



Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

1951 CHAPTER 65

PART II

PROTECTION AGAINST INSECURITY OF TENURE OF PLACE OF RESIDENCE

Protection during service other than short period of training

21 Modifications of Agricultural Holdings Act, 1948, where tenant is a service man

- (1) The three next succeeding subsections shall have effect where the tenant of an agricultural holding to which this section applies performs a period of relevant service, other than a short period of training, either wholly after the commencement of this Act or partly theretofore and partly thereafter, and after the commencement of this Act, at a time during his period of residence protection, there is given to him notice to quit the holding, or notice to quit a part of the holding, being a part to which this section applies.

This section applies to any agricultural holding which comprises such a dwelling-house as is mentioned in paragraph 1 of the Seventh Schedule to the Agricultural Holdings Act, 1948, and applies to any part of an agricultural holding being a part which consists of or comprises such a dwelling-house.

- (2) Subsection (1) of section twenty-four of the said Act of 1948 (which restricts the operation of notices to quit) shall apply notwithstanding the existence of any such circumstances as are mentioned in subsection (2) or subsection (3) of that section; but where the Minister is satisfied that such circumstances exist then (subject to the next succeeding subsection) the Minister shall not be required to withhold his consent to the operation of the notice to quit by reason only that he is not satisfied that circumstances exist such as are mentioned in paragraphs (a) to (e) of subsection (1) of section twenty-five of that Act.

Status: This is the original version (as it was originally enacted).

- (3) In determining whether to give or withhold his consent under the said section twenty-four the Minister—
- (a) if satisfied that circumstances exist such as are mentioned in subsection (2) or subsection (3) of the said section twenty-four or in subsection (1) of the said section twenty-five, shall consider to what extent (if at all) the existence of those circumstances is directly or indirectly attributable to the service man's performing or having performed the period of service in question, and
 - (b) in any case, shall consider to what extent (if at all) the giving of such consent at a time during the period of protection would cause special hardship in view of circumstances directly or indirectly attributable to the service man's performing or having performed that period of service;
- and the Minister shall withhold his consent to the operation of the notice to quit unless in all the circumstances he considers it reasonable to give his consent thereto.
- (4) The two last preceding subsections shall apply in relation to the giving or withholding of consent by the Agricultural Land Tribunal, on a reference to that Tribunal under subsection (4) of the said section twenty-five, as they apply in relation to the giving or withholding of consent by the Minister.
- (5) Where the tenant of an agricultural holding to which this section applies performs such a period of service as is mentioned in subsection (1) of this section and—
- (a) a notice to quit the holding or a part thereof to which this section applies was given to him before the commencement of this Act or is given to him thereafter but before the beginning of his period of residence protection, and
 - (b) the tenant duly serves or has served a counter-notice under subsection (1) of the said section twenty-four, and
 - (c) either the Minister has not consented to the operation of the notice to quit or the matter of his consent thereto is or has been duly referred to the Agricultural Land Tribunal and the Tribunal has not determined the matter so referred,
- the two last preceding subsections shall (with the necessary modifications) apply in relation to the giving or withholding of consent to the operation of the notice to quit as they apply in relation to the giving or withholding of consent to the operation of a notice to quit given in the circumstances mentioned in subsection (1) of this section.
- (6) Section twenty-six of the said Act of 1948 (which authorises the Minister to make regulations as to matters arising out of sections twenty-four and twenty-five of that Act) shall apply in relation to the provisions of those sections as modified by the preceding provisions of this section as it applies in relation to the provisions of those sections apart from this section.
- (7) For the avoidance of doubt it is hereby declared that the power of the Minister under section seventy-two of the Agriculture Act, 1947, to make regulations providing for the delegation of functions to a County Agricultural Executive Committee extends to the making of regulations providing for the delegation to such a committee of any functions of his under section twenty-four or section twenty-five of the said Act of 1948 as modified by the preceding provisions of this section.
- (8) In this section the expression " agricultural holding " has the same meaning as in the said Act of 1948 and the expression " the Minister " means the Minister of Agriculture and Fisheries.