



Agriculture Act 1970

1970 CHAPTER 40

PART III

SMALLHOLDINGS IN ENGLAND AND WALES

Additional powers of Minister in relation to smallholdings

54 Land held by Minister for purposes of smallholdings.

- (1) This section applies to any land which is for the time being held by the Minister for the purposes of smallholdings.
- (2) Subject to the following provisions of this section, in relation to land to which this section applies the Minister shall have the like duties and powers as smallholdings authorities have under the provisions of sections 44 to 47 and 49(1) and (2) of this Act in relation to land held by them for the purposes of smallholdings, as if in those provisions any references to smallholdings provided by a smallholdings authority were a reference to smallholdings on land to which this section applies.
- (3) Where for the purposes of assisting the conduct of smallholdings on land to which this section applies the Minister has (whether before or after the commencement of this Part of this Act) acquired by purchase or hiring machinery or other equipment, live or dead stock, seeds, fertilisers or other requisites, or provides any services, the powers of the Minister under section 47(3) of this Act, as applied by subsection (2) of this section, shall include power to sell or let them to, or (as the case may be) to provide the services for, any persons, whether they are tenants of smallholdings or not.
- (4) Where any arrangements are made by the Minister under section 47(4) of this Act, as applied by subsection (2) of this section, and it appears to the Minister that any facilities provided in accordance with the arrangements are not required to be reserved exclusively for disposing of the produce of smallholdings on land to which this section applies, the arrangements may include provision for the use of those facilities for disposing of the produce of other agricultural holdings.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross
Heading: Additional powers of Minister in relation to smallholdings. (See end of Document for details)

- (5) Subject to subsection (6) of this section, the Minister may, in accordance with arrangements made by him with the approval of the Treasury, make loans for the purpose of providing working capital for a tenant of a smallholding on land to which this section applies, or for a person intending to become such a tenant.
- (6) A loan made by the Minister under subsection (5) of this section in respect of a smallholding (or, if two or more loans are so made, the aggregate amount of those loans) shall not exceed three-quarters of the aggregate working capital which in the opinion of the Minister is required for the proper working of the smallholding.
- (7) The Minister may designate any land for the time being vested in him as being land held by him for the purposes of smallholdings, and may at any time revoke any such designation; and—
 - (a) any land comprised in such a designation which is for the time being in force shall for the purposes of this section to be taken to be land held by the Minister for the purposes of smallholdings, whether apart from the designation it would be taken to be so held or not, and
 - (b) any land in respect of which such a designation has been revoked under this subsection shall be conclusively presumed to be land not held by the Minister for those purposes.

55 Acquisition of land by Minister for purposes of smallholdings.

The power of the Minister to acquire land under section 82 of the ^{M1}Agriculture Act 1947 shall include power to acquire by agreement any land which in his opinion is required by him for the purposes of smallholdings.

Marginal Citations

M1 1947 c. 48.

56 Default powers of Minister.

- (1) If the Minister is satisfied that the functions of a smallholdings authority under this Part of this Act are not being satisfactorily performed by the authority, the Minister, subject to the following provisions of this section, may—
 - (a) direct the authority to perform those functions in such manner as may be specified in the direction, or
 - (b) by order transfer such of the functions of the authority under this Part of this Act (including the expenditure of money whether on revenue or capital account) as may be specified in the order.
- (2) Any functions transferred by an order in accordance with subsection (1)(b) of this section shall be so transferred to the Minister.
- (3) Before the Minister—
 - (a) makes an order under subsection (1)(b) of this section, or
 - (b) comes to a decision on an application made by the smallholdings authority for the revocation of such an order relating to the authority, where the application is made not earlier than twelve months after the making of the order and (if

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Heading: Additional powers of Minister in relation to smallholdings. (See end of Document for details)

one or more previous applications for the revocation of the order have been made) not earlier than twelve months after the last such application was made, he shall give to the smallholdings authority an opportunity of making representations to him, and shall take into consideration any representations made by the authority, and, if the authority so require, shall afford to them an opportunity of being heard by a person appointed by the Minister for the purpose.

- (4) The performance by the Minister of any functions transferred to him by an order in accordance with subsection (1)(b) of this section shall have effect as if he were an agent of the smallholdings authority duly authorised to perform them; but—
- (a) any expenses incurred by the Minister in the performance of those functions shall be defrayed in the first instance by the Minister, and
 - (b) the Minister shall certify, in respect of such successive periods as he may determine, the amount of the expenses so incurred in each such period and the amount of any receipts of the Minister in each such period from the performance of those functions, and the difference between those amounts, as certified by the Minister, shall be recoverable by him from the smallholdings authority or payable by him to the authority, as the case may require.
- (5) Where any functions of a smallholdings authority have been transferred by an order in accordance with subsection (1)(b) of this section, and any property has been acquired or any liabilities have been incurred in the performance of those functions while so transferred, any order varying or revoking that order may contain such provisions with respect to the transfer, vesting or discharge of any such property or liabilities as appear to the Minister to be expedient in the circumstances.
- (6) The power conferred on the Minister by subsection (1)(a) of this section shall have effect without prejudice to the exercise of any other power of the Minister to give directions under this Part of this Act.
- (7) Section 104 of the ^{M2}Agriculture Act 1947 (provisions as to representations), any regulations for the time being in force under that section, and section 107 of that Act (service of notices) in its application to notices under that section, shall (with the necessary modifications) have effect in relation to subsection (3) of this section as they have effect in relation to enactments contained in that Act.

Marginal Citations

M2 1947 c. 48.

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