



Agriculture Act 1947

1947 CHAPTER 48

PART IV

SMALLHOLDINGS.

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

Status: This is the original version (as it was originally enacted).

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.

Status: This is the original version (as it was originally enacted).

- (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-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.