

SCHEDULES.

SECOND SCHEDULE

Sections 15, 36, 95.

PROVISIONS WHERE PERMANENT PASTURE DIRECTED TO BE
PLOUGHED UP OR OTHER CULTIVATIONS TO BE CARRIED OUT.

- 1 Where the Minister gives to a person a direction under section fourteen or ninety-five of this Act requiring the ploughing-up of any land consisting of permanent pasture, compliance with the direction shall, notwithstanding the provisions of any contract of tenancy or instrument affecting the land, any custom or any rule of law relating to waste, not render the said person liable thereby to sow it again at his own expense, or to pay any sum by way of increased rent, damages or penalty or suffer any forfeiture by reason of the ploughing-up or of the failure to sow it again ; and for the purposes of any provision of any such contract of tenancy or instrument as aforesaid, any custom, or any provision of Part III of this Act, the land shall thereafter be deemed to be arable land and to have been arable land at all material times.
- 2 Where, in the case of an occupier who is a tenant, the Minister gives such a direction as aforesaid, or a direction under section thirty-six of this Act reducing the area of land which under the contract of tenancy is to be maintained as permanent pasture, he may, after affording to the landlord and to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, order that the contract of tenancy shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave—
 - (a) as permanent pasture, or
 - (b) as temporary pasture sown with a seeds mixture of such kind as may be specified in the order.such area of land (in addition to the 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.
- 3 (1) Notwithstanding anything in the provisions of Part III of this Act or any custom or agreement—
 - (a) no compensation shall be payable to the tenant in respect of anything done in pursuance of an order under the last foregoing paragraph ;
 - (b) in assessing compensation to an outgoing tenant of a holding (as defined in the Agricultural Holdings Act, 1923) where land has been ploughed up in pursuance of any such direction as aforesaid, the value per acre of any tenant's pasture comprised in the holding shall be taken not to exceed the average value per acre of the whole of the tenant's pasture comprised in the holding on the termination of the tenancy.(2) In this paragraph the expression " tenant's pasture " means pasture laid down at the expense of the tenant or paid for by the tenant on entering on the holding.

- 4 In relation to a direction under section fourteen or ninety-five of this Act, paragraph 1 of this Schedule shall have effect as if references to the ploughing-up of permanent pasture included references to the carrying out, on land which apart from the direction the occupier is under an obligation to cultivate in a particular way, of any other act of cultivation specified in the direction, and references to the sowing of land again and to arable land shall be construed accordingly.
- 5 Where the ploughing-up of permanent pasture or the carrying out of any other act of cultivation is reasonably necessary in consequence of the giving of a direction, this Schedule shall apply as if the ploughing-up or other act of cultivation were required by the direction and specified therein; and subsection (5) of section fifteen and subsection (5) of section ninety-five of this Act shall be construed accordingly.