

## SCHEDULES

### FIRST SCHEDULE

Section 8.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART I

##### ENGLAND AND WALES

##### *Hill Farming Act, 1946*

- 1 On the appointed day, in section twenty-one (which empowers the Minister to avoid or relax covenants in leases prohibiting or restricting the burning of heather or grass), the following subsection shall be substituted for subsection (1)—

“(1) Where a lease of land in England or Wales contains a covenant, condition or agreement whereby the burning of heather or grass by the tenant is prohibited or restricted, the Agricultural Land Tribunal, on an application by the tenant, may if it appears to them that the covenant, condition or agreement is preventing or impeding the proper use for agricultural purposes of the land comprised in the lease or any of that land and that it is expedient in all the circumstances so to do, give such directions for avoiding or relaxing the covenant, condition or agreement as they think fit.”

##### *Agriculture Act, 1947*

- 2 Section fifty-three (which empowers the Minister, where it appears to him that a smallholdings authority have 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, to direct the authority to carry out certain work on the land) shall cease to have effect.

- 3 In section seventy-three (which provides for the establishment, constitution and procedure of Agricultural Land Tribunals)—

- (a) for references to the Minister there shall be substituted references to the Lord Chancellor;
- (b) in subsection (1), for the words " determining matters referred to them under this Act" there shall be substituted the words " hearing and determining references and applications made to them under any enactment";
- (c) in subsection (3), the following paragraph shall be inserted after the words " and in particular— " —
  - “(aa) as to the manner in which applications are to be made to the Tribunals and the time within which they are to be made;”and paragraph (c) shall be omitted;

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- (d) in subsection (4), the words " or application " shall be inserted after the word " reference " ; and
  - (e) after subsection (4) there shall be inserted the following subsection—
    - “(5) An Agricultural Land Tribunal may, for the purpose of hearing and determining applications and references made to them under any enactment, sit in two or more divisions, and, in relation to the hearing and determination of any such application or reference by such a division, that division shall be deemed to be the Tribunal.”
- 4 In relation to Agricultural Land Tribunals, section seventy-five (which provides for the case where land lies partly in the area of one such tribunal and partly in the area of another) shall have effect (except as respects a reference to such a tribunal under section eighty-five or section eighty-six of the Act of 1947) as if, for the reference therein to the Minister, there were substituted a reference to the Lord Chancellor,
- 5 (1) The Ninth Schedule shall be amended in accordance with the following provisions of this paragraph.
- (2) The following paragraphs shall be substituted for paragraphs 13 to 16—
- “13 (1) The Lord Chancellor shall appoint a chairman for each Agricultural Land Tribunal, who shall be a barrister or solicitor of not less than seven years' standing.
- (2) The chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.
- (3) The chairman may resign his office by notice in writing to the Lord Chancellor.
- (4) If the Lord Chancellor is satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or if the chairman is adjudged bankrupt or makes a composition or arrangement with his creditors, the Lord Chancellor may revoke the appointment of the chairman.
- 14 The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of deputy-chairmen, who shall be barristers or solicitors of not less than seven years' standing.
- 15 (1) The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of persons appearing to him to represent the interests of farmers and a panel of persons appearing to him to represent the interests of owners of agricultural land.
- (2) Subject to the following sub-paragraph, the persons to be placed on either panel shall be selected by the Lord Chancellor from nominations made at his request by persons appearing to him to represent the interests of farmers or of owners of agricultural land, as the case may be.
- (3) The last foregoing sub-paragraph shall not prevent the Lord Chancellor from placing on either of the panels a person not nominated in accordance with that sub-paragraph, if the persons requested to make the nominations for that purpose do not make the required number of nominations, or the nominations they make do not include enough persons who appear to the Lord Chancellor to be suitable.

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- 16 (1) For each hearing by an Agricultural Land Tribunal of an application or reference thereto the members of the Tribunal shall be—
- (a) the chairman, or a person nominated by the chairman either from the panel of deputy-chairmen (whether for that Tribunal or for any other Agricultural Land Tribunal) or from among the chairmen of other Agricultural Land Tribunals, and
  - (b) one person nominated by the chairman from each of the panels for that Tribunal drawn up under the last foregoing paragraph or from a corresponding panel for any other Agricultural Land Tribunal.
- (2) The chairman may, if it appears to him expedient so to do, nominate two assessors to be added to the Tribunal for the hearing of an application or reference thereto in order to assist the Tribunal in the hearing.
- (3) The assessors shall be selected by the chairman from a panel of persons nominated by the President of the Royal Institution of Chartered Surveyors.
- 16A If the chairman of an Agricultural Land Tribunal is prevented by sickness or any other reason from making nominations under subparagraphs (1) and (2) of the last foregoing paragraph or from otherwise discharging the duties of his office, those duties may be discharged by a person appointed from the panel of deputy-chairmen for that Tribunal by the chairman or, if the chairman is unable to make the appointment, by the Lord Chancellor.”
- (3) In paragraph 17, for the reference to the Minister there shall be substituted a reference to the Lord Chancellor.
- (4) Paragraph 18 shall cease to have effect.

*Agricultural Holdings Act, 1948*

- 6 The following section shall be substituted for section ten—
- “**10** (1) Where under the contract for a tenancy of an agricultural holding, whether created before or after the commencement of this Act, provision is made for the maintenance of specified land, or a specified proportion of the holding, as permanent pasture, the landlord or the tenant may, by notice in writing served on his tenant or landlord, demand a reference to arbitration under this Act of the question whether 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.
- (2) On a reference under the foregoing subsection the arbitrator may by his award—
- (a) 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 may be specified in the direction; and
  - (b) if he gives a direction reducing the area of land which under the contract of tenancy is to be maintained as permanent pasture, order that the contract of tenancy shall have effect as if it provided that

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on quitting the holding on the termination of the tenancy the tenant should leave as permanent pasture, or should leave as temporary pasture sown with seeds mixture of such kind as may be specified in the order, such area of land (in addition to the area of land required by the contract of tenancy, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however, that the area required to be left as aforesaid shall not exceed the area by which the land required by the contract of tenancy to be maintained as permanent pasture has been reduced by virtue of the direction.”

7 In section eleven, in subsection (3) (which provides for a question whether a tenant has so exercised his rights under subsection (1) of that section as to injure or deteriorate his holding to be determined for certain purposes by the Minister), for the words from " shall be determined by the Minister " to the end of the subsection there shall be substituted the words " shall be determined by arbitration under this Act; and the award of the arbitrator shall, for the purposes of any proceedings brought under the last foregoing subsection (including an arbitration under paragraph (b) thereof) be conclusive proof of the facts stated therein.

8 On the appointed day, in section twenty-four, for references to the Minister there shall be substituted references to the Agricultural Land Tribunal.

9 On the appointed day, in section twenty-five—

- (a) subsections (2) to (4) shall cease to have effect;
- (b) in subsection (5) the words " the Minister or " in each place where they occur shall be omitted; and
- (c) in subsection (6), for the reference to the Minister there shall be substituted a reference to the Agricultural Land Tribunal, and for the word " he " there shall be substituted the words " the Tribunal ".

10 The following section shall be substituted for section twenty-six—

“**26** (1) The Lord Chancellor may by order provide—

- (a) for requiring any question arising under subsection (2) of section twenty-four of this Act to be determined by arbitration under this Act, 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 counter-notice may be given by the tenant under subsection (1) of that section where any such arbitration is required;
- (b) for suspending the operation of notices to quit until the termination of any such arbitration as aforesaid;
- (c) 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 as aforesaid or of an application under the said section twenty-four;
- (d) for excluding the application of subsection (1) of the said section twenty-four in relation to sub-tenancies in such cases as may be specified in the order, and for making such provision as appears to the Lord Chancellor expedient for the purpose of safeguarding the interests of sub-tenants, including provision enabling 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.

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- (2) The power to make orders conferred on the Lord Chancellor by this section shall be exercisable by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) and shall include a power, exercisable in the like manner, to revoke or vary any order made thereunder.”
- 11 On the appointed day, for section twenty-seven there shall be substituted the following section—
- “**27** For the purposes of paragraph (c) of subsection (2) of section twenty-four of this Act, the landlord of an agricultural holding may apply to the Agricultural Land Tribunal for a certificate that the tenant is not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and the Tribunal, if satisfied that the tenant is not fulfilling his said responsibilities, shall grant such a certificate.”
- 12 Section twenty-eight (which empowers the Minister to give to the tenant of an agricultural holding, being a holding in respect of which a certificate of bad husbandry under section twenty-four of the Act of 1948 is in force, directions for securing that the holding does not further deteriorate before the termination of the tenancy) shall cease to have effect.
- 13 The following section shall be substituted for section twenty-nine—

**“29 Penalty for breach of condition accompanying consent to notice to quit.**

- (1) Where, on giving consent under section twenty-four of this Act to the operation of a notice to quit an agricultural holding or part of an agricultural holding, the Agricultural Land Tribunal imposed a condition under section twenty-five of this Act for securing that the land to which the notice to quit related would be used for the purpose for which the landlord proposed to terminate the tenancy, and it is proved on an application to the Tribunal on behalf of the Crown—
- (a) that the landlord has failed to comply with the condition within the period allowed thereby, or
- (b) that the landlord has acted in contravention of the condition,
- the Tribunal may by order impose on the landlord a penalty of an amount not exceeding two years' rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy, or, where the notice to quit related to a part only of the holding, of an amount not exceeding the proportion of the said two years' rent which it appears to the Tribunal is attributable to that part.
- (2) A penalty imposed under this section shall be a debt due to the Crown and shall, when recovered, be paid into the Exchequer.
- (3) The Tribunal may, in proceedings under this section, by order provide for the payment by any party of such sum as the Tribunal consider a reasonable contribution towards costs.
- (4) An order under this section shall be enforceable in the same manner as a judgment or order of the county court to the like effect.”

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- 14 On the appointed day, in section fifty (which empowers the Minister to approve the carrying out by the tenant of an agricultural holding of certain long-term improvements)—
- (a) for references to the Minister there shall be substituted references to the Agricultural Land Tribunal;
  - (b) in subsection (1), the words from " after giving notice " to " so to do " shall be omitted;
  - (c) in subsection (2), the words from " after affording " to " by the Minister " and the words from " and in either case " to the end of the subsection shall be omitted; and
  - (d) in subsection (4), the words from " after affording " to " by the Minister " shall be omitted.
- 15 In section fifty, in subsection (3), the following paragraph shall be inserted at the end—
- “In this subsection " the prescribed period " means the period prescribed by the Lord Chancellor by order made by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament); and the power to make orders under this subsection shall include a power, exercisable in the like manner, to revoke or vary any order made thereunder.”
- 16 In section sixty-three, in subsection (1), for the words " paragraph (ii) of section ten " there shall be substituted the words " paragraph (b) of subsection (2) of section ten ".
- 17 On the appointed day, in section sixty-eight (which empowers the Minister to direct that, for the purposes of certain improvements to be carried out by the tenant, an agricultural holding shall be treated as a market garden)—
- (a) for references to the Minister there shall be substituted references to the Agricultural Land Tribunal; and
  - (b) in subsection (1), the words from " and after affording " to " by the Minister " shall be omitted.
- 18 On the appointed day, sections seventy-five and seventy-six (which respectively provide for representations to the Minister as to the taking of action by him, and for proposals as to such action to be referred to the Agricultural Land Tribunal) shall cease to have effect.
- 19 As from the appointed day, the power to make rules under subsection (2) of section seventy-seven shall, in relation to arbitrations under paragraph (a) of subsection (1) of section twenty-six of the Act of 1948, be exercisable by the Lord Chancellor and not by the Minister.
- 20 In the Sixth Schedule, in paragraph 1, for the reference to the Lord Chief Justice of England there shall be substituted a reference to the Lord Chancellor.
- 21 (1) The provisions of paragraph 24 of the Sixth Schedule (under which a special case may be stated for the opinion of the county court where any question of law arises in the course of an arbitration under the Act of 1948) shall apply in relation to a question as to the jurisdiction of an arbitrator as they apply in relation to a question of law arising in the course of an arbitration.
- (2) The provisions of the Sixth Schedule relating to the fixing and recovery of the remuneration of an arbitrator and the making and enforcement of an award as

to costs, together with any other provision thereof applicable for the purposes of or in connection with those provisions, shall apply where the arbitrator has no jurisdiction to decide the question referred to him as they apply where the arbitrator has jurisdiction to decide that question.

*Mineral Workings Act, 1951*

- 22 In section twenty-one, in subsection (1), for the words " section fourteen " there shall be substituted the words " section ninety-five ".

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

- 23 On the appointed day, in section twenty-one—
- (a) in subsections (2) and (3), for references to the Minister there shall be substituted references to the Agricultural Land Tribunal,
  - (b) subsections (4) and (7) shall cease to have effect,
  - (c) for paragraph (c) of subsection (5) there shall be substituted the following—
    - “(c) the Agricultural Land Tribunal has not before the beginning of his period of residence protection decided whether to give or withhold consent to the operation of the notice to quit,”
  - (d) in subsection (6), for the reference to the Minister there shall be substituted a reference to the Lord Chancellor, and for the reference to regulations there shall be substituted a reference to orders, and
  - (e) in subsection (8) the words from "and the expression" to the end shall be omitted.

- 24 As from the appointed day, the power to make regulations conferred by subsection (4) of section twenty-two shall be exercisable by the lord Chancellor and not by the Minister, and subsection (5) of that section shall have effect accordingly.

*Coastal Flooding (Emergency Provisions) Act, 1953*

- 25 In section sixteen, for the words " section fourteen " there shall be substituted the words " section ninety-five ".

*Agriculture (Miscellaneous Provisions) Act, 1954*

- 26 In section five, in subsection (1) (which empowers an Agricultural Land Tribunal to award costs against a person concerned in a reference to them who has acted frivolously, vexatiously or oppressively), after the word " reference " in each place where it occurs there shall be inserted the words " or application ".
- 27 In section six—
- (a) subsection (3) (which entitles the Minister to appear and be heard on a reference or application to the High Court in respect of a question of law arising in the course of proceedings before an Agricultural Land Tribunal) shall cease to have effect; and
  - (b) the power to make orders conferred by subsection (6) shall be exercisable by the Lord Chancellor and not by the Minister.

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- 28 On the appointed day, in section seven, for the words " the Minister of Agriculture and Fisheries" there shall be substituted the words " the Agricultural Land Tribunal".

*Landlord and Tenant Act, 1954*

- 29 Subsection (1) of section forty-three shall have effect, and be deemed always to have had effect, as if, at the end of paragraph (a) thereof, there were inserted the words " or a tenancy which would be a tenancy of an agricultural holding if the proviso to subsection (1) of section two of the Agricultural Holdings Act, 1948, did not have effect or, in a case where the approval of the Minister of Agriculture, Fisheries and Food was given as mentioned in the said subsection (1), if that approval had not been given".

**PART II**

SCOTLAND

*Agriculture (Scotland) Act, 1948*

- 30 Section thirty-six (which relates to special directions as to stocking of deer forests and grouse moors) shall cease to have effect.
- 31 In the Third Schedule, in paragraph 1, the words " section twenty-nine or ", and in paragraph 5 the words " subsection (4) of section thirty and " shall be omitted.

*Agricultural Holdings (Scotland) Act, 1949*

- 32 For section nine there shall be substituted the following section—
- “9 (1) Where under the lease of an agricultural holding, whether entered into before or after the commencement of this Act, provision is made for the maintenance of specified land, or a specified proportion of the holding, as permanent pasture, the landlord or the tenant may, by notice in writing served on his tenant or landlord, demand a reference to arbitration under this Act of the question whether 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.
- (2) On a reference under the foregoing subsection the arbiter may by his award—
- (a) direct that the lease 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 may be specified in the direction; and
  - (b) if he gives a direction reducing the area of land which under the lease is to be maintained as permanent pasture, order that the lease shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave as permanent pasture, or should leave as temporary pasture sown with seeds mixture of such kind as may be specified in the order, such area of land (in addition to the area of land required by the lease, as modified by the direction, to be maintained as permanent pasture) as may be



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so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the lease to be maintained as permanent pasture has been reduced by virtue of the direction.”

- 33 In section twelve, in subsection (3) (which provides for a question whether a tenant has so exercised his rights under subsection (1) of that section as to injure or deteriorate his holding to be determined for certain purposes by the Secretary of State) for the words from " determined by the Secretary of State" to "a certificate of the Secretary of State " there shall be substituted the words " determined by arbitration; and a certificate of the arbiter ";  
and in subsection (5) after the words " section nine of this Act " there shall be inserted the words " or an arbiter has directed under the said section nine ".
- 34 In section twenty-four (which relates to the giving of notices to quit), in paragraph (a) of subsection (6) after the words " other purposes " there shall be inserted the words " (not being agricultural purposes) ".
- 35 On the appointed day, in section twenty-five—  
(a) for references to the Secretary of State there shall be substituted references to the Land Court;  
(b) paragraph (a) of subsection (2) shall cease to have effect; and  
(c) at the end of paragraph (b) of subsection (2) there shall be added the words " and it is stated in the notice that it is given by reason of the matter aforesaid "
- 36 On the appointed day, in section twenty-six—  
(a) subsections (2) to (4) shall cease to have effect;  
(b) in subsection (5) the words " the Secretary of State or " in each place where they occur shall be omitted; and  
(c) in subsection (6) for the reference to the Secretary of State there shall be substituted a reference to the Land Court.
- 37 On the appointed day, for section twenty-seven there shall be substituted the following section—  
“27 (1) An application by a landlord for the consent of the Land Court under section twenty-five of this Act to the operation of a notice to quit shall be made within one month after service on the landlord by the tenant of a counter-notice requiring that subsection (1) of that section shall apply to the notice to quit.  
(2) A tenant to whom has been given a notice to quit in connection with which any question arises under subsection (2) of section twenty-five of this Act shall, if he requires such question to be determined by arbitration under this Act, give notice to the landlord to that effect within one month after the notice to quit has been served on him; and where the award of the arbiter in an arbitration so required is such that the provisions of subsection (1) of section twenty-five of this Act would have applied to the notice to quit if a counter-notice had been served within the period limited by that subsection the period within which a counter-notice may be served under that subsection shall be extended up to the expiration of one month from the issue of the arbiter's award.  
(3) Where such an arbitration as is referred to in the last foregoing subsection has been required by the tenant, or where an application has been made to the

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Land Court for their consent to the operation of a notice to quit, the operation of the notice to quit shall be suspended until the issue of the arbiter's award or of the decision of the Land Court, as the case may be.

- (4) Where the decision of the Land Court giving their consent to the operation of a notice to quit, or the award of the arbiter in such an arbitration as is referred to in subsection (2) of this section, is issued at a date later than six months before the date on which the notice to quit is expressed to take effect, the Land Court, on application made to them in that behalf at any time not later than one month after the issue of the decision or award aforesaid, may postpone the operation of the notice to quit for a period not exceeding twelve months.
- (5) If the tenant of an agricultural holding receives from the landlord notice to quit the holding or a part thereof and in consequence thereof gives to a sub-tenant notice to quit that holding or part, the provisions of subsection (1) of section twenty-five of this Act shall not apply to the notice given to the subtenant; but if the notice to quit given to the tenant by the landlord does not have effect, the notice to quit given as aforesaid by the tenant to the sub-tenant shall not have effect.

For the purposes of this subsection a notice to quit part of the holding which under the provisions of section thirty-three of this Act is accepted by the tenant as notice to quit the entire holding shall be treated as a notice to quit the holding.

- (6) Where notice is served on the tenant of an agricultural holding to quit the holding or a part thereof, being a holding or part which is subject to a sub-tenancy, and the tenant serves on the landlord a counter-notice in accordance with the provisions of subsection (1) of section twenty-five of this Act, the tenant shall also serve on the sub-tenant notice in writing that he has served such counter-notice on the landlord, and the sub-tenant shall be entitled to be a party to any proceedings before the Land Court for their consent to the notice to quit””

38 On the appointed day, for section twenty-eight there shall be substituted the following section—

“(28) For the purposes of paragraph (d) of subsection (2) of section twenty-five of this Act, the landlord of an agricultural holding may apply to the Land Court for a certificate that the tenant is not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and the Land Court, if satisfied that the tenant is not fulfilling his said responsibilities, shall grant such a certificate.”

39 Section twenty-nine (which empowers the Secretary of State to give to the tenant of an agricultural holding, being a holding in respect of which a certificate of bad husbandry under section twenty-five of the Scottish Act of 1949 is in force, directions for securing that the holding does not further deteriorate before the termination of the tenancy) shall cease to have effect.

40 For section thirty there shall be substituted the following section—

**“30 Penalty for breach of condition accompanying consent to notice to quit.**

(1) Where, on giving consent under section twenty-five "of this Act to the operation of, a notice to quit an agricultural holding or part of an agricultural holding, the Land Court imposed a condition under section twenty-six of this Act for securing that the land to which the notice to quit related would be used for the purpose for which the landlord proposed to terminate the tenancy, and it is proved, on an application to the Land Court on behalf of the Crown—

(a) that the landlord has failed to comply with the condition within the period allowed thereby, or

(b) that the landlord has acted in contravention of the condition,

the Land Court may by order impose on the landlord a penalty of an amount not exceeding two years' rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy, or, where the notice to quit related to a part only of the holding, of an amount not exceeding the proportion of the said two years' rent which it appears to the Land Court is attributable to that part.

(2) A penalty imposed under this section shall be a debt due to the Crown and shall, when recovered, be paid into the Exchequer.”

41 On the appointed day, in section fifty-two (which empowers the Secretary of State to approve the carrying out by the tenant of certain long-term improvements)—

(a) for references to the Secretary of State there shall be substituted references to the Land Court;

(b) in subsection (2) the words from " after giving notice " to " so to do ", the words from " after affording " to " appointed by the Secretary of State " and the words from " and in either case " to the end of the subsection, shall be omitted; and

(c) in subsection (4) the words from "after affording" to " appointed by the Secretary of State " shall be omitted.

42 In section sixty-three, in subsection (1), for the words "paragraph (ii) of section nine" there shall be substituted the words " paragraph (b) of subsection (2) of section nine ".

43 On the appointed day, in section sixty-six (which empowers the Secretary of State to direct that, for the purposes of certain improvements to be carried out by the tenant, an agricultural holding shall be treated as a market garden)—

(a) for references to the Secretary of State there shall be substituted references to the Land Court; and

(b) in subsection (1) the words from " and after affording " to " appointed by the Secretary of State " shall be omitted.

44 On the appointed day, sections seventy-one and seventy-two (which respectively provide for representations to the Secretary of State as to the taking of action by him, and for proposals as to such action to be referred to the Land Court) shall cease to have effect.

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

45 On the appointed day in section twenty-one (as read with section twenty-four)—

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- (a) in subsections (2) and (3) for references to the Secretary of State there shall be substituted references to the Land Court;
- (b) subsections (4) and (7) shall cease to have effect;
- (c) in subsection (5) for paragraph (c) there shall be substituted the following paragraph—
  - “(c) the Scottish Land Court has not before the beginning of his period of residence protection decided whether to give or withhold consent to the operation of the notice to quit,”;
  - and
- (d) in subsection (6) the reference to section twenty-seven of the Scottish Act of 1949 shall be construed as a reference to that section as originally enacted and not as amended by this Act.

46 On the appointed day, in section twenty-four, in paragraph (b), the words from " for references to the Agricultural Land Tribunal" to " appeals thereto " and paragraph (c) shall be omitted.

## SECOND SCHEDULE

Section 10.

### ENACTMENTS REPEALED IN CONSEQUENCE OF THE PROVISIONS OF THIS ACT

#### PART I

##### ENACTMENTS REPEALED ON THE PASSING OF THIS ACT

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 48.	The Corn Production Acts (Repeal) Act, 1921.	In the Schedule, paragraph (5).
10 & 11 Geo. 6. c. 48.	The Agriculture Act, 1947.	Section nine. Sections twelve to twenty-one. Section fifty-three. In section seventy-three, in subsection (3), paragraph (c). In section one hundred and six, in subsection (4), the words " other than the power conferred by paragraph (a) of subsection (1) of section twelve of this Act". In the Second Schedule, in paragraph 1, the words " fourteen or " and in paragraph 5 the words " and

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 45.	The Agriculture (Scotland) Act, 1948.	<p>subsection (5) of section fifteen "</p> <p>In the Ninth Schedule, paragraph 18.</p> <p>In section twenty-six, subsection (1).</p> <p>Sections twenty-seven to thirty-four.</p> <p>Sections thirty-six to thirty-eight.</p> <p>In section sixty-three, subsection (2).</p> <p>Section seventy-one.</p> <p>In section eighty-two, in subsection (4), the words " other than the power conferred by paragraph (a) of subsection (1) of section twenty-seven of this Act", and the words " of section twenty-nine or "</p> <p>In the Third Schedule, in paragraph 1, the words "twenty-nine or" and in paragraph 5 the words " subsection (4) of section thirty and "</p>
11 & 12 Geo. 6.c. 63.	The Agricultural Holdings Act, 1948.	<p>Section twenty-eight.</p> <p>In section forty-seven, paragraph (b) of subsection (2).</p>
12, 13 & 14 Geo. 6. c. 75.	The Agricultural Holdings (Scotland) Act, 1949.	<p>In section seven, in subsection (3), the words "or under subsection (7) of section thirty-two of the Agriculture (Scotland) Act, 1948 "</p>
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.	The Income Tax Act, 1952.	<p>Section twenty-nine.</p> <p>In section five hundred and twenty-nine, in paragraph (e) of subsection (2), the words "subsection (7) of section eighteen of the Agriculture Act, 1947. and subsection (7) of section thirty-three of the</p>

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Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 18.	The Coastal Flooding (Emergency Provisions) Act, 1953.	Agriculture (Scotland) Act, 1948 ". Section fifteen.
2 & 3 Eliz. 2. c. 39.	The Agriculture (Miscellaneous Provisions) Act, 1954.	Section four. In section six, subsection (3). The First Schedule.
4 & 5 Eliz. 2. c. 60.	The Valuation and Rating (Scotland) Act, 1956.	Section thirty-nine.

## PART II

### ENACTMENTS REPEALED ON THE APPOINTED DAY

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act, 1948.	In section twenty-five, subsections (2) to (4), and in subsection (5) the words " the Minister or" in each place where they occur.  In section fifty, in subsection (1), the words from "after giving notice " to " so to do ", in subsection (2), the words from "after affording" to "by the Minister" and the words from " and in either case" to the end of the subsection, and in subsection (4), the words from " after affording " to " by the Minister ".  In section sixty-eight, in subsection (1), the words from " and after affording " to " by the Minister ".  Sections seventy-five and seventy-six.
12, 13 & 14 Geo. 6. c. 75.	The Agricultural Holdings (Scotland) Act, 1949.	In section twenty-five, paragraph (a) of subsection (2).  In section twenty-six, subsections (2) to (4), and in subsection (5) the words " the

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Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.	<p>Secretary of State or" in each place where they occur.</p> <p>In section fifty-two, in subsection (2), the words from " after giving notice " to " so to do ", the words from " after affording " to " appointed by the Secretary of State" and the words from " and in either case " to the end of the subsection, and in subsection (4) the words from " after affording " to " appointed by the Secretary of State ".</p> <p>In section sixty-six, in subsection (1), the words from "and after affording" to " appointed by the Secretary of State ".</p> <p>Sections seventy-one and seventy-two.</p> <p>In section twenty-one, subsections (4) and (7), and in subsection (8), the words from " and the expression " to the end.</p> <p>In section twenty-four, in paragraph (b), the words from "for references to the Agricultural Land Tribunal" to " appeals thereto ", and paragraph (c).</p>

THIRD SCHEDULE

Section 10.

ENACTMENTS REPEALED AS SPENT

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 48.	The Com Production Acts (Repeal) Act, 1921.	<p>In section one, in the proviso, paragraphs (a), (b) and (d).</p> <p>In the Schedule, in paragraph 10, sub-paragraph (ii).</p>
10 & 11 Geo. 6. c. 48.	The Agriculture Act, 1947.	<p>In section sixty-one, subsection (8).</p>

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Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 45.	The Agriculture (Scotland) Act, 1948.	<p>In section sixty-three, subsection (3).</p> <p>In section seventy-one, subsection (7).</p> <p>In section seventy-six, subsections (1) and (3).</p> <p>Section ninety-one.</p> <p>In section ninety-five, in subsection (1), the words from " or, in the case of an order " to the end of the subsection.</p> <p>In section ninety-eight, subsection (6).</p> <p>Section one hundred and ten.</p> <p>In section one hundred and eleven, subsection (2).</p> <p>The Thirteenth Schedule.</p> <p>In section thirty-five, in subsection (1), the words from " or in the case of an instrument " to the end of the subsection.</p> <p>In section forty-eight, subsection (5).</p> <p>In section sixty-eight, subsection (5).</p> <p>Section eighty-seven.</p> <p>In section eighty-eight, subsection (2).</p> <p>The Tenth Schedule.</p>
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act, 1948.	<p>In section twenty-four, subsection (3).</p> <p>In section thirty-four, in subsection (1), the words " or of subsection (3) thereof".</p>
12, 13 & 14 Geo. 6. c. 75.	The Agricultural Holdings (Scotland) Act, 1949.	<p>In section twenty-five, subsection (3).</p> <p>In section thirty-five, in subsection (1), the words " or of subsection (3) thereof ".</p>



Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.	In section twenty-one, in subsections (2) and (3), the words " or subsection (3) " in each place where they occur.

## FOURTH SCHEDULE

Section 10.

### TRANSITIONAL PROVISIONS

- 1 Where, by virtue of any provision of the First Schedule to this Act, any functions of the Minister under an enactment referred to in that provision fall to be exercised after the coming into operation thereof by the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator, anything done in the exercise of those functions, in so far as it has effect immediately before the coming into operation of that provision shall, subject to the provisions of this Schedule, continue to have effect thereafter as if done by the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator, as the case may be, under the said enactment as amended by this Act.
- 2 Notwithstanding the repeal by this Act of section fourteen of the Act of 1947—
  - (a) a direction given by the Minister under paragraph (a) of subsection (1) of that section which is in force immediately before the passing of this Act shall continue in force, and the provisions of the Act of 1947 applicable for the purposes of such a direction shall continue to apply for those purposes notwithstanding the repeal by this Act of any of those provisions;
  - (b) the right conferred on the Minister by subsection (5) of the said section fourteen to recover the reasonable cost of work carried out before the passing of this Act in the exercise of powers conferred by that subsection shall continue to be exercisable, and subsection (6) of that section shall continue to apply in relation to disputes as to the reasonable cost of such work; and
  - (c) the Second Schedule to the Act of 1947 shall continue to apply as respects a direction given under the said section fourteen.
- 3 Notwithstanding the repeal by this Act of section fifteen of the Act of 1947, subsection (6) of that section shall continue to have effect as respects the right of a tenant to compensation for an improvement carried out before the passing of this Act
- 4 (1) This paragraph shall apply where, immediately before the passing of this Act, the Minister was in possession of land under section eighteen of the Act of 1947.  
(2) In this paragraph—
  - " the landlord " has the same meaning as in the said section eighteen;
  - " the landlord's agreement " means the agreement, if any, regulating the Minister's possession of the land made between the Minister and the landlord under subsection (2) of the said section eighteen.
- (3) The Minister shall be entitled to remain in possession of the land until the eleventh day of October, nineteen hundred and fifty-eight.

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- (4) If, immediately before the said eleventh day of October, the land is being farmed by a person entrusted by the Minister with the farming thereof (in this sub-paragraph referred to as " the farmer ") then, on that day—
- (a) the farmer shall become the tenant of the land under a tenancy from year to year beginning on that day on such terms as may thereafter be agreed between the farmer and the landlord or as may, in default of agreement, be determined by arbitration under the Act of 1948; and
  - (b) the landlord's agreement and the agreement regulating the farming of the land made between the Minister and the farmer under paragraph (b) of subsection (2) of the said section eighteen shall each determine as if the condition specified in paragraph (b) of subsection (5) of that section had been satisfied.
- (5) If, immediately before the said eleventh day of October, the land is being farmed by a person acting under the direction of the Minister the landlord's agreement shall determine on that day as if the landlord had served on the Minister a notice in writing under paragraph (a) of subsection (5) of the said section eighteen two months before that day.
- (6) Notwithstanding the repeal by this Act of the said section eighteen, subsections (2) and (4) and (6) to (8) of that section shall continue to apply in relation to the land, so however that paragraph (b) of the said subsection (2) shall not apply in relation thereto.
- 5 (1) Where, before the passing of this Act.—
- (a) a reference to arbitration under subsection (1) of section eight of the Act of 1948 has been demanded, but
  - (b) the arbitrator has not made his award thereon,
- section two of this Act shall not apply as respects the arbitration unless the reference was demanded in such circumstances that any increase or reduction of rent made in consequence thereof would take effect on or after the twenty-ninth day of September, nineteen hundred and fifty-nine.
- (2) Where, as respects an arbitration under subsection (1) of the said section eight in relation to a tenancy, section two of this Act would have applied by virtue of the foregoing sub-paragraph but for the fact that the arbitrator had made his award before the passing of this Act, nothing in subsection (3) of the said section eight shall prevent a further reference to arbitration being begun in relation to that tenancy at any time after the passing of this Act
- 6 Nothing in this Act shall affect the operation of the Act of 1948 as respects the giving of consent to the operation of a notice to quit an agricultural holding or part of an agricultural holding in a case where the tenant served on the landlord a counter-notice under subsection (1) of section twenty-four of that Act before the coming into operation of section three of this Act:
- Provided that where, as respects any condition imposed under subsection (5) of section twenty-five of the Act of 1948 in connection with the giving of consent to the operation of such a notice to quit, the time within which the condition ought to have been complied with expires after the fourth day of March, nineteen hundred and fifty-eight, or any act is done after that date in contravention of the condition, the Act of 1948 shall have effect in relation thereto subject to the amendment specified in paragraph 13 of the First Schedule to this Act.

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- 7 Nothing in this Act shall affect the operation of subsection (2) of section twenty-four of the Act of 1948 in a case where, before the coming into operation of section three of this Act, the Minister consented under the said section twenty-four to the operation of a notice to quit
- 8 (1) Subject to the following sub-paragraph, nothing in the provisions of this Act shall affect the operation of paragraph (c) of subsection (2) of section twenty-four of the Act of 1948 or of section twenty-seven thereof in a case where, before the coming into operation of section three of this Act, an application was made by a landlord under the said section twenty-seven for a certificate that the tenant was not fulfilling his responsibilities to farm in accordance with the rules of good husbandry.
- (2) In so far as the said section twenty-seven continues to apply by virtue of the foregoing sub-paragraph, it shall apply as if paragraph (b) of subsection (2) thereof were omitted.
- 9 Without prejudice to the generality of paragraph 1 of this Schedule, regulations made by the Minister under section twenty-six or section fifty of the Act of 1948 in force immediately before the passing of this Act shall continue in force thereafter and shall be treated as orders made by the Lord Chancellor under the said section twenty-six, or, as the case may be, the said section fifty, as amended by this Act.
- 10 (1) Nothing in paragraph 5 of the First Schedule to this Act, shall affect the appointment of a chairman of an Agricultural Land Tribunal made before the passing of this Act or any proceedings before such a Tribunal commenced before the passing thereof.
- (2) A panel drawn up by the Lord Chancellor before the passing of this Act under paragraph 15 of the Ninth Schedule to the Act of 1947 shall be deemed for the purposes of proceedings commenced after the passing of this Act to have been drawn up under that paragraph as amended by paragraph 5 of the First Schedule to this Act.
- 11 Nothing in paragraph 20 of the First Schedule to this Act shall affect the validity of the appointment of a panel of arbitrators by the Lord Chief Justice of England under sub-paragraph (3) of paragraph 1 of the Sixth Schedule to the Act of 1948; and that appointment shall continue to have effect for the purposes of the Act of 1948 until such time as a new panel is appointed under the said sub-paragraph (3) by the Lord Chancellor.
- 12 Nothing in this Act shall affect the operation of the Schedule to the Corn Production Acts (Repeal) Act, 1921, in a case where a notice was served under paragraph (1) of that Schedule before the passing of this Act
- 13 Paragraphs 1 and 2, paragraphs 5 to 8 and paragraph 12 of this Schedule shall apply to Scotland, subject to the following modifications that is to say—
- (a) in paragraph 1, for references to the Minister and to the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator there shall be substituted respectively references to the Secretary of State and to the Land Court or an arbiter;
- (b) in paragraph 2, for references to the Minister, to the Act of 1947, to section fourteen of that Act, to paragraph (a) of subsection (1) and to subsections (5) and (6) of that section and to the Second Schedule to that Act, there shall be substituted respectively references to the Secretary of State, to the Scottish Act of 1948, to section twenty-nine of that Act, to paragraph (a) of subsection (1) or subsection (3) and to subsections (6) and (7) of that section and to the Third Schedule to that Act;

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- (c) in paragraph 5, for references to section eight of the Act of 1948, to the twenty-ninth day of September and to an arbitrator there shall be substituted respectively references to section seven of the Scottish Act of 1949, to the twenty-eighth day of November and to an arbiter;
  - (d) in paragraphs 6 and 7, for the references to sections twenty four and twenty-five of the Act of 1948 and to paragraph 13 of the First Schedule to this Act there shall be substituted respectively references to sections twenty-five and twenty-six of the Scottish Act of 1949 and to paragraph 40 of the said Schedule;
  - (e) in paragraph 8, for references to paragraph (c) of subsection (2) of section twenty-four of the Act of 1948 and to section twenty-seven of that Act there shall be substituted respectively references to paragraph (d) of subsection (2) of section twenty-five of the Scottish Act of 1949 and to section twenty-eight of that Act.
- 14 Notwithstanding the provisions of paragraph 37 of the First Schedule to this Act, the regulations made by the Secretary of State under section twenty-seven of the Scottish Act of 1949 in force immediately before the day appointed for the coming into operation of section three of this Act shall continue to have effect for the purposes of any proceedings consequent upon a notice to quit in a case where the tenant served on the landlord a counter-notice under subsection (1) of section twenty-five of that Act before that day.

#### TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Corn Production Acts (Repeal) Act, 1921	11 & 12 Geo. 5. c. 48.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Hill Fanning Act, 1946	9 & 10 Geo. 6. c. 73.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Agricultural Holdings (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 75.
Adoption Act, 1950	14 Geo. 6. c. 26.
Mineral Workings Act, 1951	14 & 15 Geo. 6. c. 60.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.
Coastal Flooding (Emergency Provisions) Act, 1953	1 & 2 Eliz. 2. c. 18.
Agriculture (Miscellaneous Provisions) Act, 1954	2 & 3 Eliz. 2. c. 39.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.

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Short Title	Session and Chapter
Crofters (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 21.
House of Commons Disqualification Act, 1957	5 & 6 Eliz. 2. c. 20.