



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART III

#### SMALLHOLDINGS IN ENGLAND AND WALES

##### *Management of smallholdings*

#### **44 Letting of smallholdings**

- (1) Any land held by a smallholdings authority for the purposes of smallholdings may be let by them as a smallholding in accordance with the following provisions of this section.
- (2) Subject to subsection (3) of this section, no land shall be so let except to a person who is to farm the holding and either—
  - (a) is regarded by the authority as being qualified by reason of his agricultural experience to farm the holding on his own account, or
  - (b) is a person in respect of whom the authority are satisfied that within a reasonably short time he will become eligible to be so regarded.
- (3) Notwithstanding anything in subsection (2) of this section, a smallholdings authority may let land under this section as a smallholding, or as part of a group of two or more smallholdings, to two or more persons proposing to farm the land together on a co-operative system if, having regard to the aggregate agricultural experience of those persons, the authority are satisfied that they are, or will within a reasonably short time become, qualified to farm the land together on such a system on their own account.
- (4) Subject to subsection (5) of this section, a smallholdings authority shall not under this section—
  - (a) let any holding resulting from such an enlargement or amalgamation as is mentioned in section 40(2)(a) of this Act, or
  - (b) create any new smallholding,unless the enlargement or amalgamation, or the creation of a new smallholding, as the case may be, is in accordance with proposals which have been approved by the

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Minister and are for the time being in force under the preceding provisions of this Part of this Act.

- (5) Subsection (4) of this section shall not apply to the letting of any holding, or the creation of a new smallholding, if—
- (a) the letting or creation is effected by the smallholdings authority with the consent in writing of the Minister, and
  - (b) that consent is given before any proposals have been submitted by the authority under section 40 of this Act or before any proposals so submitted by the authority have been approved by the Minister.
- (6) Regulations made by the Ministers may make provision as to the selection of tenants to whom land may be let under this section, and in particular—
- (a) may specify requirements (whether as to agricultural experience or otherwise) to be fulfilled by persons to whom land is to be let under this section, and
  - (b) may require smallholdings authorities, before letting land under this section, to take such preparatory steps as may be prescribed by the regulations.

#### **45 Rent to be charged for smallholdings**

- (1) A smallholdings authority in determining the rent at which any land is to be let by them under section 44 of this Act, shall have regard to the rent which, in their opinion, might reasonably be expected to be determined to be the rent properly payable if—
- (a) the land were already let as an agricultural holding;
  - (b) the terms of that letting (other than terms relating to rent) were those on which the smallholdings authority propose to let the land in question; and
  - (c) the question what rent should be payable in respect of that agricultural holding had been referred to arbitration under the enactments relating to agricultural holdings which are for the time being in force.
- (2) For the purposes of the foregoing subsection it shall be assumed that, on any such arbitration as is mentioned in paragraph (c) of that subsection, there would be no improvements, or matters treated as equivalent to improvements, and no dilapidation, deterioration or damage, of which, in accordance with the enactments referred to in that paragraph, special account (whether by way of reducing or increasing the rent determined) would fall to be taken in determining what rent should be payable.
- (3) Subsection (1) of this section (but without the assumptions specified in subsection (2) thereof) shall have effect in relation to any revision by agreement of the rent at which any land has been let by a smallholdings authority as a smallholding (whether under section 44 of this Act or under the previous enactments relating to smallholdings) as it has effect in relation to determining the rent at which any land is to be let under the said section 44.

#### **46 Equipment of smallholdings**

- (1) A smallholdings authority shall have power to provide, improve, maintain and repair fixed equipment on land held by the authority for the purposes of smallholdings, and to carry out any other improvements on or for the benefit of any such land.
- (2) The power conferred by the foregoing subsection shall include power to enter into an agreement with a tenant of any such land for—

- (a) the provision, improvement, maintenance or repair by the tenant of fixed equipment on the land, or
  - (b) the carrying out by the tenant of other improvements on or for the benefit of the land,
- on such terms as may be specified in the agreement.

#### **47 General powers of management**

- (1) Subject to the provisions of this Part of this Act, a smallholdings authority shall have all such powers as are required by the authority for the management of land held by them for the purposes of smallholdings.
- (2) A smallholdings authority shall have power, for the benefit of the occupiers of smallholdings provided by the authority, to further the formation of bodies of persons, whether corporate or unincorporate, having for their object or one of their objects the promotion of efficiency in the conduct of smallholdings through co-operative methods, and in particular through co-operative purchase and hiring of requisites for the smallholdings or the co-operative sale, marketing or preparation for marketing of the produce of the smallholdings, and to assist the carrying on and extension of the activities of such bodies.
- (3) To such extent as appears to a smallholdings authority to be expedient for the purpose of assisting the conduct of smallholdings provided by the authority, or of promoting co-operative schemes for the conduct of such smallholdings, the authority shall have power—
  - (a) to acquire by purchase or hiring machinery and other equipment, live or dead stock, seeds, fertilisers and any other requisites and to sell or let them on such terms as may be decided by the authority, and
  - (b) to provide services on such terms as may be so decided.
- (4) A smallholdings authority shall have power to carry out arrangements made by the authority for the disposal by the authority of the produce of smallholdings provided by them.

#### **48 Acquisition of land for purposes of smallholdings**

- (1) Where in the exercise of their powers under section 157 of the Local Government Act 1933 (power of local authorities to acquire land by agreement) a smallholdings authority propose to acquire for the purposes of smallholdings any land outside their area, they shall consult the council of the county or county borough in whose area the land is situated.
- (2) Notwithstanding anything in that Act or in any other enactment, a smallholdings authority shall not be authorised to acquire any land compulsorily for the purposes of smallholdings.

#### **49 Surplus land held for purposes of smallholdings**

- (1) Where any land held by a smallholdings authority for the purposes of smallholdings is not for the time being required for use for those purposes, the authority may let it for such period and for such purpose as they think fit, at the best rent which appears to them to be obtainable for it for that purpose and on such other terms as they may determine.

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- (2) In subsection (1) of this section the reference to letting land shall be construed as including references—
  - (a) to the grant, with the approval of the Minister, of a licence to a person to occupy the land for use as agricultural land, and
  - (b) to the grant of a licence to a person to occupy the land, where the land is to be used only for grazing or mowing during a specified period of the year.
- (3) Section 164 of the Local Government Act 1933 (power to let land) shall not have effect so as to enable a smallholdings authority by virtue of that section to let, otherwise than in accordance with section 44 of this Act or subsection (1) of this section, any land which is for the time being held by the authority for the purposes of smallholdings.
- (4) The preceding provisions of this section shall have effect without prejudice to any power exercisable by a smallholdings authority under section 163 (power to appropriate land) or section 165 (power to sell or exchange land) of the Local Government Act 1933.