## EXPLANATORY NOTE

*(This Note is not part of the Scheme, but is intended to indicate its general purport.)*

This Scheme which is the second scheme to be made by the Secretary of State under the Agriculture (Ploughing Grants) Act, 1952, provides for the making of grants at two different rates in respect of land ploughed up from grass where after ploughing the operations described in the Scheme are carried out.

Under the first part of the Scheme a grant may be made at the rate of £5 an acre where after ploughing a crop is grown in 1953; but if after ploughing the land is directly re-seeded to grass the grant is payable only if the Secretary of State approves direct re-seeding on that land as being more profitable in the national interest than cropping. In order to qualify, the land ploughed up must have been under grass continuously since the 1st June, 1949 and must be ploughed up between the 1st June, 1952 and the 31st May, 1953.

Under Part II of the Scheme a grant may be made at the rate of £10 an acre in respect of the ploughing up between 1st August, 1952 and 31st May, 1953 of land that has been down to grass since the 4th May, 1939, and thereafter preparing it for cropping. The grant under this Part of the Scheme is payable only if the Secretary of State is satisfied that the operations are likely to involve abnormally heavy expenditure and if he approves of the operations in relation to the land in question.

In both cases the grant is payable to the occupier of the land who carries out the operations to which the appropriate Part of the scheme relates. Persons wishing to apply for a grant must apply before the 31st July, 1953.

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## AGRICULTURAL HOLDINGS

## 1952 No. 1338 (S. 64)

# The Agricultural Holdings (Service Men) (Scotland) Regulations, 1952

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|---|---|
| *Made* - - - - | 15*th July*, 1952 |
| *Laid before Parliament* | 18*th July*, 1952 |
| *Coming into Operation* | 19*th July*, 1952 |

In exercise of the powers conferred on me by subsection (1) of section 27 of the Agricultural Holdings (Scotland) Act, 1949(**a**) (as read along with subsection (6) of section 21 and section 24 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**b**)), and by section 22 of the said last mentioned Act, and of all other powers enabling me in that behalf, I hereby make the following regulations:

*Citation and Commencement*

**1.** These Regulations may be cited as the Agricultural Holdings (Service Men) (Scotland) Regulations, 1952, and shall come into operation on the 19th day of July, 1952.

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(**a**) 12, 13 & 14 Geo 6. c. 75. (**b**) 14 & 15 Geo. 6. c. 65.

*Interpretation*

**2.**—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

"the Act of 1949" means the Agricultural Holdings (Scotland) Act, 1949;

"the Act of 1951" means the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951;

"the principal regulations" means the Agricultural Holdings (Scotland) Regulations, 1950(**a**), so far as made in exercise of powers conferred by section 27 of the Act of 1949;

"relevant service" means service after the 15th day of July, 1950, of a description specified in the First Schedule to the Act of 1951;

"serving abroad" means performing a period of relevant service outside the United Kingdom;

"service man" means a man who performs a period of relevant service.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Modification of principal regulations*

**3.** The principal regulations shall apply in relation to the provisions of sections 25 and 26 of the Act of 1949, as modified by section 21 of the Act of 1951, subject to the following modifications—

(*a*) sub-paragraph (*a*) of paragraph (1) of regulation 6 shall be omitted;

(*b*) for paragraph (2) of regulation 6 there shall be substituted the following paragraph—

"(2) Any such application shall be made by sending or delivering to the Secretary of State an application in the form set out in the Second Schedule to these regulations or in a form to the like effect";

(*c*) regulation 7 shall be omitted; and

(*d*) references in regulations 8 and 9 to arbitration or to an arbiter's award shall be omitted.

*Action on behalf of service men serving abroad*

**4.** Where a service man is tenant of an agricultural holding to which section 21 of the Act of 1951 applies, and notice to quit the holding or part of the holding, being a part to which the said section 21 applies, is given to him in the circumstances mentioned in subsection (1) of the said section 21, and it appears to the Secretary of State—

(*a*) that a person other than the service man desires to serve a counter-notice under subsection (1) of section 25 of the Act of 1949 on behalf of the service man at a time when he is serving abroad, or has purported to serve such a counter-notice on his behalf at a time when he was so serving, and

(*b*) that the said person, in seeking or purporting to serve such a counter-notice, is or was acting in good faith in the interests of the service man, and is or was a fit person to take that step on his behalf, but is or was not duly authorised to do so,

(a) S.I. 1950/1553; 1950 I, p. 6. (b) 52 & 53 Vict. c. 63.

the Secretary of State may direct that the said person shall be deemed to be, or to have been, duly authorised to take that step on behalf of the service man.

**5.** Where, in a case where a notice to quit is given to a service man in the circumstances mentioned in subsection (1) of section 21 of the Act of 1951 or in a case where subsection (5) of the said section 21 applies in relation to a service man, it appears to the Secretary of State—

(*a*) that it is necessary or expedient for any act or proceedings consequential upon the service of a counter-notice under subsection (1) of section 25 of the Act of 1949 to be performed or conducted on behalf of the service man ;

(*b*) that a person other than the service man desires to perform the act or conduct the proceedings on behalf of the service man at a time when he is serving abroad, or has purported to do so on his behalf at a time when he was so serving ; and

(*c*) that the said person, in seeking or purporting to perform that act or conduct these proceedings, is or was acting in good faith in the interests of the service man, and is or was a fit person to take that action on his behalf, but is or was not duly authorised to do so,

the Secretary of State may direct that the said person shall be deemed to be, or to have been, duly authorised to take that action on behalf of the service man:

Provided that where the act to be performed or the proceedings to be conducted relate to an appeal to the Land Court under subsection (4) of section 26 of the Act of 1949 and no person has previous to the appeal been deemed to have been authorised in terms of the foregoing provisions, the provisions of this regulation shall have effect with the substitution for references to the Secretary of State of references to the Land Court.

Dated this 15th day of July, 1952.

*James Stuart,*

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

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## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

Under subsection (1) of section 25 of the Agricultural Holdings (Scotland) Act, 1949, the operation of a notice to quit an agricultural holding is subject to the Secretary of State's consent being obtained, if the tenant so requires, but a notice to quit given in the circumstances specified in subsections (2) and (3) is exempted from this provision.

Section 21 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, deals with the case of a service man who during his period of residence protection under the Act receives notice to quit an agricultural holding of which he is tenant, being a holding comprising a dwelling-house occupied by the person responsible for the control of the farming of the holding. In such a case the provisions of section 25 of

the 1949 Act are modified by providing that the consent provisions of subsection (1) shall apply to the notice to quit notwithstanding the existence of any such circumstances as are mentioned in subsections (2) and (3). It is further provided that the Secretary of State, in determining whether to give or withhold his consent to the notice to quit, shall consider to what extent the service man's performance of his period of service affects the case.

Consequent on this modification of the 1949 Act, these regulations modify the principal regulations under that Act (the Agricultural Holdings (Scotland) Regulations, 1950) in the case of service men. The main modifications are the omission of the provision in regulation 6 (1) (*a*) of the principal regulations for making application for consent to a notice to quit before the notice is given, and the omission of regulation 7 which relates to arbitration of questions arising under subsection (2) of section 25 of the 1949 Act.

Where a service man is serving abroad at the time that notice to quit his holding is given there may be no one authorised by him to take the necessary steps to protect his interests. The regulations provide that the Secretary of State or the Land Court may give directions authorising any suitable person to do any act or conduct any proceedings on behalf of the service man.

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## 1952 No. 170

## The Agriculture (Calculation of Value for Compensation) Amendment Regulations, 1952

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|---|---|
| *Made* - - - - | 30*th January*, 1952 |
| *Laid before Parliament* | 31*st January*, 1952 |
| *Coming into Operation* | 4*th February*, 1952 |

In exercise of the powers conferred upon him by subsection (1) of section fifty-one of the Agricultural Holdings Act, 1948(**a**), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries, by and with the advice of the committee appointed under the provisions of section seventy-nine of the said Act, hereby makes the following regulations:—

**1.** These regulations may be cited as the Agriculture (Calculation of Value for Compensation) Amendment Regulations, 1952, and shall come into operation on the fourth day of February, 1952.

**2.**—(1) In these regulations, the expressions "hill sheep" and "hill land" have the same meanings as they have in the Hill Farming Act, 1946(**b**), and hill sheep schemes made thereunder.

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

**3.** The Agriculture (Calculation of Value for Compensation) Regulations, 1948(**d**), shall be amended by the addition to Part II of the Schedule to the said Regulations of the following paragraph:—

"12. *Acclimatisation, hefting or settlement of hill sheep on hill land.*

(1) The value of hill sheep on hill land shall include such amount (if any) as represents the value attributable to the acclimatisation, hefting

(a) 11 & 12 Geo. 6. c. 63. (b) 9 & 10 Geo. 6. c. 73. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1948/185; Rev. I, p. 821; 1948 I, p. 57.