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STATUTORY INSTRUMENTS

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**1959 No. 84**

**AGRICULTURE**

**The Reserve and Auxiliary Forces  
(Agricultural Tenants) Regulations, 1959**

<i>Made</i>	- - - -	<i>15th January 1959</i>
<i>Laid before Parliament</i>		<i>22nd January 1959</i>
<i>Coming into Operation</i>		<i>26th January 1959</i>

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 22 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, as amended by section 8 of and the First Schedule to the Agriculture Act, 1958, do hereby make the following Regulations:—

1. These Regulations, which may be cited as the Reserve and Auxiliary Forces (Agricultural Tenants) Regulations, 1959, shall come into operation on the 26th day of January, 1959.

2. The Reserve and Auxiliary Forces (Protection of Civil Interests) (Agricultural Tenants' Representation) Regulations, 1951, are hereby revoked, so however that any direction given under those Regulations shall have effect as if it has been given under these Regulations.

3. In these Regulations, unless the context otherwise requires—

“1948 Act” means the Agricultural Holdings Act, 1948, as amended;

“1951 Act” means the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, as amended;

“chairman” means the chairman of an Agricultural Land Tribunal established under section 73 of the Agriculture Act, 1947, for the area in which the holding which is the subject of a notice to quit or of proceedings to which these Regulations apply is wholly or in the greater part situate, or a person nominated under paragraph 16 (1)(a) or appointed under paragraph 16A of the Ninth Schedule to that Act to act as chairman in that area, and “secretary” means the secretary of that tribunal.

4. The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

5. Where the chairman is satisfied on an application by any person that—

(a) a notice to quit has been given to a service man as mentioned in sub-section (1) of section 21 of the 1951 Act.

(b) the service man is serving abroad,

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- (c) the applicant is a fit person to serve a counter-notice under subsection (1) of section 24 of the 1948 Act on the service man's behalf but is not duly authorised to do so, and
  - (d) the application is made in good faith in the interests of the service man, the chairman may direct that the applicant be deemed to be duly authorised to serve the counter-notice on the service man's behalf.
6. Where a counter-notice under subsection (1) of section 24 of the 1948 Act has been served—
- (a) in a case where a notice to quit has been given to a service man as mentioned in subsection (1) of section 21 of the 1951 Act, or
  - (b) in a case where subsection (5) of the said section 21 applies in relation to a service man,
- and it appears to the chairman that—
- (i) it is necessary for any act or proceedings consequential upon the service of the counter-notice to be performed or conducted by the service man;
  - (ii) the service man is serving abroad, and
  - (iii) no person has been duly authorised to perform the act or conduct the proceedings on the service man's behalf,

the chairman may, whether on an application by any person or otherwise, direct that some fit person who is willing to perform the act or conduct the proceedings shall be deemed to be authorised for that purpose and to take all such steps as may be necessary or incidental thereto.

7.—(1) An application to the chairman for a direction under these Regulations shall be made in writing and delivered or sent to the secretary.

(2) The chairman may, for the purpose of deciding whether to give the direction, require the applicant to furnish such testimonial or other evidence in support of his application as the chairman may think fit.

Dated the 15th day of January, 1959

*Kilmuir, C*

### EXPLANATORY NOTE

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, provides that in certain circumstances a tenant of an agricultural holding, who is performing a period of service, shall have special protection in addition to that given by the Agricultural Holdings Act, 1948. These Regulations provide that, where a service man is entitled to this special protection, but is serving abroad and therefore unable to serve a counter-notice under section 24(1) of the 1948 Act, or to take some necessary step in subsequent proceedings, and has not authorised anyone to do so on his behalf, the chairman of an Agricultural Land Tribunal may authorise a suitable person to do so.