LAND CHARGES, ENGLAND

1. *Agriculture Act*, 1947.
2. *Town and Country Planning Acts*, 1944 *and* 1947, p. 1689.
3. *Local Land Charges*, p. 1695.

1. AGRICULTURE ACT, 1947

The Agriculture Act, 1947 (Registration of Supervision Orders) Rules, 1948

1948 No. 281 (L. 2)

Made - - - - 16*th February*, 1948
Coming into Operation 1*st March*, 1948

I, William Allen Viscount Jowitt, Lord High Chancellor of Great Britain, do hereby make by virtue and in pursuance of Section 12 of the Agriculture Act, 1947, and Section 15 of the Land Charges Act, 1925, the following Rules. 10 & 11 Geo. 6. c. 48. 15 & 16 Geo. 5. c. 22.

1. These Rules may be cited as the Agriculture Act, 1947 (Registration of Supervision Orders) Rules, 1948, and shall come into operation on the first day of March, 1948.

2.—(1) In these Rules except as otherwise expressly provided and save where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

(*a*) " the Act of 1925 " means the Land Charges Act, 1925;

(*b*) " the Act of 1947 " means the Agriculture Act, 1947;

(*c*) a " supervision order " means an order made under Section 12 of the Act of 1947, being either an order placing the owner of land under the Minister's supervision so far as relates to his management of the land, or an order placing the occupier of land under the Minister's supervision, so far as relates to his farming of an agricultural unit;

(*d*) an " agricultural unit " has the meaning assigned to it by subsection (2) of Section 109 of the Act of 1947;

(*e*) " parcel of land " means a piece of land or a building or a part of a building in separate occupation or separately rated at the time of the requisition for search;

For the purpose of this definition any land or building or part of a building which is neither in occupation nor rated shall be deemed to be occupied by the person who is the owner thereof within the meaning of the Public Health Act, 1936. 26 Geo. 5 & 1 Edw. 8. c. 49.

(*f*) " the Minister " means the Minister of Agriculture and Fisheries;

(*g*) " the Register " means the register of local land charges required to be kept in pursuance of the Act of 1925;

(*h*) " the registrar " means the proper officer of the local authority required to register the supervision order in the Register in pursuance of the Act of 1947.

(2) The Interpretation Act, 1889, applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

(3) In these Rules unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

3. Supervision orders which are registrable by virtue of the Act of 1947 shall be registered in a new part of the Register known as Part IX. Addition to Register.

Entries in Part IX.

4.—(1) Every entry in Part IX of the Register shall contain:—

(*a*) A reference to the title of the supervision order and an indication whether it be an order placing the owner of land under the Minister's supervision so far as relates to his management of the land, or an order placing the occupier of land under the Minister's supervision so far as relates to his farming of an agricultural unit;

(*b*) The name, description and address of the applicant for registration;

(*c*) A sufficient description by reference to a map or plan of the land which is or will be affected by the supervision order;

(*d*) Notice of the place at which inspection may be made of a copy of the supervision order certified by or on behalf of the Minister and of any map or plan referred to in or illustrating the supervision order.

(*e*) The date on which the supervision order came into force.

(*f*) The date of registration of the supervision order.

(2) The index to the Register shall include entries in respect of Part IX of the Register for the purpose of enabling a person to trace any entry in the said Part IX.

(3) It shall be the duty of the registrar to enter in the Register particulars of the variation or revocation of any supervision order registered under Part IX as soon as may be after notification of the variation or revocation has been given to him in writing by or on behalf of the Minister.

Dates on which applications, etc., deemed to be made or given.

5.—(1) Applications for registration of a supervision order and notifications of variation or revocation of entries in respect thereof delivered by post or under cover during the hours in which the office of the registrar is open for registration shall be treated as having been made or given immediately before the closing of the office for that day.

(2) Applications for registration of a supervision order and notification of variation or revocation of entries in respect thereof delivered (whether by post or otherwise) between the hours of closing and of the next opening of the office for registration shall be treated as having been made or given immediately after such opening.

Personal searches.

6.—(1) Any person may search in Part IX of the Register and in the Index to the Register upon paying the appropriate fee prescribed in the Second Schedule to these Rules.

(2) Any person desiring to make a personal search in Part IX of the Register shall, if so required by the registrar, furnish his name and address and indicate by reference to a plan or otherwise the parcel or parcels of land in respect of which he proposes to search.

Official certificates of search.

7.—(1) The provisions of sub-sections (1), (2), (7), (8) and (9) of section 17 of the Act of 1925 (which relate to official certificates of search) shall apply in respect of Part IX of the Register.

(2) Every requisition for search made under the said provisions as applied by this Rule shall be in writing signed by the person making the same or by the solicitor acting for that person, and shall define the land in respect of which the search is to be made by means of a plan drawn to scale and (except where the applicant does not require a plan to be returned) furnished in duplicate, or by any other means sufficient to enable the land to be identified.

(3) A requisition for search in all or any of Parts I to VIII of the Register may include a requisition for search in Part IX and any form prescribed by Rules made under the Act of 1925 and the Civil Aviation Act, 1946, for the purpose of requisitions for search and official certificates of search in Parts I to VIII of the Register may be used accordingly: 9 & 10 Geo. 6. c. 70.

Provided that the schedule to an official certificate of the result of a search in Part IX of the Register shall be in the form set out in the First Schedule hereto.

(4) An official certificate of the result of search in Part IX of the Register shall extend to registrations effected during the day of the date of the certificate, and shall be issued only after the registry is closed for registration on that date.

(5) A separate requisition for search in Part IX of the Register shall be made in respect of each parcel of land in respect of which search is requested, except where a certificate is required in respect of two or more contiguous parcels of land for the purpose of the same transaction.

8. The fees payable for the registration, variation or revocation of entries and for searches and official certificates of search, in respect of Part IX of the Register, shall be those specified in the Second Schedule hereto.

Dated the 16th day of February, 1948.

Jowitt, C.

We, the undersigned, two of the Commissioners of His Majesty's Treasury, do hereby concur in Rule 8 of the abovementioned Rules and in the Second Schedule hereto.

R. J. Taylor.
Joseph Henderson.

FIRST SCHEDULE

PART IX.—REGISTER OF SUPERVISION ORDERS MADE BY THE MINISTER OF AGRICULTURE UNDER SECTION 12 OF THE AGRICULTURE ACT, 1947

Particulars of supervision order for the time being in operation including an indication of whether the supervision order places the owner of land under the Minister's supervision so far as relates to his management of the land, or an occupier of land under the Minister's supervision so far as relates to his farming of an agricultural unit (1)	Name, description and address of applicant for registration (2)	Place at which inspection may be made of the supervision order referred to in Column 1 and any map or plan referred to in or illustrating such order (3)	Date of supervision order coming into force (4)	Date of registration of supervision order (5)

SECOND SCHEDULE

Fees

	s.	d.
1. On registration of a supervision order	5	0
2. On variation or revocation of any entry in Part IX of the Register	1	6
3. On personal search in Part IX of the Register (except where such search is made in respect of the whole register and payment has been made in respect thereof)	2	0
In addition (but subject to a maximum additional charge of fourteen shillings) in respect of each parcel of land above one, where the search extends to several parcels of land	1	0
4. For an official search (including issue of certificate) in Part IX of the Register (except where such search is made in respect of the whole of the Register and payment has been made in respect thereof) ...	2	0
In addition (but subject to a maximum additional charge of twenty-one shillings) in respect of each parcel of land above one, where several parcels are, in accordance with the provisions of paragraph (5) of Rule 7 included in the same requisition, where such requisition is for search in Part IX of the Register and does not form part of a requisition for search in the whole or any part of the Register in respect of which such additional payment has been made	1	6
5. For an office copy of any entry in Part IX of the Register (not including a copy or extract of any plan or document filed in the Registry)	2	6

6. For an office copy of any plan or other document filed in the Registry, in respect of Part IX of the Register, such reasonable fee as may be fixed by the registrar according to the time and labour involved.

Unless the context otherwise requires " entry " for the purpose of this Schedule includes all entries made or required to be made in Part IX of the Register in respect of the relevant order.

All fees shall be paid.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to explain their general purport.)

These Rules provide for the registration in Local Land Charges Registers of supervision orders made by the Minister of Agriculture and Fisheries under Section 12 of the Agriculture Act, 1947, for placing the owner of land under the Minister's supervision so far as relates to his management of the land, or the occupier of land under the Minister's supervision so far as relates to his farming of an agricultural unit as defined by the Act. The supervision orders are to be registered in a new Part of the Register to be known as Part IX. Provision is made for searching the Register and for the issue of official certificates of search on payment of the fees prescribed in the Second Schedule to the Rules.