

Agricultural Holdings Act, 1948.

11 & 12 GEO. 6. CH. 63.

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CHAPTER 63.

An Act to consolidate the Agricultural Holdings Act, 1923, Part III of the Agriculture Act, 1947, and certain other enactments relating to agricultural holdings, save, with respect to rights to compensation, in their application to certain cases determined by reference to past events. [30th July 1948.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Meaning of " Agricultural Holding ".

1.—(1) In this Act the expression " agricultural holding " means the aggregate of the agricultural land comprised in a contract of tenancy, not being a contract under which the said land is let to the tenant during his continuance in any office, appointment or employment held under the landlord. Meaning of " agricultural holding ".

(2) For the purposes of this and the next following section, the expression " agricultural land " means land used for agriculture which is so used for the purposes of a trade or business and includes any other land which, by virtue of a designation of the Minister of Agriculture and Fisheries (hereafter in this Act referred to as " the Minister ") under subsection (1) of section one hundred and nine of the Agriculture Act, 1947, is agricultural land within the meaning of that Act. 10 & 11 Geo. 6.
c. 48.

Provisions as to Contracts of Tenancy.

2.—(1) Subject to the provisions of this section, where under an agreement made on or after the first day of March, nineteen hundred and forty-eight, any land is let to a person for use as agricultural land for an interest less than a tenancy from year to year, or a person is granted a licence to Restriction on letting agricultural land for less than from year to year.

occupy land for use as agricultural land, and the circumstances are such that if his interest were a tenancy from year to year he would in respect of that land be the tenant of an agricultural holding, then, unless the letting or grant was approved by the Minister before the agreement was entered into, the agreement shall take effect, with the necessary modifications, as if it were an agreement for the letting of the land for a tenancy from year to year :

Provided that this subsection shall not have effect in relation to an agreement for the letting of land, or the granting of a licence to occupy land, made (whether or not the agreement expressly so provides) in contemplation of the use of the land only for grazing or mowing during some specified period of the year, or to an agreement for the letting of land, or the granting of a licence to occupy land, by a person whose interest in the land is less than a tenancy from year to year and has not by virtue of this section taken effect as such a tenancy.

(2) Any dispute arising as to the operation of the foregoing subsection in relation to any agreement shall be determined by arbitration under this Act.

Tenancies for two years or more, unless terminated by notice, to continue as tenancies from year to year.

3.—(1) A tenancy of an agricultural holding for a term of two years or upwards shall, instead of terminating on the expiration of the term for which it was granted, continue (as from the expiration of that term) as a tenancy from year to year, but otherwise on the terms of the original tenancy so far as applicable, unless, not less than one year nor more than two years before the date fixed for the expiration of the term, a written notice has been given by either party to the other of his intention to terminate the tenancy.

(2) A notice given under the foregoing subsection shall be deemed, for the purposes of this Act, to be a notice to quit.

15 & 16 Geo. 5.
c. 20.

(3) This section shall not apply to a tenancy granted or agreed to be granted before the first day of January, nineteen hundred and twenty-one or to a tenancy granted on or after that day which, by virtue of subsection (6) of section one hundred and forty-nine of the Law of Property Act, 1925, takes effect as such a term of years as is mentioned in that subsection.

(4) This section shall have effect notwithstanding any agreement to the contrary.

Extension of tenancies in lieu of claims to emblements.

4.—(1) Where the tenancy of an agricultural holding held by a tenant at a rackrent determines by the death or cesser of the estate of any landlord entitled for his life, or for any other uncertain interest, instead of claims to emblements the tenant shall continue to hold and occupy the holding until the occupation is determined by a twelve months' notice to quit expiring at the end of a year of the tenancy, and shall then quit upon the terms of his tenancy in the same manner as if the tenancy were

then determined by effluxion of time or other lawful means during the continuance of his landlord's estate.

(2) The succeeding landlord shall be entitled to recover from the tenant, in the same manner as his predecessor could have done, a fair proportion of the rent for the period which may have elapsed from the date of the death or cesser of the estate of his predecessor to the time of the tenant so quitting.

(3) The succeeding landlord and the tenant respectively shall as between themselves and as against each other be entitled to all the benefits and advantages and be subject to the terms, conditions and restrictions to which the preceding landlord and the tenant respectively would have been entitled and subject in case the tenancy had determined in manner aforesaid at the expiration of the said twelve months' notice.

5.—(1) Where there is not in force in respect of a tenancy of an agricultural holding, whether created before or after the commencement of this Act, an agreement in writing embodying the terms of the tenancy, or there is such an agreement in force but it contains no provision for one or more of the matters specified in the First Schedule to this Act, the landlord or the tenant of the holding may, if he has requested his tenant or landlord to enter into such an agreement containing provision for all of the said matters but no such agreement has been concluded, refer the terms of the tenancy to arbitration under this Act.

Provisions for securing written tenancy agreements.

(2) On any such reference the arbitrator shall by his award specify the existing terms of the tenancy, subject to any variations thereof agreed between the landlord and the tenant, and, in so far as those terms as so varied make no provision therefor and do not make provision inconsistent therewith, make provision for all the matters specified in the First Schedule to this Act having such effect as may be agreed between the landlord and the tenant or, in default of agreement, as appears to the arbitrator to be reasonable and just between the landlord and the tenant.

(3) On any such arbitration the arbitrator may include in his award any further provisions relating to the tenancy which may be agreed between the landlord and the tenant.

6.—(1) The Minister may, after consultation with such bodies of persons as appear to him to represent the interests of landlords and tenants of agricultural holdings, make regulations prescribing terms as to the maintenance, repair and insurance of fixed equipment which shall be deemed to be incorporated in every contract of tenancy of an agricultural holding, whether made before or after the commencement of this Act, except in so far as they would impose on one of the parties to an agreement in writing a liability which under the agreement is imposed on the other.

Power of Minister to prescribe terms as to maintenance, repair and insurance of fixed equipment for incorporation in contracts of tenancy.

(2) Where an agreement in writing relating to a tenancy of an agricultural holding, whether created before or after the commencement of this Act, effects substantial modifications in the operation of regulations under the foregoing subsection, the landlord or the tenant of the holding may, if he has requested his tenant or landlord to vary the agreement so as to bring it into conformity with the provisions of regulations under that subsection but no agreement has been reached on the request, refer to arbitration under this Act the terms of the tenancy with respect to the maintenance, repair and insurance of fixed equipment :

Provided that where there has been a previous reference under this subsection relating to the same tenancy, no further such reference shall be made before the expiration of three years from the coming into effect of the award of the arbitrator on the previous reference.

(3) On any reference under the last foregoing subsection the arbitrator shall consider whether (disregarding the rent payable for the holding) the said modifications effected by the agreement are justifiable having regard to the circumstances of the holding and of the landlord and the tenant, and, if he determines that they are not justifiable as aforesaid, he may by his award vary the terms referred to arbitration in such manner as appears to him reasonable and just between the landlord and the tenant.

(4) The powers conferred on the Minister by subsection (1) of this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Provisions
supplementary
to two
preceding
sections.

7.—(1) Where by virtue of either of the two last foregoing sections the liability for the maintenance or repair of any item of fixed equipment is transferred from the tenant to the landlord, the landlord may within the prescribed period beginning with the date on which the transfer takes effect require that there shall be determined by arbitration under this Act and paid by the tenant the amount of any compensation which would have been payable either under subsection (1) of section fifty-seven of this Act or in accordance with subsection (3) of that section, in respect of any previous failure by the tenant to discharge the said liability, if the tenant had quitted the holding on the termination of his tenancy at the date on which the transfer takes effect.

(2) Where by virtue of either of the two last foregoing sections the liability for the maintenance or repair of any item of fixed equipment is transferred from the landlord to the tenant, any claim by the tenant in respect of any previous failure by the landlord to discharge the said liability shall, if the tenant within

the prescribed period beginning with the date on which the transfer takes effect so requires, be determined by arbitration under this Act.

(3) Where it appears to the arbitrator—

- (a) on any reference under section five of this Act that by reason of any provision which he is required by that section to include in his award, or
- (b) on any reference under subsection (2) of the last foregoing section that by reason of any provision included in his award,

it is equitable that the rent of the holding should be varied, he may vary the rent accordingly.

(4) Where regulations under the last foregoing section have varied the terms of a tenancy of an agricultural holding as to maintenance, repair or insurance of fixed equipment (whether those terms were established by agreement or by the operation of regulations under the last foregoing section), then, if a reference is made under section five of this Act within the prescribed period after the coming into operation of the first-mentioned regulations, the arbitrator shall, for the purposes of subsection (2) of the said section five, disregard the variation.

(5) The award of an arbitrator under either of the two last foregoing sections shall have effect as if the terms and provisions specified and made therein were contained in an agreement in writing entered into by the landlord and the tenant and having effect as from the making of the award or, if the award so provides, from such later date as may be specified therein.

8.—(1) Subject to the provisions of this section, the landlord or the tenant of an agricultural holding may, whether the tenancy was created before or after the commencement of this Act, by notice in writing served on his tenant or landlord demand a reference to arbitration under this Act of the question what rent should be payable in respect of the holding as from the next ensuing day on which the tenancy could have been determined by notice to quit given at the date of demanding the reference, and on a reference under this subsection the arbitrator shall determine what rent should be properly payable in respect of the holding at the date of the reference and accordingly shall, as from the day aforesaid, increase or reduce the rent previously payable or direct that it continue unchanged.

Arbitration
terms of
tenancies as
to rent.

(2) On a reference under the foregoing subsection the arbitrator—

- (a) shall not take into account any increase in the rental value of the holding which is due to—
 - (i) improvements which have been executed thereon, in so far as they were executed wholly or partly at

the expense of the tenant (whether or not that expense has been or will be reimbursed by a grant out of moneys provided by Parliament) without any equivalent allowance or benefit made or given by the landlord in consideration of their execution and have not been executed under an obligation imposed on the tenant by the terms of his contract of tenancy, or

(ii) improvements which have been executed thereon by the landlord, in so far as the landlord has received or will receive grants out of moneys provided by Parliament in respect of the execution thereof ;

19 & 20 Geo. 5.
c. 17.

(b) shall not take into account the relief from payment of rates granted by Part V of the Local Government Act, 1929, to occupiers of agricultural hereditaments ; and

(c) shall not fix the rent at a lower amount by reason of any dilapidation or deterioration of, or damage to, buildings or land caused or permitted by the tenant.

(3) A reference to arbitration under subsection (1) of this section shall not be demanded in such circumstances that any increase or reduction of rent made in consequence thereof would take effect as from a date earlier than the expiration of three years from any of the following dates, that is to say—

(a) the commencement of the tenancy, or

(b) the date as from which there took effect a previous increase or reduction of rent (whether made under this section or otherwise), or

(c) the date as from which there took effect a previous direction of an arbitrator under this section that the rent should continue unchanged :

Provided that there shall be disregarded for the purposes of this subsection—

(i) an increase or reduction of rent under subsection (3) of the last foregoing section ;

(ii) an increase of rent under subsection (1) of the next following section or such an increase as is referred to in subsection (2) of that section ;

(iii) a reduction of rent under section thirty-three of this Act or subsection (6) of section seventeen of the Agriculture Act, 1947.

(4) The continuous adoption by the tenant of a system of farming more beneficial to the holding—

(a) than the system of farming required by the contract of tenancy ; or

- (b) in so far as no system is so required, than the system of farming normally practised on comparable agricultural holdings ;

shall be deemed, for the purposes of subsection (2) of this section, to be an improvement executed at his expense.

9.—(1) Where the landlord of an agricultural holding has, whether before or after the commencement of this Act, carried out on the holding any improvement, whether or not one for the carrying out of which compensation is provided under the following provisions of this Act, being either an improvement carried out—

- (a) at the request of, or in agreement with, the tenant ;
- (b) under subsection (3) of section three of the Agricultural Holdings Act, 1923, or in pursuance of a notice served by the landlord under subsection (3) of section fifty of this Act ;
- (c) in compliance with a direction given by the Minister under powers conferred on him by or under any enactment ; or
- (d) in accordance with a provision in that behalf of a hill farming land improvement scheme approved under the Hill Farming Act, 1946, being a provision included in the scheme at the instance or with the consent of the tenant ;

or works for the supply of water to the holding executed in pursuance of directions under Defence Regulations given by the War Agricultural Executive Committee or the County Agricultural Executive Committee, or of a scheme approved for the purposes of section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by any subsequent enactment, by the War Agricultural Executive Committee or the Minister, then, subject to the provisions of this section, the rent of the holding shall, if the landlord by notice in writing served on the tenant within six months from the completion of the improvement so requires, be increased as from the completion of the improvement or, where the improvement was completed before the first day of March, nineteen hundred and forty-eight, as from that day, by an amount equal to the increase in the rental value of the holding attributable to the carrying out of the improvement :

Provided that where a grant has been made to the landlord in respect of the improvement out of moneys provided by Parliament, the increase in rent provided for by the foregoing provisions of this subsection shall be reduced proportionately.

(2) No increase of rent shall be made under the foregoing subsection if, before the first day of March, nineteen hundred and forty-eight, the landlord and the tenant agreed on any increase

6 & 7 Geo. 6.
c. 16.

of rent or other benefit to the landlord in respect of the improvement or if before that day any sum had become payable under subsection (3) of section three of the Agricultural Holdings Act, 1923, or section nine of the Agriculture (Miscellaneous Provisions) Act, 1943, in respect of the cost of executing it.

(3) Where interest on the cost of works for the supply of water became payable under section nine of the Agriculture (Miscellaneous Provisions) Act, 1943, before the first day of March, nineteen hundred and forty-eight, it shall continue to be recoverable notwithstanding the repeal of that section by the Agriculture Act, 1947.

(4) Any dispute arising between the landlord and the tenant of the holding under this section shall be determined by arbitration under this Act.

(5) In this section the expression " War Agricultural Executive Committee " means such a committee as defined by section thirty of the Agriculture (Miscellaneous War Provisions) Act, 1940.

Variation of
terms of
tenancies as to
permanent
pasture.

10. 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, and it appears to the Minister, either on the application of the landlord or the tenant or otherwise,—

- (a) that 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 ; and
- (b) where there has been an application under this section by the landlord or the tenant, that the landlord or tenant has requested his tenant or landlord to agree to the appropriate reduction but no agreement has been reached thereon ;

the Minister, 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, may—

- (i) 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 appear to the Minister expedient as aforesaid and are specified in the direction ; and
- (ii) 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 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 a 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.

Miscellaneous Provisions affecting Relationship of Landlord and Tenant.

11.—(1) Subject to the provisions of this section, the tenant of an agricultural holding shall, notwithstanding any custom of the country or the provisions of the contract of tenancy or of any agreement respecting the disposal of crops or the method of cropping of arable lands, have full right, without incurring any penalty, forfeiture or liability,—

Tenant's
rights as
respects
disposal of
produce and
cropping of
arable land.

- (a) to dispose of the produce of the holding, other than manure produced thereon ;
- (b) to practise any system of cropping of the arable land on the holding :

Provided that this subsection shall not have effect unless, before exercising his rights thereunder or as soon as may be after exercising them, the tenant makes suitable and adequate provision, in the case of an exercise of the right to dispose of produce, to return to the holding the full equivalent manurial value of all crops sold off or removed from the holding in contravention of the custom, contract or agreement, and, in the case of an exercise of the right to practise any system of cropping, to protect the holding from injury or deterioration.

(2) If the tenant of an agricultural holding exercises his rights under the foregoing subsection in such a manner as to injure or deteriorate, or to be likely to injure or deteriorate, the holding, the landlord shall have the following remedies, but no other, that is to say,—

- (a) should the case so require, he shall be entitled to obtain an injunction to restrain the exercise of the tenant's rights under that subsection in that manner ;

(b) in any case, on the tenant's quitting the holding on the termination of the tenancy the landlord shall be entitled to recover damages for any injury to or deterioration of the holding attributable to the exercise by the tenant of his rights under that subsection.

(3) For the purposes of any proceedings for an injunction brought under the last foregoing subsection, the question whether the tenant is exercising, or has exercised, his rights under subsection (1) of this section in such a manner as to injure or deteriorate his holding, or to be likely to injure or deteriorate his holding, shall be determined by the Minister after affording to the landlord and to the tenant an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister; and a certificate of the Minister as to his determination of any such question as aforesaid shall, for the purposes of any proceedings (including an arbitration) brought under this section, be conclusive proof of the facts stated in the certificate.

(4) Subsection (1) of this section shall not apply,—

(a) in the case of a tenancy from year to year, as respects the year before the tenant quits the holding or any period after he has given or received notice to quit which results in his quitting the holding;

(b) in the case of any other tenancy, as respects the year before the termination thereof; or

(c) to a tenancy of a smallholding as defined in Part IV of the Agriculture Act, 1947, granted in pursuance of a scheme for the farming of such holdings on a co-operative basis, being a scheme approved by the Minister for the purposes of this paragraph.

(5) In this section the expression "arable land" does not include land in grass which, by the terms of a contract of tenancy, is to be retained in the same condition throughout the tenancy.

Prohibition of removal of manure, &c., after notice to terminate tenancy.

12.—(1) Where notice to terminate the tenancy of an agricultural holding is given either by the tenant or by the landlord, the tenant shall not, subject to any agreement in writing to the contrary, at any time after the date of the notice sell or remove from the holding any manure or compost or any hay or straw or roots grown in the last year of the tenancy unless before the sale or removal the landlord has consented thereto in writing.

(2) In this section the expression "roots" means the produce of any root crop of a kind normally grown for consumption on the holding.

13.—(1) Subject to the provisions of this section—

- (a) any engine, machinery, fencing or other fixture affixed to an agricultural holding by the tenant thereof; and
 (b) any building (other than one in respect of which the tenant is entitled to compensation under this Act or otherwise) erected by him on the holding;

Tenant's
right to
remove
fixtures and
buildings.

not being a fixture affixed or, as the case may be, a building erected, in pursuance of some obligation in that behalf or instead of some fixture or building belonging to the landlord, as the case may be, shall be removable by the tenant at any time during the continuance of the tenancy or before the expiration of two months from the termination of the tenancy, and shall remain his property so long as he may remove it by virtue of this subsection.

(2) The right conferred by the foregoing subsection shall not be exercisable in relation to a fixture or building unless the tenant—

- (a) has paid all rent owing by him and has performed or satisfied all other his obligations to the landlord in respect of the holding; and
 (b) has, at least one month before both the exercise of the right and the termination of the tenancy, given to the landlord notice in writing of his intention to remove the fixture or building.

(3) If, before the expiration of the notice aforesaid, the landlord gives to the tenant a counter-notice in writing electing to purchase a fixture or building comprised in the notice, subsection (1) of this section shall cease to apply to that fixture or building, but the landlord shall be liable to pay to the tenant the fair value thereof to an incoming tenant of the holding.

(4) In the removal of a fixture or building by virtue of subsection (1) of this section, the tenant shall not do to any other building or other part of the holding any avoidable damage, and immediately after the removal shall make good all damage so done that is occasioned by the removal.

(5) The foregoing provisions of this section—

- (a) shall apply to a fixture or building acquired by a tenant since the thirty-first day of December, nineteen hundred, as they apply to a fixture or building affixed or erected by him; but
 (b) shall not apply to a fixture or building affixed or erected before the first day of January, eighteen hundred and eighty-four.

Tenant's
right to, and
measure of,
compensation
for damage by
game, and
indemnity to
landlord.

14.—(1) Subject to the provisions of this section, where the tenant of an agricultural holding has sustained damage to his crops from game, the right to kill and take which is vested neither in him nor in anyone claiming under him other than the landlord, being game which the tenant has not permission in writing to kill, he shall be entitled to compensation from his landlord for the damage if it exceeds in amount the sum of one shilling per acre of the area over which it extends :

Provided that compensation shall not be recoverable under this section unless—

(a) notice in writing is given to the landlord before the expiration of one month after the tenant first became, or ought reasonably to have become, aware of the occurrence of the damage, and a reasonable opportunity is given to the landlord to inspect the damage—

(i) in the case of damage to a growing crop, before the crop is begun to be reaped, raised or consumed ; and

(ii) in the case of damage to a crop reaped or raised, before the crop is begun to be removed from the land ; and

(b) notice in writing of the claim, together with the particulars thereof, is given to the landlord within one month after the expiration of the calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor, in respect of which the claim is made.

(2) The amount of compensation under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration under this Act.

(3) Where the right to kill and take the game is vested in some person other than the landlord, the landlord shall be entitled to be indemnified by that other person against all claims for compensation under this section, and any question arising under the foregoing provisions of this subsection shall be determined by arbitration under this Act.

(4) In this section the expression "game" means deer, pheasants, partridges, grouse and black game.

Restriction
of landlord's
remedies for
breach of
terms of
contract of
tenancy.

15. Notwithstanding any provision in a contract of tenancy of an agricultural holding making the tenant thereof liable to pay a higher rent or other liquidated damages in the event of a breach or non-fulfilment of a term or condition of the contract, the landlord shall not be entitled to recover in consequence of any such breach or non-fulfilment, by distress or otherwise, any sum in excess of the damage actually suffered by him in consequence thereof.

16.—(1) The landlord or the tenant of an agricultural holding may, at any time during the tenancy, require the making of a record of the condition of the buildings, fences, gates, roads, drains and ditches on, and the cultivation of, the holding, and the tenant may, at any time during the tenancy, require the making of a record of—

Landlord's and tenant's right to require making of record of condition of holding, &c.

- (a) existing improvements executed by him or in respect of the execution of which he, with the written consent of the landlord, paid compensation to an outgoing tenant; and
- (b) any fixtures or buildings which, under section thirteen of this Act, he is entitled to remove.

(2) Any such record as aforesaid shall be made by a person appointed, in default of agreement between the landlord and tenant, by the Minister.

(3) The cost of making any such record as aforesaid shall, in default of agreement between the landlord and tenant, be borne by them in equal shares.

17. The landlord of an agricultural holding or any person authorised by him may at all reasonable times enter on the holding for any of the following purposes, that is to say,—

Landlord's power of entry.

- (a) viewing the state of the holding;
- (b) fulfilling the landlord's responsibilities to manage the holding in accordance with the rules of good estate management;
- (c) providing or improving fixed equipment on the holding otherwise than in fulfilment of his said responsibilities.

Distress.

18. It shall not be lawful for a landlord entitled to the rent of an agricultural holding to distrain for rent which became due in respect of that holding more than one year before the making of the distress:

No distress for rent due more than a year previously.

Provided that where it appears that, according to the ordinary course of dealing between the landlord and the tenant of the holding, the payment of rent has been deferred until the expiration of a quarter or half-year after the date at which the rent legally became due, the rent shall, for the purposes of this section, be deemed to have become due at the expiration of that quarter or half-year and not at the date at which it became legally due.

19.—(1) Where livestock belonging to another person has been taken in by the tenant of an agricultural holding to be fed at a fair price, the livestock shall not be distrained by the landlord for rent where there is other sufficient distress to be found, and, if distrained by him by reason of other sufficient distress not being

Limitation of distress on stock agisted on an agricultural holding.

found, there shall not be recovered by that distress a sum exceeding the amount of the price agreed to be paid for the feeding, or any part thereof which remains unpaid.

(2) The owner of the livestock may, at any time before it is sold, redeem it by paying to the distrainer a sum equal to the amount aforesaid, and payment of that sum to the distrainer shall be in full discharge as against the tenant of any sum of the like amount which would otherwise be due from the owner of the livestock to the tenant in respect of the price of feeding.

(3) Any portion of the livestock shall, so long as it remains on the holding, continue liable to be distrained for the amount for which the whole of the livestock is distrainable.

(4) In this section the expression "livestock" includes any animal capable of being distrained.

No distress on machinery or breeding stock on an agricultural holding.

20.—(1) Agricultural or other machinery that is the property of a person other than the tenant of an agricultural holding and is on the holding under an agreement with the tenant for the hire or use thereof in the conduct of his business, and livestock that is the property of a person other than the tenant and is on the holding solely for breeding purposes, shall not be distrained for rent.

(2) In this section the expression "livestock" includes any animal capable of being distrained.

Settlement of disputes as to distress on an agricultural holding.

21.—(1) Where a dispute arises—

- (a) in respect of any distress having been levied on an agricultural holding contrary to the provisions of this Act ;
- (b) as to the ownership of any livestock distrained or as to the price to be paid for the feeding of that stock ; or
- (c) as to any other matter or thing relating to a distress on an agricultural holding ;

the dispute may be heard and determined by the county court or by a court of summary jurisdiction, and the court may make an order for restoration of any livestock or things unlawfully distrained, may declare the price agreed to be paid for feeding or may make any other order that justice requires.

(2) Any such dispute shall be deemed to be a matter in which a court of summary jurisdiction has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Acts.

(3) Any person aggrieved by a decision of a court of summary jurisdiction under this section may appeal to a court of quarter sessions.

(4) In this section the expression "livestock" includes any animal capable of being distrained.

22. Where the amount of any compensation due to the tenant of an agricultural holding, whether under this Act or a former enactment relating to agricultural holdings or under custom or agreement, has been ascertained before the landlord distrains for rent, that amount may be set off against the rent and the landlord shall not be entitled to distrain for more than the balance.

Ascertained compensation to be set off against rent for purposes of distress.

Provisions as to Notices to Quit.

23.—(1) A notice to quit an agricultural holding or part of an agricultural holding shall (notwithstanding any provision to the contrary in the contract of tenancy of the holding) be invalid if it purports to terminate the tenancy before the expiration of twelve months from the end of the then current year of tenancy :

Twelve months' notice to quit to be given.

Provided that this section shall not apply—

- (a) where a receiving order in bankruptcy is made against the tenant ;
- (b) to a notice given in pursuance of a provision in the contract of tenancy authorising the resumption of possession of the holding or some part thereof for some specified purpose other than the use of the land for agriculture ;
- (c) to a notice given by a tenant to a sub-tenant ; or
- (d) where the tenancy subsists under an agreement entered into before the twenty-fifth day of March, nineteen hundred and forty-seven,—
 - (i) to a notice given by or on behalf of the Admiralty, War Department or Air Council under the provisions of any agreement of tenancy, where possession of the land is required for naval, military or air force purposes ; or
 - (ii) to a notice given, by a corporation carrying on a railway, dock, canal, water or other undertaking in respect of land acquired by the corporation for the purposes of their undertaking or by a government department or local authority, where possession of the land is required by the corporation, government department or authority for the purpose (not being the use of the land for agriculture) for which it was acquired by the corporation, department or authority or appropriated under any statutory provision ; or
- (e) where the tenancy is one which, by virtue of subsection (6) of section one hundred and forty-nine of the Law of Property Act, 1925, has taken effect as such a term of years as is mentioned in that subsection.

(2) In the application of sub-paragraph (ii) of paragraph (d) of the proviso to the foregoing subsection to the British Transport Commission, the reference to land acquired by the corporation for the purposes of their undertaking shall be construed as including a reference to land—

- 10 & 11 Geo. 6.
c. 49.
- (a) acquired, for the purpose of an undertaking vested in the said Commission by Part II of the Transport Act, 1947, by the body carrying on that undertaking ; or
- 11 & 12 Geo. 6.
c. 55.
- (b) acquired by a body carrying on an undertaking vested in any such undertaking as aforesaid by virtue of an amalgamation or absorption scheme under the Railways Act, 1921, being a scheme that came into operation on or after the seventh day of July, nineteen hundred and twenty-three ;

and the reference to the purpose for which the land was acquired or appropriated by the corporation shall be construed accordingly ; and where by virtue of an Act (whether public general or local) passed, or an instrument having effect under an Act made, after the said seventh day of July and before the commencement of this Act any right of a corporation carrying on a water undertaking or of a local authority to avail itself of the benefit conferred by paragraph (b) of subsection (2) of section twenty-five of the Agricultural Holdings Act, 1923, was transferred to some other person, that other person shall have the like right to avail himself of the benefit conferred by the said sub-paragraph (ii) as the corporation or authority would have had if the Act or instrument by virtue of which the transfer was effected had not been passed or made.

Restrictions on
operation of
notices to quit.

24.—(1) Where notice to quit an agricultural holding or part of an agricultural holding is given to the tenant thereof, and not later than one month from the giving of the notice to quit the tenant serves on the landlord a counter-notice in writing requiring that this subsection shall apply to the notice to quit, then, subject to the provisions of the next following subsection, the notice to quit shall not have effect unless the Minister consents to the operation thereof.

- (2) The foregoing subsection shall not apply where—
- (a) the Minister has consented under this section to the operation of the notice to quit before the giving thereof and that fact is stated in the notice ;
- (b) the notice to quit is given on the ground that the land is required for a use, other than for agriculture, for which permission has been granted on an application made under the enactments relating to town and country planning, or for which (otherwise than by virtue of any provision of those enactments) such permission is not required, and that fact is stated in the notice :

- (c) the Minister, in pursuance of an application in that behalf made to him in accordance with the following provisions of this Act not more than six months before the giving of the notice to quit, was satisfied in relation to the holding that the tenant was not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and certified that he was so satisfied, and that fact is stated in the notice ;
 - (d) at the date of the giving of the notice to quit the tenant had failed to comply with a notice in writing served on him by the landlord requiring him within two months from the service of the notice to pay any rent due in respect of the agricultural holding to which the notice to quit relates, or within a reasonable time or within such reasonable period as was specified in the notice to remedy any breach by the tenant that was capable of being remedied of any term or condition of his tenancy which was not inconsistent with the fulfilment of his responsibilities to farm in accordance with the rules of good husbandry, and it is stated in the notice to quit that it is given by reason of the matter aforesaid ;
 - (e) at the date of the giving of the notice to quit the interest of the landlord in the agricultural holding to which the notice relates had been materially prejudiced by the commission by the tenant of a breach, which was not capable of being remedied, of any term or condition of the tenancy that was not inconsistent with the fulfilment by the tenant of his responsibilities to farm in accordance with the rules of good husbandry, and it is stated in the notice that it is given by reason of the matter aforesaid ;
 - (f) at the date of the giving of the notice to quit the tenant was a person who had become bankrupt or compounded with his creditors, and it is stated in the notice that it is given by reason of the matter aforesaid ;
 - (g) the tenant with whom the contract of tenancy was made had died within three months before the date of the giving of the notice to quit, and it is stated in the notice that it is given by reason of the matter aforesaid.
- (3) Nothing in this section shall apply to a notice to terminate a tenancy of an agricultural holding subsisting under a written contract entered into before the twenty-fifth day of March, nineteen hundred and forty-seven,—
- (a) where, immediately before the creation of the tenancy, the holding had been for a period of not less than twelve months in the occupation of the landlord ;

- (b) the holding is let upon the express terms that, if the landlord desires to resume that occupation before the expiration of a specified period not exceeding seven years, the landlord shall be entitled to give notice to quit without becoming liable to pay to the tenant any compensation for disturbance ; and
- (c) the notice to terminate the tenancy is given so as to enable the landlord to resume occupation of the holding within the specified period.

Provisions as to consents for purposes of preceding section.

25.—(1) Without prejudice to the discretion of the Minister in a case falling within paragraphs (a) to (e) of this subsection, the Minister shall withhold his consent under the last foregoing section to the operation of a notice to quit an agricultural holding or part of an agricultural holding unless he is satisfied—

- (a) that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable in the interests of efficient farming, whether as respects good estate management or good husbandry or otherwise ; or
- (b) that the carrying out thereof is otherwise desirable for the purposes of agricultural research, education, experiment or demonstration or for the purposes of the enactments relating to smallholdings or allotments ; or
- (c) where the tenancy was created on or after the sixth day of August, nineteen hundred and forty-seven, that the landlord proposes to terminate the tenancy for a purpose, specified in the contract of tenancy, for which the interest of the landlord was held immediately before the creation of the tenancy, and that greater hardship would be caused by the Minister's withholding than by his granting his consent to the operation of the notice ; or
- (d) where the tenancy was created before the said sixth day of August, and the same person was landlord at the beginning of that day as at the time when the notice to quit was given, or, if the application for the Minister's consent is made before giving the notice to quit, at the time of the application, that greater hardship would be caused by the Minister's withholding than by his granting his consent to the operation of the notice ; or
- (e) that the landlord proposes to terminate the tenancy for the purpose of the land's being used for a use, other than for agriculture, not falling within paragraph (b) of subsection (2) of the last foregoing section.

(2) The Minister shall not give or withhold his consent under the last foregoing section to the operation of a notice to quit an agricultural holding or part of an agricultural holding except 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.

(3) Forthwith after the giving or withholding of his consent as aforesaid the Minister shall give notice thereof in writing to the landlord and to the tenant.

(4) If the landlord or the tenant is dissatisfied with the Minister's decision to withhold or to give his consent as aforesaid, the landlord or tenant may within the prescribed time and in the prescribed manner require that the matter shall be referred to the Agricultural Land Tribunal and, where a reference to the Tribunal under this subsection is duly required, subsection (1), and paragraph (a) of subsection (2), of the last foregoing section and subsection (1) of this section shall have effect with the substitution (except in so much of paragraph (d) of subsection (1) of this section as relates to the application for the Minister's consent) for references to the Minister of references to the Tribunal.

(5) Where the Minister or the Agricultural Land Tribunal consent under the last foregoing section to the operation of a notice to quit, the Minister or the Tribunal may impose such conditions as appear to the Minister or the Tribunal requisite for securing that the land to which the notice relates will be used for the purpose for which the landlord proposes to terminate the tenancy.

(6) Where, on an application by the landlord in that behalf, the Minister is satisfied that by reason of any change of circumstances or otherwise any condition imposed under the last foregoing subsection ought to be varied or revoked, he shall vary or revoke the condition accordingly.

26.—(1) The Minister may make regulations—

- (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) as to the time within which and the manner in which applications for the Minister's consent to the operation of notices to quit may be made under the said section twenty-four ;
- (c) for suspending the operation of notices to quit until the termination of any such arbitration as aforesaid or of any reference to the Agricultural Land Tribunal under the last foregoing section ;

Provisions
supplementary
to two
preceding
sections.

- (d) 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 or reference as aforesaid ;
- (e) 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 regulations, and for making such provision as appears to the Minister expedient for the purpose of safeguarding the interests of sub-tenants, including provision enabling the Minister or 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.

(2) The power conferred on the Minister 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.

Applications
for certificates
of bad
husbandry for
purposes of
notices to quit.

27.—(1) For the purposes of paragraph (c) of subsection (2) of section twenty-four of this Act, the landlord of an agricultural holding may, in the prescribed manner and after giving to the tenant of the holding notice in writing of the proposed application, apply to the Minister for a certificate that the tenant is not fulfilling his responsibilities to farm in accordance with the rules of good husbandry :

Provided that no such application shall be made while an order is in force under section twelve of the Agriculture Act, 1947, or this section for the supervision of the tenant's farming of the holding.

(2) Where such an application is made the Minister shall, 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, either—

- (a) give notice in writing to the landlord and to the tenant that he proposes to grant or refuse the certificate ; or
- (b) by order having the like effect as a supervision order under the said section twelve place under the Minister's supervision the tenant's farming of the holding to which the application relates ;

and if before the expiration of the prescribed period from the making of the application the Minister has not given such a notice or made such an order as aforesaid he shall be deemed to have given notice in writing to the landlord and to the tenant that he proposes to refuse the certificate.

(3) Where notice of a proposal is given or deemed to have been given under the last foregoing subsection, the landlord may require that the Minister's proposal to refuse a certificate shall be referred to the Agricultural Land Tribunal, or the tenant may require that the Minister's proposal to grant a certificate shall be so referred.

(4) Where an agricultural holding forms part only of an agricultural unit, an opportunity of making representations shall be afforded under subsection (2) of this section to every person who for any of the purposes of Part II of the Agriculture Act, 1947, is the owner of land comprised in the unit, and paragraph (b) of that subsection shall have effect with the substitution for the reference to the holding of a reference to the unit.

28.—(1) If, while a certificate under paragraph (c) of subsection (2) of section twenty-four of this Act is in force, the landlord gives notice to quit to the tenant, the Minister shall have power, after affording 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, by notice in writing to give to the tenant such directions as appear to the Minister necessary for securing that the holding shall not further deteriorate before the termination of the tenancy.

Prevention of
deterioration of
holding after
grant of
certificate of
bad
husbandry.

(2) Where the tenant contravenes or fails to comply with a direction given under the foregoing subsection—

- (a) he shall be liable on summary conviction to a fine not exceeding one hundred pounds; and
- (b) the Minister may order that the tenancy shall terminate by virtue of the notice to quit at such date earlier than the date specified in that notice as may be specified in the order, being a date not less than three months later than the service on the tenant of notice in writing of the making of the order.

(3) Without prejudice to the bringing of proceedings under the last foregoing subsection, where a direction under this section to carry out any work is not complied with, any person authorised by the Minister in that behalf may enter upon the land to which the direction relates and any other land farmed in conjunction therewith, and carry out the work required by the direction, and the reasonable cost of carrying out work in the exercise of powers conferred by this subsection shall be recoverable by the Minister from the tenant.

Any dispute arising under this 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) Any person who obstructs a person acting in the exercise of powers conferred by the last foregoing subsection shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(5) Where a direction under this section provides for the doing of anything within a specified time and (whether before or after the expiration of the said time) the Minister is satisfied that it is reasonable that the said time should be extended, he may extend it accordingly.

Power of
Minister, on
breach of
condition
attached to
consent to
operation of
notice to quit,
to take
possession of
the land.

29.—(1) If the Minister is satisfied that within a reasonable time after a notice to quit an agricultural holding or part of an agricultural holding has expired any condition imposed under subsection (5) of section twenty-five of this Act in connection with consent to the operation of the notice has not been complied with, the Minister may take possession of the land to which the notice relates for the purpose of farming it, and—

- (a) on the Minister's taking possession of the land, any tenancy thereof granted without the Minister's approval since the imposition of the condition shall be deemed to have terminated by reason of a notice to quit duly given by the landlord; and
- (b) if the tenant whose tenancy is deemed to have terminated as aforesaid remains in occupation of the land after the date on which his tenancy is deemed to have terminated, the Minister may make complaint to a court of summary jurisdiction and thereupon the court shall by its warrant order vacant possession of the land to be given to the Minister forthwith.

A warrant under this subsection shall, subject to the necessary modifications, be in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect.

1 & 2 Vict.
c. 74.

(2) While the Minister is in possession of land under this section it shall be his duty to secure that it is farmed in accordance with the rules of good husbandry either—

- (a) by a person acting under the direction of the Minister; or
- (b) by a person entrusted by the Minister with the farming thereof on such terms, being terms which in the opinion of the Minister would be appropriate to a letting thereof to a tenant from year to year, as may be agreed between the Minister and the said person;

and, subject to the provisions of this section, the Minister and the person who, apart from any tenancy deemed to have terminated

under paragraph (a) of subsection (1) of this section, for the time being would be entitled to possession of the land but for the exercise by the Minister of his powers under this section (hereafter in this section referred to as "the owner") shall have the like rights against and liabilities to each other as if the Minister were a tenant of the land under a tenancy from year to year beginning on the date on which the Minister took possession of the land and granted by the owner under a tenancy agreement containing such provisions (other than provisions as to rent or any such payment as is mentioned in the next following subsection) as may be agreed between the Minister and the owner, and providing for the making of payments by the Minister of such amounts at such times as a tenant under such an agreement might reasonably be expected to make by way of rent.

(3) On the Minister's taking possession of land under this section there shall be ascertained—

- (a) the amount (if any) in addition to rent which might reasonably have been expected to be payable by an incoming tenant, under the agreement referred to in the last foregoing subsection, in respect of things previously done for the purposes of the farming of the land, and in respect of seeds, tillages, growing crops and other matters ;
- (b) the cost of the carrying out of any work which under the rules of good husbandry or under a contract of tenancy ought to have been carried out on the land by the occupier before the Minister took possession thereof, being work which is necessary for putting the land into good tenantable condition ;

and if the said amount is greater than the said cost the difference shall be recoverable from the Minister by the owner, and if less the difference shall be recoverable from the owner by the Minister.

(4) Where the Minister takes possession of land under this section, the owner shall (without prejudice to his responsibilities under the rules of good estate management) be liable to the Minister to carry out any work which, under the contract of tenancy with the tenant to whom notice to quit was given, the owner of the reversion expectant upon the termination of the tenancy was liable to carry out, being work which is necessary for putting the land into good tenantable condition ; and any such liability shall be enforceable by the Minister in like manner as if it were imposed by the agreement referred to in subsection (2) of this section.

(5) The Minister shall be entitled to continue in possession of land under this section—

- (a) where it is being farmed by a person acting under the direction of the Minister and it is shown to the Minister that the owner has made arrangements satisfactory to the Minister for the farming of the land by himself or by a person approved by the Minister, until the next twenty-ninth day of September, eleventh day of October, twenty-fifth day of March, or sixth day of April, as may be specified in a notice in writing served on the Minister by the owner not later than two months before the said day ;
- (b) where it is being farmed by a person to whom the Minister has entrusted the farming thereof, until that person is entitled to possession of the land as tenant thereof under an agreement with the owner approved by the Minister.

(6) Nothing in subsection (2) of this section shall entitle the Minister, on giving up possession of land, to compensation for disturbance ; but save as aforesaid that subsection shall apply as if when the Minister gives up possession he were quitting the land on the termination of the tenancy referred to in that subsection by notice to quit duly given by the owner.

(7) The enactments relating to income tax and the enactments relating to land tax, and in particular such of those enactments as relate to the deduction of tax from rent and to the taxation of excess rents, shall apply—

- (a) in relation to payments made under subsection (2) of this section by the Minister to the owner, as if the Minister were a tenant and the owner were a lessor of the land under such a tenancy agreement as is mentioned in the said subsection (2) and the payments were rent paid thereunder ;
- (b) in relation to payments made by any such person as is mentioned in paragraph (b) of that subsection to the Minister, as if the said person were a tenant and the Minister were a lessor of the land under such a letting as is mentioned in the said paragraph (b) and the payments were rent paid thereunder.

(8) Any question arising under subsections (2) to (6) of this section between the Minister and the owner shall, in default of agreement, be determined by arbitration under this Act.

Provisions as to notices to quit where holding agreed to be sold.

30.—(1) The provisions of the two next following subsections shall have effect where, after the commencement of this Act, notice to quit land being or comprised in an agricultural holding is given to the tenant and at any time while the notice is current

a contract is made for the sale of the landlord's interest in the land or any part thereof.

(2) Unless within the period of three months ending with the making of the contract the landlord and the tenant have agreed in writing whether on the making of such a contract the notice shall continue in force or be of no effect,—

- (a) the landlord shall, before the expiration of the prescribed period from the making of the contract, or, where the notice to quit expires within the last-mentioned period, before the expiration of the notice to quit, give notice in writing to the tenant of the making of the contract ; and
- (b) the tenant may before the expiration of the notice to quit notify the landlord in writing that the tenant elects that the notice to quit shall continue in force, so however that the tenant shall not give a notification under this paragraph after the expiration of one month from the receipt by him of a notice under the foregoing paragraph of the making of the contract.

(3) In default of any such agreement or notification as aforesaid the notice to quit shall be of no effect unless the landlord has failed duly to give notice of the making of the contract and the tenant quits the holding in consequence of the notice to quit.

(4) A notice to quit shall not be invalid by reason only that under any such agreement as aforesaid the operation of the notice is conditional.

31.—(1) A notice to quit part of an agricultural holding held on a tenancy from year to year given by the landlord of the holding shall not be invalid on the ground that it relates to part only of the holding if it is given for the purpose of adjusting the boundaries between agricultural units or amalgamating agricultural units or parts thereof or with a view to the use of the land to which the notice relates for any of the objects mentioned in the following subsection, and the notice states that it is given for the said purpose or with a view to any such use as aforesaid, as the case may be.

Notices to quit parts of holdings not to be invalid in certain cases.

(2) The objects referred to in the foregoing subsection are the following, namely,—

- (a) the erection of farm labourers' cottages or other houses with or without gardens ;
- (b) the provision of gardens for farm labourers' cottages or other houses ;
- (c) the provision of allotments ;

8 Edw. 7.
c. 36.
16 & 17 Geo. 5.
c. 52.

- (d) the provision of small holdings as defined by subsection (1) of section sixty-one of the Small Holdings and Allotments Act, 1908, as amended by section sixteen of the Small Holdings and Allotments Act, 1926, or as defined by Part IV of the Agriculture Act, 1947 ;
- (e) the planting of trees ;
- (f) the opening or working of a deposit of coal, ironstone, limestone, brick-earth or other mineral, or a stone quarry or a clay, sand or gravel pit, or the construction of any works or buildings to be used in connection therewith ;
- (g) the making of a watercourse or reservoir ;
- (h) the making of a road, railway, tramroad, siding, canal or basin, or a wharf, pier, or other work connected therewith.

Tenant's
right to
cause notice
to quit part
of holding to
operate as
notice to
quit entire
holding.

32. Where there is given to the tenant of an agricultural holding a notice to quit part of the holding, being either—

- (a) such a notice as is rendered valid by the last foregoing section ; or
- (b) a notice given by a person entitled to a severed part of the reversionary estate in the holding ;

then, if within twenty-eight days after the giving of the notice or, where the operation of the notice depends on any proceedings under the foregoing provisions of this Act, within twenty-eight days after the time at which it is determined that the notice has effect, the tenant gives to the landlord or, as the case may be, to the persons severally entitled to the severed parts of the reversion a counter-notice in writing to the effect that he accepts the notice to quit as a notice to quit the entire holding given by the landlord or, as the case may be, those persons, to take effect at the same time as the original notice, the notice to quit shall have effect accordingly.

Reduction of
rent where
notice is given
to quit part
of holding.

33. Where the landlord of an agricultural holding resumes possession of part of the holding either—

- (a) by virtue of subsection (1) of section thirty-one of this Act ; or
- (b) in pursuance of a provision in that behalf contained in the contract of tenancy ;

the tenant shall be entitled to a reduction of rent, of an amount to be settled by arbitration under this Act, proportionate to that part of the holding and in respect of any depreciation of the

value to him of the residue of the holding caused by the severance or by the use to be made of the part severed :

Provided that, in a case falling within paragraph (b) of this section, the arbitrator, in assessing the amount of the reduction, shall take into consideration any benefit or relief allowed to the tenant under the contract of tenancy in respect of the land possession of which is resumed by the landlord.

Compensation to Tenant for Disturbance.

34.—(1) Where the tenancy of an agricultural holding terminates by reason either—

(a) of a notice to quit the holding given by the landlord ; or Right to, and
measure of,
compensation
for disturbance.

(b) of a counter-notice given by the tenant under section thirty-two of this Act after the giving to him of such a notice to quit part of the holding as is mentioned in that section ;

and in consequence of the notice or counter-notice, as the case may be, the tenant quits the holding, then, subject to the provisions of this section, compensation for the disturbance shall be payable by the landlord to the tenant in accordance with the provisions of this section :

Provided that compensation shall not be payable under this subsection where the operation of subsection (1) of section twenty-four of this Act in relation to the notice to quit the holding or part, as the case may be, is excluded by virtue of paragraph (c), (d), (e), (f) or (g) of subsection (2) of that section or of subsection (3) thereof.

(2) The amount of the compensation payable under this section shall be the amount of the loss or expense directly attributable to the quitting of the holding which is unavoidably incurred by the tenant upon or in connection with the sale or removal of his household goods, implements of husbandry, fixtures, farm produce or farm stock on or used in connection with the holding, and shall include any expenses reasonably incurred by him in the preparation of his claim for compensation (not being costs of an arbitration to determine any question arising under this section) :

Provided that—

(a) compensation shall be payable under this section of an amount equal to one year's rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy without proof by the tenant of any such loss or expense as aforesaid ;

the tenant shall not be entitled to claim any greater amount than one year's rent of the holding unless before

the sale of any such goods, implements, fixtures, produce or stock as aforesaid he has given to the landlord a reasonable opportunity of making a valuation thereof ;

(c) the tenant shall not be entitled to claim any greater amount than aforesaid unless not less than one month before the termination of the tenancy he has given to the landlord notice in writing of his intention to make such a claim ;

(d) the tenant shall not in any case be entitled to compensation in excess of two years' rent of the holding.

(3) Where the tenant of an agricultural holding has sub-let the holding, and in consequence of a notice to quit given by his landlord becomes liable to pay compensation under this section to the sub-tenant, the tenant shall not be debarred from recovering compensation under this section by reason only that, owing to not being in occupation of the holding, on the termination of his tenancy he does not quit the holding.

(4) Where the tenancy of an agricultural holding terminates by virtue of such a counter-notice as is mentioned in paragraph (b) of subsection (1) of this section and—

(a) the part of the holding affected by the notice given by the landlord, together with any part of the holding affected by any such previous notice given by the landlord as is rendered valid by section thirty-one of this Act is less than one-fourth part of the original holding ; and

(b) the holding as proposed to be diminished is reasonably capable of being farmed as a separate holding ;

compensation shall not be payable under this section except in respect of the part of the holding to which the notice to quit relates and shall, if the notice to quit was given for the purposes of a final scheme under section eighty-seven of the Agriculture Act, 1947, for the adjustment of boundaries between agricultural units or the amalgamation of agricultural units or parts thereof be limited (notwithstanding proviso (a) to subsection (2) of this section) to the loss or expense referred to in that subsection proved to have been incurred by the tenant.

(5) Compensation payable under this section shall be in addition to any compensation to which the tenant may be entitled apart from this section.

*Compensation to Tenant, on Termination of Tenancy,
for Improvements begun before 1st March, 1948.*

35.—(1) The provisions of the ten next following sections shall have effect with respect to the rights of the tenant of an agricultural holding with respect to compensation for improvements specified in the Second Schedule to this Act carried out on

Application
of sections
36 to 45.

the holding, being improvements begun before the first day of March, nineteen hundred and forty-eight.

(2) Improvements falling within the foregoing subsection are in this Act referred to as "old improvements".

36.—(1) The tenant shall, subject to the provisions of this Act, be entitled on the termination of the tenancy, on quitting the holding, to obtain from his landlord compensation for an old improvement carried out by the tenant :

Tenant's
right to
compensation
for old
improvements.

Provided that where the contract of tenancy was made before the first day of January, nineteen hundred and twenty-one, the tenant shall not be entitled to compensation under this section for an improvement which he was required to carry out by the terms of his tenancy.

(2) Nothing in this section shall prejudice the right of a tenant to claim any compensation to which he may be entitled under custom or agreement, or otherwise, in lieu of any compensation provided by this section.

37. The amount of any compensation under this Act for an old improvement shall be such sum as fairly represents the value of the improvement to an incoming tenant.

Measure of
compensation
for old
improvements.

38.—(1) Compensation under this Act shall not be payable for an old improvement specified in Part I of the Second Schedule to this Act unless, before the execution thereof, the landlord consented in writing (whether unconditionally or upon terms as to compensation or otherwise agreed between him and the tenant) to the execution thereof.

Compensation
for certain
old improve-
ments
conditional on
consent of
landlord to
execution
thereof.

(2) Where the consent was given upon agreed terms as to compensation, compensation payable under the agreement shall be substituted for compensation under this Act.

39.—(1) Compensation under this Act shall not be payable for an old improvement consisting of that specified in Part II of the Second Schedule to this Act unless the tenant gave to the landlord, not more than three nor less than two months before beginning to execute the improvement, notice in writing under section three of the Agricultural Holdings Act, 1923, of his intention to execute the improvement and of the manner in which he proposed to execute it, and—

Conditions
attaching
to right to
compensation
for drainage.

- (a) the landlord and tenant agreed on the terms on which the improvement was to be executed ; or
- (b) in a case where no agreement was reached and the tenant did not withdraw the notice, the landlord failed to exercise the right conferred on him by that section to

execute the improvement himself within a reasonable time :

Provided that this subsection shall not have effect—

- (i) if the landlord and tenant agreed, by the contract of tenancy or otherwise, to dispense with notice under the said section three ; or
- (ii) where the improvement consists of mole drainage works executed by the tenant in pursuance of a direction given to him under or by virtue of Defence Regulations.

(2) If the landlord and tenant agreed (whether after notice was given under the said section three or by an agreement to dispense with notice under that section) upon terms as to compensation upon which the improvement was to be executed, compensation payable under the agreement shall be substituted for compensation under this Act.

Conditions attaching to right to compensation for repairs to buildings.

40. Compensation under this Act shall not be payable in respect of any such repairs as are mentioned in paragraph 29 of the Second Schedule to this Act unless, before beginning to execute the repairs, the tenant gave to the landlord notice in writing under paragraph 29 of the First Schedule to the Agricultural Holdings Act, 1923, of his intention to execute the repairs, together with particulars thereof, and the landlord failed to exercise the right conferred on him by that paragraph to execute the repairs himself within a reasonable time after receiving the notice.

Agreements as to compensation for old improvements specified in Part III of Second Schedule.

41. Where an agreement in writing entered into before the first day of January, nineteen hundred and twenty-one, secures to the tenant for an old improvement specified in Part III of the Second Schedule to this Act fair and reasonable compensation, having regard to the circumstances existing when the agreement was made, the compensation so secured shall, as respects that improvement, be substituted for compensation under this Act.

Exclusion of right to compensation for old improvements begun in last year of tenancy.

42.—(I) The tenant shall not be entitled to compensation under this Act in respect of an old improvement (other than manuring) begun by him within one year before he quits the holding :

Provided that this subsection shall not apply—

- (a) where the tenant, before beginning the improvement, served notice on his landlord of his intention to begin it, and the landlord either assented to the making of the improvement or failed for a month after the receipt of the notice to object to the making of the improvement; or

- (b) in a case where the tenant is a tenant from year to year, where he began the improvement before the receipt of a notice to quit given by the landlord ; or
- (c) where the improvement consists of mole drainage works executed by the tenant in pursuance of a direction given to him under or by virtue of Defence Regulations.

(2) In this section the expression "manuring" means any of the improvements specified in paragraphs 25 to 27 of the Second Schedule to this Act.

43.—(1) In the ascertainment of the amount of the compensation payable under this Act to the tenant in respect of an old improvement, there shall be taken into account—

- (a) any benefit which the landlord has given or allowed to the tenant in consideration of the tenant's executing the improvement, whether expressly stated in the contract of tenancy to be so given or allowed or not ; and
- (b) as respects manuring, the value of the manure required by the contract of tenancy or by custom to be returned to the holding in respect of any crops grown on and sold off or removed from the holding within the last two years of the tenancy or other less time for which the tenancy has endured, not exceeding the value of the manure which would have been produced by consumption on the holding of the crops so sold off or removed.

(2) In assessing the amount of any compensation payable to the tenant, whether under this Act or under custom or agreement, by reason of the improvement of the holding by—

- (a) the addition thereto of lime in respect of which a contribution has been made under Part I of the Agriculture Act, 1937 ; or
- (b) mole drainage works in respect of which a grant has been made under section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940 ;

the contribution shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement, and the compensation shall be reduced accordingly.

(3) Notwithstanding anything in the foregoing provisions of this Act, the tenant shall not be entitled to compensation thereunder for an old improvement made on land which, at the time when the improvement was begun, was not a holding within the

Reduction in amount of, and exclusion of right to, compensation for old improvements in certain cases.

1 Edw. 8. & 1 Geo. 6. c. 70.

meaning of the Agricultural Holdings Act, 1923, as originally enacted, and would not have fallen to be treated as such a holding by virtue of section thirty-three of that Act.

(4) In this section the expression "manuring" means any of the improvements specified in paragraphs 25 to 27 of the Second Schedule to this Act.

Old improvements made during any tenancy of a series to qualify for compensation.

44. Where the tenant has remained in the holding during two or more tenancies, he shall not be deprived of his right to compensation under this Act in respect of old improvements by reason only that the improvements were made during a tenancy other than the one at the termination of which he quits the holding.

Right to compensation for old improvements of tenant who has paid compensation therefor to outgoing tenant.

45. Where, on entering into occupation of the holding, the tenant, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Act or the Agricultural Holdings Act, 1923, in respect of the whole or part of an old improvement, he shall be entitled, on quitting the holding, to claim compensation for the improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if the outgoing tenant had remained tenant of the holding and quitted it at the time at which the tenant quits it.

Compensation to Tenant, on Termination of Tenancy, for Improvements begun on or after 1st March, 1948, and for tenant-right Matters.

Application of sections 47 to 55.

46.—(1) The provisions of the nine next following sections shall have effect with respect to the rights of the tenant of an agricultural holding with respect to—

- (a) compensation for improvements specified in the Third Schedule to this Act or in Part I of the Fourth Schedule thereto carried out on the holding, being improvements begun on or after the first day of March, nineteen hundred and forty-eight; and
- (b) compensation for the matters specified in Part II of the said Fourth Schedule;

and the said provisions shall have effect as well where the tenant entered into occupation of the holding before the said first day of March as where he entered into occupation of the holding on or after that day.

(2) Improvements falling within paragraph (a) of the foregoing subsection are in this Act referred to as "new improvements".

47.—(1) The tenant shall, subject to the provisions of this Act, be entitled on the termination of the tenancy, on quitting the holding, to obtain from his landlord compensation for a new improvement carried out by the tenant and for any such matter as is specified in Part II of the Fourth Schedule to this Act :

Provided that—

- (a) where the contract of tenancy was made before the first day of January, nineteen hundred and twenty-one, the tenant shall not be entitled to compensation under this section for an improvement which he was required to carry out by the terms of his tenancy ;
- (b) the tenant shall not be entitled to compensation under this section for crops or produce grown, seeds sown, cultivations, fallows or acts of husbandry performed, or pasture laid down, in contravention of the terms of a written contract of tenancy unless either the growing of the crops or produce, the sowing of the seeds, the performance of the cultivations, fallows or acts of husbandry, or the laying down of the pasture, as the case may be, was reasonably necessary in consequence of the giving of a direction under the Agriculture Act, 1947, or this Act, or the tenant shows that the term of the contract contravened was inconsistent with the fulfilment of his responsibilities to farm the holding in accordance with the rules of good husbandry ; and
- (c) where the tenant entered into occupation of the holding before the first day of March, nineteen hundred and forty-eight, this subsection shall not apply to him so far as regards the matters specified in Part II of the Fourth Schedule to this Act unless, before the termination of the tenancy, he gives notice in writing to the landlord stating that he elects that it is to apply to him as regards those matters.

(2) In the cases mentioned in paragraphs (a) and (b) of this subsection, the tenant shall not be entitled to give a notice under proviso (c) to the foregoing subsection after the expiration of the periods respectively mentioned in those paragraphs, that is to say,—

- (a) where the tenancy terminates by reason of a notice to quit and at any time while the notice to quit is current the landlord gives notice in writing to the tenant requiring him to elect whether that subsection is to apply to him as regards the matters specified in Part II of the Fourth Schedule to this Act, one month from the giving of the notice under this paragraph or if the operation of the notice to quit depends upon any

proceedings under section twenty-four or twenty-five of this Act, one month from the termination of those proceedings ;

- (b) where the tenancy terminates by reason of an order under subsection (1) of section seventeen of the Agriculture Act, 1947, and at any time after the making of the order and before the termination of the tenancy the landlord gives such a notice in writing as aforesaid to the tenant, one month from the giving of the notice under this paragraph.

Measure of
compensation
for long-term
new improve-
ments.

48. The amount of any compensation under this Act for a new improvement specified in the Third Schedule thereto shall be an amount equal to the increase attributable to the improvement in the value of the agricultural holding as a holding, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry.

Compensation
for long-term
new improve-
ments
conditional
on consent of
landlord to
execution
thereof.

49.—(1) Subject to the provisions of the next following section, the tenant shall not be entitled to compensation for a new improvement specified in the Third Schedule to this Act unless the landlord has given his consent in writing to the carrying out thereof, and any such consent may be given by the landlord unconditionally or upon such terms as to compensation or otherwise as may be agreed upon in writing between the landlord and the tenant.

(2) If any such agreement as aforesaid is made, the provisions of the last foregoing section shall have effect subject to the provisions of the agreement.

Approval of
Minister
equivalent to
consent of
landlord in
certain cases.

50.—(1) Where, in the case of an improvement specified in Part II of the Third Schedule to this Act, the tenant is aggrieved by the refusal of his landlord to give his consent under the last foregoing section, or is unwilling to agree to any terms subject to which the landlord is prepared to give his consent, the tenant may, after giving notice in writing to the landlord of his intention so to do, apply to the Minister for approval of the carrying out of the improvement, and the following provisions of this section shall have effect with respect to the application.

(2) The Minister may, after affording to the tenant and to the landlord an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, approve the carrying out of the improvement, either unconditionally or upon such terms, whether as to reduction of the compensation which would be payable if the Minister approved unconditionally or as to other matters, as appear to the Minister to be just, or may withhold his approval,

and in either case forthwith after coming to a decision on the application shall notify his decision to the landlord and to the tenant.

(3) If the Minister grants his approval, the landlord may, within the prescribed period from receiving notification of the Minister's decision, serve notice in writing on the Minister and the tenant that the landlord proposes himself to carry out the improvement.

(4) Where the Minister grants his approval, then if either—

- (a) no notice is duly served by the landlord under the last foregoing subsection; or
- (b) such a notice is duly served, but on an application in that behalf made by the tenant the Minister after affording to the tenant and to the landlord an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, determines that the landlord has failed to carry out the improvement within a reasonable time;

the approval of the Minister shall have effect for the purposes of the last foregoing section as if it were the consent of the landlord, and any terms subject to which the approval was given shall have effect as if they were contained in an agreement in writing between the landlord and the tenant.

51.—(1) The amount of any compensation under this Act for a new improvement specified in Part I of the Fourth Schedule thereto, or for any matter falling within Part II of that Schedule, shall be the value thereof to an incoming tenant calculated in accordance with such method, if any, as may be prescribed.

Measure of compensation for short-term new improvements and for other matters.

(2) Nothing in this Act shall prevent the substitution, in the case of matters falling within Part II of the Fourth Schedule thereto, for the measure of compensation specified in subsection (1) of this section, of such measure of compensation, to be calculated according to such method, if any, as may be specified in a written contract of tenancy.

(3) Where the landlord and the tenant have entered into an agreement in writing whereby any benefit is given or allowed to the tenant in consideration of his carrying out an improvement specified in Part I of the Fourth Schedule to this Act, the benefit shall be taken into account in assessing compensation under this section for the improvement.

52. The tenant shall not be entitled to compensation for a new improvement specified in paragraph 1 of the Fourth Schedule to this Act unless, not later than one month before the improvement was begun, he gave notice in writing to the landlord of his intention to carry out the improvement.

Compensation for mole drainage conditional on notice to landlord of carrying out thereof.

Grants out of public moneys to be taken into account in assessing compensation for new improvements.

53. Where a grant out of moneys provided by Parliament has been or will be made to the tenant in respect of a new improvement, the grant shall be taken into account in assessing compensation under this Act for the improvement.

New improvements made during any tenancy of a series to qualify for compensation.

54. Where the tenant has remained in the holding during two or more tenancies, he shall not be deprived of his right to compensation under this Act in respect of new improvements by reason only that the improvements were made during a tenancy other than the one at the termination of which he quits the holding.

Right to compensation for new improvements of tenant who has paid compensation therefor to outgoing tenant.

55.—(1) Where, on entering into occupation of the holding, the tenant, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable by the landlord under or in pursuance of this Act or Part III of the Agriculture Act, 1947, in respect of the whole or part of a new improvement, or has paid to the landlord the amount of any such compensation payable to an outgoing tenant, the tenant shall be entitled, on quitting the holding, to claim compensation in respect of the improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if the outgoing tenant had remained tenant of the holding and quitted it at the time at which the tenant quits it.

(2) Where, in a case not falling within the foregoing subsection, the tenant, on entering into occupation of the holding, paid to his landlord any amount in respect of the whole or part of a new improvement, he shall, subject to any agreement in writing between the landlord and the tenant, be entitled on quitting the holding to claim compensation in respect of the improvement or part in like manner, if at all, as he would have been entitled if he had been tenant of the holding at the time when the improvement was carried out and the improvement or part had been carried out by him.

Compensation to Tenant, on Termination of Tenancy, for continuous Adoption of special System of Farming.

Right to, and measure of, compensation for continuous adoption of special system of farming.

56.—(1) Where the tenant of an agricultural holding shows that, by the continuous adoption of a system of farming which has been more beneficial to the holding—

- (a) than the system of farming required by the contract of tenancy; or
- (b) in so far as no system of farming is so required, than the system of farming normally practised on comparable agricultural holdings,

the value of the holding as a holding has been increased during the tenancy, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry, the tenant shall be entitled, on quitting the

holding on the termination of the tenancy, to obtain from the landlord compensation of an amount equal to the increase :

Provided that compensation shall not be recoverable under this subsection unless—

- (i) the tenant has, not later than one month before the termination of the tenancy, given to the landlord notice in writing of his intention to claim compensation under this subsection ; and
- (ii) a record has been made under section sixteen of this Act of the condition of the buildings, fences, gates, roads, drains and ditches on, and the cultivation of, the holding ;

and shall not be so recoverable in respect of any matter arising before the date of the making of the said record, or if more than one such record has been made as aforesaid, the first of them.

(2) In assessing the value of an agricultural holding for the purposes of this section due allowance shall be made for any compensation agreed or awarded to be paid to the tenant for an old or new improvement or for any such matter as is specified in Part II of the Fourth Schedule to this Act, being an improvement or matter which has caused, or contributed to, the benefit.

(3) Nothing in this section shall entitle a tenant to recover, for an old or new improvement or an improvement to which the provisions of this Act relating to market gardens apply or for any such matter as is specified in Part II of the Fourth Schedule to this Act, any compensation which he is not entitled to recover apart from this section.

(4) In a case where subsection (1) of section forty-seven of this Act does not apply to the tenant as regards the matters specified in Part II of the Fourth Schedule to this Act, subsections (2) and (3) of this section shall have effect with the omission of references to a matter so specified.

Compensation to Landlord, on Termination of Tenancy, for Deterioration of Holding.

57.—(1) The landlord of an agricultural holding shall be entitled to recover from a tenant of the holding, on the tenant's quitting the holding on the termination of the tenancy, compensation in respect of the dilapidation or deterioration of, or damage to, any part of the holding or anything in or on the holding caused by non-fulfilment by the tenant of his responsibilities to farm in accordance with the rules of good husbandry.

Right to, and measure of compensation for deterioration, &c., of particular parts of holding.

(2) The amount of the compensation payable under the foregoing subsection shall be the cost, as at the date of the tenant's quitting the holding, of making good the dilapidation, deterioration or damage.

(3) Notwithstanding anything in this Act, the landlord may, in lieu of claiming compensation under subsection (1) of this

section, claim compensation in respect of matters specified therein under and in accordance with a written contract of tenancy, so however that—

- (a) compensation shall be so claimed only on the tenant's quitting the holding on the termination of the tenancy ; and
- (b) compensation shall not be claimed in respect of any one holding both under such a contract and under the said subsection (1) ;

and for the purposes of paragraph (b) of this subsection any claim under subsection (1) of section seven of this Act shall be disregarded.

Right to, and measure of, compensation for general deterioration of holding.

58. Where, on the quitting of an agricultural holding by the tenant thereof on the termination of the tenancy, the landlord shows that the value of the holding generally has been reduced, whether by reason of any such dilapidation, deterioration or damage as is mentioned in subsection (1) of the last foregoing section or otherwise by non-fulfilment by the tenant of his responsibilities to farm in accordance with the rules of good husbandry, the landlord shall be entitled to recover from the tenant compensation therefor, in so far as the landlord is not compensated therefor under subsection (1) of that section or in accordance with subsection (3) thereof, of an amount equal to the decrease attributable thereto in the value of the holding as a holding, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry :

Provided that compensation shall not be recoverable under this section unless the landlord has, not later than one month before the termination of the tenancy, given notice in writing to the tenant of his intention to claim compensation thereunder.

Compensation for deterioration, &c., to be made in respect of acts done during any tenancy of a series.

59. Where the tenant of an agricultural holding has remained therein during two or more tenancies, his landlord shall not be deprived of his right to compensation under either of the two last foregoing sections in respect of any dilapidation, deterioration or damage by reason only that the tenancy during which an act or omission occurred which in whole or in part caused the dilapidation, deterioration or damage was a tenancy other than the tenancy at the termination of which the tenant quits the holding.

Supplementary Provisions with respect to Compensation.

Compensation provisions of this Act applicable to parts of holdings in certain cases.

60. Where the landlord of an agricultural holding resumes possession of part of the holding either—

- (a) by virtue of subsection (1) of section thirty-one of this Act ; or
- (b) in pursuance of a provision in that behalf contained in the contract of tenancy ;

the provisions of this Act with respect to compensation shall apply to that part of the holding as if it were a separate holding which the tenant had quitted in consequence of a notice to quit :

Provided that—

- (i) in a case falling within paragraph (b) of this section, the arbitrator, in assessing the amount of compensation payable to the tenant, shall take into consideration any benefit or relief allowed to the tenant under the contract of tenancy in respect of the land possession of which is resumed by the landlord ; and
- (ii) compensation for disturbance payable by virtue of this subsection shall, where notice to quit part of the holding was given for the purposes of a final scheme under section eighty-seven of the Agriculture Act, 1947, for the adjustment of boundaries between agricultural units or the amalgamation of agricultural units or parts thereof be limited (notwithstanding proviso (a) to subsection (2) of section thirty-four of this Act) to the loss or expense referred to in that subsection proved to have been incurred by the tenant.

61. Where an agricultural holding has become vested in more than one person in several parts and the rent payable by the tenant of the holding has not been apportioned with his consent or under any statute, the tenant shall be entitled to require that any compensation payable to him under this Act shall be determined as if the holding had not been divided, and the arbitrator shall, where necessary, apportion the amount awarded between the persons who for the purposes of this Act together constitute the landlord of the holding, and any additional costs of the award caused by the apportionment shall be directed by the arbitrator to be paid by those persons in such proportions as he shall determine.

Provisions as to compensation where holding is divided.

62. In assessing the amount of any compensation payable, whether under this Act, or under custom or agreement, to the tenant of an agricultural holding comprising land in respect of which a payment in respect of a ploughing grant under Part IV of the Agricultural Development Act, 1939, has been made to the tenant, or has been or is to be applied for by him, if it is shown to the satisfaction of the person assessing the compensation that the improvement or cultivations in respect of which the compensation is claimed was or were wholly or in part the result of or incidental to the operations by virtue of which the land became eligible for the grant, the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement or cultivations, and the compensation shall be reduced to such extent as that person considers appropriate.

Adjustment of compensation in respect of ploughing grants. 2 & 3 Geo. 6. c. 48.

No compensa-
tion under
this Act,
custom or
agreement for
things done
in compliance
with this Act.

63.—(1) Notwithstanding anything in the foregoing provisions of this Act or any custom or agreement—

(a) no compensation shall be payable to the tenant of an agricultural holding in respect of anything done in pursuance of an order under paragraph (ii) of section ten of this Act ;

(b) in assessing compensation to an outgoing tenant of an agricultural holding where land has been ploughed up in pursuance of a direction under that section, 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.

In this subsection 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.

(2) The tenant of an agricultural holding shall not be entitled to any compensation for an old improvement specified in Part III of the Second Schedule to this Act or a new improvement specified in Part I of the Fourth Schedule thereto or for any such matter as is specified in Part II of the said Fourth Schedule, being an improvement or matter made or effected for the purposes of the proviso to subsection (1) of section eleven of this Act or the proviso to subsection (1) of section thirty of the Agricultural Holdings Act, 1923 :

Provided that where subsection (1) of section forty-seven of this Act does not apply to the tenant as regards the matters specified in Part II of the Fourth Schedule to this Act, the foregoing provisions of this subsection shall have effect with the omission of references to a matter so specified.

Claims not to
be made for
compensation
for
improvements
based on
custom.

64. A landlord or tenant of an agricultural holding shall not be entitled under custom to any compensation from his tenant or landlord for any improvement, whether or not one in respect of the carrying out of which compensation is provided under this Act, or any matter specified in Part II of the Fourth Schedule to this Act, or otherwise :

Provided that this section shall not apply to compensation for an improvement of a kind specified in the Third Schedule or Part I of the Fourth Schedule to this Act begun before the first day of March, nineteen hundred and forty-eight, or, in a case where subsection (1) of section forty-seven of this Act does not apply to the tenant as regards the matters specified in Part II of the said Fourth Schedule, to compensation for a matter so specified.

65.—(1) Save as expressly provided in this Act, in any case for which apart from this section the provisions of this Act provide for compensation, a tenant or landlord shall be entitled to compensation in accordance with those provisions and not otherwise, and shall be so entitled notwithstanding any agreement to the contrary:

Extent to which compensation recoverable under agreements.

Provided that where the landlord and tenant of an agricultural holding enter into an agreement in writing for any such variation of the terms of the contract of tenancy as could be made by direction or order under section ten of this Act, the agreement may provide for the exclusion of compensation in like manner as under subsection (1) of section sixty-three of this Act.

(2) Nothing in the said provisions, apart from this section, shall be construed as disentitling a tenant or landlord to compensation in any case for which the said provisions do not provide for compensation, but a claim for compensation in any such case as aforesaid (except a claim by a tenant for compensation for a matter specified in Part II of the Fourth Schedule to this Act in a case where subsection (1) of section forty-seven of this Act does not apply to him as regards the matters so specified) shall not be enforceable except under an agreement in writing.

Special Provisions as to Compensation, &c., in case of Tenancy not binding on Mortgagee of Holding.

66. Where a person occupies an agricultural holding under a contract of tenancy with a mortgagor which is not binding on the mortgagee, then,—

Special provisions as to compensation, &c., in case of tenancy not binding on mortgagee of holding.

(a) the occupier shall, as against the mortgagee who takes possession, be entitled to any compensation which is, or would but for the mortgagee taking possession be, due to the occupier from the mortgagor as respects crops, improvements, tillages, or other matters connected with the holding, whether under this Act or custom or an agreement authorised by this Act; and

(b) if the contract of tenancy is for a tenancy from year to year or for a term of years, not exceeding twenty-one, at a rackrent, the mortgagee shall, before he deprives the occupier of possession otherwise than in accordance with the contract of tenancy, give to the occupier six months' notice in writing of his intention so to do, and, if he so deprives him, compensation shall be due to the occupier for his crops, and for any expenditure upon the land which he has made in the expectation of remaining in the holding for the full term of his contract of tenancy, in so far as any improvement resulting therefrom is not exhausted at the time of his being so deprived.

*Special Provisions affecting Market Gardens as regards
Compensation and Fixtures.*

Effect of
agreement to
let or treat an
agricultural
holding as
a market
garden.

67.—(1) In the case of an agricultural holding in respect of which it is agreed by an agreement in writing made on or after the first day of January, eighteen hundred and ninety-six, that the holding shall be let or treated as a market garden—

- (a) the provisions of this Act shall apply as if improvements of a kind specified in the Fifth Schedule to this Act begun before the first day of March, nineteen hundred and forty-eight, were included amongst the improvements specified in Part III of the Second Schedule to this Act and as if improvements of such a kind begun on or after that day were included amongst the improvements specified in Part I of the Fourth Schedule to this Act ;
- (b) section thirteen of this Act shall extend to every fixture or building affixed or erected by the tenant to or upon the holding or acquired by him since the thirty-first December, nineteen hundred, for the purposes of his trade or business as a market gardener ;
- (c) it shall be lawful for the tenant to remove all fruit trees and fruit bushes planted by him on the holding and not permanently set out, but if the tenant does not remove them before the termination of his tenancy they shall remain the property of the landlord and the tenant shall not be entitled to any compensation in respect thereof ; and
- (d) the right of an incoming tenant to claim compensation in respect of the whole or part of an improvement which he has purchased may be exercised although his landlord has not consented in writing to the purchase.

(2) Where under a contract of tenancy current on the first day of January, eighteen hundred and ninety-six, an agricultural holding was at that date in use or cultivation as a market garden with the knowledge of the landlord, and the tenant thereof had then executed thereon, without having received previously to the execution thereof a written notice of dissent by the landlord, an improvement of a kind specified in the Fifth Schedule to this Act (other than one consisting of such an alteration of a building as did not constitute an enlargement thereof), the provisions of this section shall apply in respect of the holding as if it had been agreed in writing after that date that the holding should be let or treated as a market garden, so however that the improvements in respect of which compensation is payable under those provisions as so applied shall include improvements executed before as well as improvements executed after that date.

(3) Where the land to which such agreement relates, or so used and cultivated, consists of part of an agricultural holding only, this section shall apply as if that part were a separate holding.

(4) Nothing in this section shall confer a right to compensation for the alteration of a building (not being an alteration constituting an enlargement) where the alteration was begun before the first day of March, nineteen hundred and forty-eight.

68.—(1) Subject to the provisions of this section, where the tenant of an agricultural holding desires to make on the holding or any part thereof an improvement specified in the Fifth Schedule to this Act and the landlord refuses, or fails within a reasonable time, to agree in writing that the holding or that part thereof, as the case may be, shall be treated as a market garden, the Minister may, on the application of the tenant and after affording to the landlord and to the tenant an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, and after being satisfied that the holding or part is suitable for the purposes of market gardening, direct that the last foregoing section shall, either in respect of all the improvements specified in the said Fifth Schedule or in respect of some only of those improvements, apply to the holding or to that part thereof, and the said section shall apply accordingly as respects any improvements executed after the date on which the direction is given.

Power of the Minister in default of agreement to treat an agricultural holding as a market garden.

(2) Where a direction is given under the foregoing subsection, then, if the tenancy is terminated by notice to quit given by the tenant or by reason of the tenant becoming bankrupt or compounding with his creditors, the tenant shall not be entitled to compensation in respect of improvements specified in the direction unless the tenant not later than one month after the date on which the notice to quit is given or the date of the bankruptcy or composition, as the case may be, or such later date as may be agreed, produces to the landlord an offer in writing by a substantial and otherwise suitable person (being an offer which is to hold good for a period of three months from the date on which it is produced), to accept a tenancy of the holding from the termination of the existing tenancy thereof, and on the terms and conditions of that tenancy so far as applicable, and, subject as hereinafter provided, to pay to the outgoing tenant all compensation payable under this Act or under the contract of tenancy, and the landlord fails to accept the offer within three months after the production thereof.

(3) If the landlord accepts any such offer as aforesaid, the incoming tenant shall pay to the landlord on demand all sums payable to him by the outgoing tenant on the termination of the tenancy in respect of rent or breach of contract or otherwise in respect of the holding, and any amount so paid may, subject to any agreement between the outgoing tenant and incoming

tenant, be deducted by the incoming tenant from any compensation payable by him to the outgoing tenant.

(4) A direction under subsection (1) of this section may be given subject to such conditions (if any) for the protection of the landlord as the Minister thinks fit to attach to the direction and, without prejudice to the generality of this subsection, where the direction relates to part only of an agricultural holding, it may, on the application of the landlord, be given subject to the condition that it shall become operative only in the event of the tenant's consenting to the division of the holding into two parts, of which one shall be that to which the direction relates, to be held at rents settled, in default of agreement, by arbitration under this Act, but otherwise on the same terms and conditions (so far as applicable) as those on which the holding is held.

(5) A new tenancy created by the acceptance of a tenant in accordance with the provisions of this section on the terms and conditions of the existing tenancy shall be deemed for the purposes of section eight of this Act not to be a new tenancy.

Agreements
as to
compensation
relating to
market
gardens.

69.—(1) Where an agreement in writing secures to the tenant of an agricultural holding, for an improvement for which compensation is payable by virtue of either of the two last foregoing sections, fair and reasonable compensation having regard to the circumstances existing when the agreement was made, the compensation so secured shall, as respects that improvement, be substituted for compensation under this Act.

(2) The landlord and tenant of an agricultural holding who have agreed that the holding shall be let or treated as a market garden may by agreement in writing substitute, for the provisions as to compensation which would otherwise be applicable to the holding, the provisions as to compensation known as the "Evesham custom", and set out in subsections (2) and (3) of the last foregoing section.

Settlement of Claims between Landlord and Tenant on Termination of Tenancy.

Settlement
of claims
between
landlord
and tenant
on termination
of tenancy.

70.—(1) Without prejudice to any other provision of this Act, any claim of whatever nature by the tenant or landlord of an agricultural holding against his landlord or tenant, being a claim which arises—

(a) under this Act or any custom or agreement; and

(b) on or out of the termination of the tenancy of the holding or part thereof,

shall, subject to the provisions of this section, be determined by arbitration under this Act.

(2) No such claim as aforesaid shall be enforceable unless before the expiration of two months from the termination of the tenancy

the claimant has served notice in writing on his landlord or tenant, as the case may be, of his intention to make the claim.

A notice under this subsection shall specify the nature of the claim, and it shall be a sufficient specification thereof if the notice refers to the statutory provision, custom or term of an agreement under which the claim is made.

(3) The landlord and tenant may, within the period of four months from the termination of the tenancy, by agreement in writing settle any such claim as aforesaid, and the Minister may, upon the application of the landlord or tenant made within that period extend that period by two months and, on a second such application made during those two months, by a further two months.

(4) Where, by the expiration of the said period and any extension thereof made under the last foregoing subsection, any such claim as aforesaid has not been settled, it shall cease to be enforceable unless, before the expiration of one month from the end of the said period and any such extension, or within such longer time as the Minister may in special circumstances allow, an arbitrator has been appointed by agreement between the landlord and the tenant under the subsequent provisions of this Act in that behalf or an application for the appointment of an arbitrator under those provisions has been made by the landlord or the tenant.

(5) Where a tenant lawfully remains in occupation of part of an agricultural holding after the termination of a tenancy, references in subsections (2) and (3) of this section to the termination thereof shall, in the case of a claim relating to that part of the holding, be construed as references to the termination of the occupation.

(6) This section shall not apply to a claim arising on or out of the termination of a tenancy before the first day of March, nineteen hundred and forty-eight.

Recovery of Sums due under this Act.

71. Subject to the provisions of this Act, where a sum agreed or awarded under this Act to be paid for compensation, costs or otherwise by a landlord or tenant of an agricultural holding is not paid within fourteen days after the time when the payment becomes due, it shall be recoverable upon order made by the county court as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable.

Recovery of compensation, &c., by order of county court.

72. Where a sum becomes due to a tenant of an agricultural holding in respect of compensation from the landlord, and the landlord fails to discharge his liability therefor within the period of one month from the date on which the sum becomes due, the tenant shall be entitled to obtain from the Minister an order charging the holding with payment of the amount due.

Power of tenant to obtain charge on holding for compensation.

Recovery of compensation, &c., due from trustee landlord.

73. Where the landlord of an agricultural holding is entitled to receive the rents and profits thereof otherwise than for his own benefit (whether as trustee or in any other character)—

(a) he shall not be under any liability to pay any sum agreed or awarded under this Act to be paid to the tenant or awarded under this Act to be paid by the landlord, and it shall not be recoverable against him personally; but

(b) if he fails to pay any such sum to the tenant for one month after it becomes due, the tenant shall be entitled to obtain from the Minister an order charging the holding with payment of the sum.

Recovery of compensation, &c., where contract of tenancy not binding on mortgagee.

74. A mortgagee of an agricultural holding shall not be under any liability to pay any sum ascertained to be due under section sixty-six of this Act to the occupier of the holding for compensation or costs connected therewith and it shall not be recoverable against him personally, but—

(a) it may be set off against any rent or other sum due from the occupier in respect of the holding; and

(b) if the said sum is not set off as aforesaid, the occupier shall be entitled to obtain from the Minister an order charging the holding with payment of the sum.

Supplementary Provisions.

Representations to the Minister.

75.—(1) Any enactment in this Act providing, in relation to the taking of any action by the Minister, for his taking the action after affording a person an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, shall be construed as a provision that the Minister shall comply with the following requirements.

(2) The Minister shall give notice to the said person specifying the action proposed to be taken and informing him of the effect of the three following subsections.

(3) If within the prescribed time and in the prescribed manner the said person makes representations to the Minister in writing, the Minister shall not take the action in question until he has considered the representations.

(4) If, whether or not representations are made to the Minister in writing, the said person within the prescribed time and in the prescribed manner requires that an opportunity be afforded to him of being heard by a person appointed by the Minister for the purpose, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) of this section the Minister is required to afford such an opportunity, and the Minister shall not take the action in question until he has considered any representations made at the hearing.

(5) No officer or servant of a County Agricultural Executive Committee, or any sub-committee or district committee thereof, shall be appointed under the last foregoing subsection to receive representations relating to land in the area of the Committee.

(6) If for the purposes of any such hearing the person to whom the opportunity is afforded so desires, the like opportunity shall be afforded to a person chosen by him to represent his views to the Minister.

76.—(1) In any case where by any of the provisions of this Act a person is empowered to require that a proposal of the Minister to take any action shall be referred to the Agricultural Land Tribunal, then, if within the prescribed time and in the prescribed manner the said person so requires, the proposal shall be referred accordingly.

References to
Agricultural
Land
Tribunal.

(2) On any such reference the Tribunal shall determine—

- (a) whether the conditions as to which the Minister must be satisfied before taking the action are fulfilled; and
- (b) whether, having regard to their determination under the foregoing paragraph and to all the circumstances of the case, the Minister should or should not take the action proposed,

and shall report to the Minister accordingly, and the Minister shall forward a copy of the report to any person who availed himself of an opportunity to make representations to the Minister afforded to him under the provisions in question of this Act.

(3) In any such case as is mentioned in subsection (1) of this section, the Minister shall not give effect to the proposal until the expiration of the period within which a reference to the Tribunal may be required.

(4) Where such a reference is duly required, the Minister shall act in accordance with the report of the Tribunal and not otherwise.

(5) Forthwith after taking action in any such case as is mentioned in subsection (1) of this section, the Minister shall serve notice thereof in writing on any person who, under the provisions in question of this Act, was entitled to be afforded an opportunity to make representations to the Minister.

(6) Where any land lies partly in the area of one Agricultural Land Tribunal and partly in the area of another, the Minister may direct that for the purpose of any reference under this Act to such a Tribunal in relation to that land, the whole of the land shall be deemed to be comprised in the area of the Tribunal specified in the direction.

Arbitration under this Act. 77.—(1) Any matter which by or by virtue of this Act or regulations made thereunder is required to be determined by arbitration under this Act shall, notwithstanding any agreement, under a contract of tenancy or otherwise, providing for a different method of arbitration, be determined by the arbitration of a single arbitrator in accordance with the provisions of the Sixth Schedule to this Act, and the Arbitration Acts, 1889 to 1934, shall not apply to any such arbitration.

(2) The Minister may by rules make such provision as he thinks desirable for expediting, or reducing the costs of, proceedings on arbitrations under this Act :

Provided that the Minister shall not make rules inconsistent with the provisions of the said Sixth Schedule.

(3) The power conferred by the last foregoing subsection on the Minister shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Power of Minister to vary Third, Fourth and Fifth Schedules to this Act.

78.—(1) The Minister may, after consultation with such bodies of persons as appear to him to represent the interests of landlords and tenants of agricultural holdings, by order made by statutory instrument vary the provisions of the Third, Fourth and Fifth Schedules to this Act.

(2) An order under this section may make such provision as to the operation of this Act in relation to tenancies current when the order takes effect as appears to the Minister to be just having regard to the variation of the said Schedules effected by the order.

(3) An order under this section shall be of no effect unless approved by resolution of each House of Parliament.

Advisory committee on valuation of improvements and other matters specified in Fourth Schedule to this Act.

79.—(1) The Minister shall appoint a committee to advise him as to the provisions to be included in regulations under section fifty-one of this Act, consisting of such number of persons, having such qualifications, as the Minister thinks expedient, including persons appointed by the Minister as having experience in land agency, farming, estate management and the valuation of tenant right.

(2) The Minister may pay to the members of the committee such travelling and other allowances as he may with the consent of the Treasury determine.

Power of limited owners to give consents, &c., for purposes of this Act.

80. The landlord of an agricultural holding, whatever may be his estate or interest therein, may, for the purposes of this Act, give any consent, make any agreement or do or have done to him any other act which he might give, make, do or have done to him if he were owner in fee simple or, if his interest is an interest in a leasehold, were absolutely entitled to that leasehold.

81.—(1) Where under powers conferred by the Settled Land Act, 1925, or the Law of Property Act, 1925, capital money is applied in or about the execution of any improvement specified in the Third Schedule to this Act no provision shall be made for requiring the money or any part thereof to be replaced out of income, and accordingly any such improvement shall be deemed to be an improvement authorised by Part I of the Third Schedule to the Settled Land Act, 1925.

Power of limited owners to apply capital moneys for improvements. 15 & 16 Geo. 5. c. 18.

(2) Where under powers conferred by the Universities and College Estates Act, 1925, capital money is applied in payment for any improvement specified in the Third Schedule to this Act no provision shall be made for replacing the money out of income unless the Minister requires such provision to be made under subsection (5) of section twenty-six of that Act.

15 & 16 Geo. 5. c. 24.

82.—(1) Subject to the provisions of this Act, where the landlord of an agricultural holding—

Power of landlord to obtain charge on holding for repayment of compensation, &c., paid by him.

(a) has paid to the tenant of the holding an amount due to him under this Act, or under custom or agreement, or otherwise, in respect of compensation for an old or new improvement, for any such matter as is specified in Part II of the Fourth Schedule to this Act or for disturbance ; or

(b) has defrayed the cost of the execution by him, in pursuance of the right conferred on him by section three of the Agricultural Holdings Act, 1923, of an old improvement consisting of that specified in Part II of the Second Schedule to this Act, or, in pursuance of a notice served under subsection (3) of section fifty of this Act, of a new improvement specified in Part II of the Third Schedule to this Act ;

he shall be entitled to obtain from the Minister an order charging the holding or any part thereof with repayment of the amount of the compensation or the amount of the cost, as the case may be ; and where there falls to be determined by arbitration under this Act the amount of compensation for an old or new improvement or for any such matter as is specified in Part II of the Fourth Schedule to this Act payment whereof entitles the landlord to obtain a charge under this subsection, the arbitrator shall, at the request and cost of the landlord certify the amount of the compensation and the term for which the charge may properly be made, having regard to the time at which each improvement or matter in respect of which compensation is awarded is to be deemed to be exhausted.

(2) Subject to the provisions of this Act, where the landlord of an agricultural holding is entitled to receive the rents and profits thereof otherwise than for his own benefit (whether as

trustee or in any other character) he shall, either before or after paying to the tenant of the holding any sum agreed or awarded under this Act to be paid to the tenant for compensation or awarded under this Act to be paid by the landlord, be entitled to obtain from the Minister an order charging the holding with repayment of that sum.

General provisions as to charges under this Act on holdings.

83.—(1) An order of the Minister under this Act charging an agricultural holding or any part of an agricultural holding with payment or repayment of a sum shall charge it, in addition, with payment of all costs properly incurred in obtaining the charge.

(2) Any such order shall be made in favour of the person obtaining the charge and of his executors, administrators and assigns, and the order shall make such provision as to the payment of interest and the payment of the sum charged by instalments, and shall contain such directions for giving effect to the charge, as the Minister thinks fit.

(3) In the case of a charge under subsection (1) of the last foregoing section—

(a) where the landlord is not absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement in respect whereof compensation is paid will, in the opinion of the Minister, have become exhausted; and

(b) the sum charged shall be a charge on the holding or the part thereof charged, as the case may be, for the landlord's interest therein and for all interests therein subsequent to that of the landlord, but so that in any case where the landlord's interest is an interest in a leasehold, the charge shall not extend beyond the interest of the landlord, his executors, administrators and assigns.

(4) Where the estate or interest in an agricultural holding of the landlord thereof is determinable or liable to forfeiture by reason of his creating or suffering any charge thereon, that estate or interest shall not be determined or forfeited by reason that the tenant obtains a charge on the holding under section seventy-two of this Act or that the landlord obtains a charge on the holding under subsection (1) of the last foregoing section, anything in any deed, will or other instrument to the contrary notwithstanding.

(5) A charge created under section seventy-two, seventy-three or seventy-four of this Act shall rank in priority to any other charge, however and whenever created or arising; and charges created under those sections shall, as between themselves, rank in the order of their creation.

This subsection shall bind the Crown.

(6) Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge created under section seventy-two of this Act or subsection (1) of the last foregoing section, upon such terms and conditions as may be agreed upon between the company and the person entitled to the charge, and may assign any charge of which they have taken an assignment under this subsection.

84. Where the landlord or tenant of an agricultural holding is of unsound mind, not so found by inquisition, the county court on the application of any person interested may appoint, for the purposes of this Act, a person to act as his guardian, and may revoke the appointment and appoint another such person if and as occasion requires.

Power of county court to appoint, for purposes of this Act, guardian of landlord or tenant of unsound mind.

85. Where a woman married before the commencement of the Married Women's Property Act, 1882, has any title to land her title to which accrued before the commencement of that Act, then—

Women married before 1883. 45 & 46 Vict. c. 75.

- (a) if she is entitled to the land for her separate use and is not restrained from anticipation, she shall, for the purposes of this Act, be treated in respect of that land as if she were a feme sole; and
- (b) in any other case her husband's concurrence shall be requisite, and she shall, for the purposes of this Act (subject, however, to the provisions of subsection (2) of section one hundred and sixty-seven of the Law of Property Act, 1925), be examined apart from him by the county court, or by the judge of the county court for the place where she is, touching her knowledge of the nature and effect of the intended act and it shall be ascertained that she is acting freely and voluntarily.

86. In estimating the best rent or reservation in the nature of rent of an agricultural holding for the purposes of any Act of Parliament, deed or other instrument, authorising a lease to be made, provided that the best rent, or reservation in the nature of rent, is reserved, it shall not be necessary to take into account against the tenant any increase in the value of the holding arising from any improvements made or paid for by him.

Estimation of best rent for purposes of Acts and other instruments.

Provisions as to Crown Land, ecclesiastical Land and Land held for charitable Purposes.

87.—(1) This Act shall apply to land belonging to His Majesty in right of the Crown or the Duchy of Lancaster and to land belonging to the Duchy of Cornwall, subject in either case to

Crown land.

such modifications as may be prescribed, and for the purposes of this Act—

- (a) as respects land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands or other the proper officer or body having charge of the land for the time being, or, if there is no such officer or body, such person as His Majesty may appoint in writing under the Royal Sign Manual, shall represent His Majesty and shall be deemed to be the landlord.
- (b) as respects land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy shall represent His Majesty and shall be deemed to be the landlord ;
- (c) as respects land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall or other the possessor for the time being of the Duchy of Cornwall appoints shall represent the Duke of Cornwall or other the possessor aforesaid, and shall be deemed to be the landlord and may do any act or thing under this Act which a landlord is authorised or required to do thereunder.

(2) Without prejudice to the provisions of the foregoing subsection it is hereby declared that the provisions of this Act apply to land notwithstanding that the interest of the landlord or tenant thereof is held on behalf of His Majesty for the purposes of any Government department ; but in the application thereof to any land an interest in which is held as aforesaid the said provisions shall have effect subject to such modifications as may be prescribed.

17 & 18 Geo. 5.
c. 23.

(3) Section fifteen of the Crown Lands Act, 1927 (which enables the Commissioners of Crown Lands to pay out of capital the cost of carrying out any works mentioned in the Third Schedule to the Settled Land Act, 1925, or of any works for any of the purposes mentioned in that Schedule) shall apply to compensation payable under this Act for new improvements specified in the Third Schedule thereto or for improvements specified in paragraphs 1, 2 and 5 of the Fifth Schedule thereto begun on or after the first day of March, nineteen hundred and forty-eight, as it applies to the cost specified in the said section fifteen, and any compensation payable under this Act by the said Commissioners for old improvements specified in Part III of the Second Schedule to this Act, for new improvements specified in Part I of the Fourth Schedule to this Act or for any such matters as are specified in Part II of that Schedule shall be paid as part of the expenses of the management of the land revenues of the Crown.

(4) The amount of any compensation payable under this Act by the Chancellor of the Duchy of Lancaster for old improvements specified in Part I or II of the Second Schedule to this Act, for

new improvements specified in the Third Schedule thereto or for improvements specified in the Fifth Schedule thereto shall be raised and paid as an expense incurred in improvement of land belonging to His Majesty in right of the Duchy within section twenty-five of the Act of the fifty-seventh year of King George the Third, Chapter ninety-seven, and any compensation so payable for old improvements specified in Part III of the Second Schedule to this Act, for new improvements specified in Part I of the Fourth Schedule to this Act or for any such matters as are specified in Part II of that Schedule shall be paid out of the annual revenues of the Duchy.

(5) Any compensation payable under this Act by the Duke of Cornwall or other the possessor for the time being of the Duchy of Cornwall for old improvements specified in Part I or II of the Second Schedule to this Act, for new improvements specified in the Third Schedule thereto or for improvements specified in the Fifth Schedule thereto shall be paid, and advances therefor made, in the manner and subject to the provisions of section eight of the Duchy of Cornwall Management Act, 1863, with respect to improvements of land mentioned in that section. 26 & 27 Vict.
c. 49.

88.—(1) Where lands are assigned or secured as the endowment of a see, the rights conferred by this Act on a landlord to obtain an order charging land shall not be exercised in respect of those lands by the bishop except with the previous approval in writing of the Estates and Finance Committee constituted by subsection (1) of section six of the Church Commissioners Measure, 1947. Ecclesiastical
land.
10 & 11 Geo. 6.
No. 2.

(2) Where the landlord of an agricultural holding is incumbent of an ecclesiastical benefice, the said rights shall not be exercised by him in respect of land belonging to the benefice except with the previous approval in writing of the Church Commissioners or the patron of the benefice, that is to say, the person or authority who, if the benefice were vacant, would be entitled to present thereto.

(3) The Church Commissioners may, if they think fit, out of any money in their hands, pay on behalf of the incumbent of an ecclesiastical benefice to the tenant of an agricultural holding the amount of compensation due to him for an old or new improvement or for any such matter as is specified in Part II of the Fourth Schedule to this Act, and thereupon they may, instead of the incumbent, obtain from the Minister a charge on the holding in respect thereof in favour of themselves, and every such charge shall be effectual notwithstanding any change in the incumbency.

89. The rights conferred by this Act on a landlord of an agricultural holding to obtain an order charging land shall not be exercised by trustees for ecclesiastical or charitable purposes except with the approval in writing of the Charity Commissioners or the Minister of Education, as the case may require. Land held for
charitable
purposes.

*General.***Expenses
and receipts.**

90.—(1) All expenses incurred under this Act by the Minister shall be defrayed out of moneys provided by Parliament.

(2) All sums received under this Act by the Minister, including sums received on his behalf by any body of persons exercising functions on his behalf, shall be paid into the Exchequer.

**Entry and
inspection.**

91.—(1) Any person authorised by the Minister in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.

(2) Any person authorised by the Minister who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.

(3) Admission to any land used for residential purposes shall not be demanded as of right in the exercise of any such power as aforesaid unless twenty-four hours' notice of the intended entry has been given to the occupier of the land.

(4) Save as provided by the last foregoing subsection, admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid unless notice has been given to the occupier of the land that it is proposed to enter during a period, specified in the notice, not exceeding fourteen days and beginning at least twenty-four hours after the giving of the notice, and the entry is made on the land during the period specified in the notice.

(5) Any person who obstructs any person authorised by the Minister exercising any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

**Service of
notices.**

92.—(1) Any notice, request, demand or other instrument under this Act shall be duly given to or served on the person to or on whom it is to be given or served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter.

(2) Any such instrument as aforesaid shall be duly given to or served on an incorporated company or body if it is given or served on the secretary or clerk of the company or body.

(3) Any such instrument as aforesaid to be given to or served on a landlord or tenant shall, where an agent or servant is responsible for the control of the management or farming, as the case may be, of the agricultural holding, be duly given or served if given to or served on that agent or servant.

(4) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person to or on whom any such instrument as aforesaid is to be given or served shall, in the case of the secretary or clerk of an incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question. 52 & 53 Vict.
c. 63.

(5) Unless or until the tenant of an agricultural holding has received notice that the person theretofore entitled to receive the rents and profits of the holding (hereinafter referred to as "the original landlord") has ceased to be so entitled, and also notice of the name and address of the person who has become entitled to receive the rents and profits, any notice or other document served upon or delivered to the original landlord by the tenant shall be deemed for the purposes of this Act to have been served upon or delivered to the landlord of the holding.

93. Any power to make an order conferred by this Act on the Minister (except the powers conferred by sections seventy-three, seventy-four and eighty-two of this Act) shall include a power exercisable in the like manner and subject to the like conditions, to revoke or vary the order. Revocation
and variation
of orders.

94.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

- " agreement " includes an agreement arrived at by means of valuation or otherwise, and " agreed " has a corresponding meaning ;
- " agricultural holding " has the meaning assigned to it by section one of this Act ;
- " Agricultural Land Tribunal " means such a Tribunal established under Part V of the Agriculture Act, 1947 ;
- " agricultural unit " means land which is an agricultural unit for the purposes of the Agriculture Act, 1947 ;
- " agriculture " includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and " agricultural " shall be construed accordingly ;
- " building " includes any part of a building ;
- " contract of tenancy " means a letting of land, or agreement for letting land, for a term of years or from year to year, and for the purposes of this definition a letting of land, or an agreement for letting land, which, by virtue of subsection (6) of section one hundred and forty-nine of

- the Law of Property Act, 1925, takes effect as such a letting of land or agreement for letting land as is mentioned in that subsection shall be deemed to be a letting of land, or, as the case may be, an agreement for letting land, for a term of years ;
- “ county court ”, in relation to an agricultural holding, means the county court within the district whereof the holding or the larger part thereof is situate ;
- “ Defence Regulations ” means Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940 ;
- “ fixed equipment ” includes any building or structure affixed to land and any works on, in, over or under land, and also includes anything grown on land for a purpose other than use after severance from the land, consumption of the thing grown or of produce thereof, or amenity, and any reference to fixed equipment on land shall be construed accordingly ;
- “ former enactment relating to agricultural holdings ” means Part III of the Agriculture Act, 1947, the Agricultural Holdings Act, 1923, and any enactment repealed by the last-mentioned Act ;
- “ landlord ” means any person for the time being entitled to receive the rents and profits of any land ;
- “ livestock ” includes any creature kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land or the carrying on in relation to land of any agricultural activity ;
- “ the Minister ” means the Minister of Agriculture and Fisheries ;
- “ new improvement ” has the meaning assigned to it by subsection (2) of section forty-six of this Act ;
- “ old improvement ” has the meaning assigned to it by subsection (2) of section thirty-five of this Act ;
- “ pasture ” includes meadow ;
- “ prescribed ” means prescribed by the Minister by regulations made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament ;
- “ tenant ” means the holder of land under a contract of tenancy, and includes the executors, administrators, assigns, committee of the estate, or trustee in bankruptcy of a tenant, or other person deriving title from a tenant ;
- “ termination ”, in relation to a tenancy, means the cesser of the contract of tenancy by reason of effluxion of time or from any other cause.

(2) Sections ten and eleven of the Agriculture Act, 1947 (which specify the circumstances in which an owner of agricultural land is deemed for the purposes of that Act to fulfil his responsibilities to manage the land in accordance with the rules of good estate management and an occupier of such land is deemed for those purposes to fulfil his responsibilities to farm it in accordance with the rules of good husbandry), shall apply for the purposes of this Act as they apply for the purposes of that Act.

(3) References in this Act to the farming of land include references to the carrying on in relation to the land of any agricultural activity.

(4) References in this Act to the use of land for agriculture include, in relation to land forming part of an agricultural unit, references to any use of the land in connection with the farming of the unit.

(5) The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Act in respect of compensation.

95. The enactments specified in the Seventh Schedule to this Act shall have effect subject to the amendments specified in that Schedule. Amendments of other Acts.

96.—(1) References in any enactment, other than an enactment contained in the Agricultural Holdings Act, 1923, or the Agriculture Act, 1947, to the First Schedule to the said Act of 1923, shall be construed as follows, that is to say— Construction of references in other Acts to First Schedule to, and holdings as defined by, the Agricultural Holdings Act, 1923.

- (a) references to Part I, II or III thereof shall be construed respectively as references to the Third Schedule to this Act, to Part II of that Schedule and to the Fourth Schedule to this Act ;
- (b) subject as aforesaid, references to the said First Schedule shall be construed as references to the Third and Fourth Schedules to this Act ;

and references in any enactment, other than as aforesaid, to improvements specified in Part III of the said First Schedule shall be construed as including references to any matters specified in Part II of the Fourth Schedule to this Act.

(2) References, in whatever terms, in any enactment, other than an enactment contained in this Act, the Agricultural Holdings Act, 1923, or Part III of the Agriculture Act, 1947, to a holding within the meaning of the Agricultural Holdings Act, 1923, shall be construed as references to an agricultural holding as defined by section one of this Act.

(3) The two foregoing subsections shall not apply to an enactment in so far as its operation is material for the purposes

of the provisions of the said Act of 1923 or the said Act of 1947 to the extent to which they are excepted from the repeal of enactments effected by this Act.

**Improvements
executed
before 1909.**

97. The compensation in respect of an improvement made before the first day of January, nineteen hundred and nine (being the date of the commencement of the Agricultural Holdings Act, 1908), or made upon an agricultural holding held under a contract of tenancy, other than a tenancy from year to year, current on the first day of January, eighteen hundred and eighty-four, shall be such (if any) as could have been claimed if the Agricultural Holdings Act, 1923 and this Act had not passed, but the procedure for the ascertainment and recovery thereof shall be such as is provided by this Act, and the amount so ascertained shall be payable, recoverable and chargeable as if it were compensation under this Act.

Repeal.

98. Subject to the provisions of the next following section, the enactments mentioned in the first and second columns of the Eighth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**Provisions as
to tenants
quitting before
commence-
ment of this
Act, or
thereafter in
consequence of
notice given,
&c., before
1st March,
1948.**

99. In a case where the tenant of an agricultural holding has quitted the holding before the commencement of this Act, or quits it after the commencement of this Act in consequence of a notice to quit given (whether by him or his landlord) before the first day of March, nineteen hundred and forty-eight, or in consequence of a surrender of the tenancy in pursuance of an agreement in writing made before that day, and in a case where the occupier of an agricultural holding has been deprived of possession thereof before the commencement of this Act by a mortgagee, the provisions of this Act, so far as relating to the rights of landlords, tenants and occupiers to compensation (including the provisions relating to the determination of compensation where a holding is divided, the apportionment of compensation in such a case and the payment of costs caused by such an apportionment), the payment and recovery of compensation (including the raising of money for the payment of compensation), and the charging of land for the purposes of securing payment or repayment of compensation, shall not apply, and in lieu thereof the enactments specified in the Eighth Schedule to this Act, so far as relating to the matters aforesaid, shall continue to apply and shall accordingly be excepted from the operation of the last foregoing section.

**General
savings.**

100.—(1) Nothing in this Act shall affect any order, rule, regulation, record, appointment, application or complaint made, approval, consent or direction given, proceeding or assignment taken, notice served or given, certificate issued, condition imposed or thing done under a former enactment relating to agricultural holdings or the proviso to subsection (2) of section

one hundred and forty of the Law of Property Act, 1925, as amended by section two of the Law of Property (Amendment) Act, 1926, but any such order, rule, regulation, record, appointment, application, complaint, approval, consent, direction, proceeding, assignment, notice, certificate, condition or thing which is in force at the commencement of this Act, shall continue in force, and so far as it could have been made, given, taken, served, issued, imposed or done under the corresponding provision of this Act shall (save where it is material only for the purposes of the enactments specified in the Eighth Schedule to this Act so far as continued in force by virtue of the last foregoing section) have effect as if it had been made, given, taken, served, issued, imposed or done under that corresponding provision :

16 & 17 Geo. 5.
c. 11.

Provided that this subsection shall not apply to any such regulations, directions or charges as are mentioned in the three next following subsections.

(2) Nothing in this Act shall affect any regulations having effect for the purposes of section twenty-five, thirty-two, seventy-four or one hundred and four of the Agriculture Act, 1947, which are in force at the commencement of this Act, but any such regulations shall continue to have effect for those purposes and shall also have effect for the purposes of section fifty-one, thirty, seventy-six or seventy-five of this Act, as the case may be, as if they had been made by virtue of those sections respectively.

(3) Nothing in this Act shall affect any direction given under subsection (1) of section forty-nine of the Agricultural Holdings Act, 1923, or the corresponding provision of an enactment repealed by that Act, by an agricultural committee as defined by that Act as originally enacted, but any such direction which is in force at the commencement of this Act shall continue in force and shall (save where it is material only for the purposes of the enactments specified in the Eighth Schedule to this Act so far as continued in force by virtue of the last foregoing section) have effect as if it were a direction of the Minister under subsection (1) of section sixty-eight of this Act.

(4) Subsection (4) of section eighty-three of this Act shall apply in relation to a charge obtained under subsection (3) of section twenty of the Agricultural Holdings Act, 1923, or subsection (1) of section forty-one of the Agriculture Act, 1947, as it applies to a charge obtained under section seventy-two or subsection (1) of section eighty-two of this Act, and for the purposes of subsections (5) and (6) of the said section eighty-three a charge created by virtue of section fifteen of the Agricultural Holdings Act, 1923, or the corresponding provision of an enactment repealed by that Act shall be deemed to have been created under section seventy-four of this Act, and a charge created under section twenty or by virtue of paragraph (iii) of section forty-one of the Agricultural Holdings Act, 1923, or the corresponding provision

of an enactment repealed by that Act or under subsection (1) of section forty-one of the Agriculture Act, 1947, shall be deemed to have been created under subsection (1) of section eighty-three, section seventy-three or section seventy-two of this Act, as the case may be.

(5) Any order made under section eighty-three of the County Courts Act, 1934, by virtue of section eighteen of the Arbitration Act, 1934, which is in force at the commencement of this Act shall have effect as if it were an order under paragraph 11 of the Sixth Schedule to this Act.

(6) Any notice deemed to have been given by the Minister under the Fifth Schedule to the Agriculture Act, 1947, shall be deemed to have been given under subsection (2) of section twenty-seven of this Act.

(7) Any provision of the Agricultural Holdings Act, 1923, or Part III of the Agriculture Act, 1947, or of any other enactment which (whatever its terms) has the effect of requiring a matter to be determined by arbitration under the said Act of 1923, shall be construed as having the effect of requiring that matter to be determined by arbitration under this Act, and an arbitration under the said Act of 1923 uncompleted at the commencement of this Act may be carried on and completed as if it had been begun under this Act :

Provided that, in the application of the Sixth Schedule to this Act to an arbitration for the purposes of the enactments specified in the Eighth Schedule to this Act so far as continued in force by virtue of the last foregoing section, paragraph 17 of the said Sixth Schedule shall have effect with the substitution, for references to this Act, of references to those enactments.

(8) Notwithstanding subsection (1) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) any reference which is or is to be construed as a reference to a former enactment relating to agricultural holdings or an enactment repealed by the Agricultural Holdings Act, 1908 (other than a reference in such an enactment or this Act or such a reference as is mentioned in subsection (1) or (2) of section ninety-six of this Act or adapted by the last foregoing subsection) shall, so far as the operation of the enactment in which the reference occurs is material for the purposes of the enactments specified in the Eighth Schedule to this Act so far as continued in force by virtue of the last foregoing section, be construed in like manner as if this Act had not passed, and otherwise shall (save where the context otherwise requires) be construed as a reference to the corresponding provision of this Act.

(9) Any document referring to a former enactment relating to agricultural holdings or an enactment repealed by the Agricultural Holdings Act, 1908, shall, so far as it or its operation is material

for the purposes of the enactments specified in the Eighth Schedule to this Act so far as continued in force by virtue of the last foregoing section, be construed in like manner as if this Act had not passed, and otherwise shall be construed as referring to the corresponding provision of this Act.

(10) Nothing in this Act shall affect the provisions of the Allotments Act, 1922, or be construed as repealing—

- (a) section twenty-six of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which excludes the operation of the Agricultural Holdings Act, 1923, in relation to certain tenancies granted during the war period);
- (b) section fifteen of the Agriculture (Miscellaneous Provisions) Act, 1943 (which relieves occupiers of agricultural land from liabilities and loss of compensation resulting from directions given under Defence Regulations); or
- (c) any enactment contained in Part II or V of the Agriculture Act, 1947.

(11) Any person holding office or acting or serving under or by virtue of a former enactment relating to agricultural holdings shall continue to hold his office or to act or serve as if he had been appointed by or by virtue of the corresponding provision of this Act.

(12) Notwithstanding subsection (2) of section thirty-eight of the Interpretation Act, 1889, rights to compensation conferred by this Act shall be in lieu of rights to compensation conferred by any former enactment relating to agricultural holdings.

(13) Save to the extent to which it is otherwise provided by subsections (8) and (12) of this section, the mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889.

101. Subject to the provisions of subsection (2) of section eleven and subsection (1) of section seventy of this Act in particular, and to any other provision of this Act which otherwise expressly provides, nothing in this Act shall prejudicially affect any power, right or remedy of a landlord, tenant or other person vested in or exercisable by him by virtue of any other Act or law or under any custom of the country or otherwise, in respect of a contract of tenancy or other contract, or of any improvements, deteriorations, waste, emblements, tillages, away-going crops, fixtures, tax, rate, tithe rentcharge, rent or other thing. Saving for
other rights,
&c.

102.—(1) This Act may be cited as the Agricultural Holdings Act, 1948. Short title
and extent.

(2) This Act shall not extend to Scotland or to Northern Ireland.

SCHEDULES.**FIRST SCHEDULE.**

Section 5.

**MATTERS FOR WHICH PROVISION IS TO BE MADE IN WRITTEN
TENANCY AGREEMENTS.**

1. The names of the parties.
2. Particulars of the holding with sufficient description, by reference to a map or plan, of the fields and other parcels of land comprised therein to identify the extent of the holding.
3. The term or terms for which the holding or different parts thereof is or are agreed to be let.
4. The rent reserved and the dates on which it is payable.
5. The incidence of the liability for land tax and rates (including drainage rates).
6. In respect of all work of maintenance and repair of fixed equipment comprised in the holding, a covenant by one or other of the parties to carry out the work.
7. A covenant by the landlord in the event of damage by fire to any building comprised in the holding to reinstate or replace the building if its reinstatement or replacement is required for the fulfilment of his responsibilities to manage the holding in accordance with the rules of good estate management, and (except where the interest of the landlord is held for the purposes of a Government department, or a person representing His Majesty or the Duke of Cornwall under subsection (1) of section eighty-seven of this Act is deemed to be the landlord, or where the landlord has made provision approved by the Minister for defraying the cost of any such reinstatement or replacement as aforesaid), a covenant by the landlord to insure all such buildings against damage by fire.
8. A covenant by the tenant in the event of the destruction by fire of harvested crops grown on the holding for consumption thereon, to return to the holding the full equivalent manorial value of the crops destroyed, in so far as the return thereof is required for the fulfilment of his responsibilities to farm in accordance with the rules of good husbandry, and (except where the interest of the tenant is held for the purposes of a Government Department or where the tenant has made provision approved by the Minister in lieu of such insurance) a covenant by the tenant to insure all dead stock on the holding, and all such harvested crops as aforesaid, against damage by fire.
9. A power for the landlord to re-enter on the holding in the event of the tenant not performing his obligations under the agreement.

SECOND SCHEDULE.

Sections 35, 38,
39, 40, 41, 42,
43, 63, 67, 82, 87IMPROVEMENTS BEGUN BEFORE 1ST MARCH, 1948,
FOR WHICH COMPENSATION IS PAYABLE.

PART I.

IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE IF CONSENT OF
LANDLORD WAS OBTAINED TO THEIR EXECUTION.

1. Erection, alteration or enlargement of buildings.
2. Formation of silos.
3. Laying down of permanent pasture.
4. Making and planting of osier beds.
5. Making of water meadows or works or irrigation.
6. Making of gardens.
7. Making or improvement of roads or bridges.
8. Making or improvement of watercourses, ponds, wells or reservoirs or of works for the application of water power or for supply of water for agricultural or domestic purposes.
9. Making or removal of permanent fences.
10. Planting of hops.
11. Planting of orchards or fruit bushes.
12. Protecting young fruit trees.
13. Reclaiming of waste land.
14. Warping or weiring of land.
15. Embankments and sluices against floods.
16. Erection of wirework in hop gardens.
17. Provision of permanent sheep-dipping accommodation.
18. In the case of arable land, the removal of bracken, gorse, tree roots, boulders or other like obstructions to cultivation.

PART II.

IMPROVEMENT FOR WHICH COMPENSATION IS PAYABLE IF NOTICE WAS
GIVEN TO LANDLORD BEFORE EXECUTION THEREOF.

19. Drainage.

PART III.

IMPROVEMENTS FOR WHICH COMPENSATION IS PAYABLE WITHOUT
EITHER CONSENT OF OR NOTICE TO LANDLORD OF THEIR EXECUTION.

20. Chalking of land.
21. Clay-burning.
22. Claying of land or spreading blaes upon land.

2ND SCH.
—cont.

23. Liming of land.
24. Marling of land.
25. Application to land of purchased artificial or other purchased manure.
26. Consumption on the holding by cattle, sheep or pigs, or by horses other than those regularly employed on the holding, of corn, cake or other feeding stuff not produced on the holding.
27. Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.
28. Laying down temporary pasture with clover, grass, lucerne, sain-foin, or other seeds, sown more than two years prior to the termination of the tenancy, in so far as the value of the temporary pasture on the holding at the time of quitting exceeds the value of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation.
29. Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute.

THIRD SCHEDULE.

Sections 46, 48,
49, 50, 53, 64,
78, 81, 82, 87,
96.

IMPROVEMENTS BEGUN ON OR AFTER 1ST MARCH, 1948, FOR WHICH COMPENSATION IS PAYABLE IF CONSENT OF LANDLORD OR APPROVAL OF THE MINISTER IS OBTAINED TO THEIR EXECUTION.

PART I.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD REQUIRED.

1. Making or planting of osier beds.
2. Making of water meadows or works of irrigation.
3. Making of watercress beds.
4. Planting of hops.
5. Planting of orchards or fruit bushes.
6. Warping or weiring of land.
7. Making of gardens.

PART II.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD OR APPROVAL OF THE MINISTER REQUIRED.

8. Erection, alteration or enlargement of buildings, and making or improvement of permanent yards.

- 9 Construction of silos.
10. Claying of land.
11. Marling of land.
12. Making or improvement of roads or bridges.
13. Making or improvement of water courses, culverts, ponds, wells or reservoirs, or of works for the application of water power for agricultural or domestic purposes or for the supply of water for such purposes.
14. Making or removal of permanent fences.
15. Reclaiming of waste land.
16. Making or improvement of embankments or sluices.
17. Erection of wirework for hop gardens.
18. Provision of permanent sheep-dipping accommodation.
19. Removal of bracken, gorse, tree roots, boulders or other like obstructions to cultivation.
20. Land drainage (other than mole drainage and works carried out to secure the efficient functioning thereof).
21. Provision or laying-on of electric light or power.
22. Provision of means of sewage disposal.
23. Repairs to fixed equipment, being equipment reasonably required for the proper farming of the holding, other than repairs which the tenant is under an obligation to carry out.
24. The growing of herbage crops for commercial seed production.

3RD SCH.
—cont.

FOURTH SCHEDULE.

Sections 46, 47,
51, 52, 53, 56,
63, 64, 65, 67,
78, 82, 87, 88, 96.

IMPROVEMENTS BEGUN ON OR AFTER 1ST MARCH, 1948, FOR WHICH COMPENSATION IS PAYABLE WITHOUT CONSENT OF LANDLORD TO THEIR EXECUTION, AND OTHER MATTERS FOR WHICH COMPENSATION IS PAYABLE.

PART I.

IMPROVEMENTS

1. Mole drainage and works carried out to secure the efficient functioning thereof.
2. Protection of fruit trees against animals.
3. Chalking of land.
4. Clay burning.
5. Liming of land.
6. Application to land of purchased manure (including artificial manure).

4TH SCH.
—cont.

7. Consumption on the holding of corn (whether produced on the holding or not) or of cake or other feeding stuff not produced on the holding, by—

- (a) horses, cattle, sheep or pigs,
- (b) poultry folded on the land as part of a system of farming practised on the holding.

PART II.

OTHER MATTERS.

8. Growing crops and severed or harvested crops and produce, being in either case crops or produce grown on the holding in the last year of the tenancy, but not including crops or produce which the tenant has a right to sell or remove from the holding.

9. Seeds sown and cultivations, fallows and acts of husbandry performed on the holding at the expense of the tenant.

10. Pasture laid down with clover, grass, lucerne, sainfoin or other seeds, being either—

- (a) pasture laid down at the expenses of the tenant otherwise than in compliance with an obligation imposed on him by an agreement in writing to lay it down to replace temporary pasture comprised in the holding when the tenant entered thereon which was not paid for by him ; or
- (b) pasture paid for by the tenant on entering on the holding.

Sections 66, 67
68, 78, 87.

FIFTH SCHEDULE.

MARKET GARDEN IMPROVEMENTS FOR WHICH COMPENSATION MAY
BE PAYABLE.

- 1. Planting of standard or other fruit trees permanently set out.
- 2. Planting of fruit bushes permanently set out.
- 3. Planting of strawberry plants.
- 4. Planting of asparagus, rhubarb and other vegetable crops which continue productive for two or more years.
- 5. Erection, alteration or enlargement of buildings for the purpose of the trade or business of a market gardener.

SIXTH SCHEDULE.

Sections 77, 100.

PROVISIONS AS TO ARBITRATIONS UNDER THIS ACT.

Appointment and Remuneration of Arbitrator.

1.—(1) The arbitrator shall be a person appointed by agreement between the parties or, in default of agreement, a person appointed on the application of either of the parties by the Minister from among the members of the panel constituted for the purposes of this paragraph.

(2) A person appointed by the Minister as arbitrator shall, where the arbitration relates to an agricultural holding in Wales or Monmouthshire, be a person who possesses a knowledge of Welsh agricultural conditions, and, if either party to the arbitration so requires, a knowledge also of the Welsh language.

(3) For the purposes of this Schedule there shall be constituted a panel consisting of such number of persons as the Lord Chief Justice of England may determine, to be appointed by him.

2. If the arbitrator dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbitrator may be appointed as if no arbitrator had been appointed.

3. Neither party shall have power to revoke the appointment of the arbitrator without the consent of the other party.

4. Every appointment, application, notice, revocation and consent under the foregoing paragraphs must be in writing.

5. The remuneration of the arbitrator shall be—

(a) where he is appointed by agreement between the parties, such amount as may be agreed upon by him and the parties or, in default of agreement, fixed by the registrar of the county court (subject to an appeal to the judge of the court) on an application made by the arbitrator or either of the parties ;

(b) where he is appointed by the Minister, such amount as may be fixed by the Minister,

and shall be recoverable by him as a debt due from either of the parties to the arbitration.

Conduct of Proceedings, Witnesses, &c.

6. The parties to the arbitration shall, within fourteen days from the appointment of the arbitrator, deliver to him a statement of their respective cases with all necessary particulars and—

(a) no amendment or addition to the statement or particulars delivered shall be allowed after the expiration of the said fourteen days except with the consent of the arbitrator ;

(b) a party to the arbitration shall be confined at the hearing to the matters alleged in the statement and particulars delivered by him and any amendment thereof or addition thereto duly made.

6TH SCH.
—cont.

7. The parties to the arbitration and all persons claiming through them respectively shall, subject to any legal objection, submit to be examined by the arbitrator, on oath or affirmation, in relation to the matters in dispute and shall, subject as aforesaid, produce before the arbitrator all samples and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings the arbitrator may require.

8. Witnesses appearing at the arbitration shall, if the arbitrator thinks fit, be examined on oath or affirmation, and the arbitrator shall have power to administer oaths to, or to take the affirmation of, the parties and witnesses appearing.

9. The provisions of county court rules as to the issuing of witness summonses shall, subject to such modifications as may be prescribed by such rules, apply for the purposes of the arbitration as if it were an action or matter in the county court.

10.—(1) Any person summoned in pursuance of county court rules as a witness in the arbitration who—

(a) refuses or neglects, without sufficient cause, to appear or to produce any documents required by the summons to be produced; or

(b) refuses to be sworn or give evidence;

shall forfeit such fine not exceeding ten pounds as the judge of the county court may direct:

Provided that no person so summoned shall forfeit a fine as aforesaid unless there has been paid or tendered to him at the time of the service of the summons such sum in respect of his expenses (including, in such cases as may be prescribed by county court rules, compensation for loss of time) as may be so prescribed for the purposes of subsection (1) of section eighty-one of the County Courts Act, 1934.

24 & 25 Geo. 5.
c. 53.

(2) Any person present at the arbitration who, being required to give evidence, refuses to be sworn or give evidence shall forfeit such a fine as aforesaid.

(3) The judge of the county court may at his discretion direct that the whole or any part of any such fine, after deducting costs, shall be applicable towards indemnifying the party injured by the refusal or neglect.

11.—(1) The judge of the county court may, if he thinks fit, upon application on affidavit by either party to the arbitration, issue an order under his hand for bringing up before the arbitrator any person (hereafter in this paragraph referred to as a "prisoner") confined in any place under any sentence or under commitment for trial or otherwise, to be examined as a witness in the arbitration:

Provided that no such order shall be made with respect to a person confined under process in any civil action or matter.

(2) The prisoner mentioned in any such order shall be brought before the arbitrator under the same custody, and shall be dealt with in the same manner in all respects, as a prisoner required by a writ

of habeas corpus to be brought before the High Court and examined therein as a witness :

Provided that the person having the custody of the prisoner shall not be bound to obey the order unless there is tendered to him a reasonable sum for the conveyance and maintenance of a proper officer or officers and of the prisoner in going to, remaining at, and returning from the place where the arbitration is held.

12. The High Court may order that a writ of habeas corpus ad testificandum shall issue to bring up a prisoner for examination before the arbitrator, if the prisoner is confined in any prison under process in any civil action or matter.

Award.

13. The arbitrator shall make and sign his award within forty-two days of his appointment :

Provided that the Minister may from time to time enlarge the time limited for making the award, whether that time has expired or not.

14. The arbitrator may if he thinks fit make an interim award for the payment of any sum on account of the sum to be finally awarded.

15. The award shall be made in such form as may be specified by statutory instrument made by the Minister.

16. The arbitrator shall—

- (a) state separately in the award the amounts awarded in respect of the several claims referred to him ; and
- (b) on the application of either party, specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award.

17. Where by virtue of this Act compensation under an agreement is to be substituted for compensation under this Act for improvements or for any such matters as are specified in the Fourth Schedule to this Act, the arbitrator shall award compensation in accordance with the agreement instead of in accordance with this Act.

18. The award shall fix a day not later than one month after the delivery thereof for the payment of the money awarded as compensation, costs or otherwise.

19. The award shall be final and binding on the parties and the persons claiming under them respectively.

20. The arbitrator shall have power to correct in the award any clerical mistake or error arising from any accidental slip or omission.

Costs.

21. The costs of, and incidental to, the arbitration and award shall be in the discretion of the arbitrator who may direct to and by whom and in what manner the costs or any part thereof are to be paid.

22. The said costs shall be taxable by the registrar of the county court on the application of either party, but the taxation shall be subject to review by the judge of the county court.

6TH SCH.
—cont.

23. The arbitrator shall, in awarding costs, take into consideration the reasonableness or unreasonableness of the claim of either party, whether in respect of amount or otherwise, and any unreasonable demand for particulars or refusal to supply particulars, and generally all the circumstances of the case, and may disallow the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been unnecessarily incurred.

Special Case and setting aside Award, &c.

24. The arbitrator may at any stage of the proceedings, and shall, upon a direction in that behalf given by the judge of the county court upon an application made by either party, state in the form of a special case for the opinion of the county court any question of law arising in the course of the arbitration.

25.—(1) Where the arbitrator has misconducted himself the county court may remove him.

(2) Where the arbitrator has misconducted himself, or an arbitration or award has been improperly procured, the county court may set the award aside.

Miscellaneous.

26. Any amount paid, in respect of the remuneration of the arbitrator by either party to the arbitration, in excess of the amount, if any, directed by the award to be paid by him in respect of the costs of the award shall be recoverable from the other party.

27. Any forms for proceedings on arbitrations under this Act which may be specified by statutory instrument made by the Minister shall, if used, be sufficient.

28. Where the Minister or any other person acting on behalf of His Majesty is a party to the arbitration, anything which under this Schedule is to be done by the Minister in relation to the appointment or remuneration of the arbitrator or the extension of time for making and signing his award shall be done instead by the President of the Royal Institution of Chartered Surveyors.

Section 95.

SEVENTH SCHEDULE.

AMENDMENTS OF OTHER ACTS.

The Rent and Mortgage Interest Restrictions Acts, 1920 to 1939.

1. The Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall not apply to any dwelling-house which is comprised in an agricultural holding and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding.

The Law of Property Act, 1925.

2.—(1) In section ninety-nine of the Law of Property Act, 1925 (which provides for the making by a mortgagee or mortgagor of such leases as are authorised by that section, which shall be binding on the

mortgagor or mortgagee), subsection (13), which provides that the section applies only if and so far as the contrary intention is not expressed in the mortgage deed or otherwise in writing and that the section has effect subject to the terms of the mortgage deed or of any such writing, shall not have effect in relation to a mortgage made after the first day of March, nineteen hundred and forty-eight, of agricultural land within the meaning of the Agriculture Act, 1947.

7TH SCH.
—cont.

(2) This paragraph shall be construed as one with the said section ninety-nine.

The Land Charges Act, 1925.

3. For head (iii) of the paragraph in subsection (1) of section ten of the Land Charges Act, 1925, defining land charges of Class A, there shall be substituted the following :—

“(iii) under section seventy-two, seventy-three, seventy-four or eighty-two of the Agricultural Holdings Act, 1948, or any previous similar enactment”.

The Hill Farming Act, 1946.

4. The Hill Farming Act, 1946, shall, in its application to England and Wales, have effect with the substitution, for section nine thereof, of the following section :—

“Operation of the Agricultural Holdings Act, 1948, &c., in relation to improvement schemes.

9.—(1) Subject to the provisions of this section, the Agricultural Holdings Act, 1948, shall apply to improvements for which provision is made by an approved hill farming land improvement scheme as it applies to other improvements.

(2) Where a tenant of an agricultural holding within the meaning of the said Act of 1948 has made thereon an improvement specified in the Third Schedule to that Act in accordance with provision in such a scheme for the making of the improvement and for the tenant's being responsible for doing the work, being provision included in the scheme at the instance or with the consent of the landlord, then, the landlord shall be deemed to have consented as mentioned in subsection (1) of section forty-nine of that Act, and any agreement as to compensation or otherwise made between the landlord and the tenant in relation to the improvement shall have effect as if it had been such an agreement on terms as is mentioned in the said subsection (1):

Provided, as respects an improvement comprised in Part II of that Schedule, that the provisions of section fifty of that Act as to the carrying out of improvements by the landlord shall not apply.

(3) If on the ground of work's being badly done the appropriate Minister withholds or reduces the improvement grant in respect of an improvement, he may direct that any right conferred by section nine of the Agricultural Holdings Act, 1948, to have the rent of an agricultural holding increased shall not be exercisable in respect of the improvement, or shall be exercisable only to such

7TH SCH.
—cont.

extent as may be specified in the direction, and any such direction given after that right has been exercised shall be retrospective and any excess rent paid shall be repaid accordingly.

(4) In assessing the amount of any compensation payable under custom or agreement to the tenant of an agricultural holding, if it is shown to the satisfaction of the person assessing the compensation that the cultivations in respect of which the compensation is claimed were wholly or in part the result of or incidental to work in respect of the cost of which an improvement grant has been paid or will be payable, the amount of the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the cultivations and the compensation shall be reduced to such extent as that person considers appropriate."

Sections 98, 99,
100.

EIGHTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 9.	The Agricultural Holdings Act, 1923.	The whole Act.
13 & 14 Geo. 5. c. 25.	The Agriculture (Amendment) Act, 1923.	The whole Act.
15 & 16 Geo. 5. c. 20.	The Law of Property Act, 1925.	In section one hundred and forty, the proviso to subsection (2).
16 & 17 Geo. 5. c. 11.	The Law of Property (Amendment) Act, 1926.	Section two.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	In the Tenth Schedule, paragraph 17.
24 & 25 Geo. 5. c. 14.	The Arbitration Act, 1934.	Section eighteen and the proviso to section nineteen.
1 Edw. 8 & 1 Geo. 6. c. 70.	The Agriculture Act, 1937.	Section five, so far as it relates to agricultural holdings.
2 & 3 Geo. 6. c. 48.	The Agricultural Development Act, 1939.	In section thirty, subsection (2) so far as it relates to agricultural holdings.
3 & 4 Geo. 6. c. 14.	The Agriculture (Miscellaneous War Provisions) Act, 1940.	In section fifteen, subsection (2) so far as it relates to agricultural holdings.
3 & 4 Geo. 6. c. 50.	The Agriculture (Miscellaneous War Provisions) (No. 2.) Act, 1940.	In section one, subsection (2).

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 6. c. 48.	The Agriculture Act, 1947.	<p>Part III except section thirty-two in relation to notices to quit given before the commencement of this Act and except section forty-six so far as relating to the provisions therein mentioned so far as continued in force by this Act.</p> <p>In section eighty-seven, subsection (10).</p> <p>In the Second Schedule, in paragraph 2 the words from "or a direction" to "permanent pasture" in the first place where those words occur, and in paragraph 4 the words from the beginning to "this Act".</p> <p>The Third, Fourth, Fifth, Sixth and Seventh Schedules.</p>

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