to be calculated according to such method, if any, as may be specified in a written contract of tenancy.
- (4) Where the landlord and the tenant of a holding have entered into an agreement in writing whereby any benefit is given or allowed to the tenant in consideration of his carrying out an improvement specified in Part I of the Fourth Schedule to this Act, the benefit shall be taken into account in assessing compensation under this section for the improvement.
- (5) A tenant shall not be entitled to compensation for an improvement specified in paragraph 1 of the Fourth Schedule to this Act unless not later than one month before the improvement was begun he gave notice in writing to the landlord of his intention to carry out the improvement.

**26 Reduction of compensation where grant received by tenant.**

Where any grant out of moneys provided by Parliament has been or will be made to the tenant of a holding in respect of an improvement specified in the Third Schedule to this Act or Part I of the Fourth Schedule thereto, the grant shall be taken into account in assessing compensation under this Part of this Act for the improvement.

**27 Claims not to be made for compensation based on custom.**

A landlord or tenant of a holding shall not be entitled under custom to any compensation from his tenant or landlord in respect of any improvement, whether specified in the Third or Fourth Schedule to this Act or not, or any matter specified in the Fourth Schedule to this Act, or otherwise.

## **28 Compensation for continuous adoption of special system of farming.**

- (1) The following provision shall be substituted in section nine of the Act of 1923 (which provides for compensation to a tenant for increasing the value of a holding by the continuous adoption of a standard of farming or system of farming which has been more beneficial to the holding than the standard or system (if any) required by the contract of tenancy) for so much of subsection (1) of that section as precedes the provisos thereto:—

“Where the tenant of a holding shows that by the continuous adoption of a system of farming which has been more beneficial to the holding—

- (i) than the system of farming required by the contract of tenancy, or
- (ii) in so far as no system of farming is so required, than the system of farming normally practised on comparable holdings,

the value of the holding as a holding has been increased during the tenancy, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry, the tenant shall be entitled, on quitting the holding on the termination of the tenancy, to obtain from the landlord compensation of an amount equal to the increase,”

and in proviso (c) to the said subsection (1) for the words " value to an incoming tenant " there shall be substituted the words " value of the holding for the purposes of this section ".

- (2) In proviso (a) to the said subsection (1) (which excludes the operation of the section where no record of the condition of the holding has been made, or in respect of matters arising before the date of the record so made) the reference to the said date shall be construed, where more than one such record has been made during the tenancy, as a reference to the date of the first such record.
- (3) In proviso (b) to the said subsection (1) (which provides that compensation under the section shall not be payable unless the tenant has, before the termination of the tenancy, given notice of his intention to claim) for the words " before the termination " there shall be substituted the words " not later than one month before the termination. "

## **29 Compensation to landlord for deterioration of holding.**

- (1) The landlord of a holding shall be entitled to recover from a tenant of the holding, on the tenant's quitting the holding on the termination of the tenancy, compensation in respect of the dilapidation or deterioration of, or damage to, any part of the holding, or anything in or on the holding, caused by non-fulfilment by the tenant of his responsibilities to farm in accordance with the rules of good husbandry.
- (2) The amount of the compensation payable under the last foregoing subsection shall be the cost, as at the date of the tenant's quitting the holding, of making good the dilapidation, deterioration or damage.
- (3) Notwithstanding anything in this Part of this Act, the landlord may in lieu of claiming compensation under subsection (1) of this section claim compensation in respect of matters specified therein under and in accordance with a written contract of tenancy, so however that—
- (a) compensation shall be so claimed only on the tenant's quitting the holding on the termination of the tenancy;
  - (b) compensation shall not be claimed in respect of any one holding both under such a contract and under the said subsection (1).

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- (4) Where, on the quitting of a holding by a tenant thereof on the termination of the tenancy, the landlord shows that the value of the holding generally has been reduced whether by reason of any such dilapidation, deterioration or damage as is mentioned in subsection (1) of this section or otherwise by non-fulfilment by the tenant of his responsibilities to farm in accordance with the rules of good husbandry, the landlord shall be entitled to recover from the tenant compensation therefor, in so far as the landlord is not compensated therefor under subsection (1) or in accordance with subsection (3) of this section, of an amount equal to the decrease attributable thereto in the value of the holding as a holding, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry :
- Provided that compensation shall not be recoverable under this subsection unless the landlord has, not later than one month before the termination of the tenancy, given notice in writing to the tenant of his intention to claim compensation thereunder.
- (5) Where a tenant has remained in his holding during two or more tenancies, his landlord shall not be deprived of his right to compensation under this section in respect of any dilapidation, deterioration or damage by reason only that the tenancy during which an act or omission occurred which in whole or in part caused the dilapidation, deterioration or damage was a tenancy other than the tenancy at the termination of which the tenant quits the holding.
- (6) Section ten of the Act of 1923, which provides for compensation to the landlord for deterioration of a holding, shall cease to have effect.

*Compensation for disturbance, and provisions as to notices to quit.*

### **30 Compensation for disturbance.**

- (1) Where the tenancy of a holding terminates by reason of a notice to quit given by the landlord, and in consequence of the notice the tenant quits the holding, then, subject to the provisions of this section, unless—
- (a) on an application in that behalf made to the Minister not more than six months before the giving of the notice to quit the Minister was satisfied in relation to the holding that the tenant was not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and certified that he was so satisfied ; or
  - (b) at the date of the giving of the notice to quit the tenant had failed to comply with a notice in writing served on him by the landlord requiring him within two months from the service of the notice to pay any rent due in respect of the holding, or within a reasonable time or within such reasonable period as may be specified in the notice to remedy any breach by the tenant which was capable of being remedied of any term or condition of his tenancy which was not inconsistent with the fulfilment of his said responsibilities; or
  - (c) at the said date the interest of the landlord in the holding had been materially prejudiced by the commission by the tenant of a breach which was not capable of being remedied of any term or condition of the tenancy which was not inconsistent as aforesaid; or
  - (d) at the said date the tenant was a person who had become bankrupt or compounded with his creditors; or
  - (e) the tenant with whom the contract of tenancy was made had died within three months before the said date ;

and unless the notice to quit states that it is given by reason of one or more of the matters aforesaid, specifying it or them, compensation for the disturbance shall be payable by the landlord to the tenant in accordance with the provisions of this section.

The provisions of the Fifth Schedule to this Act shall have effect in relation to applications for certificates under paragraph (a) of this subsection.

- (2) The amount of the compensation payable under this section shall be the amount of the loss or expense directly attributable to the quitting of the holding which is unavoidably incurred by the tenant upon or in connection with the sale or removal of his household goods, implements of husbandry, fixtures, farm produce or farm stock on or used in connection with the holding, and shall include any expenses reasonably incurred by him in the preparation of his claim for compensation (not being costs of an arbitration to determine any question arising under this section) :

Provided that—

- (a) compensation shall be payable under this section of an amount equal to one year's rent of the holding, at the rate at which rent was payable immediately before the termination of the tenancy, without proof by the tenant of any such loss or expense as aforesaid ;
  - (b) the tenant shall not be entitled to claim any greater amount than one year's rent of the holding unless before the sale of any such goods, implements, fixtures, produce or stock as aforesaid he has given to the landlord a reasonable opportunity of making a valuation thereof ;
  - (c) the tenant shall not be entitled to claim any greater amount than aforesaid unless not less than one month before the termination of the tenancy he has given to the landlord notice in writing of his intention to make such a claim;
  - (d) the tenant shall not in any case be entitled to compensation in excess of two years' rent of the holding.
- (3) Where the tenant of a holding has sub-let the holding, and in consequence of a notice to quit given by his landlord becomes liable to pay compensation under this section to the sub-tenant, the tenant shall not be debarred from recovering compensation under this section by reason only that, owing to not being in occupation of the holding, on the termination of his tenancy he does not quit the holding.
- (4) Where under section twenty-seven of the Act of 1923 the tenant accepts a notice to quit part of his holding as a notice to quit the entire holding, and—
- (a) the part of the holding affected by the notice given by the landlord, together with any part of the holding affected by any previous notice given by the landlord under that section, is less than one fourth part of the original holding, and
  - (b) the holding as proposed to be diminished is reasonably capable of being farmed as a separate holding,
- compensation shall not be payable under this section except in respect of the part of the holding to which the notice to quit relates.
- (5) Compensation payable under this section shall be in addition to any compensation to which the tenant may be entitled apart from this section.
- (6) If, while a certificate under paragraph (a) of subsection (1) of this section is in force, the landlord within six months from the application for the certificate gives notice to quit to the tenant—

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- (a) the Minister shall have power, after affording to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, by notice in writing to give to the tenant such directions as appear to the Minister necessary for securing that the holding shall not further deteriorate before the determination of the tenancy, and subsections (4) to (8) of section fourteen and subsection (1) of section twenty of this Act shall apply to directions under this subsection as they apply to directions under the said section fourteen ; and
  - (b) where the tenant contravenes or fails to comply with any direction given under the foregoing paragraph, the Minister may order that the tenancy shall terminate by virtue of the notice to quit at such date earlier than the date specified in that notice as may be specified in the order, being a date not less than three months later than the service on the tenant of notice in writing of the making of the order.
- (7) Sections twelve to fourteen of the Act of 1923 (which relate to compensation for disturbance) shall cease to have effect, and the reference in the proviso to subsection (2) of section one hundred and forty of the Law of Property Act, 1925, to paragraph (d) of subsection (7) of the said section twelve shall be construed as a reference to subsection (4) of this section.
- (8) Nothing in this section shall apply to a notice to terminate a tenancy of a holding subsisting under a written contract entered into before the twenty-fifth day of March, nineteen hundred and forty-seven—
- (a) where immediately before the creation of the tenancy the holding had been for a period of not less than twelve months in the occupation of the landlord ;
  - (b) the holding is let upon the express terms that if the landlord desires to resume that occupation before the expiration of a specified period not exceeding seven years the landlord shall be entitled to give notice to quit without becoming liable to pay to the tenant any compensation for disturbance ; and
  - (c) the notice to terminate the tenancy is given so as to enable the landlord to resume occupation of the holding within the specified period.

### **31 Restrictions on termination by notice of tenancies of holdings.**

- (1) Where notice to quit a holding or part of a holding is given to the tenant thereof, and not later than one month from the giving of the notice to quit the tenant serves on the landlord notice in writing requiring that this subsection shall apply to the notice to quit, then subject to the provisions of the next following subsection the notice to quit shall not have effect unless the Minister consents to the operation thereof.
- (2) The last foregoing subsection shall not apply—
- (a) where the Minister has consented under this section to the operation of the notice to quit before the giving thereof, and that fact is stated in the notice ;
  - (b) where one or more of the conditions specified in paragraphs (a) to (e) of subsection (1) of the last foregoing section is fulfilled, and it is stated in the notice to quit that the notice is given by reason thereof ;
  - (c) where the notice to quit is given on the ground that the land is required for a use, other than for agriculture, for which permission has been granted on an application made under the enactments relating to town and country planning, or for which (otherwise than by virtue of any provision of those enactments) such permission is not required, and that fact is stated in the notice.



- (3) Without prejudice to the discretion of the Minister in a case falling within paragraphs (a) to (d) of this subsection, the Minister shall withhold his consent under this section to the operation of a notice to quit unless he is satisfied—
- (a) that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable in the interests of efficient farming whether as respects good estate management or good husbandry or otherwise; or
  - (b) that the carrying out thereof is otherwise desirable for the purposes of agricultural research, education, experiment or demonstration or for the purposes of the enactments relating to smallholdings or allotments ; or
  - (c) where the tenancy was created after the passing of this Act, that the landlord proposes to terminate the tenancy for a purpose, specified in the contract of tenancy, for which the interest of the landlord was held immediately before the creation of the tenancy, and that greater hardship would be caused by the Minister's withholding than by his granting his consent to the operation of the notice; or
  - (d) where the tenancy was created before the passing of this Act and the same person was landlord at the passing thereof as at the time when the notice to quit was given or, if the application for the Minister's consent is made before giving the notice to quit, at the time of the application, that greater hardship would be caused by the Minister's withholding than by his granting his consent to the operation of the notice ; or
  - (e) that the landlord proposes to terminate the tenancy for the purpose of the land being used for a use, other than for agriculture, not falling within paragraph (c) of the last foregoing subsection.
- (4) The Minister shall not give or withhold his consent under this section to the operation of a notice to quit except after affording to the landlord and to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister.
- (5) Forthwith after the giving or withholding of his consent as aforesaid the Minister shall give notice thereof in writing to the landlord and to the tenant.
- (6) If the landlord or the tenant is dissatisfied with the Minister's decision to withhold or to give his consent to the operation of a notice to quit, the landlord or tenant may within the prescribed time and in the prescribed manner require that the matter shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and where a reference to the Tribunal under this subsection is duly required subsections (i) to (3) of this section shall have effect with the substitution (except in so much of paragraph (d) of the said subsection (3) as relates to the application for the Minister's consent) for references to the Minister of references to the Tribunal.
- (7) Where the Minister or the Agricultural Land Tribunal consent under this section to the operation of a notice to quit, the Minister or the Tribunal may impose such conditions as appear to the Minister or the Tribunal requisite for securing that the land to which the notice relates will be used for the purpose for which the landlord proposes to terminate the tenancy, and if the Minister is satisfied that within a reasonable time after the notice to quit has expired any condition imposed under this section has not been complied with—
- (a) the Minister may take possession of the land for the purpose of farming it, and

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- (b) the provisions of section eighteen of this Act shall apply as they apply where the Minister takes possession of land under that section, but with the substitution for the reference to a requirement of a reference to a condition.

Where on an application by the landlord in that behalf the Minister is satisfied that by reason of any change of circumstances or otherwise any condition imposed under this subsection ought to be varied or revoked, he shall vary or revoke the condition accordingly.

- (8) The Minister may make regulations—
- (a) for requiring any question arising under subsection (2) of this section to be determined by arbitration under the Act of 1923, for limiting the time within which any such arbitration may be required or any proceedings for the purposes thereof may be taken, and for extending the period within which a notice may be given by the tenant under subsection (1) of this section where any such arbitration is required ;
  - (b) as to the time within which and the manner in which applications for the Minister's consent to the operation of notices to quit may be made under this section ;
  - (c) for suspending the operation of notices to quit until the termination of any such arbitration as aforesaid or of any reference to the Agricultural Land Tribunal under this section;
  - (d) for postponing the date at which a tenancy is to be terminated by a notice to quit which has effect in consequence of any such arbitration or reference as aforesaid;
  - (e) for excluding the application of subsection (1) of this section in relation to sub-tenancies in such cases as may be prescribed, and for making such provision as appears to the Minister expedient for the purpose of safeguarding the interest of sub-tenants, including provision enabling the Minister or the Agricultural Land Tribunal, where the interest of a tenant is terminated by notice to quit, to secure that a sub-tenant will hold from the landlord on the like terms as he held from the tenant.
- (9) Paragraphs (a) and (b) of subsection (2) of section twenty-five of the Act of 1923 (which provide that twelve months' notice to terminate the tenancy of a holding shall not be required in the case of land of which possession is resumed for the purposes of government departments, local authorities or statutory undertakers) shall cease to have effect except in the case of a tenancy subsisting under a contract entered into before the twenty-fifth day of March, nineteen hundred and forty-seven.
- (10) Nothing in this section shall apply to any such notice as is specified in subsection (8) of the last foregoing section.

### **32 Provisions as to notices to quit where holding agreed to be sold.**

- (1) The provisions of the two following subsections shall have effect where, whether before or after the commencement of this Part of this Act, notice to quit land being or comprised in a holding has been given to the tenant and at any time after the commencement of this Part of this Act while the notice is current a contract is made for the sale of the landlord's interest in the land or any part thereof.

- (2) Unless within the period of three months ending with the making of the contract the landlord and the tenant have agreed in writing whether on the making of such a contract the notice shall continue in force or be of no effect.—
  - (a) the landlord shall, before the expiration of the prescribed period from the making of the contract, or, where the notice to quit expires within the last mentioned period, before the expiration of the notice to quit, give notice in writing to the tenant of the making of the contract, and
  - (b) the tenant may before the expiration of the notice to quit notify the landlord in writing that the tenant elects that the notice to quit shall continue in force, so however that the tenant shall not give a notification under this paragraph after the expiration of one month from the receipt by him of a notice under the last foregoing paragraph of the making of the contract.
- (3) In default of any such agreement or notification as aforesaid the notice to quit shall be of no effect unless the landlord has failed duly to give notice of the making of the contract and the tenant quits the holding in consequence of the notice to quit.
- (4) A notice to quit shall not be invalid by reason only that under any such agreement as aforesaid the operation of the notice is conditional.
- (5) The foregoing provisions of this section shall have effect in substitution for the provisions of section twenty-six of the Act of 1923.

*Supplementary provisions as to compensation.*

**33 Extent to which compensation recoverable under agreements.**

- (1) Save as expressly provided in the provisions of the Act of 1923, of this Part of this Act and of the Schedules therein referred to, in any case for which apart from this section those provisions provide for compensation, a tenant or landlord shall be entitled to compensation in accordance with those provisions and not otherwise, and shall be so entitled notwithstanding any agreement to the contrary.
- (2) Nothing in the said provisions, apart from this section, shall be construed as disentitling a tenant or landlord to compensation in any case for which the said provisions do not provide for compensation, but a claim for compensation in any such case as aforesaid shall not be enforceable except under an agreement in writing.
- (3) Section fifty of the Act of 1923 (which provides for avoiding certain contracts not in accordance with the provisions of that Act) shall cease to have effect.

**34 Transitional provisions as to compensation.**

- (1) The provisions relating to compensation of this Part of this Act and the Schedules therein referred to, other than this section, shall not have effect where the tenant of a holding quits the holding in consequence of a notice to quit given (whether by the landlord or the tenant) before the commencement of this Part of this Act, or in consequence of a surrender of the tenancy in pursuance of an agreement in writing made before the commencement thereof.
- (2) Subject to the last foregoing subsection, the said provisions shall apply whether the tenant entered into occupation of the holding before or after the commencement of this Part of this Act, except that—

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- (a) the said provisions shall not apply in relation to any improvements specified in the Third Schedule to this Act or Part I of the Fourth Schedule thereto begun before the commencement of this Part of this Act;
- (b) in relation to the matters specified in Part II of the said Fourth Schedule, a tenant who entered into occupation of the holding before the commencement of this Part of this Act shall be treated as if the said provisions had not come into operation, unless before the termination of the tenancy the tenant gives notice in writing to the landlord that this paragraph is not to have effect in relation to the holding :

Provided that—

- (i) where the tenancy terminates by reason of a notice to quit, and at any time while the notice to quit is current the landlord gives notice in writing to the tenant requiring him to elect whether paragraph (b) of this subsection is to have effect in relation to the holding, the tenant shall not be entitled to give a notice under that paragraph after the expiration of one month from the giving of the notice under this paragraph or, if the operation of the notice to quit depends on any proceedings under section thirty-one of this Act, after the expiration of one month from the termination of those proceedings ;
  - (ii) where the tenancy terminates by reason of an order under subsection (1) of section seventeen of this Act, and at any time after the making of the order and before the termination of the tenancy the landlord gives such a notice in writing as aforesaid to the tenant, the tenant shall not be entitled to give a notice under paragraph (b) of this subsection after the expiration of one month from the giving of the notice under this paragraph.
- (3) References in this section to the said provisions include references to so much of Part V of this Act as repeals provisions of the Act of 1923 relating to compensation or any enactment amending those provisions of the Act of 1923.

*Variation and ascertainment of terms of contracts of tenancy.*

### **35 Variation of rent of holdings.**

- (1) Subject to the provisions of this section, the landlord or the tenant of a holding may, whether the tenancy was created before or after the commencement of this Part of this Act, by notice in writing served on his tenant or landlord demand a reference to arbitration under the Act of 1923 of the question what rent should be payable in respect of the holding as from the next ensuing day on which the tenancy could have been determined by notice to quit given at the date of demanding the reference.
- (2) On any reference under the last foregoing subsection the arbitrator—
  - (a) shall not take into account any increase in the rental value of the holding which is due to improvements which have been executed thereon in so far as they were executed wholly or partly at the expense of the tenant (whether or not that expense has been or will be reimbursed by a grant out of moneys provided by Parliament) without any equivalent allowance or benefit made or given by the landlord in consideration of their execution, and have not been executed under an obligation imposed on the tenant by the terms of his contract of tenancy, or to improvements which have been executed thereon by the landlord in so far as the landlord has received or will receive grants out of moneys provided by Parliament in respect of the execution thereof, and

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- (b) shall not fix the rent at a lower amount by reason of any dilapidation or deterioration of, or damage to, buildings or land caused or permitted by the tenant ;

subject as aforesaid, the arbitrator shall determine what rent should properly be payable in respect of the holding at the date of the reference, and accordingly shall as from the day mentioned in the last foregoing subsection increase or reduce the rent previously payable or direct that it continue unchanged.

- (3) A reference to arbitration under subsection (1) of this section shall not be demanded in such circumstances that any increase or reduction of rent made in consequence thereof would take effect as from a date earlier than the expiration of three years from any of the following dates, that is to say—
  - (a) the commencement of the tenancy, or
  - (b) the date as from which there took effect a previous increase or reduction of rent (whether made under this section or otherwise), or
  - (c) the date as from which there took effect a previous direction of an arbitrator under this section that the rent should continue unchanged :

Provided that there shall be disregarded for the purposes of this subsection—

- (i) any increase of rent under subsection (4) of this section or any such increase as is referred to in proviso (i) to that subsection,
- (ii) any reduction of rent under subsection (6) of section seventeen of this Act or under section twenty-seven of the Act of 1923,
- (iii) any other variation of rent which under the following provisions of this Act is directed to be disregarded for the purposes of this subsection.

- (4) Where the landlord of a holding has, whether before or after the commencement of this Part of this Act, carried out on the holding any improvement, whether specified in the Third or Fourth Schedule to this Act or not, being an improvement—
  - (a) carried out at the request of or in agreement with the tenant, or in pursuance of a notice served by the landlord under paragraph (b) of subsection (2) of section twenty-four of this Act, or carried out under subsection (3) of section three of the Act of 1923, or
  - (b) carried out in compliance with a direction given by the Minister under powers conferred on him by or under any enactment, or
  - (c) carried out in such circumstances that apart from this Act any interest or rent in respect thereof would be recoverable by the landlord under section nine of the Agriculture (Miscellaneous Provisions) Act, 1943, or section nine of the Hill Farming Act, 1946,

the rent of the holding shall, if the landlord by notice in writing served on the tenant within six months from the completion of the improvement so requires, be increased as from the completion of the improvement, or, where the improvement was completed before the commencement of this Part of this Act, the commencement of this Part of this Act, by an amount equal to the increase in the rental value of the holding attributable to the carrying out of the improvement:

Provided that—

- (i) no increase shall be made under this subsection if before the commencement of this Part of this Act the landlord and the tenant have agreed on any increase in rent or other benefit to the landlord in respect of the improvement, or if before the commencement of this Part of this Act any sum has become payable

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under subsection (3) of section three of the Act of 1923, the said Act of 1943 or the said Act of 1946 ;

(ii) where any grant has been made to the landlord in respect of the improvement out of moneys provided by Parliament, the increase in rent provided for by the foregoing provisions of this subsection shall be reduced proportionately.

- (5) No interest or rent shall be recoverable by a landlord under the said Act of 1943 or the said Act of 1946 in respect of any improvement specified in paragraph (c) of the last foregoing subsection, whether completed before or after the commencement of this Part of this Act, except where interest or rent has become payable in respect of the improvement before the commencement of this Part of this Act.
- (6) Any dispute arising between the landlord and the tenant of the holding under the two last foregoing subsections shall be determined by arbitration under the Act of 1923.

### **36 Variation of terms of tenancy as to permanent pasture.**

(1) Where under the contract for a tenancy of a holding, whether created before or after the commencement of this Part of this Act, provision is made for the maintenance of specified land, or a specified proportion of the holding, as permanent pasture, and it appears to the Minister, either on the application of the landlord or the tenant or otherwise.—

- (a) that it is expedient in order to secure the full and efficient farming of the holding that the amount of land required to be maintained as permanent pasture should be reduced, and
- (b) where there has been an application under this section by the landlord or the tenant, that the landlord or tenant has requested his tenant or landlord to agree to the appropriate reduction but no agreement has been reached thereon,

the Minister may, after affording to the landlord and to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, direct that the contract of tenancy shall have effect subject to such modifications of the provisions thereof as to land which is to be maintained as permanent pasture or is to be treated as arable land, and as to cropping, as appear to the Minister expedient as aforesaid and are specified in the direction.

- (2) Where by virtue of a direction under this section a contract of tenancy has effect subject to a reduction of the land which is to be maintained as permanent pasture, the provisions of paragraphs 2 and 3 of the Second Schedule to this Act shall have effect in relation to the direction.
- (3) Where the landlord and the tenant of a holding enter into an agreement in writing for any such variation of the terms of the contract of tenancy as could be made by direction under subsection (1) of this section, or under the said paragraph 2, the agreement may, notwithstanding anything in this Part of this Act, provide for the exclusion of compensation in like manner as under the said paragraph 3.

### **37 Liability for repair, maintenance and insurance of fixed equipment.**

(1) The Minister may, after consultation with such bodies of persons as appear to him to represent the interests of landlords and tenants of holdings, make regulations prescribing terms as to the maintenance, repair and insurance of fixed equipment which shall be deemed to be incorporated in every contract of tenancy of a holding, whether made before or after the commencement of this Part of this Act, except in so

far as they would impose on one of the parties to an agreement in writing a liability which under the agreement is imposed on the other.

- (2) Where an agreement in writing relating to a tenancy of a holding, whether created before or after the commencement of this Part of this Act, effects substantial modifications in the operation of regulations under the last foregoing subsection, the landlord or the tenant of the holding may, if he has requested his tenant or landlord to vary the agreement so as to bring it into conformity with the provisions of regulations under that subsection but no agreement has been reached on the request, refer to arbitration under the Act of 1923 the terms of the tenancy with respect to the maintenance, repair and insurance of fixed equipment:

Provided that where there has been a previous reference under this subsection relating to the same tenancy, no further such reference shall be made before the expiration of three years from the coming into effect of the award of the arbitrator on the previous reference.

- (3) On any reference under the last foregoing subsection the arbitrator shall consider whether (disregarding the rent payable for the holding) the said modifications effected by the agreement are justifiable having regard to the circumstances of the holding and of the landlord and the tenant; and if he determines that they are not justifiable as aforesaid, he may by his award vary the terms referred to arbitration in such manner as appears to him reasonable and just between the landlord and the tenant.

### **38 Provisions for securing written tenancy agreements.**

- (1) Where there is not in force in respect of any tenancy of a holding, whether created before or after the commencement of this Part of this Act, an agreement in writing embodying the terms of the tenancy, or there is such an agreement in force but it contains no provision for one or more of the matters specified in the Sixth Schedule to this Act, the landlord or the tenant of the holding may, if he has requested his tenant or landlord to enter into such an agreement containing provision for all of the said matters but no such agreement has been concluded, refer the terms of the tenancy to arbitration under the Act of 1923.
- (2) On any such reference the arbitrator shall by his award specify the existing terms of the tenancy, subject to any variations thereof agreed between the landlord and the tenant, and, in so far as those terms as so varied make no provision therefor and do not make provision inconsistent therewith, make provision for all the matters specified in the Sixth Schedule to this Act having such effect as may be agreed between the landlord and the tenant or, in default of agreement, as appears to the arbitrator to be reasonable and just between the landlord and the tenant.
- (3) Where regulations under the last foregoing section have varied the terms of a tenancy of a holding as to maintenance, repair or insurance of fixed equipment (whether those terms were established by agreement or by the operation of regulations under the last foregoing section), then, if a reference is made under this section within the prescribed period after the coming into operation of the first mentioned regulations, the arbitrator shall for the purposes of the last foregoing subsection disregard the variation.
- (4) On any such arbitration the arbitrator may include in his award any further provisions relating to the tenancy which may be agreed between the landlord and the tenant.

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### **39 Supplementary provisions as to sections 37 and 38.**

- (1) Where by virtue of section thirty-seven or thirty-eight of this Act the liability for the maintenance or repair of any item of fixed equipment is transferred from the tenant to the landlord, the landlord may within the prescribed period beginning with the date on which the transfer takes effect require that there shall be determined by arbitration under the Act of 1923, and paid by the tenant, the amount of any compensation which would have been payable either under section twenty-nine of this Act or in accordance with subsection (3) of that section, in respect of any previous failure by the tenant to discharge the said liability, if the tenant had quitted the holding on the termination of his tenancy at the date on which the transfer takes effect.
- (2) For the purposes of so much of subsection (3) of section twenty-nine of this Act as prevents a landlord claiming compensation in respect of the same holding both under a contract of tenancy and under subsection (1) of the said section twenty-nine, any claim under the last foregoing subsection shall be disregarded.
- (3) Where by virtue of section thirty-seven or thirty-eight of this Act the liability for the maintenance or repair of any item of fixed equipment is transferred from the landlord to the tenant, any claim by the tenant in respect of any previous failure by the landlord to discharge the said liability shall, if the tenant within the prescribed period beginning with the date on which the transfer takes effect so requires, be determined by arbitration under the Act of 1923.
- (4) Where it appears to the arbitrator—
  - (a) on any reference under subsection (2) of section thirty-seven of this Act that by reason of any provision included in his award, or
  - (b) on any reference under the last foregoing section that by reason of any provision which he is required by that section to include in his award,
 it is equitable that the rent of the holding should be varied, he may vary the rent accordingly, and for the purposes of subsection (3) of section thirty-five of this Act any variation of rent under this subsection shall be disregarded.
- (5) The award of an arbitrator under section thirty-seven or thirty-eight of this Act shall have effect as if the terms and provisions specified and made therein were contained in an agreement in writing entered into by the landlord and the tenant and having effect as from the making of the award or, if the award so provides, from such later date as may be specified therein.

*General.*

### **40 Restriction on letting agricultural land for less than from year to year.**

- (1) Subject to the provisions of this section, where under an agreement made after the commencement of this Part of this Act any land is let to a person for use as agricultural land for an interest less than a tenancy from year to year, or a person is granted a licence to occupy land for use as agricultural land, and the circumstances are such that if his interest were a tenancy from year to year he would in respect of that land be the tenant of a holding as denned in the Act of 1923, then, unless the letting or grant was approved by the Minister before the agreement was entered into, the agreement shall take effect, with the necessary modifications, as if it were an agreement for the letting of the land for a tenancy from year to year :



Provided that this subsection shall not have effect in relation to an agreement for the letting of land, or the granting of a licence to occupy land, made (whether or not the agreement expressly so provides) in contemplation of the use of the land only for grazing or mowing during some specified period of the year, or to an agreement for the letting of land, or the granting of a licence to occupy land, by a person whose interest in the land is less than a tenancy from year to year and has not by virtue of this section taken effect as such a tenancy.

- (2) Any dispute arising as to the operation of the last foregoing subsection in relation to any agreement shall be determined by arbitration under the Act of 1923.

#### **41 Power of tenant to obtain charge on holding in respect of compensation.**

- (1) Where after the commencement of this Part of this Act any sum has become due to the tenant of a holding in respect of compensation from the landlord, and the landlord fails to discharge his liability therefor within the period of one month from the date on which the sum became due, the tenant shall be entitled to obtain from the Minister an order in favour of himself, his executors, administrators and assigns charging the holding with repayment of the amount due, and of all costs properly incurred by him in obtaining the charge, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the Minister thinks fit.
- (2) Any charge in respect of sums payable to a tenant created under this section or under section fifteen or section forty-one of the Act of 1923 (which provide for charges where a mortgagee takes possession or where the landlord is a trustee) shall rank in priority to any other charge, however and whenever created or arising; and any charges on a holding created under this section or the said sections fifteen and forty-one shall rank in the order of their creation.

This subsection shall bind the Crown.

- (3) Subsections (3) and (5) of section twenty of the Act of 1923 (which prevent the forfeiture of an interest by the creation of a charge under that section and provide for the assignment of such a charge) and subsection (1) of section ten of the Land Charges Act, 1925 (which relates to the registration of certain charges) shall apply to charges obtained under this section as they apply to charges obtained under the said section twenty.

#### **42 Power of limited owner to apply capital moneys for improvements.**

- (1) Where under powers conferred by the Settled Land Act, 1925, or the Law of Property Act, 1925, capital money is applied in or about the execution of any improvement specified in the Third Schedule to this Act, no provision shall be made for requiring the money or any part thereof to be replaced out of income, and accordingly any such improvement shall be deemed to be an improvement authorised by Part I of the Third Schedule to the Settled Land Act, 1925.
- (2) Where under powers conferred by the Universities and College Estates Act, 1925, capital money is applied in payment for any improvement specified in the Third Schedule to this Act, no provision shall be made for replacing the money out of income unless the Minister requires such provision to be made under subsection (5) of section twenty-six of that Act.

#### **43 Power of landlord to enter on holding.**

Without prejudice to the provisions of section twenty-eight of the Act of 1923 (which confers on a landlord power to enter to view the state of a holding), the landlord of a holding or any person authorised by him may at all reasonable times enter on the holding for the purpose of fulfilling the landlord's responsibilities to manage the holding in accordance with the rules of good estate management, or for the purpose of providing or improving fixed equipment on the holding otherwise than in fulfilment of his said responsibilities.

#### **44 Provisions as to arbitration.**

- (1) Without prejudice to any other provision of this Act or of the Act of 1923, any claim of whatever nature by the tenant or landlord of a holding against his landlord or tenant, being a claim which arises—
- (a) under the Act of 1923 or this Act or any custom or agreement, and
  - (b) on or out of the termination of the tenancy of the holding or part thereof after the commencement of this Part of this Act,

shall, subject to the provisions of this section, be determined by arbitration under the Act of 1923.

- (2) No such claim as aforesaid shall be enforceable unless before the expiration of two months from the termination of the tenancy the claimant has served notice in writing on his landlord or tenant, as the case may be, of his intention to make the

A notice under this subsection shall specify the nature of the claim, and it shall be a sufficient specification thereof if the notice refers to the statutory provision, custom, or term of an agreement under which the claim is made.

- (3) The landlord and tenant may within the period of four months from the termination of the tenancy by agreement in writing settle any such claim as aforesaid, and the Minister may upon the application of the landlord or the tenant made within that period extend the said period by two months and, on a second such application made during those two months, by a further two months.
- (4) Where by the expiration of the said period and any extension thereof made under the last foregoing subsection any such claim as aforesaid has not been settled, the claim shall cease to be enforceable unless before the expiration of one month from the end of the said period and any such extension, or within such longer time as the Minister may in special circumstances allow, an arbitrator has been appointed by agreement between the landlord and the tenant under the provisions in that behalf of the Act of 1923, or an application for the nomination of an arbitrator under those provisions has been made by the landlord or the tenant.
- (5) Where a tenant lawfully remains in occupation of part of a holding after the termination of a tenancy, references in subsections (2) and (3) of this section to the termination thereof shall, in the case of a claim relating to that part of the holding, be construed as references to the termination of the occupation.
- (6) Nothing in section fifty-four of the Act of 1923 (which contains a general saving for the remedies of a landlord or tenant) shall be construed as limiting the generality of the provisions of subsection (1) of this section.
- (7) The provisions of county court rules as to the issuing of witness summonses shall, subject to such modifications as may be prescribed by such rules, apply for the

purposes of any arbitration under the Act of 1923 as if it were an action or matter in the county court.

- (8) Section five, and subsection (2) of section sixteen, of the Act of 1923 (which relate to the reference of matters to arbitration) shall cease to have effect ; and in subsection (1) of the said section sixteen for the words from the beginning to " referred to arbitration " there shall be substituted the words " Any question which is referred to arbitration under this Act " .

**45 Minor and consequential amendments relating to Part III.**

The enactments specified in the Seventh Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the provisions of this Part of this Act.

**46 Construction, citation and application of Part III.**

- (1) The provisions of this Part of this Act and the Schedules therein referred to shall be construed as one with the Act of 1923 ; and that Act and those provisions may be cited together as the Agricultural Holdings Acts, 1923 to 1947.
- (2) Without prejudice to sections forty-three to forty-five of the Act of 1923 (which relate to land belonging to His Majesty in right of the Crown or of the Duchy of Lancaster and land belonging to the Duchy of Cornwall) it is hereby declared that the provisions of the Act of 1923 and this Part of this Act and the Schedules therein referred to apply to land notwithstanding that the interest of the landlord or tenant thereof is held on behalf of His Majesty for the purposes of any Government department ; but in the application thereof to any land belonging, or an interest in which is held, as aforesaid the said provisions shall have effect subject to such modifications as may be prescribed.

**PART IV**

SMALLHOLDINGS.

*Provision of smallholdings.*

**47 Duty of county councils to provide smallholdings.**

- (1) For the purpose of affording to persons with agricultural experience an opportunity of becoming farmers on their own account, it shall be the duty of every county council, other than the London County Council, to provide smallholdings, for letting to such persons as aforesaid, to the extent to which a demand therefor is indicated by applications received by the council, suitable land can be obtained for the purpose and the smallholdings can be provided without detriment to the general interests of agriculture.
- (2) Any council on whom the said duty is imposed is in this Act referred to as a " smallholdings authority " .

**48 Acquisition by smallholdings authority of land for smallholdings.**

- (1) A smallholdings authority shall have power, if so authorised by the Minister, to acquire land for the purposes of smallholdings by agreement, or by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf.
- (2) In deciding whether to authorise any acquisition of land under this section, the Minister shall have regard, among other things, to the suitability of the land for the purpose for which it is proposed to be acquired, the probable cost of the acquisition thereof and the general interests of agriculture.
- (3) Before a smallholdings authority proceed to acquire under this section land outside their area, they shall consult with the council of the county or county borough in whose area the land is situated.
- (4) Where a smallholdings authority have been authorised to acquire land for the purposes of smallholdings they shall not, except where in special circumstances it appears to them requisite so to do, exercise their powers of acquisition so as to require any person farming the land to give up his occupation of the land before such time as the authority are satisfied that the land is required, and can be adapted, for the purposes of smallholdings.
- (5) Any person authorised by a smallholdings authority in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of ascertaining whether the land is suitable for acquisition by the authority under this section.

**49 Power of smallholdings authority to provide fixed equipment, etc.**

- (1) A smallholdings authority shall have power to provide, improve, maintain and repair fixed equipment on land held by the authority for the purposes of smallholdings and to carry out any other improvements on or for the benefit of any such land, and to enter into an agreement with a tenant of any such land for the provision, improvement, maintenance, repair or carrying out thereof by the tenant on such terms as may be specified in the agreement.
- (2) References in this Part of this Act to land held by an authority for the purposes of smallholdings shall be construed as including references to land any interest in which is so held, other than a right to take possession arising under the provisions of the Small Holdings and Allotments Acts, 1908 to 1931.

**50 Lay-out and equipment of smallholdings to be carried out in accordance with scheme approved by Minister.**

- (1) Except in so far as may be allowed by general directions of the Minister under this subsection, a smallholdings authority shall not proceed with the creation and equipment of smallholdings, with the alteration of the size or lay-out of existing smallholdings or the provision or improvement of fixed equipment thereon, or otherwise with the erection of buildings or the carrying out of work on land held by the authority for the purposes of smallholdings, except in accordance with the provisions of a scheme made by the authority and submitted to the Minister and approved by him.
- (2) Any such scheme shall contain such particulars as to—
  - (a) nature, size and lay-out of smallholdings,
  - (b) provision or improvement of fixed equipment,

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- (c) total estimated cost of the proposals, and
  - (d) such other matters as the Minister may either generally or in any particular case direct,
- as may be reasonably necessary for informing the Minister as to the proposals to which the scheme relates, and shall be in such form as the Minister may so direct.
- (3) Any scheme made and approved under this section may be varied by a subsequent scheme so made and approved.
  - (4) Where it appears to the Minister that any existing smallholdings provided by a smallholdings authority are of less or greater extent than is likely to be required for the provision of a reasonable livelihood or that in the case of any such smallholdings as aforesaid it is expedient so to do in the interests of efficient farming, he may direct that the authority shall alter the size or lay-out of the smallholdings in such manner as may be specified in the direction.

*Management of authorities' smallholdings.*

**51 General powers of smallholdings authority.**

- (1) The powers of a smallholdings authority shall, subject to the provisions of this Part of this Act, include all powers required by the authority for the management of land for the time being held by the authority for the purposes of smallholdings.
- (2) A smallholdings authority shall have power, for the benefit of the occupiers of smallholdings provided by the authority, to further the formation of bodies of persons, whether corporate or unincorporated, having for their object or one of their objects the promotion through co-operative methods of efficiency in the conduct of smallholdings, and to assist the carrying on and extension of the activities of such bodies.
- (3) A smallholdings authority shall have power—
  - (a) to such extent as appears to the authority expedient for the purpose of assisting the conduct of smallholdings provided by the authority or of promoting co-operative schemes for the conduct thereof, to acquire by purchase or hiring, and to sell or let on such terms as may be decided by the authority, machinery and other equipment, live or dead stock, seeds, fertilisers and any other requisites, and to provide on such terms as aforesaid services ; and
  - (b) to carry out arrangements made by the authority, for the purposes of such schemes as aforesaid, for the disposal by the authority of the produce of smallholdings provided by them.
- (4) It is hereby declared that the provisions of section forty-nine of this Act and the foregoing provisions of this section with respect to the powers of smallholdings authorities relate only to their capacity as corporations ; and nothing in those provisions shall be construed as authorising any act or omission on the part of a smallholdings authority which is actionable at the suit of any person on any ground other than the limitation of their said capacity.

## **52 Letting of smallholdings.**

- (1) Smallholdings provided by a smallholdings authority shall be let to the persons by whom the smallholdings are to be farmed in accordance with the following provisions of this Part of this Act:

Provided that nothing in this section shall affect any letting in force at the commencement of this Part of this Act.

- (2) Every letting of a smallholding by the authority shall be at a full fair rent, that is to say, at such rent as a tenant might reasonably be expected to pay for the smallholding if let as such on the terms (other than terms as to rent) on which it is in fact let.
- (3) Subject to the provisions of the next following subsection.—
- (a) a smallholdings authority shall not let a smallholding to any person unless they are satisfied that the said person has had sufficient agricultural experience to render it likely that he is or will become qualified to be a farmer on his own account; and
  - (b) in selecting persons to whom smallholdings are to be let preference shall be given, as between persons otherwise equally suitable, to applicants who at the time of the application are employed under a contract of service as agricultural workers or who under regulations made by the Minister are to be treated as if they were then so employed.
- (4) A smallholdings authority may with the approval of the Minister let a smallholding, or two or more smallholdings together, to persons proposing to farm the smallholding or smallholdings on a co-operative system, notwithstanding that all of the said persons have not had such experience as aforesaid, but before approving any letting under this subsection the Minister shall satisfy himself that the aggregate agricultural experience of the said persons is such as to render it likely that in co-operation they are or will become qualified to farm on their own account.
- (5) Where any of the persons applying for the letting to them of a smallholding under the last foregoing subsection is at the time of the application employed, or under paragraph (b) of subsection (3) of this section to be treated as employed, under a contract of service as an agricultural worker, the Minister may direct that all the said persons shall be treated for the purposes of the said paragraph (b) as if they were then so employed.
- (6) Where it appears to the Minister that a smallholdings authority is not complying with any requirement imposed by or under this Part of this Act as to the selection of tenants of smallholdings, the Minister may direct that until the direction is revoked no letting of a smallholding provided by the authority shall be made except to a person approved by the Minister, but the giving of such a direction shall not prejudice any right of the tenant under a letting made in contravention of the direction.
- (7) Notwithstanding anything in the foregoing provisions of this section or in section forty-seven of this Act, where land held by a smallholdings authority for the purposes of smallholdings is not for the time being required or adapted for use for those purposes, the authority may with the consent of the Minister let the land for such period and for such purpose as appears to them expedient, at the best rent which appears to the authority to be obtainable therefor for that purpose and on such other terms as they may determine.

**53 Duty of smallholdings authority to manage in accordance with rules of good estate management.**

- (1) Where it appears to the Minister that a smallholdings authority have in any respect failed to fulfil their responsibilities to manage in accordance with the rules of good estate management land held by them for the purposes of smallholdings, the Minister may direct that the authority shall within such time as may be specified in the direction carry out such work on the land as may be so specified, being work which in the opinion of the Minister is necessary to remedy the non-fulfilment of their said responsibilities.
- (2) If a smallholdings authority fail to comply with a direction under this section, any person authorised by the Minister in that behalf may enter on the land in question and carry out the work, and the reasonable cost of the carrying out thereof shall be recoverable by the Minister from the smallholdings authority.
- (3) Any dispute arising under the last foregoing subsection as to what is the reasonable cost of any work shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.
- (4) The provisions of Part II of this Act as to supervision orders and directions to secure good estate management shall not apply to the management by smallholdings authorities of land held by them for the purposes of smallholdings.

**54 Loans for smallholdings purposes.**

- (1) The Minister may make loans to provide working capital for a tenant or prospective tenant of a smallholding provided by a smallholdings authority, of an amount not exceeding three-quarters of the estimated aggregate working capital required for the proper working of the smallholding.

In this subsection the expression " working capital " includes sums payable by an incoming tenant in respect of compensation to an outgoing tenant.

- (2) The Minister may make grants or loans to any body of persons, whether corporate or unincorporated, having for its object or one of its objects the promotion through co-operative methods of efficiency in the conduct of smallholdings.
- (3) The powers of the Minister under this section shall be exercised in accordance with arrangements made by him with the approval of the Treasury.

**55 Supplementary provisions as to management of authorities' smallholdings.**

- (1) The Minister may make regulations as to—
  - (a) the management of land held by smallholdings authorities for the purposes of smallholdings, including in particular the matters to be dealt with in agreements for the letting of smallholdings ; and
  - (b) the selection of tenants to whom smallholdings are to be let by a smallholdings authority.
- (2) In considering for the purposes of sections thirty and thirty-one of this Act whether the interest of a smallholdings authority has been prejudiced as mentioned in paragraph (c) of subsection (1) of the said section thirty, regard shall be had to the effect of the breach of a term or condition in question not only on the smallholding but also on

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the carrying out by the authority of its arrangements for the provision and conduct of smallholdings.

*Provision of smallholdings by the Minister.*

**56 Power of Minister to provide smallholdings.**

- (1) The Minister may provide smallholdings for letting to persons with previous agricultural experience with a view to affording such persons an opportunity of becoming farmers on their own account, and may acquire land for the purposes of smallholdings by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf.
- (2) In relation to any land acquired under the last foregoing subsection, and to any other land designated by the Minister as being held by him for the purposes of smallholdings, the Minister may exercise the like powers, and shall be subject to the like obligations, as under sections forty-nine, fifty-one and fifty-two of this Act are exercisable by or incumbent on a smallholdings authority.
- (3) Subject to the provisions of section fifty-two of this Act and the last foregoing subsection, nothing in this Part of this Act shall affect the operation, in relation to land designated as aforesaid, of the provisions of any enactment or instrument requiring preference to be given to persons who have served in the armed forces of the Crown during any war to which the Termination of the Present War (Definition) Act, 1918, applied.
- (4) Section fifty-four of this Act shall apply in relation to smallholdings provided by the Minister as it applies in relation to smallholdings provided by a smallholdings authority, and subsection (2) of section fifty-five of this Act shall so apply with the substitution for references to a smallholdings authority of references to the Minister.

**57 Default powers of Minister.**

- (1) Without prejudice to the provisions of the last foregoing section, where the Minister is satisfied that the functions of a smallholdings authority are not being satisfactorily exercised by the authority, the Minister may in any case where no power to give directions in that behalf is otherwise conferred on him by this Part of this Act direct that the authority shall exercise any of their functions in such manner as may be specified in the direction, or may by order transfer to himself such of the functions of the authority (including the expenditure of money whether on revenue or on capital account) as may be specified in the order.
- (2) Before—
  - (a) making an order under the last foregoing subsection, or
  - (b) coming to a decision on any application made by a small holdings authority for the revocation of such an order relating to them, being an application made not earlier than twelve months after the making of the order or of any previous application for the revocation thereof,

the Minister shall give to the smallholdings authority in question an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so requires, afford to the authority an opportunity of being heard by a person appointed by the Minister for the purpose.



- (3) Where the Minister makes an order under subsection (1) of this section, any exercise of the functions conferred on him by the order shall have effect as if he were an agent of the authority duly authorised in that behalf, but—
  - (a) any expenses incurred by the Minister in the exercise of the said functions shall be defrayed in the first instance by the Minister ;
  - (b) the Minister shall certify, as respects such successive periods as he may determine, the amount of the expenses so incurred in each such period and the amount of any receipts of the Minister in each such period from the exercise of the said functions, and the difference between the said amounts, as certified by the Minister, shall be recoverable by him from the authority or payable by him to the authority, as the case may require.
- (4) An order varying or revoking an order under subsection (1) of this section may contain such provision with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by the Minister in the exercise of any of the functions to which the order varied or revoked relates as appears to the Minister expedient for the purposes of the varying or revoking order.

*Financial provisions.*

**58 Contributions by Minister to losses incurred by smallholdings authorities.**

- (1) Where a smallholdings authority have after the commencement of this Part of this Act formulated proposals for the provision of smallholdings or for the laying out, alteration or ; equipment of smallholdings provided by the authority, and it appears to the authority that the proposals are likely to involve ' . them in a loss, they may submit to the Minister estimates, in such form and containing such particulars as the Minister may prescribe, of the expenditure which the proposals will involve, whether on capital or revenue account, and of the receipts which will accrue from the proposals, whether by way of rent or otherwise.
- (2) Where estimates are submitted to the Minister under the last foregoing subsection, the Minister may approve the proposals and estimates either with or without modifications, and if the proposals are carried out as approved by the Minister, the Minister may, subject to such conditions as to records, certificates, audit and otherwise as he may with the approval of the Treasury prescribe, make or undertake to make contributions towards losses incurred by the smallholdings authority in the carrying out of the proposals.
- (3) Subject to the provisions of the next following subsection, contributions made by the Minister under this section to any authority shall be annual contributions not exceeding three-quarters of the amount by which in carrying out the proposals in question the authority's receipts in respect of the year for which each contribution is made, as estimated in the estimates approved under subsection (2) of this section, fall short of their expenditure in respect of the said year, as estimated as aforesaid:

Provided that in so far as the said expenditure consists of the payment of interest or sinking fund charges on moneys borrowed for the purpose of carrying out the proposals, the amount thereof shall be calculated for the purposes of this subsection by reference to the actual amount of the moneys so borrowed.
- (4) The Minister shall not make an annual contribution under this section for any year earlier than the first year in which in his opinion the proposals of the smallholdings

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authority have been brought into full operation ; but in respect of all such earlier years taken together the Minister may make to the authority a contribution not exceeding three-quarters of the amount by which the actual receipts of the authority in respect of those years in carrying out the proposals fall short of their actual expenditure in respect of those years in the carrying out thereof, the said expenditure being calculated, in so far as it consists of expenses of management, in such manner as the authority may with the approval of the Minister determine.

- (5) Where a smallholdings authority have submitted estimates under subsection (1) of this section in connection with any proposals, and the authority subsequently vary their proposals, the authority shall submit to the Minister such estimates in relation to the proposals as varied as are specified in subsection (1) of this section ; and—
- (a) the foregoing provisions of this section shall apply, in relation to the making of contributions in respect of any period after the submission of the last-mentioned estimates, as if those estimates and the proposals as varied had been the original estimates and proposals of the authority ;
  - (b) the Minister may vary any agreement to make contributions made by him under this section accordingly.
- (6) Where the Minister is satisfied that a smallholdings authority has reasonably incurred expenses in connection with the preparation of such proposals and estimates as aforesaid, or in connection with preparations for the acquisition of land for the purposes of any such proposals, and the proposals are not carried out, the Minister may make to the authority a contribution towards the expenses of an amount not exceeding three-quarters thereof.
- (7) The Minister may with the approval of the Treasury make regulations for the purposes of the foregoing provisions of this section, and in particular such regulations—
- (a) may make provision for treating the submission of a scheme which is approved under section fifty of this Act as if it were the submission of estimates under subsection (1) or subsection (5) of this section, and for withholding or reducing contributions where the approval of the Minister is not obtained under the said section fifty or where in any other respect a smallholdings authority do not comply with any requirement imposed on them by or under this Part of this Act in relation to smallholdings provided by them ;
  - (b) may empower the Minister, as a condition of consenting to the sale, letting or appropriation of any of the land to which estimates submitted under this section relate, to require the submission to him of revised estimates, and may provide for the adjustment of any contributions in accordance with revised estimates so submitted ;
  - (c) may make provision as to the making of applications for the payment of contributions agreed to be made by the Minister under this section and as to the time at which payments of contributions under this section may be made.

## **59 Winding-up of Small Holdings and Allotments Account.**

The Small Holdings and Allotments Account shall, in accordance with directions of the Treasury, be wound up as at such date as the Treasury may direct, being a date not later than the end of the financial year next after that in which this Part of this Act comes into operation, and—

- (a) any payments which apart from this section would be authorised to be paid out of that Account shall, if falling due after that date, be defrayed out of moneys provided by Parliament ;

- (b) any balance in the said Account at that date, and any receipts of the Minister after that date, being receipts which apart from this section would be authorised to be paid into that Account, shall be paid into the Exchequer.

## **60 Accounts, etc., of smallholdings authorities.**

- (1) A smallholdings authority shall keep a separate account of its receipts and expenses with respect to smallholdings and any such receipt shall be applicable only for smallholdings purposes, unless the consent of the Minister of Health is obtained to its application for other purposes.
- (2) Where the receipt or payment of money is under this Part of this Act entrusted by a smallholdings authority to any committee or sub-committee of the authority, the accounts thereof shall be accounts of the authority, and made up and audited accordingly.

### *Supplementary provisions.*

## **61 Constitution and functions of smallholdings committees.**

- (1) For every smallholdings authority for the time being holding, or proposing to acquire, land for the purposes of smallholdings, there shall be constituted a smallholdings committee.
- (2) There shall be referred to the smallholdings committee for report and recommendation all matters relating to the exercise by the smallholdings authority of their functions in relation to smallholdings; and the committee shall have power to refer as aforesaid to a sub-committee all or any of the matters referred to the committee under this subsection.
- (3) The council of a county may refer as aforesaid to the smallholdings committee constituted by them under this section any other matters relating to the exercise of the council's functions in connection with agriculture, except matters which under any enactment other than an enactment contained in this Part of this Act are required to be so referred to some other body, and where any such other matters are so referred to the smallholdings committee that committee shall have power so to refer to a subcommittee all or any of the matters referred to the committee.
- (4) Where under the foregoing provisions of this section any matter is authorised or required to be referred to a committee or sub-committee, there may be delegated to them, either with or without conditions or restrictions, any functions relating to the matters referred, other than powers of raising a rate or borrowing money.
- (5) Where, without functions of an authority or committee being delegated under this section, matters to which the functions relate are referred thereunder to a committee or sub-committee, the authority or committee shall unless in their opinion the case is urgent receive and consider the report of the committee or sub-committee with respect to the matters referred to them.
- (6) Any committee or sub-committee constituted under this section shall consist of members of the constituting authority or committee together with such less number of other persons, if any, as may be determined under the next following subsection.
- (7) Subject to the provisions of the last foregoing subsection, the constitution of such committees and sub-committees shall be determined in accordance with arrangements

made by the smallholdings authority and approved by the Minister, and such arrangements shall provide for the attendance on the smallholdings committee, and any sub-committee thereof to which matters relating to smallholdings are referred, of an officer of the Minister appointed for the purpose and for the notification to the officer of meetings of the smallholdings committee and any such sub-committee.

- (8) Section fifty of the Small Holdings and Allotments Act, 1908 (which provides for the constitution by the council of a county or county borough of a smallholdings and allotments committee) shall cease to have effect.

**62 Keeping of lists of smallholdings.**

Every smallholdings authority shall compile and keep, and, if so required at any time by a person authorised by the Minister in that behalf, produce to him.—

- (a) a record of the smallholdings provided by the authority and of the persons in occupation of such of the smallholdings as are let by the authority and the rents at which those smallholdings are let, and of the purchasers of such of the smallholdings as have been sold by the authority ; and
- (b) a map or plan showing the size, boundaries and situation of each smallholding provided by the authority.

**63 Annual reports of smallholdings authorities and of Minister.**

- (1) Every smallholding 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 foregoing financial year.
- (2) The Minister shall lay before Parliament a report in respect of each financial year summarizing his proceedings in relation to smallholdings, and the proceedings of smallholdings authorities, for that year, and—
  - (a) every report of the Minister under this subsection shall include in particular a statement of the number of smallholdings provided (whether by the Minister or by smallholdings authorities) during the year to which the report relates and the amount of the contributions payable to smallholdings authorities by the Minister in respect of that year and of other expenses incurred by him in respect thereof in connection with smallholdings;
  - (b) every third report of the Minister under this subsection shall include an estimate of the liabilities likely to be incurred by him in respect of the payment of contributions to smallholdings authorities.
- (3) Section ten of the Small Holding Colonies Act, 1916 (which provides for the presentation to Parliament of an annual report of the proceedings of the Minister under that Act) shall cease to have effect.

**64 Exercise, in relation to smallholdings, of powers of smallholdings authority to purchase, sell, let, exchange and appropriate land.**

- (1) The foregoing provisions of this Part of this Act shall have effect, in relation to the acquisition of land by a smallholdings authority for the purposes of this Part of this Act, in substitution for the provisions of the Local Government Act, 1933 as to the acquisition of land by local authorities.

- (2) Except with the approval of the Minister, a smallholdings authority shall not sell, or let otherwise than in accordance with the foregoing provisions of this Part of this Act, any land held by them for the purposes of smallholdings.
- (3) Section one hundred and sixty-three of the said Act of 1933 (which confers power on a local authority with the approval of the Minister of Health to appropriate land for any purpose for which the authority are authorised to acquire land), section one hundred and sixty-four of the said Act (which confers on local authorities power to let land, subject to the consent of the Minister of Health in certain cases) and section one hundred and sixty-five thereof (which empowers a local authority with the consent of the Minister of Health to sell any land not required for the purpose for which it was acquired or is being used, and to exchange land for other land) shall, in relation to land held by a smallholdings authority for the purposes of smallholdings, have effect subject to the foregoing provisions of this section, and with the substitution for references to the Minister of Health of references to the Minister.

## **65 Application of Part IV to councils of county boroughs.**

- (1) The Minister may, on the application of the council of a county borough, direct that the provisions of this Part of this Act, other than this section, shall apply in relation to the council as they apply in relation to the council of a county, being a smallholdings authority.
- (2) The Minister may, whether on the application of the council of the county borough concerned or otherwise, revoke any direction for the time being in force under this section.
- (3) Where no direction under this section is in force in relation to the council of any county borough, but land is held by the council for the purposes of smallholdings (whether in consequence of a previous direction under this section or of the exercise of powers conferred by the Small Holdings and Allotments Acts, 1908 to 1931), then subject to the provisions of the next following subsection the provisions of this Part of this Act, other than this section, shall as respects that land apply in relation to the council as they apply in relation to the council of a county, being a smallholdings authority.
- (4) Where the said provisions of this Part of this Act apply by virtue of the last foregoing subsection, then—
  - (a) so much of the said provisions as imposes a duty to provide smallholdings shall apply as if it conferred a power so to do ;
  - (b) the council shall not have power to acquire or appropriate land for the purposes of smallholdings, whether by virtue of the said provisions or otherwise :

Provided that as respects land held by the council for smallholdings purposes by virtue of the grant of a tenancy or the compulsory hiring of the land, nothing in paragraph (b) of this subsection shall prevent the extension or renewal of the tenancy or the compulsory purchase of the land.

- (5) Where by virtue of this section the provisions of section sixty-one of this Act apply to the council of a county borough—
  - (a) nothing in subsection (3) of that section shall prevent the council referring thereunder to the smallholdings committee any matters relating to the exercise of the council's functions in connection with allotments, so however that those matters shall not be referred to the smallholdings committee unless a sub-

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committee of the smallholdings committee is constituted in accordance with the provisions of section fourteen of the Allotments Act, 1922, and the matters are referred by the smallholdings committee to that sub-committee ;

- (b) reference of the said matters to the smallholdings committee under the said section sixty-one shall be sufficient compliance with the requirements of the said section fourteen as to reference to an allotments committee.

**66 Definition of " smallholding."**

- (1) The expression " smallholding " in this Part of this Act means a holding (other than a holding provided, or such as apart from this Act could be provided, under any enactment relating to the provision of cottage holdings) used or intended to be used for agriculture, being either a holding of which the area exceeds one acre and does not exceed fifty acres or a holding of which the area exceeds fifty acres but does not exceed seventy-five acres and the annual full fair rent (as defined in subsection (2) of section fifty-two of this Act) does not exceed one hundred and fifty pounds.
- (2) In relation to holdings provided otherwise than under this Part of this Act the said expression includes any holding (other than as aforesaid) falling within the meaning, assigned to the said expression by the Small Holdings and Allotments Acts, 1908 to 1931.

**67 Application and repeal of provisions of Small Holdings and Allotments Acts, 1908 to 1931.**

- (1) The provisions of the Small Holdings and Allotments Acts, 1908 to 1931, specified in the first column of Part I of the Eighth Schedule to this Act (which relate to the matters specified in the second column of the said Part I) shall with the necessary modifications apply for the purposes of this Part of this Act.
- (2) Subject to the foregoing provisions of this Part of this Act, the said Acts, other than the provisions thereof specified in the said Part I, are hereby repealed in so far as they relate to smallholdings:

Provided that—

- (a) without prejudice to subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), the provisions of the said Acts specified in the first column of Part II of the Eighth Schedule to this Act, which relate to the matters specified in that column, shall continue in operation to the extent specified in the second column of the said Part II, but subject to any modification so specified;
- (b) nothing in this subsection shall affect the provisions of the said Acts relating to the acquisition, and to proceedings in relation to the acquisition, of land for the purposes of small holdings as those provisions apply, by virtue of section seventeen of the Land Settlement (Facilities) Act, 1919, to the acquisition of land by county councils for allotments.

## PART V

### ADMINISTRATIVE AND GENERAL.

#### *The Agricultural Land Commission.*

#### **68 Establishment of Agricultural Land Commission and Welsh Agricultural Land Sub-Commission.**

(1) There shall be established a Commission to be called the Agricultural Land Commission which, subject to the provisions of this section, shall be charged with the functions—

- (a) of managing and farming land vested in the Minister, or for the management or farming of which he has become responsible, being land which is placed by him under the control of the Commission;
- (b) of advising and assisting the Minister in matters relating to the management of agricultural land,

and with such other functions as may be entrusted to the Commission by or under the provisions of this Act.

(2) The Commission shall be a body corporate by the name of "the Agricultural Land Commission " with perpetual succession and a common seal, and shall consist of a chairman and not less than three nor more than six other members appointed by the Minister.

One of the said other members shall be appointed by the Minister to act as deputy chairman.

(3) The functions of the Commission shall not include the acquisition or the disposal of land, except that where land is placed under the control of the Commission for the purposes of paragraph (a) of subsection (1) of this section the Commission may in the name and on behalf of the Minister grant any tenancy of the land which could have been granted by the Minister :

Provided that the Commission shall not grant any such tenancy for a greater interest than from year to year except with the approval of the Minister.

(4) Subject as aforesaid, the Commission shall have power to enter into such transactions and do all such things (whether or not involving the expenditure of money) as in their opinion are expedient for the proper discharge of their functions.

(5) Such of the functions of the Commission relating to Wales and Monmouthshire as may be determined by the Commission shall be delegated by the Commission, subject to such conditions or restrictions as may be so determined, to a Sub-Commission to be called the Welsh Agricultural Land Sub-Commission, which shall consist of a chairman appointed by the Minister, being a member of the Commission, and three other persons appointed by the Minister.

(6) The persons appointed to be members of the Commission and the Sub-Commission shall be persons appearing to the Minister to be qualified as having appropriate technical, commercial or administrative qualifications, and one of the persons appointed to be a member of the Commission shall be a person appearing to the Minister to be qualified as having special knowledge and experience of agriculture in Wales.

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- (7) The Commission in the exercise of their functions, and the Sub-Commission in the exercise of functions delegated to them, shall comply with such directions of a general character as may be given to them by the Minister.
- (8) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of the Commission and the Sub-Commission and otherwise in relation to them.

## **69 Powers of Commission and Sub-Commission to hold inquiries.**

- (1) The Agricultural Land Commission may hold such inquiries as they consider necessary or desirable for the discharge of their functions.
- (2) If the Minister is satisfied that, for the purposes of any inquiry on the part of the Commission into a particular matter, it is necessary so to do, the Minister may by order specifying the matter to be inquired into direct that in respect of any meeting of the Commission held for the purpose of inquiring into that matter, being a meeting at which not less than three members of the Commission are present, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Commission as if they were a tribunal established in accordance with that Act and as if that Act had been applied to the Commission in the manner thereby required.
- (3) In relation to any functions delegated to the Welsh Agricultural Land Sub-Commission the foregoing provisions of this section shall have effect with the substitution of references to the Sub-Commission for references to the Commission and of a reference to two members for the reference to three members.
- (4) Any order under this section shall be laid before Parliament forthwith after being made, and if either House of Parliament, within a period of forty days beginning with the day on which any such order is laid before it, resolves that an Address be presented to His Majesty praying that the order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the order, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the order or to the making of a new order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

## **70 Annual report of Commission.**

- (1) The Agricultural Land Commission shall as respects each financial year prepare and submit to the Minister a report on the discharge, whether by the Commission or the Welsh Agricultural Land Sub-Commission, of the functions of the Commission and accounts showing separately the results of the discharge of the said functions in relation to farming and in relation to the management of land.
- (2) The report for any year shall set out any direction given by the Minister to the Commission or the Welsh Agricultural Land Sub-Commission during that year, unless the Minister has notified to the Commission his opinion that it is against the national interest to do so.



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- (3) The accounts for each year shall be in such form as the Minister may with the approval of the Treasury direct.
- (4) The report and accounts for any year shall be submitted to the Minister at such time as he may with the approval of the Treasury direct.
- (5) The Minister shall, on or before the thirtieth day of November in any year, transmit to the Comptroller and Auditor General the accounts prepared by the Commission under this section for the financial year last ended.
- (6) The Minister shall lay before Parliament the reports of the Commission submitted to him under this section; and the Comptroller and Auditor General shall examine and certify the accounts of the Commission transmitted to him under this section and lay before Parliament copies of the accounts, together with his report thereon.

*County Agricultural Executive Committees.*

**71 Establishment and functions of County Agricultural Executive Committees.**

- (1) For each administrative county, except the County of London, the Minister shall establish a County Agricultural Executive Committee which shall be charged, in relation to the county for which the Committee are established, with the duty of promoting agricultural development and efficiency by such means as the Minister may direct and of exercising such functions as the Minister may delegate to the Committee under the next following section.
- (2) The Minister may by order direct that any two or more administrative counties shall be treated for the purposes of this section and the Schedules therein referred to as if those counties taken together were a single administrative county; and the provisions of the Tenth Schedule to this Act shall have effect in relation to any order under this subsection.
- (3) A County Agricultural Executive Committee may with the approval of the Minister, and shall if the Minister so requires, appoint one or more sub-committees, and the County Agricultural Executive Committee shall refer to a subcommittee for report and recommendation such matters as may be determined by the Committee with the approval of the Minister or as may be required by the Minister, and shall delegate to a sub-committee such of the functions of the Committee, to such extent and subject to such conditions or restrictions, as may be so determined or required.
- (4) A County Agricultural Executive Committee may with the approval of the Minister, and shall if the Minister so requires, appoint one or more district committees for such part or parts of the county as may be determined by the County Agricultural Executive Committee with the approval of the Minister or as may be required by the Minister, and the County Agricultural Executive Committee shall refer to a district committee for report and recommendation such matters relating to the part of the county for which the district committee are appointed as may be so determined or required.
- (5) In the exercise of their functions a County Agricultural Executive Committee shall comply with any directions given by the Minister, and a sub-committee or district committee shall comply with any directions given by the Minister or by the County Agricultural Executive Committee by which the sub-committee or district committee were established.

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- (6) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of County Agricultural Executive Committees, sub-committees and district committees and otherwise in relation thereto.
- (7) Without prejudice to the provisions of the next following section, the functions under any enactment of any War Agricultural Executive Committee therein referred to shall in such cases as may be prescribed be transferred to the Minister.
- (8) For the purposes of this section and of the Schedules therein referred to—
  - (a) a county borough which is surrounded by a single administrative county shall be treated as if it were included in that county,
  - (b) any other county borough shall be treated as if it were included in such adjoining administrative county as the Minister may direct, or, if the Minister so directs, as if it were included partly in one such country and partly in another,
  - (c) the county of London shall be treated as if any such part thereof as the Minister may direct were included in such adjoining administrative county as he may direct, and
  - (d) the Isles of Stilly shall be treated as if those Isles were an administrative county.

**72 Delegation of functions of Minister to County Agricultural Executive Committees.**

The Minister may make regulations providing for delegating to a County Agricultural Executive Committee, to such extent and subject to such conditions or restrictions as may be specified by or under the regulations, such of his functions—

- (a) under this Act;
- (b) under any other enactment (whether passed before or after the passing of this Act), being functions relating to agriculture,

as may be so specified.

*Agricultural Land Tribunals.*

**73 Establishment, constitution and procedure of Agricultural Land Tribunals.**

- (1) For the purposes of this section, the Minister shall by order constitute such number of areas, together comprising the whole of England and Wales, as he may consider expedient, and for each area so constituted there shall be established an Agricultural Land Tribunal, which shall be charged with the duty of determining matters referred to them under this Act
- (2) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of Agricultural Land Tribunals and otherwise in relation thereto.
- (3) The Minister may by order make provision for the procedure of Agricultural Land Tribunals, and in particular—
  - (a) for the taking of evidence on oath, affirmation or otherwise, the cross-examination of witnesses, and for the summoning of witnesses in like manner as for the purposes of an arbitration under the Agricultural Holdings Act, 1923;

- (b) for the recording and proof of the decisions of the Tribunals, and for enabling the Tribunals to decide by a majority;
  - (c) for the sitting of Tribunals in two or more divisions, and for the assignment of the work of a Tribunal among the divisions thereof.
- (4) An order under the last foregoing subsection may make different provision for the procedure on different classes of reference to the Tribunals.

**74 Proceedings before Agricultural Land Tribunal on reference of Minister's proposals.**

- (1) In any case where by any of the provisions of this Act a person is empowered to require that a proposal of the Minister to take any action shall be referred to the Agricultural Land Tribunal, then if within the prescribed time and in the prescribed manner the said person so requires, the proposal shall be referred accordingly.
- (2) On any such reference the Tribunal shall determine—
- (a) whether the conditions as to which the Minister must be satisfied before taking the action are fulfilled, and
  - (b) whether, having regard to their determination under the foregoing paragraph and to all the circumstances of the case, the Minister should or should not take the action proposed,
- and shall report to the Minister accordingly; and the Minister shall forward a copy of the report to any person who availed himself of an opportunity to make representations to the Minister afforded to him under the provisions in question of this Act.
- (3) In any such case as is mentioned in subsection (1) of this section the Minister shall not give effect to the proposal until the expiration of the period within which a reference to the Tribunal may be required.
- (4) Where such a reference is duly required the Minister shall act in accordance with the report of the Tribunal and not otherwise.
- (5) Forthwith after taking action in any such case as is mentioned in subsection (1) of this section the Minister shall serve notice thereof in writing on any person who under the provisions in question of this Act was entitled to be afforded an opportunity to make representations to the Minister.

*Supplementary administrative provisions.*

**75 Provisions as to land lying partly in one area and partly in another.**

Where any land lies partly in the area of the Welsh Agricultural Land Sub-Commission and partly outside that area, or partly in the area of one County Agricultural Executive Committee and partly in the area of another, or partly in the area of one Agricultural Land Tribunal and partly in the area of another, the Minister may direct that for the purposes of anything required or authorised to be done by or before the Sub-Commission or the Agricultural Land Commission, or by or before such a committee or tribunal, as the case may be, in relation to that land the whole of the land shall be deemed to be comprised in the area comprising such part of the land as may be specified in the direction.

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**76 Dissolution of Councils of Agriculture, the Agricultural Advisory Committee and county agricultural committees established under 9 and 10 Geo. 5. c. 91.**

- (1) The Councils of Agriculture and the Agricultural Advisory Committee established under Part II of the Ministry of Agriculture and Fisheries Act, 1919, and the agricultural committees established under Part III of that Act, are hereby dissolved.
- (2) In paragraph (b) of the Schedule to the Corn Production Acts (Repeal) Act, 1921 (which empowers the Minister to delegate his functions under that Schedule to the agricultural committee of a county or borough) for the words " the Agricultural Committee of " there shall be substituted the words " the Council of ".
- (3) In subsection (2) of section fifteen of the Agriculture Act, 1937 (which provides for the payment of grants for land drainage expenses to the councils of county boroughs, except a county borough which has not established an agricultural committee) the words from "and except the council" to the end of the subsection shall cease to have effect.

*Statistics of Agriculture in Great Britain.*

**77 Agricultural Statistics Advisory Committees.**

- (1) The Minister and the Secretary of State shall establish committees, to be known respectively as the Agricultural Statistics Advisory Committee and the Scottish Agricultural Statistics Advisory Committee, to advise the said Ministers respectively in the making of regulations under the next following section.
- (2) Each Committee shall consist of such number of persons appointed by the Minister or the Secretary of State, as the case may be, on such terms as to tenure of office, as he may determine, and in the appointment of members of the Committee he shall secure that the Committee includes persons appearing to him to represent the interests of owners and farmers of land used for agriculture and of persons employed in agriculture.
- (3) The Minister or the Secretary of State may pay to the members of the Committee appointed by him such travelling and other allowances as he may with the approval of the Treasury determine.

**78 Power to obtain agricultural statistics.**

- (1) Where it appears to the Minister expedient so to do for the purpose of obtaining statistical information relating to agriculture, he may, after consultation with the Committee established by him under the last foregoing section, make regulations providing for the service upon owners and occupiers of land used for agriculture, or of land which the Minister has reason to believe may be so used, of notices requiring them to furnish in writing, in such form and manner and to such person as may be prescribed, and within such time and with respect to such date or dates or such period or periods as may be specified in the notice, the prescribed information (including, as respects paragraphs (c) to (e) of this subsection, the prescribed information as to quantities, values, expenditure and receipts) relating to—
  - (a) the situation, area, description and extent of land used for agriculture and owned or farmed by them, the date of acquisition of the land and the date at which so much thereof as is comprised in any agricultural unit became

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- comprised therein, the rates payable in respect of the land and the assessment of the land for the purposes of Schedule A of the Income Tax Act, 1918,
- (b) the names and addresses of the owners and occupiers of the land, whether the land or any, and if so what, part thereof is let and at what rent,
  - (c) the character and use of different parts of the land, the time at which any use thereof was begun or will become fully effective, and their produce at any time during the period beginning one year before, and ending one year after, the time at which the information is required to be furnished,
  - (d) fixed and other equipment, livestock, and the stocks of agricultural produce and requisites held in respect of the land, and the provision and maintenance of such equipment, livestock and requisites and the provision of agricultural services for the benefit of the land,
  - (e) the methods and operations used on the land, the marketing or other disposal of the produce thereof, any payments received under any enactment in respect of such produce, and the provision of agricultural services otherwise than for the benefit of the land,
  - (f) the number and description of persons employed on, or employed by the occupier in disposing of the produce of, the land, and the remuneration paid to, and hours worked by, persons so employed or such persons of different descriptions,

and regulations under this section may apply either to owners or occupiers generally or to such descriptions of owners or occupiers as may be

In this subsection the expression " livestock " includes any animal.

- (2) For the purpose of obtaining statistical information relating to agriculture, any person authorised by the Minister in that behalf may, after giving not less than twenty-four hours notice and on producing if so required evidence of his authority to act for the purposes of this subsection, orally require the owner or occupier of land to furnish to him within a reasonable time, and either orally or in writing as the said owner or occupier may elect, such information, whether or not specified in the said notice, as the said person authorised by the Minister may require, being information which the owner or occupier, as the case may be, could have been required to furnish under the last foregoing subsection.
- (3) References in the two last foregoing subsections to the owner of land include references to a person exercising, as servant or agent of the owner, functions of estate management in relation to the land, and references in those subsections to the occupier of land include references to a person responsible for the control of the farming of the land as servant or agent of the occupier thereof.
- (4) No person shall be required under the foregoing provisions of this section to furnish any balance sheet or profit and loss account, but this subsection shall not prevent the requiring of information by reason only that it is or might be contained as an item in such a balance sheet or account.
- (5) Without prejudice to the general provisions of this Part of this Act as to the service of notices, any notice authorised or required by subsection (1) or (2) of this section to be served on an occupier shall be deemed to be duly served if it is addressed to him by the description of " the occupier " of the land in question and sent by post to, or delivered to some person on, the land.
- (6) For the purposes of this and the three next following sections the expression " owner " means, in relation to land, a person, other than a mortgagee not in possession, who

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is for the time being entitled to dispose of the fee simple of the land, and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement.

- (7) The provisions of this and the three next following sections shall extend to Scotland with the substitution for references to the Minister of references to the Secretary of State, and with the substitution for the definition of the expression " owner " in the last foregoing subsection of the following definition—

“The expression ' owner, ' in relation to land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking, and includes also a lessee under a lease.”

- (8) The Agricultural Returns Act, 1925, shall cease to have effect, and the reference to that Act in subsection (2) of section thirty-four of the Agricultural Development Act, 1939, shall be construed as a reference to this section.

**79 Information as to dealings in land used for agriculture.**

The Minister may by regulation require that parties to any sale of land which immediately before the completion of the transaction was being used for agriculture, or to any grant, assignment or surrender of a tenancy of such land for an interest not less than that of a tenant for a year, shall within the prescribed period from the completion of the transaction furnish to the Minister, in such manner as may be prescribed, information as to the names and addresses of the parties to the transaction and the situation and extent of the land thereby affected.

**80 Restriction on disclosure of information.**

No information relating to any particular land or business, being information which has been obtained under section seventy-eight or seventy-nine of this Act, shall be published or otherwise disclosed without the previous consent in writing of the person by whom the information was furnished and every other person whose interests may in the opinion of the Minister be affected by the disclosure, being an owner or the occupier of the land :

Provided that nothing in this section shall restrict the disclosure of information—

- (a) to the Minister in charge of any Government department, to any authority acting under an enactment for regulating the marketing of any agricultural produce, or to any person exercising functions on behalf of any such Minister or authority for the purpose of the exercise of those functions;
- (b) to an authority having power under any enactment to give permission for the development of land, for the purpose of assisting that authority in the preparation of proposals relating to such development or in considering whether or not to give such permission;
- (c) if the disclosure is confined to situation, extent, number and kind of livestock, character of land, and name and address of owner and occupier, to any person to whom the Minister considers that the disclosure thereof is required in the public interest;
- (d) to any person for the purposes of any criminal proceedings under the next following section or for the purposes of any report of such proceedings,

or the use of information in any manner which the Minister thinks necessary or expedient in connection with the maintenance of the supply of food in the United Kingdom.

## **81 Penalties.**

- (1) Any person who without reasonable excuse fails to furnish information in compliance with a requirement under section seventy-eight or seventy-nine of this Act shall be liable on summary conviction to a fine not exceeding fifty pounds.
- (2) If any person—
  - (a) in purported compliance with a requirement imposed under section seventy-eight or seventy-nine of this Act knowingly or recklessly furnishes any information which is false in any material particular, or
  - (b) publishes or otherwise discloses any information in contravention of the last foregoing section,

he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

*General powers of acquisition and management of land by Minister.*

## **82 Powers of Minister to acquire land by agreement.**

- (1) The Minister may acquire by agreement—
  - (a) any land used for agriculture;
  - (b) any other land falling within the definition in this Act of the expression agricultural land;
  - (c) where any such land as aforesaid is offered to the Minister for acquisition by him on the condition that he also acquires other land not falling within the two foregoing paragraphs, that other land;
  - (d) any other land as respects which power is conferred on the Minister by this Act to purchase the land compulsorily in accordance with the provisions of this Act in that behalf.
- (2) Where in pursuance of this section the Minister purchases land under the Ecclesiastical Leasing Acts, the consent of the patron to the sale shall not be necessary.

## **83 Acquisition by Minister of land for research, experiment and demonstration.**

The Minister may acquire by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf any land for the purposes of agricultural research or experiment or of demonstrating agricultural methods.

## **84 Acquisition of land by Minister to ensure full and efficient use thereof.**

- (1) Where—
  - (a) the Minister is satisfied in the case of any agricultural land that the full and efficient use of the land for agriculture is being prevented by reason of work

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not being carried out or fixed equipment not being provided, and that having regard to the nature of the work or equipment required for such use of the land as aforesaid it cannot reasonably be expected to be carried out or provided unless the Minister exercises his powers under this subsection; or

- (b) the Minister is satisfied in the case of any agricultural land that the full and efficient use of the land for agriculture will be prevented if existing fixed equipment thereon is not maintained, and that having regard to the nature of the equipment it cannot reasonably be expected to be maintained unless the Minister exercises his powers under this subsection; or
- (c) agricultural land has been severed from other such land in the exercise of powers conferred, for purposes other than agricultural purposes, by or under any enactment, or has been otherwise injuriously affected in the exercise of such powers, or such powers have been conferred and the Minister is satisfied that they will be exercised so that agricultural land will be severed or otherwise injuriously affected as aforesaid, and (in any case) the Minister is satisfied that the full and efficient use of the land for agriculture cannot be achieved unless the land is used therefor in conjunction with other land and that it cannot reasonably be expected to be so used unless the Minister exercises his powers under this subsection,

then, if the Minister proposes to secure the carrying out of the work, the provision or maintenance of the equipment, or the use of the land in conjunction with other land, as the case may be, he may acquire the land, or any part thereof, by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf.

- (2) Before proceeding with the acquisition of land under paragraph (a) or paragraph (b) of the last foregoing subsection, the Minister shall refer to the Agricultural Land Commission for their report thereon the question whether the conditions are fulfilled as to which under the said paragraph (a) or (b), as the case may be, the Minister must be satisfied before acquiring the land, and shall take into consideration the report of the Commission.
- (3) On any such reference the Commission, after inspecting the land in question and making such other enquiries as appear to them requisite, shall prepare a draft report to the Minister on the question referred to them, containing such information as to work to be carried out, or fixed equipment to be provided or maintained, as mentioned in the said paragraph (a) or (b), as appears to the Commission necessary for indicating whether such work or equipment can reasonably be expected to be carried out, provided or maintained without the exercise by the Minister of his powers under subsection (1) of this section.
- (4) The Commission shall publish, in such manner as appears to them best suited for informing owners, lessees and occupiers of land to which a draft report under the last foregoing subsection relates, a notice stating a place where copies of the draft report may be obtained by owners, lessees or occupiers of any of the said land, and the time within which representations may be made to the Commission by any such owners, lessees or occupiers, either orally or in writing, as to the question referred to the Commission.
- (5) The Commission shall consider any such representations as aforesaid duly made, and any technical or other evidence adduced on the making of the representations, and shall then submit a report to the Minister, either in the terms of the draft or subject to such modifications as appear to the Commission expedient in the light of the said representations and evidence.



- (6) The Minister shall cause any report of the Commission under this section to be published.
- (7) The Minister may acquire by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf any land as to which he is satisfied that its acquisition by him is necessary in order to put to full and efficient use for agriculture land acquired by him under subsection (1) of this section.

**85 Power of Minister to retain possession of land in interests of agricultural production.**

- (1) The following provisions of this section shall have effect for the purpose of enabling the Minister to secure or maintain the full and efficient use for agriculture—
  - (a) of agricultural land of which the Minister or a person acting under his authority is in possession, or
  - (b) of other such agricultural land in conjunction with which in the opinion of the Minister the land mentioned in paragraph (a) of this subsection ought to be farmed.
- (2) Where the Minister or any person acting under his authority is in possession of the land mentioned in paragraph (a) of the last foregoing subsection under powers conferred by regulations made under the Emergency Powers (Defence) Acts, 1939 to 1945, or is in possession thereof under section twenty-three of the Agriculture (Miscellaneous War Provisions) Act, 1940, and the Minister is satisfied that it is necessary for the purpose mentioned in the last foregoing subsection that possession of the land should be retained by him or on his behalf, and certifies accordingly, the Minister may purchase the land compulsorily in accordance with the provisions of this Act in that behalf.
- (3) Where the Minister or any person acting under his authority is in possession of the land mentioned in paragraph (a) of subsection (1) of this section by virtue of having acquired the land under section nine of the Agriculture (Miscellaneous Provisions) Act, 1941, or section sixteen of the Agriculture (Miscellaneous Provisions) Act, 1943 (which empower the Minister in certain circumstances to acquire land, but subject to an obligation to offer it for re-sale as provided in section ten of the said Act of 1941) and the Minister is satisfied that it is necessary for the purposes mentioned in the said subsection (1) that the said obligation shall not apply to the land, and certifies accordingly, the said obligation shall not apply in relation to the land.
- (4) The Minister shall not give a certificate under this section until, after affording—
  - (a) in the case of a proposed certificate under subsection (2) of this section, to every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any direction under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land to which the proposed certificate is to relate,
  - (b) in the case of a proposed certificate under subsection (3) of this section, to any person to whom apart from the certificate the Minister would be under an obligation to offer to re-sell the land under section ten of the said Act of 1941, an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, he has given notice in writing to every such person as is mentioned in paragraph (a) or paragraph (b) of this subsection, as the case may be, of the Minister's proposal to give the certificate.

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- (5) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under this Part of this Act, and the provisions in that behalf of this Part of this Act shall apply accordingly.
- (6) Nothing in section nine or ten of the said Act of 1941 or section sixteen of the said Act of 1943 shall require the Minister, in the case of land acquired by him under the said section nine or sixteen, to re-sell the land except in pursuance of an offer made and duly accepted under subsections (1) to (4) of the said section ten.

## 86 Control of subdivision of agricultural units.

- (1) If while this section is in force a major disposition to which this section applies is made of land forming part only of an agricultural unit, and the consent of the Minister to the disposition is not obtained either before or after the making thereof, then subject to the provisions of this section the Minister may within three years from the making of the disposition purchase compulsorily in accordance with the provisions of this Act in that behalf the said land and any other land which when the disposition was made formed part of the agricultural unit:

Provided that the Minister shall not have power under this subsection to purchase any such other land which since the disposition was made has been the subject of a disposition to which the consent of the Minister has been obtained or a major disposition to which when it was made this section did not apply.

- (2) If while this section is in force any minor disposition to which this section applies is made of land forming part only of an agricultural unit, and the consent of the Minister to the disposition is not obtained either before or after the making thereof, the land shall be treated for the purposes of this section as continuing to form part of the unit notwithstanding the disposition or anything done in pursuance thereof:

Provided that where at any time it is shown that land has throughout the last preceding three years been farmed as part of the same agricultural unit as other land, nothing in this subsection shall require the first-mentioned land to be treated at the said time as being outside the agricultural unit comprising that other land.

- (3) Subject to the provisions of the Eleventh Schedule to this Act as to mortgages and charges, in this section the expression "disposition" means a conveyance, assignment, surrender, grant, or agreement for the grant of an interest in land; the expression "major disposition" means a conveyance of the fee simple, a grant or agreement for the grant of a tenancy for an interest greater than from year to year, or an assignment or surrender of a tenancy granted for any such interest; and the expression "minor disposition" means any other disposition; and subject to the provisions of the said Eleventh Schedule the dispositions to which this section applies are all dispositions except—
  - (a) a conveyance, assignment or surrender of an interest where the disposition comprises the whole of the land in an agricultural unit to which that interest extends, or a grant or agreement for the grant of an interest out of another interest if the disposition comprises the whole of the land in an agricultural unit to which the said other interest extends;
  - (b) a conveyance of the fee simple, or an assignment, grant or agreement for the grant of a tenancy, made in pursuance of a specific devise, bequest or direction in that behalf contained in any testamentary instrument;

- (c) any disposition made in pursuance of a contract in writing entered into at a time when this section is not in force.
- (4) The Minister shall not refuse his consent under this section to any disposition, or exercise any power of compulsory purchase under subsection (1) of this section, unless, after affording—
- (a) in the case of an application for the Minister's consent to a disposition, to the parties thereto;
  - (b) in the case of a compulsory purchase of land, to every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any directions under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land,
- an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, the Minister is satisfied that it is expedient so to do in order to avoid a less efficient use for agriculture of the land in question, and certifies accordingly.
- (5) Before giving a certificate in a case falling within paragraph (b) of the last foregoing subsection the Minister shall give notice in writing to every such person as is specified in that paragraph of his proposal to give the certificate.
- (6) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal, and the provisions of this Part of this Act in that behalf shall apply accordingly.
- (7) This section shall be in force during any such period as the Minister may by order determine, and any order under this subsection may have effect either generally or in relation to such area as may be specified therein.
- (8) Any order under the last foregoing subsection shall be of no effect unless approved by resolution of each House of Parliament.

## **87 Experimental schemes for readjustment of farm boundaries.**

- (1) Where it appears to the Minister, in the case of any area, that it is for consideration whether in the interests of the full and efficient use of land for agriculture adjustments should be made in the boundaries between agricultural units in the area, or whether any such agricultural units or parts thereof should be amalgamated with other such agricultural units or parts thereof, the Minister may refer the matter for consideration to the Agricultural Land Commission (hereafter in this section referred to as " the Commission ").
- (2) On any such reference the Commission shall, after causing the area to which the reference relates to be inspected and affording an opportunity to persons appearing to them to be likely to be affected by any such adjustment or amalgamation to make representations to the Commission, submit a report to the Minister—
- (a) stating whether in the opinion of the Commission it is desirable to promote a scheme for securing such adjustments or amalgamations as are mentioned in subsection (1) of this section, and
  - (b) if they report that it is desirable so to do, setting out a provisional scheme for that purpose;

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and if after considering the report of the Commission the Minister is of opinion that it is desirable to promote such a scheme as aforesaid, he shall, subject to the provisions of the next following subsection, direct the Commission to proceed with the preparation of a final scheme for submission to the Minister and confirmation by him.

- (3) The Minister shall not, save as hereinafter provided, direct the Commission to proceed with the preparation of a final scheme under this section in the case of more than three areas:

Provided that the Minister may by order direct that the foregoing provisions of this subsection shall have effect with the substitution therein of such greater number of areas as may be specified in the order, but any order made under this proviso shall be of no effect unless approved by resolution of each House of Parliament.

- (4) The provisions of the Twelfth Schedule to this Act shall have effect in relation to references to the Commission under this section and to the form, confirmation, variation, validity and coming into operation of schemes thereunder.
- (5) The Commission may by notice in writing served on any person require him to furnish to them any such information as to the owners of interests in, and occupiers of, land specified in the notice as appears to the Commission requisite for the purposes of their functions under this section and the said Twelfth Schedule, and if without reasonable excuse any person on whom such a notice is served fails within a reasonable time to furnish to the Commission the information required, he shall be liable on summary conviction to a fine not exceeding ten pounds, and to a further fine not exceeding five pounds for each day after conviction on which the failure continues.
- (6) It shall be the duty of the Commission to secure the carrying out of any final scheme which has come into operation under this section, either as confirmed or, with the consent of persons appearing to the Commission to be affected and the approval of the Minister, subject to such modifications as appear to the Commission expedient for the purposes of the scheme.
- (7) Where—
- (a) the Commission report to the Minister at any time after the coming into operation of a final scheme that the carrying out of the scheme is being hindered by failure to reach agreement in relation to the disposal of, or of any interest in, any land in the area to which the scheme relates, and
  - (b) the Minister is satisfied that it is necessary in order to carry out the scheme that he should exercise his powers under this subsection,

the Minister may purchase that land compulsorily in accordance with the provisions of this Act in that behalf.

- (8) The owner of any land to which a final scheme under this section relates may at any time after the expiration of seven years from the coming into operation of the scheme, if the purchase under the last foregoing subsection of his interest in the land has not then become obligatory, give notice in writing to the Minister that he desires to avail himself of the provisions of this subsection, and where such a notice is given then unless within three months from the giving of the notice either—
- (a) the purchase of the interest under the last foregoing subsection has become obligatory, or
  - (b) the Minister has made to the owner an offer to purchase his interest at a price to be agreed, or, in default of agreement, at the like price, determined in the like manner, as if the purchase were compulsory,

his interest shall be treated as excepted from compulsory purchase under the last foregoing

In this subsection the expression "owner", in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired period whereof exceeds three years.

- (9) On the completion of the carrying out of any final scheme under this section the Commission shall submit to the Minister a report on the carrying out of the scheme and the Minister shall, as soon as may be, lay copies of the report before Parliament.
- (10) Where for the purposes of a final scheme under this section the landlord of a holding gives notice to quit part of the holding, then unless—
- (a) under section twenty-seven of the Agricultural Holdings Act, 1923, the tenant accepts the notice to quit as a notice to quit the entire holding, and
  - (b) in consequence of the tenant so doing he becomes entitled under section thirty of this Act to compensation for disturbance in respect of the entire holding,
- the tenant notwithstanding proviso (a) of subsection (2) of the said section thirty not be entitled to any compensation under that section in excess of the loss or expense referred to in the said subsection (2) proved to have been suffered or incurred by him.

## **88 Transfer to Minister of land vested in other Government departments.**

- (1) The appropriate Ministers may by order provide for the transfer to the Minister, by virtue of the order and without further assurance.—
- (a) of any interest in land vested in the Minister of Works which was acquired by that Minister for the purposes of any functions of the Minister,
  - (b) of any interest in other land, being an interest held on behalf of His Majesty for the purposes of any Government department, in any case where it appears to the appropriate Ministers to be expedient that the interest should be transferred to the Minister either on the ground that it is no longer required to be held for the purpose for which it was acquired or otherwise,
- and any order under this section may contain such incidental and supplementary provisions as appear to the appropriate Ministers necessary or expedient for giving effect to the order.
- (2) In this section the expression "the appropriate Ministers" means the Minister and—
- (a) in relation to paragraph (a) of the last foregoing subsection, the Minister of Works;
  - (b) in relation to paragraph (b) thereof, the Minister in charge of the Government department in question.

## **89 Transfer of land from Land Settlement Associations to Minister.**

Where any body of persons having as its object or one of its objects the promotion of land settlement agrees with the Minister for the transfer to him of land owned by the said body, the Minister shall have power to acquire the land notwithstanding that not all of it is agricultural land; and the agreement may with the approval of the Treasury provide for the remission by the Minister, in consideration of the acquisition by him

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of the land or of the land and other property, of debts due to the Minister from the said body.

**90 Powers of management, etc., of land acquired by Minister.**

- (1) The Minister may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him—
- (a) in such manner as appears to him expedient for the purpose for which the land was acquired; or
  - (b) if he is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to him expedient therefor:

Provided that—

- (i) the Minister shall not sell land acquired by him except where it appears to him that, having regard to the use proposed to be made of the land, it is expedient that it should be sold by him
  - (ii) this section shall have effect subject to any restrictions imposed by or under any enactment on the powers of the Minister.
- (2) The powers of management conferred on the Minister by subsection (1) of this section shall include power to provide such facilities for the welfare of tenants of, or other persons employed in agriculture on, land managed by him as the Minister thinks expedient.

**91 Repeal of sections 1 to 4 of 21 and 22 Geo. 5. c. 41.**

Sections one to four of the Agricultural Land (Utilisation) Act, 1931 (which enable the Minister to acquire land for demonstration farms and for reclamation) shall cease to have effect.

*Provisions as to compulsory acquisition of land.*

**92 Procedure for compulsory purchase of land.**

- (1) Subject to the provisions of this section, where under any provision of this Act power is conferred on the Minister or a smallholdings authority to purchase land compulsorily, the power shall be exercisable for the purchase of any particular land on the Minister or the authority, as the case may be, being authorised so to purchase the land in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, and that Act shall apply accordingly—
- (a) as if paragraph (b) of subsection (1) of section one thereof (which refers to the compulsory purchase of land by the Minister of Transport under certain enactments) included a reference to any compulsory purchase of land by the Minister under this Act, and
  - (b) as if this Act had been in force immediately before the commencement of the said Act of 1946:

Provided that section two of that Act (which confers temporary powers for speedy acquisition of land in urgent cases) shall not apply to any compulsory purchase of land under this Act.

- (2) Where under any provision of this Act power is conferred on the Minister to purchase any particular land compulsorily on the giving of a certificate by him, the certificate shall have effect as if it were a compulsory purchase order made under section one of the said Act of 1946, and—
- (a) where the certificate relates to land falling within subsection (2) of the said section one (which applies, to purchases of local authorities' and statutory undertakers' land, commons, open spaces and inalienable National Trust land, and ancient monuments and other objects of archaeological interest, the special procedure set out in Part III of the First Schedule to that Act) the certificate shall be embodied in an order of the Minister and the said Part III shall apply accordingly;
  - (b) subsection (3) of the said section one and the Second Schedule to the said Act of 1946 (which provide for incorporation of the Lands Clauses Acts and other enactments) shall have effect in relation to the purchase, and anything which under that Schedule may be provided by a compulsory purchase order may be provided by the said certificate;
  - (c) in the application to the certificate of Part IV of the First Schedule to the said Act of 1946 (which relates to the validity and coming into operation of compulsory purchase orders) for references to the first publication of notice of the making of an order there shall be substituted references to the service of notice of the giving of the certificate, and for references to the requirements of the said First Schedule and of regulations made thereunder there shall be substituted references to the requirements of this Act as to the proceedings to be taken before the giving of the certificate.
- (3) In relation to a compulsory purchase under section eighty-seven of this Act the said Act of 1946 shall have effect subject to the following modifications:—
- (a) head (a) of sub-paragraph (1) of paragraph 3 of the First Schedule (which provides for advertisement in local newspapers) shall not apply;
  - (b) the Minister may disregard any objection to the compulsory purchase order if he is satisfied that the objection is made on the ground that the purchase is unnecessary or inexpedient.

### **93 Compulsory hiring of land.**

- (1) The Minister may with the approval of the Treasury make regulations for giving effect to the provisions of this Act as to the compulsory hiring of land, and regulations under this section may provide—
- (a) for prescribing the procedure for the compulsory hiring of land under this Act, being such procedure as appears to the Minister to correspond as nearly as may be with the procedure for the compulsory purchase of land under this Act;
  - (b) for applying to the compulsory hiring of land, with such adaptations, exceptions or modifications as appear to the Minister requisite, provisions of the Lands Clauses Acts, sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, the Acquisition of Land (Assessment of Compensation) Act, 1919, the Acquisition of Land (Authorisation Procedure) Act, 1946, except section two of the last mentioned Act, and any other provision which had effect in relation to the compulsory hiring of land under any enactment repealed by this Act;
  - (c) for determining the terms and conditions of a compulsory hiring other than the rent;

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- (d) for requiring questions arising on the determination of a compulsory hiring to be determined by arbitration.
- (2) Regulations under this section may apply generally to all compulsory hirings under this Act or may make different provisions for different classes of such hirings.

**94 Limitation of period of compulsory hiring.**

- (1) Subject to the provisions of this section, no compulsory hiring of land under this Act shall be for a term longer than thirty-five years.
- (2) For the avoidance of doubt it is hereby declared that the fact that the Minister or smallholdings authority is in possession of land by virtue of a compulsory hiring thereof does not prevent the Minister or authority, as the case may be, purchasing the land compulsorily.
- (3) Where land has been compulsorily hired under this Act or any enactment thereby repealed and the person who but for the hiring would be entitled to possession of the land requires the land or part thereof for any purpose for which it appears to the Minister expedient that the said person should resume possession thereof, the said person may with the consent of the Minister resume possession of the land or part thereof in question—
  - (a) in the case of land hired by the Minister, within such period after the granting of the Minister's consent as the Minister may specify;
  - (b) in the case of land hired by a smallholdings authority, upon giving to the authority twelve months' previous notice in writing of his intention so to do or such shorter notice as may have been specified for the purposes of this subsection in the order authorising the compulsory hiring of the land;

and if possession is resumed by the said person of part only of the land, the rent payable as from the date of resumption in respect of the hiring of the remainder of the land shall be reduced in such proportion as in default of agreement may be determined in the like manner as under the last foregoing section rent is determined for the compulsory hiring of land under this Act.

*Special directions to secure production.*

**95 Special directions to secure production.**

- (1) Where it appears to the Minister necessary so to do in the interest of the national supply of food or other agricultural products, he may by order direct that all or any of the powers conferred on him by the next following subsection shall be exercisable by him for a period of one year from the coming into operation of the order, or, in the case of an order made before the first day of January, nineteen hundred and fifty and confined to the powers conferred by paragraph (d) of the next following subsection, for the period ending with the thirty-first day of December in that year.
- (2) During the period for which the said powers are exercisable the Minister may by notice in writing served on the person occupying or entitled to occupy any agricultural land give such directions—
  - (a) as to the use of the land for any of the purposes of agriculture and the manner in which and the produce for which it is to be so used,



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- (b) as to the carrying out of any work required to enable the land to be used as directed under paragraph (a) of this subsection,
  - (c) as to any other matters as to which directions may be given to an occupier of an agricultural unit where a supervision order under Part II of this Act is in force for the supervision of his farming of the unit,
  - (d) without prejudice to the general powers conferred by the foregoing paragraphs, as to the maximum area of land which may be maintained on an agricultural unit under pasture laid down with clover, grass, lucerne, sainfoin or other seeds or under herbage crops grown for commercial seed production, as appear to the Minister expedient in the interest aforesaid and reasonable having regard to the character and situation of the land and other relevant circumstances.
- (3) If any person to whom a direction is given under this section contravenes or fails to comply with the direction he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.
  - (4) Subsections (5) to (8) of section fourteen of this Act shall apply in relation to directions under this section as they apply in relation to directions under the said section fourteen.
  - (5) The provisions of the Second Schedule to this Act shall have effect where a direction is given under this section requiring the ploughing-up of permanent pasture or the performing of other acts of cultivation.
  - (6) Nothing done or omitted by an occupier in pursuance of a direction under this section shall be treated as a failure to fulfil his responsibilities to farm land in accordance with the rules of good husbandry so long as the act or omission was reasonably necessary in consequence of the giving of the direction.
  - (7) Without prejudice to the general provisions of this Part of this Act as to the service of notices, any notice to be served under this section on an occupier of land used for agriculture shall, where an agent or servant of the occupier is responsible for the control of the farming of the land, be duly served if served on that agent or servant.
  - (8) Any period for which the powers conferred on the Minister by subsection (2) of this section are exercisable shall be extended by a further year if the Minister by order made not earlier than one month before the date on which the said period would otherwise expire directs that the said period shall be so extended.
  - (9) The expiration of the said period shall not affect the operation of any direction under this section previously given.
  - (10) An order made under this section shall be of no effect unless approved by resolution of each House of Parliament:

Provided that if at the time when such an order is made Parliament is dissolved or prorogued or both Houses are adjourned for more than four days, the foregoing provisions of this subsection shall not apply but the order shall be laid before Parliament as soon as may be and shall cease to have effect unless approved by resolution of each House of Parliament before the expiration of the twenty-eighth day on which that House has sat after the order is laid before it.

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*Continuation of contributions to cost of drainage, water supply and application of lime.*

**96 Continuation of grants for drainage of, and supply of water to, agricultural land.**

- (1) So much of the Agriculture (Miscellaneous War Provisions) Act, 1940, as limits the period during which schemes may be approved under section fifteen thereof (under which grants may be made by the Minister towards the cost of approved schemes for field drainage and the improvement of ditches and for the supply of water to agricultural land) shall cease to have effect, but no scheme shall be approved under that section unless application for the approval thereof has been made, in such form and manner as the Minister may with the approval of the Treasury determine, before the expiration of five years from the passing of this Act, or if the Minister by order made with the approval of the Treasury so directs, before the expiration of seven years from the passing of this Act.
- (2) An order made under this section shall be of no effect unless approved by resolution of each House of Parliament.

**97 Contributions towards cost of liming agricultural land.**

- (1) The Ministers referred to in section one of the Agriculture Act, 1937 (which provides for contributions, in accordance with a scheme known as the Land Fertility Scheme, towards the cost incurred by any occupier of agricultural land in acquiring and transporting lime for adding to the land to improve the fertility of the soil) may substitute for the Land Fertility Scheme a scheme, to be known as the Agricultural Lime Scheme, made by the said Ministers with the approval of the Treasury, and may in accordance with that scheme make contributions under the said section one—
  - (a) towards the cost incurred not only by an occupier of land but also by any other person having an interest in the land;
  - (b) not only towards cost incurred in acquiring and transporting lime but also towards any cost incurred or to be incurred in bringing lime from the place to which it is delivered by the supplier of the lime to the land to which it is to be added and in spreading it on that land,and as from the coming into operation of the Agricultural Lime Scheme, for references in the said Act of 1937 and in any enactment amending that Act to the Land Fertility Scheme there shall be substituted references to the Agricultural Lime Scheme, references in Part I of that Act to the occupier of land shall include references to any such other person as is mentioned in paragraph (a) of this subsection, the reference in subsection (1) of the said section one to cost incurred in acquiring and transporting shall include a reference to any cost incurred as mentioned in paragraph (b) of this subsection, and paragraph (d) of subsection (1) of section three of the said Act of 1937 (which empowers a scheme to make provision as to the method of computing cost incurred in transporting lime) shall apply to cost incurred or to be incurred as mentioned in paragraph (b) of this subsection as it applies to cost incurred in transporting.
- (2) The period during which any cost must have been incurred in order that contributions may be payable under the said section one in respect thereof shall be extended until the expiration of five years from the earlier of the following dates, that is to say the date on which the Agricultural Lime Scheme comes into operation and the first day of August, nineteen hundred and forty-seven:

Provided that if the said Ministers by order made by them with the approval of the Treasury so direct, the said period shall be extended until the expiration of seven years from the earlier of the said dates.

An order made under this section shall be of no effect unless approved by resolution of each House of Parliament.

- (3) Subject to the proviso to subsection (1) of the said section one (which limits contributions under that section to three-quarters of the cost incurred) the Agricultural Lime Scheme may make provision for contributions at different rates for different classes of cases specified in the scheme.
- (4) This section shall extend to Scotland and to Northern Ireland.

*Pest and weed control.*

**98 Prevention of damage by pests.**

- (1) If it appears to the Minister that it is expedient so to do for the purpose of preventing damage to crops, pasture, animal or human foodstuffs, livestock, trees, hedges, banks or any works on land, he may by notice in writing served on any person having the right so to do require that person to take, within such time as may be specified in the notice, such steps (including such steps, if any, as may be so specified) as may be necessary for the killing, taking or destruction on land so specified of such animals or birds to which this section applies as may be so specified or the eggs of such birds.
- (2) A requirement shall not be imposed under the last foregoing subsection if apart from this subsection the killing, taking or destruction in question would be prohibited by law:

Provided that a requirement may be so imposed to kill or destroy game within the meaning of the Game Act, 1831, at a time of year at which apart from this proviso the killing or destruction would be prohibited by section three of that Act; and for the purposes of the last foregoing subsection a person shall not be deemed not to have the right to comply with a requirement falling within this proviso by reason only that apart from this proviso compliance therewith would be prohibited as aforesaid.

- (3) Section four of the Prevention of Damage by Rabbits Act, 1939 (which allows the use in rabbit holes of poisonous gas, and the placing in rabbit holes of substances generating poisonous gas by evaporation or in contact with moisture) shall apply to the use of such gas and the placing of such substances in any hole, burrow or earth for the purpose of killing animals to which this section applies.
- (4) The animals to which this section applies are rabbits, hares and other rodents, deer, foxes and moles, and the birds to which this section applies are, in relation to any area, wild birds other than those specified in the Schedule to the Wild Birds Protection Act, 1880, as it applies in that area whether by virtue of the terms thereof or of any subsequent enactment or by virtue of an order of the Secretary of State; and this section shall apply to such other animals as may be prescribed:

Provided that regulations under this subsection may provide that for the purposes of subsection (3) of this section any such other animals specified in the regulations shall not be treated as animals to which this section applies.

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- (5) The Minister may with the approval of the Treasury make contributions towards the expenses incurred by any body of persons in killing, taking or destroying animals or birds to which this section applies or the eggs of such birds.
- (6) Part I of the Prevention of Damage by Rabbits Act, 1939, shall cease to have effect.

## **99 Prevention of escape of captive animals.**

If it appears to the Minister that, for the purpose of preventing such damage as is mentioned in the last foregoing section, it is expedient to prevent the escape of any animals from land on which they are kept in captivity, the Minister may by notice in writing served on the occupier of the land require him to take within such time as may be specified in the notice such steps as may be necessary to prevent the escape thereof, including such steps, if any, as may be specified in the notice.

## **100 Supplementary provisions relating to sections ninety-eight and ninety-nine.**

- (1) If any person fails to comply with a requirement imposed under either of the two last foregoing sections he shall be liable on summary conviction to a fine not exceeding twenty-five pounds, and to a further fine not exceeding five pounds for each day after conviction on which the failure continues.
- (2) Without prejudice to any proceedings under the last foregoing subsection, where a requirement imposed under either of the two last foregoing sections has not been complied with, any person authorised by the Minister to act for the purposes of this subsection may at any time enter on the land to which the requirement relates and take such steps as the Minister may direct to secure compliance with the requirement; and the reasonable cost of taking such steps shall be recoverable by the Minister from the person on whom the requirement was imposed.

Any dispute arising under this subsection as to what is the reasonable cost of taking any such steps as aforesaid shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.

- (3) The Minister may give such directions as appear to him to be expedient authorising the keeping of animals, birds, or eggs killed or taken in pursuance of the provisions of this or the last but one foregoing section and authorising the disposal of such animals, birds or eggs, whether for the purpose of being used as food or otherwise.
- (4) Any person authorised or required to kill or take any animal or bird in pursuance of the provisions of this or the last but one foregoing section shall not be required to obtain for that purpose a licence to kill game, and shall have the same power of selling any such animal or bird in pursuance of any such authorisation or requirement as if he had such a licence, but nothing in this section shall exempt any person from the provisions of the Gun Licence Act, 1870.
- (5) Where a person incurs any expense reasonably necessary for the purpose of complying with any requirement imposed on him under either of the two last foregoing sections, or where any cost is recovered from a person under subsection (2) of this section, then if he alleges that the expense or cost ought to be borne wholly or in part by some other person having an interest in the land to which the requirement in question relates, he may apply to the county court in accordance with rules of court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such

order for securing that the applicant is wholly or in part indemnified by that other person in respect of the said expense or cost as the court considers just and equitable in the circumstances of the case.

- (6) Any notice to be served under either of the two last foregoing sections on the occupier of land used for agriculture shall, where an agent or servant of the occupier is responsible for the control of the farming of the land, be duly served if served on the said agent or servant.

#### **101 Provision by Minister of equipment and services for pest control.**

- (1) The Minister may, for the purpose of assisting in the killing, taking or destruction of animals or birds to which section ninety-eight of this Act applies, and the eggs of such birds, provide such services and equipment, appliances and other material as appear to the Minister to be requisite for that purpose.
- (2) The Minister may make such reasonable charges, if any, as he thinks fit in respect of any assistance rendered under the last foregoing subsection, and may recover the amount of any such charge from the person at whose request the assistance was rendered.

#### **102 Destruction of injurious weeds.**

The Schedule to the Corn Production Acts (Repeal) Act, 1921 (which contains provisions for securing the destruction of injurious weeds specified in paragraph (8) thereof) shall have effect, in its application to England and Wales, as if there were specified in the said paragraph (8) such additional injurious weeds as the Minister may by regulations under this section prescribe, and such regulations may make different provisions in different cases specified in the regulations.

*Supplementary.*

#### **103 Schemes for provision of agricultural goods and services.**

- (1) For the purpose of promoting efficiency in agriculture or facilitating food production the Minister may with the approval of the Treasury make schemes for providing goods and services to persons managing or farming agricultural  

Any scheme under this section shall be embodied in an order which shall be laid before Parliament forthwith after being made.
- (2) A scheme under this section shall not authorise the provision of goods after the expiration of five years from the coming into operation of this section or such longer period as may be prescribed.
- (3) The Minister may make such reasonable charges, if any, as he thinks fit in respect of goods and services provided in pursuance of a scheme under this section.
- (4) The Minister may acquire by agreement any land which he requires for the purposes of a scheme under this section.
- (5) This section shall extend to Scotland, with the substitution for references to the Minister of references to the Secretary of State.

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#### **104 Provisions as to representations.**

- (1) Any enactment in this Act providing, in relation to the taking of any action by the Minister, for his taking the action after affording a person an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, shall be construed as a provision that the Minister shall comply with the following requirements.
- (2) The Minister shall give notice to the said person specifying the action proposed to be taken and informing him of the effect of the three following subsections.
- (3) If within the prescribed time and in the prescribed manner the said person makes representations to the Minister in writing, the Minister shall not take the action in question until he has considered the representations.
- (4) If, whether or not representations are made to the Minister in writing, the said person within the prescribed time and in the prescribed manner requires that an opportunity be afforded to him of being heard by a person appointed by the Minister for the purpose, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) of this section the Minister is required to afford such an opportunity, and the Minister shall not take the action in question until he has considered any representations made at the hearing.
- (5) No officer or servant of a County Agricultural Executive Committee, or any sub-committee or district committee thereof, shall be appointed under the last foregoing subsection to receive representations relating to land in the area of the Committee.
- (6) If for the purposes of any such hearing the person to whom the opportunity is afforded so desires, the like opportunity shall be afforded to a person chosen by him to represent his views to the Minister.

#### **105 Expenses and receipts.**

- (1) All expenses incurred by any Minister under this Act shall be defrayed out of moneys provided by Parliament.
- (2) All sums received by the Minister under this Act, including sums received on his behalf by the Agricultural Land Commission or any other person or body of persons exercising functions on behalf of the Minister, shall be paid into the Exchequer.

#### **106 Provisions as to entry and inspection.**

- (1) Any person authorised by the Minister in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.
- (2) Any person authorised by the Minister or a smallholdings authority who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid—

- (a) if the power is being exercised for determining whether the land is to be acquired under Part IV of this Act or this Part thereof; or
  - (b) if the land is being used for residential purposes;
- unless twenty-four hours notice of the intended entry has been given to the occupier of the land.

- (4) Save as provided by the last foregoing subsection, admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid, other than the power conferred by paragraph (a) of subsection (1) of section twelve of this Act, unless notice has been given to the occupier of the land that it is proposed to enter during a period, specified in the notice, not exceeding fourteen days and beginning at least twenty-four hours after the giving of the notice, and the entry is made on the land during the period specified in the notice:

Provided that where the power of entry is being exercised for the purpose of taking measures to secure compliance with a direction or requirement under the foregoing provisions of this Part of this Act, and notice is given in accordance with this subsection on the first occasion on which the power is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with the taking of the measures.

- (5) Where notice is served in a case falling within the proviso to the last foregoing subsection, and the person to whom the direction therein referred to was given, or on whom the requirement therein referred to was imposed, is not the occupier of the land, a like notice shall be served on that person.
- (6) Any notice served in pursuance of the last foregoing subsection or the proviso therein referred to may be served in like manner as the notice giving the said direction or imposing the said requirement.
- (7) Any person who, in any case for which no penalty is provided by the foregoing provisions of this Act, obstructs any person authorised by the Minister or a smallholdings authority exercising any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

## **107 Service of notices.**

- (1) Any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him, or left at his proper 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.
- (3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.
- (4) Where any document is to be given to or served on a person as being the person having any interest in land, and it is not practicable after reasonable inquiry to ascertain his

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name or address, the document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

- (5) Where any such document as aforesaid is to be given to or served on any person as being the owner of land and the land belongs to an ecclesiastical benefice, a copy thereof shall be served on the Ecclesiastical Commissioners.

## **108 Regulations and orders.**

- (1) Any regulations made by the Minister under this Act, and any Order made by the Minister under section seventy-three thereof, shall be laid before Parliament forthwith after being made, and if either House of Parliament, within the period of forty days beginning with the day on which the regulations or order are or is laid before it, resolves that an Address be presented to His Majesty praying that the regulations or order be annulled, no further proceedings shall be taken thereon after the date of the resolution, and His Majesty may by Order in Council revoke the regulations or order so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the regulations or order or to the making of new regulations or a new order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (2) In this Act the expression " prescribed " means prescribed by regulations made by the Minister.
- (3) Any power conferred by this Act to make an order shall include a power, exercisable in the like manner and subject to the like conditions, to revoke or vary the order.

## **109 Interpretation.**

- (1) In this Act the expression " agricultural land " means land used for agriculture which is so used for the purposes of a trade or business, or which is designated by the Minister for the purposes of this subsection, and includes any land so designated as land which in the opinion of the Minister ought to be brought into use for agriculture:

Provided that no designation under this subsection shall extend—

- (a) to land used as pleasure grounds, private gardens or allotment gardens, or
  - (b) to land kept or preserved mainly or exclusively for the purposes of sport or recreation, except where the Minister is satisfied that its use for agriculture would not be inconsistent with its use for the said purposes and it is so stated in the designation.
- (2) In this Act the expression " agricultural unit " means land which is occupied as a unit for agricultural purposes, including—
- (a) any dwelling-house or other building occupied by the same person for the purpose of farming the land, and
  - (b) any other land falling within the definition in this Act of the expression " agricultural land " which is in the occupation of the same person, being land as to which the Minister is satisfied that having regard to the character and situation thereof and other relevant circumstances it ought in the interests of



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full and efficient production to be farmed in conjunction with the agricultural unit, and directs accordingly:

Provided that the Minister shall not give a direction under this subsection as respects any land unless it is for the time being not in use for any purpose which appears to him to be substantial having regard to the use to which it might be put for agriculture.

(3) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

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

" allotment garden " means an allotment not exceeding forty poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetables or fruit for consumption by himself or his family;

" fixed equipment " includes any building or structure affixed to land and any works on, in, over or under land, and also includes anything grown on land for a purpose other than use after severance from the land, consumption of the thing grown or of produce thereof, or amenity, and references to fixed equipment on land shall be construed accordingly;

" functions " includes powers and duties;

" livestock " includes any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land;

" pasture " includes meadow;

" prescribed " has the meaning assigned to it by the last foregoing section;

" produce " includes anything (whether live or dead) produced in the course of agriculture;

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

(4) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any other enactment, including this Act.

(5) References in this Act to the farming of land include references to the carrying on in relation to the land of any agricultural activity; and in relation to any agricultural activity the person having the right to carry it on shall be deemed to be the occupier of the land.

(6) References in this Act to the use of land for agriculture include, in relation to land forming part of an agricultural unit, references to any use of the land in connection with the farming of the unit.

## **110 Repeals.**

The enactments specified in the Thirteenth Schedule to this Act are, save as provided in Part III of this Act, hereby repealed to the extent specified in the third column of that Schedule.

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**111 Short title, commencement and extent.**

- (1) This Act may be cited as the Agriculture Act, 1947.
- (2) This Act shall come into operation on such date as His Majesty may by Order in Council appoint; and an Order under this subsection may appoint different dates in relation to different provisions of this Act.
- (3) This Act, except in so far as is expressly provided therein, shall not extend to Scotland or Northern Ireland.