



# Agriculture Act 1947

## 1947 CHAPTER 48

### 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.

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- (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,
  - (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

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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 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,

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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 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 ;

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- (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

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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-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.