
 S T A T U T O R Y I N S T R U M E N T S

1976 No. 2001

SMALLHOLDINGS AND ALLOTMENTS

**The Smallholdings (Selection of Tenants) (Amendment)
Regulations 1976**

<i>Made - - - -</i>	<i>25th November 1976</i>
<i>Laid before Parliament</i>	<i>6th December 1976</i>
<i>Coming into Operation</i>	<i>27th December 1976</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 44(6) and 63 of the Agriculture Act 1970(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations, which may be cited as the Smallholdings (Selection of Tenants) (Amendment) Regulations 1976, shall come into operation on 27th December 1976.

Interpretation

2.—(1) In these regulations “the principal regulations” means the Smallholdings (Selection of Tenants) Regulations 1970(b).

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendment of principal regulations

3. Regulation 3 of the principal regulations (which lays down requirements as to agricultural experience of prospective tenants) shall be amended by the addition of the following paragraphs:—

“(3) Where the tenant of a smallholding has died and the smallholdings authority intend to re-let that smallholding, no application for the first letting of that smallholding after the death of the tenant by a person who is not an eligible person in relation to the deceased tenant shall be considered by the smallholdings authority unless every such application from a person who is an eligible person as aforesaid has been considered by that authority and refused.

(4) For the purposes of the preceding paragraph a person is an eligible person in relation to a deceased tenant of a smallholding if that person is—

(a) the wife or husband of the deceased tenant;

(a) 1970 c. 40.
(c) 1889 c. 63.

(b) S.I. 1970/1049 (1970 II, p. 3258).

- (b) a brother or sister of the deceased tenant;
- (c) a child of the deceased tenant;
- (d) any person (not within (b) or (c) above) who, in the case of any marriage to which the deceased tenant was at any time a party, was treated by the deceased tenant as a child of the family in relation to that marriage.”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th November 1976.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

25th November 1976.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the regulations.)

These regulations amend the Smallholdings (Selection of Tenants) Regulations 1970 by adding a provision requiring a smallholdings authority first to consider applications to succeed to a deceased tenant's holding by certain specified near relatives, and only to consider applications by any other persons in the event of every application by a near relative having been refused.

SI 1976/2001
ISBN 0-11-062001-1

