



Agriculture Act 1947

1947 CHAPTER 48

PART IV

SMALLHOLDINGS.

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

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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 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

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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.