EXPLANATORY NOTE

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

This Order prescribes new rules of procedure for Agricultural Land Tribunals.

It also requires certain questions arising under section 24 (2) of the Agricultural Holdings Act, 1948, to be determined by arbitration, and provides for the extension of the time within which counter-notices may be served and for the suspension and postponement of the operation of notices to quit when proceedings are taken.

1959 No. 359

The Agricultural Land Tribunals (Amendment) Order, 1959

Made - - - -	4*th March*, 1959
Laid before Parliament	9*th March*, 1959
Coming into Operation	10*th March*, 1959

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 73 of the Agriculture Act, 1947(a), as amended by sections 5 and 8 of and the First Schedule to the Agriculture Act, 1958(b), do hereby make the following Order:—

1. For Forms 5 and 5R appended to the Agricultural Land Tribunals Rules, 1959 (which are set out in the Schedule to the Agricultural Land Tribunals and Notices to Quit Order, 1959(c)), there shall be substituted the Forms contained in the Schedule to this Order.

2. This Order may be cited as the Agricultural Land Tribunals (Amendment) Order, 1959, and shall come into operation on the tenth day of March, 1959.

Dated the fourth day of March, 1959.

Kilmuir, C.

SCHEDULE

Form 5

Ref. No.

To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Direction to Provide Fixed Equipment

To the Secretary of the Agricultural Land Tribunal for the.....Area.

1. I, ...[*block capitals*]
of ..... [*address*]
tenant of ..... [*name or description of holding*],
hereby apply under section 4 of the Agriculture Act, 1958, for the Tribunal to direct my landlord .....[*block capitals*]
of ..... [*address*]
to carry out the following work on the said holding:—

2. (*a*) On the .....day of ....., 19 ,
I requested my landlord in writing to carry out the said work and he
*refused on the.....day of ....., 19 .
has had reasonable time to agree but has not done so.

*Strike out whichever is inapplicable.

(a) 10 & 11 Geo. 6. c. 48. (b) 6 & 7 Eliz. 2. c. 71.
(c) S.I. 1959/81 (Pt. I, p. 91, of this vol.).

(*b*) No term in my contract of tenancy or in any other agreement binds me or my landlord to carry out the said work.

(*c*) My landlord is not bound by any enactment to carry out the said work.

3. The holding consists of:—

(*a*) .....acres of arable land (including temporary grass) (Ordnance Survey Field Nos. .....);

(*b*) .....acres of permanent pasture (including rough grazing) (Ordnance Survey Field Nos. .....);

(*c*) .....acres of other land (including orchards) (Ordnance Survey Field Nos. .....).

Total.....acres.

4. The holding includes the following buildings:—

5. The type of farming carried on on the holding is[1]:—

6. I wish to carry on the following agricultural activity on the said holding to the extent and in the manner specified, viz.:—

7. If I were to do so without the said work being carried out, I should contravene the following statutory requirements in the following respects:—

8. I attach the following documents which I intend to produce in support of my case:—

(*a*) two[2] copies of a 6″[3] to one mile map of the holding described in paragraph 3 above.

(*b*) two[2] copies of the following plan:—

(*c*) two[2] copies of my contract of tenancy and any other document[4]:—

Date ..... Signed[5] .....

---

[1] Under section 4 (1) of the Agriculture Act, 1958, the Tribunal cannot direct a landlord to carry out work in connection with an agricultural activity specified in the tenant's application where the activity has not been carried on on the holding for a period of at least three years immediately preceding the making of the application unless they are satisfied that the starting of the activity did not or, where it has not yet been started, will not constitute or form part of a substantial alteration of the type of farming carried on on the holding.

[2] Two copies of the application and of any map and document must be sent to the Secretary, and if there are more than two parties (e.g. if the land is held under a sub-tenancy), an additional copy of the contract of tenancy and of the application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

[3] A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

[4] Mention any other document which is attached to this application. The Chairman of the Tribunal has power in all cases to dispense with maps or other documents (e.g. where the landlord already has a copy of the contract of tenancy). A request for a direction on this subject should be made in writing before or at the time of sending the application.

[5] If signed by any person other than the applicant himself, he should state in what capacity or by what authority he signs.

To be inserted by the Secretary.

Ref. No.

Form 5R

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Direction to Provide Fixed Equipment

To the Secretary of the Agricultural Land Tribunal
for the.....Area.

I, ... [*block capitals*]
of ..... [*address*]
landlord(1) of .....[*name or description of holding*],
having received a copy of the application (bearing the above reference number) for the Tribunal's direction to me to carry out certain work on the said holding, reply as follows:—

1. With regard to paragraph 2 (*a*) of the application, I—

* Strike out whichever is inapplicable.

*(*a*) agree that the request was made and refused;

*(*b*) agree that the request was made, but

*(i) deny that it was refused,

*(ii) say that I have not yet had reasonable time to agree to it;

*(*c*) deny that the request was made.

2. The other facts stated in the first four paragraphs of the application are correct, except that:—

3. My main reasons for resisting the application are:—

*(*a*) that the carrying on of the activity specified in paragraph 6 of the application to the extent and in the manner specified therein—

*(i) will not involve the contravention of any statutory requirement even if the said work is not carried out;

*(ii) would be unreasonable having regard to the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry;

*(*b*) that the activity specified in paragraph 6 of the application has not been carried on on the holding for a period of at least three years immediately preceding the making of the application and that the starting of the activity *constitutes / forms part of a substantial alteration of the type of farming carried on on the holding;

*(*c*) that the direction asked for would be unreasonable having regard to—

*(i) my responsibilities to manage the land comprised in the holding in accordance with the rules of good estate management;

*(ii) the period for which the holding may be expected to remain a separate holding;

*(iii) [*any other reasons*].

4. I attach copies of the following relevant documents(2):—

Date ..... Signed(3) .....

(1) If this form is completed by a superior landlord he should omit paragraph 1.

(2) (*a*) Two copies of the reply and of any document which you wish to submit to the Tribunal must be sent to the Secretary, and, if there are more than two parties (e.g. if the holding is sublet), an additional copy of each must be supplied for each additional party.

(*b*) If you disagree with any map or plan attached to the application, your reply should be accompanied by two copies of a 6″ to one mile (or larger) map showing what you consider to be the true position and marking the Ordnance Survey Field Numbers.

(3) If signed by any person other than the landlord himself, he should state in what capacity or by what authority he signs.

EXPLANATORY NOTE

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

This Order substitutes new forms for applications to Agricultural Land Tribunals under section 4 of the Agriculture Act, 1958, which enables a tribunal to give directions about the provision, alteration or repair of fixed equipment.

1959 No. 82

The Agriculture (Control of Notices to Quit) (Service Men) Order, 1959

Made - - - -	15*th January*, 1959
Laid before Parliament	22*nd January*, 1959
Coming into Operation	26*th January*, 1959

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 73 of the Agriculture Act, 1947(**a**), section 26 of the Agricultural Holdings Act, 1948(**b**), and section 21 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**c**), as amended by sections 5 and 8 of and the First Schedule to the Agriculture Act, 1958(**d**), do hereby make the following Order:—

1. This Order may be cited as the Agriculture (Control of Notices to Quit) (Service Men) Order, 1959, and shall come into operation on the 26th day of January, 1959.

2. The Agriculture (Control of Notices to Quit) (Service Men) Regulations, 1951(**e**), are hereby revoked, so however that the said Regulations shall continue to apply to any case to which, by virtue of paragraph 6, 7 or 8 of the Fourth Schedule to the Agriculture Act, 1958, the provisions of the Agricultural Holdings Act, 1948, apply.

(**a**) 10 & 11 Geo. 6. c. 48. (**b**) 11 & 12 Geo. 6. c. 63.
(**c**) 14 & 15 Geo. 6. c. 65. (**d**) 6 & 7 Eliz. 2. c. 71.
(**e**) S.I. 1951/1786 (1951 I, p. 4).