1959 No. 81

The Agricultural Land Tribunals and Notices to Quit 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 upon me by section 73 of the Agriculture Act, 1947(a), sections 26 and 50 of the Agricultural Holdings Act, 1948(b), and section 6 of the Agriculture (Miscellaneous Provisions) Act, 1954(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 :—

Preliminary

Citation, commencement and revocation

1. This Order may be cited as the Agricultural Land Tribunals and Notices to Quit Order, 1959, and shall come into operation on the 26th January, 1959.

2. Regulation 3 of the Agriculture (Miscellaneous Time Limits) Regulations, 1948(e), the Agriculture (Certificates of Bad Husbandry) Regulations, 1948(f), the Agriculture (Control of Notices to Quit) Regulations, 1948(g), and the Agriculture (Procedure of Agricultural Land Tribunals) Order, 1954(h) (except in so far as that Order has effect for the purpose of references to a tribunal under section 85 or section 86 of the Agriculture Act, 1947), are hereby revoked, so, however, that the said Regulations and Order 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.

Interpretation

3. In this Order, unless the context otherwise requires—

" 1948 Act " means the Agricultural Holdings Act, 1948, as amended ;

" termination " means, in relation to an arbitration under the 1948 Act, the date on which the award of the arbitrator is delivered to the tenant.

4. The Interpretation Act, 1889(i), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Agricultural Land Tribunals

Rules of procedure

5. The rules set out in the Schedule to this Order shall apply to proceedings before Agricultural Land Tribunals.

(a) 10 & 11 Geo. 6. c. 48.
(b) 11 & 12 Geo. 6. c. 63.
(c) 2 & 3 Eliz. 2. c. 39.
(d) 6 & 7 Eliz. 2. c. 71.
(e) S.I.1948/188 (Rev. I, p. 848: 1948 I, p. 76).
(f) S.I. 1948/189 (Rev. I, p. 830: 1948 I, p. 65).
(g) S.I. 1948/190 (Rev. I, p. 832: 1948 I, p. 66).
(h) S.I. 1954/1138 (1954 I, p. 47).
(i) 52 & 53 Vict. c. 63.

PROVISIONS AS TO NOTICES TO QUIT

Time limits in arbitration cases

6. Where it is stated in a notice to quit an agricultural holding or part of an agricultural holding that the notice is given for one or more of the reasons specified in paragraphs (*b*), (*d*) and (*e*) of subsection (2) of section 24 of the 1948 Act, and the tenant wishes to contest a reason stated therein, he shall, within one month of the landlord giving the notice to quit, serve on him notice in writing requiring the question to be determined by arbitration under that Act.

7. Where the tenant requires a question to be determined by arbitration in pursuance of Article 6 hereof and, in consequence of the arbitration, subsection (1) of section 24 of the 1948 Act applies, the time within which a counter-notice may be served by the tenant on the landlord under that subsection shall be one month from the termination of the arbitration.

Postponement of operation of notices to quit

8. Where the tenant requires a question to be determined by arbitration as aforesaid, the operation of the notice to quit shall be suspended until the termination of the arbitration.

9. Where a notice to quit has effect in consequence of any such arbitration as aforesaid or of the consent of the Agricultural Land Tribunal under subsection (1) of section 24 of the 1948 Act and would, but for the provisions of this Article, come into operation on or within six months after the termination of the arbitration or the giving of the consent, the arbitrator or the tribunal, as the case may be, may, either of his or their own motion or on the application of the tenant made within fourteen days after the termination of the arbitration or the giving of the consent, postpone the termination of the tenancy for a period not exceeding twelve months.

Sub-tenants

10.—(1) The provisions of subsection (1) of section 24 of the 1948 Act shall not apply where a notice to quit a holding or part of a holding is given to a sub-tenant by a tenant who has himself been given notice to quit that holding or part thereof, and the fact that he has been given such notice is stated in the notice given to the sub-tenant:

Provided that where under section 32 of the 1948 Act a tenant accepts a notice to quit part of a holding as notice to quit the whole, then, for the purpose of this Article, the notice shall be deemed to be a notice to quit the whole.

(2) Any such notice as aforesaid given to a sub-tenant by a tenant shall not have effect if the notice to quit given to the tenant by his landlord does not itself have effect.

Landlord's notice under section 50 (3) *of the* 1948 *Act*

11. The time within which a landlord may serve a notice under subsection (3) of section 50 of the 1948 Act that he proposes himself to carry out an improvement shall be one month from the date on which he receives notice in writing of the Agricultural Land Tribunal's approval of the carrying out of the improvement.

Dated the 15th day of January, 1959.

Kilmuir, C.

SCHEDULE

Rules of Procedure for Agricultural Land Tribunals

Citation and interpretation

1.—(1) These Rules may be cited as the Agricultural Land Tribunals Rules, 1959.

(2) In these Rules, unless the context otherwise requires—

" 1947 Act " means the Agriculture Act, 1947 ;

" 1948 Act " means the Agricultural Holdings Act, 1948 ;

" 1954 Act " means the Agriculture (Miscellaneous Provisions) Act, 1954 ;

" 1958 Act " means the Agriculture Act, 1958 ;

" tribunal " means the Agricultural Land Tribunal for the area in which the agricultural holding which is the subject of an application, or the greater part of that holding, is situate ;

" chairman " means the chairman of the tribunal or a person nominated under paragraph 16 (1) (*a*) or appointed under paragraph 16A of the Ninth Schedule to the 1947 Act to act as chairman ;

" secretary " means the secretary of the tribunal.

(3) A Form referred to by number means the Form so numbered in the Appendix to these Rules.

(4) Any reference in these Rules to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment.

Form of application and reply

Consent to operation of notices to quit

2.—(1) An application for the tribunal's consent to the operation of a notice to quit under section 24 of the 1948 Act which is made by the landlord before the giving of the said notice shall be made not more than twelve months and not less than three months before the commencement of the period of twelve months at the expiration of which the notice to quit is intended to have effect.

(2) An application for the tribunal's consent to the operation of a notice to quit under the said section 24 which is made by the landlord after service upon him by the tenant of a counter-notice under that section shall be made within one month of the service of the counter-notice.

(3) An application under this Rule shall be substantially in accordance with Form 1.

Certificates of bad husbandry

3. An application to the tribunal under section 27 of the 1948 Act for a certificate of bad husbandry shall be substantially in accordance with Form 2.

Variation or revocation of conditions

4. An application to the tribunal under subsection (6) of section 25 of the 1948 Act for a variation or revocation of any condition imposed by the tribunal under subsection (5) of that section shall be substantially in accordance with Form 3.

Enforcement of penalty for breach of conditions

5. An application by the Treasury Solicitor on behalf of the Crown under section 29 of the 1948 Act for the imposition of a penalty on a landlord for failure to comply with, or for breach of, a condition imposed by a tribunal under subsection (5) of section 25 of that Act shall be substantially in accordance with Form 4.

Directions to provide fixed equipment

6.—(1) An application by a tenant for the tribunal's direction under subsection (1) of section 4 of the 1958 Act for the provision, alteration or repair of fixed equipment shall be substantially in accordance with Form 5.

(2) An application by a landlord under subsection (4) of section 4 of the 1958 Act for the extension of the period specified in a direction under subsection (1) of that section shall be made in writing and shall state the grounds of the application.

Approval of long-term improvements

7.—(1) An application by a tenant under section 50 of the 1948 Act for the tribunal's approval of the carrying out of a long-term improvement shall be substantially in accordance with Form 6.

(2) An application to the tribunal under subsection (4) (*b*) of section 50 of the 1948 Act to determine whether a landlord who has given notice of his intention to carry out an improvement has failed to do so within a reasonable time shall be substantially in accordance with Form 7.

Treating agricultural holding as market garden

8. An application by a tenant under section 68 of the 1948 Act for the tribunal's direction that an agricultural holding shall be treated as a market garden shall be substantially in accordance with Form 8.

Restrictions on burning of heather or grass

9. An application by a tenant under section 21 of the Hill Farming Act, 1946(**a**), for the tribunal's direction under that section shall be substantially in accordance with Form 9.

Section 20 of the Mineral Workings Act, 1951

10. An application to the tribunal under subsection (2) (*b*) of section 21 of the 1947 Act to determine for the purposes of section 20 of the Mineral Workings Act, 1951(**b**), that some person should be treated as owner of the land other than the person who would be so treated apart from the determination shall be substantially in accordance with Form 10, and shall state the name of any person who the applicant has reason to believe would be affected by the determination; and every such person shall thereafter be deemed to be a party to the proceedings for the purposes of these Rules.

Postponement of operation of notice to quit

11. An application by a tenant under Article 9 of this Order to postpone the termination of his tenancy shall, unless made at the hearing of the proceedings before the tribunal in consequence of which the notice to quit has effect, be substantially in accordance with Form 11.

Reply

12. A landlord or tenant or other party who intends to oppose the whole or part of an application to the tribunal under any of the foregoing Rules, shall, within one month of a copy of the application being served on him under Rule 14, reply thereto substantially in accordance with the form appended to the copy of the application served on him, so however that a landlord may oppose an application under Rule 5 without replying thereto.

GENERAL PROVISIONS AS TO APPLICATIONS AND REPLIES

Application, reply and supporting documents

13.—(1) Every application and reply shall be signed by the party making it or by some person authorised to do so on his behalf, and shall be delivered or sent in duplicate to the secretary.

(2) Every application shall be accompanied by two copies of a map of the land which is the subject of the application on a scale of not less than six inches to one mile.

(**a**) 9 & 10 Geo. 6. c. 73. (**b**) 14 & 15 Geo. 6. c. 60.

(3) Where a party intends to give evidence about any land which is not shown on the map referred to in the last foregoing paragraph, his application or reply shall be accompanied by two copies of a map of that land on a scale of not less than six inches to one mile.

(4) Every application and reply shall be accompanied by two copies of any plan or other document which the party making the application or reply intends to adduce in support of his case.

(5) Where there are more than two parties to proceedings before the tribunal, the party making an application or reply, as the case may be, shall deliver or send to the secretary one additional copy thereof, and of any map, plan or other document accompanying the application or reply, for service on each additional party.

(6) The chairman may, on such terms as he thinks fit, dispense with any map or other document required to be furnished by any party under this Rule where it appears to him that the map or other document, or a copy thereof, is already in the possession of the tribunal or some other party to the proceedings, or that to require it to be furnished would be unreasonable on the ground of expense or otherwise.

(7) A request for the chairman's direction under this Rule shall be made in writing and shall be delivered or sent to the secretary on or before the delivery of the application or reply of the party making the request.

Service of documents by secretary

14.—(1) On receiving from any party an application, reply or other document referred to in the last foregoing Rule the secretary shall forthwith serve one copy thereof on every other party to the proceedings.

(2) On an application under paragraph (1) of Rule 6 the secretary shall serve a copy of the application and of any reply thereto on the authority having power to enforce the statutory requirement specified in the application and that authority may thereafter appear before and be heard by the tribunal.

Mode of service

15.—(1) Every application, reply or other document required or authorised by these Rules to be served on any person shall be deemed to have been duly 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 document required or authorised to be given to, or served on, an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body.

(3) The proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of a secretary or clerk of any 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.

(4) Where any such document as aforesaid is to be given to, or served on, any person as being the owner of land and the land belongs to an ecclesiastical benefice, a copy thereof shall be served on the Church Commissioners.

Substituted service

16. If any person on whom any document is required to be served for the purpose of these Rules cannot be found, or has died and has no known personal representative, or is out of the United Kingdom, or if for any other reason service on such person cannot be readily effected in accordance with these Rules, the chairman may dispense with service on such person or may make an order for substituted service on such other person or in such other form (whether by advertisement in a newspaper or otherwise) as the chairman may think fit.

Withdrawal of application or reply

17.—(1) A party may withdraw his application or reply by giving notice in writing to the secretary at any time before the hearing and on receiving such a notice the secretary shall forthwith notify all other parties to the proceedings.

(2) Where a reply is withdrawn the tribunal may make an order in the terms of the application without a formal hearing, so however that the provisions of Rule 29 shall apply to such an order as they apply to any other decision of the tribunal.

(3) If, on the withdrawal of an application or reply, it appears to the chairman that the case is a proper one for the award of costs under the power conferred by section 5 of the 1954 Act, he shall cause the tribunal to be convened for the purpose of determining whether costs should be awarded; and the secretary shall give to all parties to the proceedings not less than seven days' notice of the date, time and place appointed for that purpose.

Interlocutory applications

18. Unless the chairman otherwise orders, an application for directions on any matter which the chairman has power to determine under these Rules shall be made in writing stating the grounds of the application and shall be delivered or sent to the secretary together with the copies required by paragraphs (1) and (5) of Rule 13 in the case of an application under that Rule.

HEARINGS

Date and place of hearing

19.—(1) Subject to paragraph (2) of this Rule, the chairman shall fix a date, time and place for the hearing of an application as soon as practicable after receipt by the secretary of the reply or, where there is no reply and the tribunal do not exercise the discretion given them by paragraph (6) of this Rule to dispense with a formal hearing, after the expiration of the time allowed by Rule 12 for a reply.

(2) In the case of an application under Rule 4 or 5, the chairman shall fix a date, time and place for the hearing as soon as may be after receipt of the application.

(3) The chairman may alter the date, time and place fixed for the hearing if it appears to him necessary or desirable to do so to avoid hardship to the parties or for other good cause.

(4) The secretary shall send to each party to the proceedings and to any authority entitled to be heard by the tribunal by virtue of paragraph (2) of Rule 14 a notice of the date, time and place of the hearing which, except with the consent of the parties, shall not be earlier than fourteen days after the date on which the notice is sent.

(5) The tribunal may adjourn a hearing from time to time if for any reason it appears to them necessary or desirable to do so.

(6) If no reply is received by the secretary to an application (not being an application under Rule 5) within the time allowed by Rule 12, the tribunal may make an order in the terms of the application without a formal hearing, so however that the provisions of Rule 29 shall apply to such an order as they apply to any other decision of the tribunal.

Tribunal to sit in public

20. The tribunal shall sit in public unless it appears to them that there are exceptional reasons which make it desirable that the hearing or some part of it should take place in private.

Right of audience

21. A party to proceedings before the tribunal may appear and be heard in person or by counsel or solicitor or by a representative appointed in writing.

Procedure at hearing

22.—(1) At the hearing the party making the application shall begin and other parties shall be heard in such order as the tribunal may determine.

(2) Subject to the provisions of these Rules and to any direction given by the chairman, the procedure at the hearing shall be such as the tribunal may direct.

Default of appearance

23. If a party fails to appear at the time fixed for the hearing, the tribunal may adjourn the hearing, or—

(*a*) where the party failing to appear is the applicant, they may dismiss the application, and

(*b*) in any other case, they may proceed to determine the application in the party's absence,

if they are satisfied that the party failing to appear has been afforded an adequate opportunity of attending.

EVIDENCE

Oral or affidavit evidence

24.—(1) Evidence before the tribunal may be given orally or, if the parties to the proceedings consent, by affidavit, but the tribunal may at any stage of the proceedings order the personal attendance of any deponent for examination and cross-examination.

(2) The tribunal shall not be bound to reject evidence on the ground only that it would be inadmissible in a court of law.

Witnesses

25.—(1) The tribunal shall give each party an opportunity to call witnesses and to cross-examine any witness called by or on behalf of any other party and to re-examine his own witnesses after cross-examination, and a party may, if he so desires, give evidence as a witness on his own behalf.

(2) The tribunal may call a witness who may, after giving evidence, be cross-examined by any party.

(3) The tribunal may require any witness to give evidence on oath or affirmation.

Witness summonses

26. The provisions of the County Court Rules, 1936(a), as amended, as to the issuing of witness summonses shall apply for the purposes of any proceedings before the tribunal as they apply for the purposes of an arbitration under the 1948 Act.

Disclosure of documents

27.—(1) A party to proceedings before the tribunal shall furnish to the secretary on his request any document or other information which the tribunal may require and which it is in the power of that party to furnish, and shall afford to all other parties to the proceedings an opportunity to inspect such document or a copy of such document, and to take copies thereof:

Provided that nothing in this Rule shall be deemed to require the furnishing of any information which it would be contrary to the public interest to disclose.

(2) Where a party fails to submit with his application or reply, as the case may be, any map, plan or other document referred to in Rule 13, the tribunal may allow the document or a copy thereof to be admitted in evidence at the hearing.

Inspection of land

28.—(1) The tribunal may enter on and inspect an agricultural holding owned or occupied by any party (whether the holding is the subject of the proceedings or not) and inspect any fixed equipment, produce or livestock thereon.

(2) Notice of the tribunal's intention to inspect a holding shall be given by the secretary to all parties to the proceedings and to any other occupier of the holding and, unless given orally at the hearing, shall be given in writing at least twenty-four hours before the intended entry.

(a) S.R. & O. 1936/626 (1936 I, p. 282).

(3) The parties, their representatives and expert witnesses and any other occupier of the holding may attend the inspection.

DECISIONS AND REFERENCES TO HIGH COURT

Decision of tribunal

29.—(1) The decision of the tribunal, which in the event of disagreement between the members shall be the decision of the majority, shall be given in writing, together with a statement of the tribunal's reasons for their decision.

(2) The chairman may correct any clerical mistake in the written record of the tribunal's decision.

(3) The secretary shall send to each party to the proceedings a copy of the tribunal's decision and reasons.

(4) The secretary may supply a further copy of the tribunal's decision and reasons or any part thereof to any party who appears reasonably to require it.

(5) A copy issued under either of the last two foregoing paragraphs shall be certified by the secretary as a true copy and shall be prima facie evidence of the matters contained therein.

References to High Court

30.—(1) A request made pursuant to section 6 of the 1954 Act for the reference to the High Court of a question of law arising in the course of proceedings before the tribunal shall, unless made at the hearing, be made in writing to the secretary not later than fourteen days from the date on which a copy of the tribunal's decision was sent to the party making the request and shall be accompanied by as many copies of the request as there are other parties to the proceedings; and the secretary shall thereupon serve a copy of the request on every such party.

(2) If the tribunal refuse the request, the secretary shall, not later than fourteen days from the date of his receipt of the request, notify all parties of the refusal; and if the party making the request, being aggrieved by the refusal, intends to apply for an order directing the tribunal to refer the question of law to the High Court, he shall, within seven days after receiving notice of the refusal, serve on the secretary notice in writing of the intended application accompanied by as many copies of the notice as there are other parties to the proceedings; and the secretary shall thereupon serve a copy of the notice on every such party.

(3) A case stated on a question of law for the decision of the High Court shall set out the question of law and the facts found by the tribunal and shall be signed by the chairman and sent to the party who requested the reference within two months after the date of the request or, as the case may be, within two months after the making of an order by the High Court directing the reference.

Modification of the tribunal's decision

31.—(1) The powers of the tribunal under subsection (5) of section 6 of the 1954 Act (which provides that where there is a reference to the High Court effect is not to be given to a decision until after the proceedings in the High Court have been concluded) may be exercised by the chairman in any case where he does not consider it necessary to convene the tribunal for that purpose; but if it appears to the chairman that there should be a further hearing before the tribunal, he shall fix a date, time and place for the hearing and the provisions of paragraphs (3) to (5) of Rule 19 shall apply to the further hearing as they apply to the original hearing.

(2) Where a further hearing consequent on the reference to the High Court cannot conveniently take place before the tribunal as originally constituted, the chairman shall cause a fresh tribunal to be constituted for that purpose.

SUPPLEMENTAL

Sub-tenancies

32. Where the whole or any part of an agricultural holding has been sublet, every landlord, tenant and sub-tenant shall, for the purpose of any proceedings before the tribunal, be deemed to be a party to those proceedings and be entitled to be heard by the tribunal.

Extension of time

33. The time appointed by or under these Rules for doing any act or taking any step in connection with any proceedings may be extended by the chairman on such terms and conditions, if any, as appear to him just.

Failure to comply with Rules

34. Any failure on the part of any person to comply with the provisions of these Rules shall not render the proceedings, or anything done in pursuance thereof, invalid unless the chairman or the tribunal so directs.

APPENDIX

Form 1

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Consent to Operation of Notice to Quit

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

1. I, ...[*block capitals*]
of .....[*address*],
hereby apply under section 24 of the Agricultural Holdings Act, 1948 (as amended by the Agriculture Act, 1958), for the consent of the Tribunal to the operation of a notice to quit which I $\frac{\text{*propose to give}}{\text{have given}}$ to my tenant,..... *Strike out whichever is inapplicable.

.....[*block capitals*]
of .....[*address*]

2. *(*a*) I propose to serve the notice before the ..... day of....., 19 .
*(*b*) The notice was served on the ..... day of....., 19 , and a counter-notice was served by the tenant on the..... day of..... 19 .

The notice is to have effect on the ..... day of ....., 19 .

3. The holding in respect of which the notice $\frac{\text{*will be}}{\text{has been}}$ given is known as

.....
and 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. ANNUAL RENT £ .

4. The holding includes the following buildings [*give a general description*]:—

5. I apply for the Tribunal's consent to the operation of the notice to quit on the following ground(s) provided in paragraph(s)..... of section 25 (1) of the Agricultural Holdings Act, 1948, as amended by section 3 (2) of the Agriculture Act, 1958(1). [*It is important to refer to footnote* (1).]

6. The main facts on which I will base my case are:—

7. If I obtain possession of the land I intend:—

*Strike out whichever is inapplicable.

*(*a*) to farm it myself;

*(*b*) to let it to another tenant (*state name and address if known*).

8. I/the future tenant,*(2) at present farm(s) other land consisting 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.

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

†Strike out if inapplicable.

(*a*) two(3) copies of a 6″(4) to one mile map of the holding described in paragraph 3 above (and of the other land referred to in paragraph 8)†(5);

(*b*) two(3) copies of (6):—

Date ..... Signed(7) .....

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(1) The applicant must state on which paragraph or paragraphs of the subsection he intends to rely and he cannot afterwards add another ground. The five paragraphs, as amended, are as follows:—

(*a*) that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable in the interests of good husbandry as respects the land to which the notice relates, treated as a separate unit; or

(*b*) that the carrying out thereof is desirable in the interests of sound management of the estate of which the land to which the notice relates forms part or which that land constitutes (*see footnote* (5) *below*); or

(*c*) that the carrying out thereof is desirable for the purposes of agricultural research, education, experiment or demonstration, or for the purposes of the enactments relating to small-holdings or allotments; or

(*d*) that greater hardship would be caused by withholding than by giving 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 (*i.e. section* 24 (2) (*b*) *of the Agricultural Holdings Act,* 1948).

(2) Paragraph 8 need not be completed if the name of the future tenant is unknown. Where land is described, a map should be provided (*footnote* (5) *below*).

(3) 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 holding or part of it is sub-let), an additional copy of the application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

(4) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(5) Where it is intended to give evidence about any land other than that which is the subject of the notice to quit, it must be shown either on the map produced or on a separate map of a scale of 6″ to one mile or larger.

(6) Mention any other document which is attached to this application.

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

Form 1R

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Consent to Operation of Notice to Quit

To the Secretary of the Agricultural Land Tribunal

for the ..... Area.

I, ... [*block capitals*]
of .....[*address*]
tenant(1) of ..... [*name or description of holding*],
having received a copy of the application (bearing the above reference number) for the Tribunal's consent to the operation of a notice to quit, reply as follows:

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

2. In addition to the land which is the subject of the application, I farm the following land(2):—

which includes the following buildings (*give a general description*):—

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

4. My landlord is not acting fairly and reasonably because(3):—

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

Date ..... Signed(5) .....

(1) (*a*) If this form is completed by a sub-tenant, he should state whether he is sub-tenant of the whole or part of the holding; if of part, he should describe the part with reference to paragraphs 3 and 4 of the application and should state Ordnance Survey Field Numbers.

(*b*) If this form is completed by a superior landlord, he should omit paragraph 2.

(2) (*a*) If you farm other land as part of the same unit with that which is the subject of the application, give a description, stating the acreage which is arable (including temporary grass), pasture (including rough grazing) and other land (including orchards) and giving the Ordnance Survey Field Numbers. If the land is farmed separately, give a general description, stating acreage, kind of farming and approximate distance from the holding in question.

(*b*) If the other land is not shown on the map produced by the landlord, you should produce a map of it of a scale of 6″ to one mile (or larger) and giving the Ordnance Survey Field Numbers. If the land is not farmed as part of the same unit, or for any other good reason, you may, before or at the time of sending your reply, apply to the Secretary of the Tribunal in writing for the Chairman to dispense with the map.

(3) The tribunal must withhold consent if, in all the circumstances, it appears that a fair and reasonable landlord would not insist on possession. If you have any special reasons for saying your landlord is acting unfairly or unreasonably which do not appear under paragraph 3, you should state them under paragraph 4.

(4) (*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 holding or part of it 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.

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

Form 2

AGRICULTURAL LAND TRIBUNAL

Ref. No. To be inserted by the Secretary.

Application for Certificate of Bad Husbandry

To the Secretary of the Agricultural Land Tribunal

for the ..... Area.

1. I, ... [*block capitals*] of .....[*address*], hereby apply under section 27 of the Agricultural Holdings Act, 1948 (as amended by the Agriculture Act, 1958), for a certificate that my tenant, ... [*block capitals*] of .....[*address*] is not fulfilling his responsibility to farm .... [*name or description of holding*] in accordance with the rules of good husbandry.

2. The land 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.

3. The holding includes the following buildings [*give a general description*]:—

4. If a certificate of bad husbandry is granted I propose to serve a notice to quit.

5. The main grounds on which I allege bad husbandry are:—

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

(*a*) two[1] copies of a 6"[2] to one mile map of the holding described in paragraph 3 above;

(*b*) two[1] copies of[3]:—

Date ..... Signed[4] .....

---

[1] 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 holding or part of it is sub-let), an additional copy of the application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

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

[3] Mention any other document which is attached to this application.

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

Form 2R

Ref. No. To be inserted by the Secretary

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Certificate of Bad Husbandry

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

I, ... [*block capitals*]
of .....[*address*]
tenant(1) of .....[*name or description of holding*],
having received a copy of the application (bearing the above reference number) for the Tribunal's certificate of bad husbandry, reply as follows:

1. The facts stated in the first three paragraphs of the application are correct except that:—

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

3. I attach copies of the following relevant documents(2)

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

(1) If this form is completed by a sub-tenant, he should state whether he is sub-tenant of the whole or part of the holding; if of part, he should describe the part with reference to paragraphs 2 and 3 of the application and should state Ordnance Survey Field Numbers.

(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 holding or part of it 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 tenant himself, he should state in what capacity or by what authority he signs.

Form 3

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Variation or Revocation of Condition Imposed by the Tribunal

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

1. I, ...[*block capitals*]
of ..... [*address*],
hereby apply under section 25 (6) of the Agricultural Holdings Act, 1948, (as amended by the Agriculture Act, 1958) for the Tribunal to vary or revoke the condition imposed by them under section 25 (5) thereof on granting my application bearing the reference number.....

* Strike out whichever is inapplicable.

2. *(*a*) I wish the Tribunal to revoke the condition.

*(*b*) I wish the Tribunal to revoke the condition; but, if they are unwilling to do so, I request them to make the following variation:—

*(*c*) I do not wish the Tribunal to revoke the condition, but only to make the following variation:—

3. The main reasons for my application are:—

4. I attach two(1) copies of a 6"(2) to one mile map of the holding which was the subject of the notice to quit(3) and of the following documents which I intend to produce in support of my case(4):—

Date ..... Signed(5) .....

(1) Two copies of the application and of any map and document must be sent to the Secretary.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(3) The Chairman of the Tribunal has power in all cases to dispense with maps, etc. (e.g. if they are already in the possession of the Tribunal). A request for a direction on this subject should be made in writing before or at the time of sending the application.

(4) Mention any other document which is attached to 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.

Form 4

Ref. No. To be inserted by the Secretary

AGRICULTURAL LAND TRIBUNAL

Application for Penalty for Breach of Condition

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

1. THE TREASURY SOLICITOR hereby applies to the Tribunal under section 29 of the Agricultural Holdings Act, 1948, (as amended by section 8 of and paragraph 13 of the First Schedule to the Agriculture Act, 1958) to determine whether .....[*block capitals*] of .....[*address*] (formerly) landlord of .....[*name or description of holding*] has failed to comply with or has acted in contravention of the condition(s) imposed on him by the Tribunal under section 25 (5) of the Agricultural Holdings Act, 1948, (as amended by section 3 of the Agriculture Act, 1958).

2. The condition(s) was (were) imposed by the Tribunal on granting their consent to the operation of a notice to quit on the said landlord's application bearing the reference number.....

3. The condition(s) imposed was (were):—

* Strike out whichever is inapplicable.

4. The Treasury Solicitor will allege that the landlord has *failed to comply with / acted in contravention of the condition(s) in the following respects:—

5. Two[1] copies each are attached of—

(*a*) a 6″[2] to one mile map of the holding[3];

(*b*) the following other documents[4]:—

Date ..... Signed .....

[1] Two copies of the application and of any map and document must be sent to the Secretary.

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

[3] The Chairman of the Tribunal has power in all cases to dispense with maps, etc. (e.g. if they are already in the possession of the Tribunal or landlord). A request for a direction on this subject should be made in writing before or at the time of sending the application.

[4] Mention any other document which is attached to the application.

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.

(*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. It is my intention to carry out on the said holding the following agricultural activity:—[1]

6. If I were to carry out my proposed activity without the said work having been done I would contravene the following statutory requirements:—

*Strike out whichever is inapplicable.

7. *(*a*) The activity described in paragraph 5 does not constitute or form part of a substantial alteration in the type of farming carried on on the holding which has, within the last three years, been:—[*describe the type of farming carried on*]

*(*b*) The activity described in paragraph 5 does $\frac{\text{*form part of}}{\text{constitute}}$ a substantial alteration of the type of farming carried on on the holding but such activity was previously carried on up to the ..... day of ....., 19 .(2)

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

(*a*) two(3) copies of a 6″(4) to one mile map of the holding described in paragraph 3 above;

(*b*) two(3) copies of the following plan:—

(*c*) two(3) copies of my contract of tenancy and any other document(5):—

Date ..... Signed(6) .....

---

(1) Give particulars of the proposed activity and state what proportion of the holding will be devoted to it.

(2) The direction will be refused where the activity constitutes or forms part of a substantial alteration in the type of farming on the holding, unless it has previously been carried on there within the period of three years immediately preceding the application.

(3) 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.

(4) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(5) 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.

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

Ref. No. To be inserted by the Secretary.

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.

*Strike out whichever is inapplicable.

2. The other facts stated in the application are correct except that:—

3. My main reasons for resisting the application are:—
*(*a*) the present fixed equipment is adequate for the purpose of the proposed activity;
*(*b*) the tenant's proposed activity is not reasonable having regard to his duty to farm in accordance with the rules of good husbandry;
*(*c*) the tenant's proposed activity will *form part of / constitute a substantial alteration of the type of farming carried on on the holding and is an activity which has not been carried on on the holding since before the ..... day of ....., 19 (being three years before the date of the application);
*(*d*) for the reasons given below, the direction would be unreasonable having regard to—
  *(i) my responsibilities to manage the land 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.

Form 6

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Approval of Long-Term Improvement

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 for the Tribunal's approval under section 50 of the Agricultural Holdings Act, 1948, (as amended by the Agriculture Act, 1958), of the carrying out of the following improvement(s) on the said holding:—

2. My landlord is ..... [*block capitals*]
of..... [*address*].

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:— [*give a general description*]

5. I requested my landlord on the .... day of ....., 19 , to consent in writing to the carrying out of the said improvement(s), but he—

* Strike out whichever is inapplicable.

*(*a*) refuses to give his consent.

*(*b*) will only consent subject to the following terms to which I am unwilling to agree:—[*state the terms and your reason for not agreeing*]

6. My main reasons for wishing for the improvements to be carried out are:—

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

(*a*) two(1) copies of a 6″(2) to one mile map of the holding described in paragraph 4 above;

(*b*) two(1) copies of the following plan:—

(*c*) two(1) copies of(3):—

Date ..... Signed(4) .....

(1) 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 holding is held under a sub-tenancy), an additional copy of the application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(3) Mention any other document which is attached to this application.

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

Form 6R

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Approval of Long-Term Improvement

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

I, ...[*block capitals*]
of .....[*address*]
landlord of ..... [*name or description of holding*], having received a copy of the application (bearing the above reference number) for the Tribunal's approval under section 50 of the Agricultural Holdings Act, 1948, (as amended), of the carrying out on the said holding of the improvement(s) specified therein, reply as follows:

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

* Strike out whichever is inapplicable.

2. *(*a*) I deny that the request referred to in paragraph 5 of the application was made.

*(*b*) I do not wish the improvements to be carried out because:—

*(*c*) I agree the improvements being carried out subject to the following terms:—[*state terms and any special reasons*]

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

4. I attach copies of the following relevant documents(1):—

Date ..... Signed(2) .....

(1) (*a*) Two copies of the reply and of any document which you wish to submit to the Tribunal should be sent to the Secretary, and, if there are more than two parties (e.g. if the holding is sub-let), 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 or plan showing what you consider to be the true position and marking the Ordnance Survey Field Numbers.

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

Ref. No. To be inserted by the Secretary.

Form 7

AGRICULTURAL LAND TRIBUNAL

Application for Determination that Landlord has Failed to carry out Improvement within a Reasonable Time

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 to the Tribunal in pursuance of section 50 (4) (*b*) of the Agricultural Holdings Act, 1948 (as amended by the Agriculture Act, 1958), to determine that my landlord:
.....[*block capitals*]
of .....[*address*]
has failed within a reasonable time to carry out the following improvements to the said holding:—

2. The said improvement was approved by the Tribunal on my application bearing reference number .....

3. The Tribunal's decision was dated the ..... day of ....., 19 , and my landlord notified me of his proposal to carry out the said improvement himself on the ..... day of ....., 19 .

4. My landlord has failed to carry out the said improvements:— [*if he has done any part of them, give particulars*]

5. My main reasons for saying that the delay is unreasonable are:—

6. I attach two(1) copies each of—
(*a*) a 6″(2) to one mile map of the holding(3);
(*b*) the following plan showing the intended improvement(s):—
(*c*) the following other documents(4):—

Date ..... Signed(5) .....

(1) 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 holding is held under a sub-tenancy), an additional copy of the application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(3) The Chairman of the Tribunal has power in all cases to dispense with maps, etc. (e.g. if they are already in the possession of the Tribunal or the other parties). A request for a direction on this subject should be made in writing before or at the time of sending the application.

(4) Mention any other documents which are attached to 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.

Form 7R

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Determination that Landlord has Failed to Carry out the Improvement within a Reasonable Time

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

I, ... [*block capitals*]
of ..... [*address*]
landlord of ..... [*name or description of holding*],
having received a copy of the application (bearing the above reference number) for the Tribunal's determination that I have failed within a reasonable time to carry out on the said holding the improvement(s) specified therein, reply as follows:—

1. The facts stated in the first three paragraphs of the application are correct except that:—

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

*Strike out whichever is inapplicable.

*(*a*) I have adequately carried out the said improvement(s);

*(*b*) I intend to carry out the said improvement(s) but have not yet had reasonable time to do so for the following reasons:— [*give particulars*]

*(*c*) [*any other reasons*]

3. I attach copies of the following relevant documents(1):—

Date ..... Signed(2) .....

(1) 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 sub-let) 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 or plan showing what you consider to be the true position and marking the Ordnance Survey Field Numbers.

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

Form 8

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Direction to Treat an Agricultural Holding as a Market Garden

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 to the Tribunal to direct under section 68 of the Agricultural Holdings Act, 1948 (as amended by the Agriculture Act, 1958), that

*Strike out whichever is inapplicable.

*the said holding
the part of the said holding specified in paragraph 6 below

shall be treated as a market garden so that section 67 of the said Act shall apply.

2. My landlord is ..... [*block capitals*]
of ..... [*address*].

3. I requested him on the ..... day of....., 19..., to agree in writing to the (part of the) holding being so treated, but he *refused on the ..... / has had reasonable time day of ....., 19.... / but has failed to do so.

* Strike out whichever is inapplicable.

4. 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.

5. The holding includes the following buildings:—[*give a general description*]

6. I wish to make the following improvements:—

Ordnance Survey Nos.	Improvements

7. For the following main reasons I request the Tribunal to direct that the *holding / part of the holding described in paragraph 6 above be treated as a market garden:—

8. I attach the following documents which I intend to produce in support of my case:—
(*a*) two[1] copies of a 6″[2] to one mile map of the holding described in paragraph 4 above;
(*b*) two[1] copies of the following plan:—
(*c*) two[1] copies of[3]:—

Date ..... Signed[4] .....

[1] 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 holding is held under a sub-tenancy), an additional copy of the application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

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

[3] Mention any other document which is attached to this application.

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

Form 8R

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Direction to Treat an Agricultural Holding as a Market Garden

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 under section 68 of the Agricultural Holdings Act, 1948 (as amended), that the said holding or part thereof should be treated as a market garden in respect of the improvement(s) specified therein, reply as follows:—

1. With regard to paragraph 3 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 say that

*(i) I did agree to it in writing on the ..... day of....., 19.....

*(ii) 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 application are correct except that:—

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

(*a*) the land is unsuitable for market gardening for the following reasons:—

(*b*) [*any other reasons*]

4.—(1) If the Tribunal decide to give the direction applied for, I request them to limit its effect to the following improvement(s):—

(2) My main reasons for this would be:—

5. 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 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 sub-let), 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 or plan 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.

Form 9 Ref. No. To be inserted by the Secretary

AGRICULTURAL LAND TRIBUNAL

Application for Direction to Avoid or Relax Covenant against the Burning of Heather or Grass

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 21 of the Hill Farming Act, 1946, (as amended by the Agriculture Act, 1958), for the Tribunal's direction that the covenants, conditions or agreements contained in my lease and specified in paragraph 3 below be avoided or relaxed.

2. My landlord is ..... [*block capitals*]
of ..... [*address*]

3. The *covenant(s)/condition(s)/agreement(s) to which I refer is (are) numbered ..... in my lease and I ask the Tribunal to direct that it (they) be—

*(*a*) avoided completely;
*(*b*) relaxed in the following way:—

* Strike out whichever is inapplicable.

*(*c*) permanently;
*(*d*) for the following period:—

4. The holding consists of:—
(*a*) .....acres of arable land (including temporary grass)
(Ordnance Survey Field Nos. .....);
(*b*) .....acres of permanent pasture other than rough grazing
(Ordnance Survey Field Nos. .....);
(*c*) .....acres of rough grazing
(Ordnance Survey Field Nos. .....);
(*d*) .....acres of other land (including orchards)
(Ordnance Survey Field Nos. .....).
Total ..... acres.

5. The *covenant(s)/condition(s)/agreement(s) mentioned in paragraph 3 above is (are) $\frac{\text{*impeding}}{\text{preventing}}$ the proper use of the land for agricultural purposes in the following way:—

and I wish it (them) to be $\frac{\text{*avoided}}{\text{relaxed}}$ so as to allow me to burn ..... acres of $\frac{\text{*heather.}}{\text{grass}}$

6. I attach:—
(*a*) two[1] copies of my lease[2];
(*b*) two[1] copies of a 6"[3] to one mile map of the land described in paragraph 4 above;
(*c*) two[1] copies each of the following other documents[4]:—

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

---

[1] 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 application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

[2] 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 lease). A request for a direction on this subject should be made in writing before or at the time of sending the application.

[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.

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

Form 9R

Ref. No. To be inserted by the Secretary

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Direction to Avoid or Relax Covenant against Burning of Heather or Grass

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

I, ... [*block capitals*]

of ..... [*address*]

landlord of ..... [*name or description of holding*], having received a copy of the application (bearing the above reference number) for the Tribunal's direction that certain covenants, conditions or agreements in the applicant's lease should be avoided or relaxed, reply as follows:—

1. The facts contained in the first four paragraphs of the application are correct except that:—

* Strike out whichever is inapplicable.

2. *(*a*) I do not wish any covenant, condition or agreement to be avoided or relaxed in any way.

*(*b*) I would agree to the following *covenant(s)/condition(s)/agreement(s) being $\frac{\text{*avoided}}{\text{relaxed}}$ as follows:—

3. For the following main reasons I do not agree that the *covenant(s)/condition(s)/agreement(s) is (are) impeding or preventing the proper use of the land for agricultural purposes or that (except as agreed in paragraph 2 (*b*) above) it would be expedient to relax or avoid it (them):—

4. I attach copies of the following relevant documents(1):—

Date ..... Signed(2) .....

---

(1) (*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 sub-let), 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.

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

Form 10

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Application for Determination that a Person be Treated as Owner of Land

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

1. I, ...[*block capitals*]
of .....[*address*],
hereby apply to the Tribunal to determine under section 21 of the Agriculture Act, 1947, that—

*(*a*) .....[*block capitals*]
of.....[*address*]

*(*b*) I

be treated for the purposes of section 20 of the Mineral Workings Act, 1951, as the owner of the land known as:—.....
.....[*name or description*].

* Strike out whichever is inapplicable.

2. My own interest in the land is:—

3. The following person(s) would be affected by the granting of this application(1):—

4. The land 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.

5. The land includes the following buildings:—[*give a general description*]

6. The Minister of Agriculture, Fisheries and Food proposes to make the following arrangements for the purpose of taking the following special steps (as referred to in the said section 20):—[*describe briefly*]

7. My main reasons for this application are:—

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 land described in paragraph 4 above;
(*b*) two(2) copies of(4):—

Date ..... Signed(5) .....

(1) State name and address of any person mentioned and whether he is owner or occupier or what other interest he has in the land.
(2) Two copies of the application and of any map and document must be sent to the Secretary, and if there is more than one party named in paragraph 3, an additional copy of the application, etc., must be supplied for 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 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.

Form 10R

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application for Determination that a Person be Treated as Owner of Land

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

I, ...[*block capitals*]
of .....[*address*],
having received a copy of the application (bearing the above reference number), reply as follows:—

1. The facts stated in the first five paragraphs of the application are correct except that:—

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

3. I attach copies of the following relevant documents(1):—

Date ..... Signed(2) .....

(1) (*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, 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.

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

Form 11

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Application to Postpone Operation of Notice to Quit

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

1. I, ... [*block capitals*]
of .....[*address*],
hereby apply under Article 9 of the Agricultural Land Tribunals and Notices to Quit Order, 1959, for the Tribunal to postpone the operation of the Notice to Quit served on me by my landlord:—
.....[*block capitals*]
of .....[*address*]
in respect of:.....
..... [*name or description of holding*]

2. The Tribunal consented on the ..... day of ....., 19 , to the operation of the said notice on the application of my landlord bearing reference number .....

3. If its operation is not postponed the Notice will expire on the ..... day of ....., 19 .

4. My main reasons for this application are:—

5. I attach two(1) copies of a 6″(2) to one mile map of the land which was the subject of the notice to quit(3) and of the following documents which I intend to produce in support of my case:—

Date ..... Signed(4) .....

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(1) Two copies of the application and any map or 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 application, etc., must be supplied for, and the Secretary must be informed of the name and address of, each additional party.

(2) A larger scale map may be used if preferred. Ordnance Survey Field Numbers must be marked on the map.

(3) The Chairman of the Tribunal has power in all cases to dispense with maps, etc. A request for a direction on this subject should be made in writing before or at the time of sending the application.

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

Form 11R

Ref. No. To be inserted by the Secretary.

AGRICULTURAL LAND TRIBUNAL

Reply to Application to Postpone Operation of Notice to Quit

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

I, ... [*block capitals*]
of .....[*address*]
landlord of ..... [*name or description of holding*],
having received a copy of the application (bearing the above reference number) for the Tribunal to postpone the operation of the notice to quit the above name holding, reply as follows:—

1. The facts stated in the first three paragraphs of the application are correct except that:—

2. * (*a*) I request that there should be no postponement.
* (*b*) I would agree to postponement up to the ..... day of ....., 19 .

* Strike out whichever is inapplicable.

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

4. I attach copies of the following relevant documents(1):—

Date ..... Signed(2) .....

---

(1) (*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 land is sub-let), 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.

(2) 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 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.).