CHAPTER 71

An Act to amend the Agriculture Act, 1947, the Agricultural Holdings Act, 1948, the Agriculture (Scotland) Act, 1948, and the Agricultural Holdings (Scotland) Act, 1949; to require the landlord of an agricultural holding in certain cases to provide, repair or alter fixed equipment on the holding; to amend Part II of the Landlord and Tenant Act, 1954, as to tenancies of agricultural land excluded therefrom; to amend the Schedule to the Corn Production Acts (Repeal) Act, 1921, and section twenty-one of the Hill Farming Act, 1946; and for purposes connected with the matters aforesaid.

[1st August, 1958]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Repeal of powers of supervision, direction and dispossession under Part II of Agriculture Act, 1947, and Part II of Agriculture (Scotland) Act, 1948.

1.—(1) So much of Part II of the Agriculture Act, 1947 (in this Act referred to as " the Act of 1947 ") as provides for supervision orders, and for the giving of directions to and the dispossession of owners or occupiers on grounds of bad estate management or bad husbandry, that is to say sections twelve to twenty of that Act, shall cease to have effect, and all entries in the register of local land charges relating to supervision orders shall, as soon as may be after the passing of this Act, be deleted.

(2) So much of Part II of the Agriculture (Scotland) Act, 1948 (in this Act referred to as " the Scottish Act of 1948 ") as provides for warning notices, and for the giving of directions to and the dispossession of owners or occupiers on grounds of bad

estate management or bad husbandry, that is to say sections twenty-seven to thirty-four of that Act, shall cease to have effect.

Amendments as to fixing of rents of agricultural holdings.

2. In section eight of the Agricultural Holdings Act, 1948 (in this Act referred to as " the Act of 1948 ") and in section seven of the Agricultural Holdings (Scotland) Act, 1949 (in this Act referred to as " the Scottish Act of 1949 "), the following paragraph shall be inserted at the end of subsection (1) (which enables the landlord or tenant of an agricultural holding to demand a reference to arbitration of the question what rent should be payable in respect of the holding)—

" For the purposes of this subsection the rent properly payable in respect of a holding shall be the rent at which, having regard to the terms of the tenancy (other than those relating to rent), the holding might reasonably be expected to be let in the open market by a willing landlord to a willing tenant, there being disregarded (in addition to the matters referred to in the next following subsection) any effect on rent of the fact that the tenant who is a party to the arbitration is in occupation of the holding."

Amendments as to notices to quit agricultural holdings.

3.—(1) There shall be transferred to the Agricultural Land Tribunal the functions conferred on the Minister of Agriculture, Fisheries and Food (in this Act referred to as " the Minister ") by sections twenty-four and twenty-five of the Act of 1948 (which provide for the giving or withholding by the Minister of consent to the operation of notices to quit agricultural holdings) and by section twenty-seven thereof (which relates to the grant by the Minister of certificates of bad husbandry for the purposes of notices to quit).

(2) The following subsection shall be substituted for subsection (1) of section twenty-five of the Act of 1948 (which requires the Minister to withhold his consent to the operation of a notice to quit an agricultural holding unless he is satisfied as to certain matters)—

" (1) The Agricultural Land Tribunal shall consent under the last foregoing section to the operation of a notice to quit an agricultural holding or part of an agricultural holding if, but only if, they are satisfied as to one or more of the following matters, being a matter or matters specified by the landlord in his application for their consent, that is to say—

(*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; 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 smallholdings 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:

Provided that, notwithstanding that they are satisfied as aforesaid, the Tribunal shall withhold consent to the operation of the notice to quit if in all the circumstances it appears to them that a fair and reasonable landlord would not insist on possession."

(3) The foregoing provisions of this section shall apply to Scotland subject to the following modifications, that is to say—

(*a*) for references to the Minister and to the Agricultural Land Tribunal there shall be substituted respectively references to the Secretary of State and to the Land Court;

(*b*) for references to sections twenty-four, twenty-five and twenty-seven of the Act of 1948 there shall be substituted respectively references to sections twenty-five, twenty-six and twenty-eight of the Scottish Act of 1949; and

(*c*) in the subsection substituted for subsection (1) of section twenty-six of the Scottish Act of 1949, in paragraph (*c*) after the word " smallholdings " there shall be inserted the words " or such holdings as are mentioned in section sixty-four of the Agriculture (Scotland) Act, 1948 ", and in paragraph (*e*) for the words " paragraph (*b*) " there shall be substituted the words " paragraph (*c*) ".

(4) This section shall come into operation on the appointed day.

Rights of tenants as to provision of fixed equipment necessary to comply with statutory requirements.

4.—(1) Where, on an application by the tenant of an agricultural holding, the Agricultural Land Tribunal are satisfied that it is reasonable, having regard to the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry, that he should carry on on the holding an agricultural activity specified in the application to the extent and in the manner specified therein and—

(*a*) that, unless fixed equipment is provided on the holding, the tenant, in carrying on that activity to that extent and in that manner, will contravene requirements imposed by or under any enactment, or

(*b*) that it is reasonable that the tenant should use, for purposes connected with that activity, fixed equipment already provided on the holding, but that, unless that equipment is altered or repaired, the tenant, in using the equipment for those purposes, will contravene requirements imposed by or under any enactment,

the Tribunal may, subject to the provisions of this section, direct the landlord to carry out, within a period specified in the direction, such work for the provision or, as the case may be, the alteration or repair of that fixed equipment as will enable the tenant to comply with the said requirements:

Provided that where it appears to the Tribunal that an agricultural activity specified in the tenant's application has not been carried on on the holding for a period of at least three years immediately preceding the making of the application the Tribunal shall not direct the landlord to carry out work in connection with that activity unless they are satisfied that the starting of the activity did not or, where the activity 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) The Tribunal shall not direct the landlord to carry out work under the foregoing subsection unless they are satisfied—

(*a*) that it is reasonable so to do having regard to the landlord's responsibilities to manage the land comprised in the holding in accordance with the rules of good estate management and also to the period for which the holding may be expected to remain a separate holding and to any other material consideration, and

(*b*) that the landlord has refused to carry out that work on being requested in writing so to do by the tenant or has not agreed to carry it out within a reasonable time after being so requested;

and shall not in any case direct the landlord to carry out work thereunder if provision is made by the contract of tenancy, or by any other agreement between the landlord and the tenant, for the carrying out of the work by the landlord or by the tenant, or if the landlord is under a duty to carry out the work in order to comply with a requirement imposed on him by or under any enactment.

(3) If the landlord fails to comply with a direction under subsection (1) of this section the tenant shall have the same remedies as if the contract of tenancy had contained an undertaking by the landlord to carry out the work required by the direction within the period allowed by the Tribunal and, notwithstanding any term in the contract of tenancy restricting the carrying out by the tenant of alterations to the holding, those remedies shall

include the right of the tenant to carry out the work himself and recover from the landlord the reasonable cost thereof.

(4) The Tribunal, on an application by the landlord, may extend or further extend the period specified in a direction under subsection (1) of this section if it is shown to their satisfaction that the period so specified, or that period as previously extended under this subsection, as the case may be, will not allow sufficient time both for the completion of preliminary arrangements necessary or desirable in connection with the work required by the direction (including, in appropriate cases, the determination of an application by the landlord for a grant out of moneys provided by Parliament in respect of that work) and for the carrying out of the said work.

(5) Section nine of the Act of 1948 (which provides for increases of rent where certain improvements are carried out by the landlord) shall have effect as if the reference in subsection (1) thereof to improvements carried out at the request of the tenant included a reference to improvements carried out in compliance with a direction given by the Tribunal under subsection (1) of this section; and where, on the failure of the landlord to comply with a direction so given by the Tribunal, the tenant has himself carried out the work specified in the direction, the said section nine shall apply as if the work had been carried out by the landlord and as if any grant made to the tenant in respect thereof out of moneys provided by Parliament had been made to the landlord:

Provided that no increase in rent shall take effect under the said section nine where the tenant has carried out an improvement under this section until such time as the tenant has recovered from the landlord the reasonable cost thereof.

(6) Where, on the application of the sub-tenant of an agricultural holding, the Tribunal have directed the immediate landlord of the sub-tenant to carry out work under subsection (1) of this section, being work which constitutes an improvement such as is specified in the Third Schedule to the Act of 1948,—

(*a*) section forty-nine of the Act of 1948 (which provides that a tenant shall not be entitled under section forty-seven of that Act to compensation for an improvement such as is specified in the Third Schedule thereto unless his landlord has consented to the carrying out of the improvement) shall not apply as respects a claim by the immediate landlord against his superior landlord for compensation in respect of that work, and

(*b*) if, on the failure of the immediate landlord to comply with the direction of the Tribunal, the sub-tenant has himself carried out the work, section forty-seven of the Act of 1948 shall have effect for the purposes of a claim

for compensation by the immediate landlord against his superior landlord as if the work had been carried out by the immediate landlord.

(7) References in this section to the reasonable cost of work carried out by a tenant shall, where the tenant has received a grant in respect thereof out of moneys provided by Parliament, be construed as references to the reasonable cost reduced by the amount of the grant.

(8) Sections ten and eleven of the Act of 1947 (which specify the circumstances in which an owner of agricultural land is deemed for the purposes of that Act to fulfil his responsibilities to manage the land in accordance with the rules of good estate management and an occupier of such land is deemed for those purposes to fulfil his responsibilities to farm it in accordance with the rules of good husbandry) shall apply for the purposes of this section.

(9) This section shall come into operation on the appointed day

(10) This section shall not apply to Scotland.

Transfer to Lord Chancellor of Minister's functions as respects Agricultural Land Tribunals.

5. The functions conferred on the Minister in relation to Agricultural Land Tribunals by section seventy-three of the Act of 1947 shall be exercisable by the Lord Chancellor and not by the Minister, so however that the duty of providing the said Tribunals with the necessary officers and servants and of paying salaries, fees and allowances shall remain with the Minister.

Provisions as to succession to holdings in Scotland.

6.—(1) Subsection (1) of section twenty of the Scottish Act of 1949 (which empowers the tenant of an agricultural holding, by will or other testamentary writing, to bequeath his lease of the holding to any person) shall have effect, in relation to any tenant of an agricultural holding whose death occurs after the expiration of a period of one month beginning with the date of the passing of this Act, with the substitution for the words " to any person " of the words " to any member of his family ".

(2) For the purposes of the said subsection (1), as amended as aforesaid, the expression " member of his family " means the wife or husband of the tenant or his son-in-law or daughter-in-law or a person adopted by the tenant or any person who, failing nearer heirs, would be entitled to succeed in case of intestacy to the lease of the holding.

In this subsection " adopted " means adopted in pursuance of an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, or under any corresponding enactment of the Parliament of Northern Ireland.

(3) Subject to the provisions of the next following subsection, where notice to quit is given to the tenant of an agricultural

holding, being a tenant who after the passing of this Act has acquired right to the lease of the holding as the heir-at-law of the former tenant or as a legatee by virtue of section twenty of the Scottish Act of 1949, then if—

(*a*) the notice to quit is given in accordance with subsection (1) of section twenty-four of that Act so as to terminate the tenancy not earlier than the term (being the term stipulated in the lease as the term of outgo or the corresponding term in any succeeding year) next occurring after the first anniversary of the date on which the tenant acquired right to the lease as aforesaid and not later than the term next occurring after the second anniversary of that date, or

(*b*) in a case where at that date the unexpired term of the lease exceeded two years, the landlord gives notice to quit when it becomes legally competent for him to give such notice; and

(*c*) it is stated in the notice to quit that it is given in pursuance of this subsection;

the provisions of subsection (1) of section twenty-five of that Act shall not apply to the notice to quit.

(4) In relation to such a tenant as is mentioned in the last foregoing subsection who has acquired right to the lease within the period of seven years commencing with the passing of this Act paragraph (*a*) of the said subsection shall have effect with the substitution for the words " the first anniversary " of the words " the second anniversary " and for the words " the second anniversary " of the words " the third anniversary ".

(5) Such a tenant as is mentioned in subsection (3) of this section shall not be deprived on quitting the holding in pursuance of a notice to quit given in accordance with that subsection of any right to compensation for an improvement specified in Part II of the First Schedule to the Scottish Act of 1949 which has been carried out on the holding between the first day of November, nineteen hundred and forty-eight, and the passing of this Act by reason only of the failure of the person by whom the improvement was carried out to give notice to the landlord in accordance with section fifty-one of that Act of his intention to carry out the improvement:

Provided that—

(*a*) a claim for compensation shall not be made by virtue of this subsection unless the Land Court, on an application made to them in that behalf by the tenant, are satisfied that if notice of intention to carry out the improvement had been duly given as aforesaid the landlord would not have given notice in accordance with section fifty-

two of that Act objecting to the carrying out of the improvement or if he had given such notice the Secretary of State, in pursuance of that section, would not have withheld his approval to the carrying out of the improvement, and authorise the making of the claim; and

(*b*) the compensation payable by virtue of this subsection shall not exceed either such sum as fairly represents the value of the improvement to an incoming tenant or such sum as is equal to the capital cost of the improvement less one-tenth of such cost for each complete year which has elapsed between the time at which the carrying out of the improvement was completed and the time at which the tenant quitted the holding, whichever is the less.

Amendment of 11 & 12 Geo. 5. c. 48 as to injurious weeds.

7.—(1) The Schedule to the Corn Production Acts (Repeal) Act, 1921 (which makes provision for the control of injurious weeds) shall have effect as if, for the reference in paragraph (1) thereof to a notice in writing requiring the occupier of land on which injurious weeds are growing to cut down or destroy the weeds in the manner and within the time specified in the notice, there were substituted a reference to a notice in writing requiring him, within the time specified in the notice, to take such action as may be necessary to prevent the weeds from spreading.

(2) The following paragraphs shall be substituted for paragraph (3) of the said Schedule (which provides that a person who unreasonably fails to comply with a notice requiring him to cut down or destroy injurious weeds shall be liable, in proceedings instituted by the Minister, to a fine not exceeding twenty pounds and to a daily penalty of twenty shillings if the default continues after conviction; and empowers the Minister to cut down or destroy the said weeds and recover the reasonable cost of so doing from the person in default)—

"(3) Where a notice has been served under this Schedule on the occupier of any land and that person unreasonably fails to comply with the requirements of the notice, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding seventy-five pounds, or, in the case of a second or subsequent offence, to a fine not exceeding one hundred and fifty pounds.

(3A) If a failure in respect of which a person is convicted under the last foregoing paragraph is not remedied within fourteen days after the conviction he shall be guilty of a further offence under that paragraph and may be punished accordingly.

(3B) Proceedings for an offence under paragraph (3) of this Schedule shall not be instituted except by the Minister.

(3C) Where the Minister has served a notice under this Schedule on the occupier of any land and the occupier has not taken the action required by the notice within the time specified therein, the Minister may take that action and recover a sum equal to the reasonable cost of so doing from the occupier or, if it is not practicable after reasonable inquiry to ascertain his name or address and he is not the owner of the land, from the owner.

(3D) Where the Minister is entitled to recover a sum under the last foregoing paragraph from the owner of land (whether or not he is also the occupier) and is unable after reasonable enquiry to ascertain the name or address of the owner he may apply to the High Court or, if the said sum does not exceed the amount by which the jurisdiction of the county court is limited by section forty-one of the County Courts Act, 1934, to the county court, for an order imposing on the land a charge for securing the payment of that sum.

(3E) A charge imposed under the last foregoing paragraph shall be a local land charge and shall be registrable under section fifteen of the Land Charges Act, 1925, accordingly; and the Minister shall, for the purpose of enforcing the charge, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as he would have if he were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases, and of appointing a receiver.

(3F) Where, by reason of the default of the occupier, the owner of any land has been required to pay any sum to the Minister under paragraph (3C) of this Schedule or has, by reason of a charge imposed on the land under paragraph (3D) thereof, otherwise suffered loss he shall be entitled to recover the amount of his loss from the occupier ".

(3) The fine which may be imposed under paragraph (4) of the said Schedule on a person who prevents or obstructs entry on land shall be increased from an amount not exceeding twenty pounds to an amount not exceeding fifty pounds.

(4) Paragraph (5) of the said Schedule (which relates to the service of notices) shall cease to have effect, and section one hundred and seven of the Act of 1947 shall apply for the purposes of notices required or authorised to be served under the said Schedule as it applies for the purposes of notices required or authorised to be served under that Act.

(5) In the application of this section to Scotland, for the reference to section one hundred and seven of the Act of 1947 there shall be substituted a reference to section eighty-three of the Scottish Act of 1948, and in the application of the said Schedule to Scotland any reference therein to a charge on land

shall be omitted and paragraph (6) (which authorises the Minister to delegate his powers under the said Schedule to the council of any county or borough) shall not apply.

Minor and consequential amendments.

8.—(1) The enactments specified in Part I of the First Schedule to this Act (being enactments applying to England and Wales) and the enactments specified in Part II of that Schedule (being enactments applying to Scotland) shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

(2) Part III of the First Schedule to the House of Commons Disqualification Act, 1957, shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, as if for the reference therein to an acting chairman of an Agricultural Land Tribunal there were substituted a reference to a member of a panel of deputy-chairmen of an Agricultural Land Tribunal.

Interpretation.

9.—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" Act of 1947 " means the Agriculture Act, 1947;

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

" agricultural holding ", as respects England and Wales has the meaning assigned to it by section one of the Act of 1948, and as respects Scotland has the meaning assigned to it by section one of the Scottish Act of 1949;

" the appointed day " means such day as the Minister or, in relation to Scotland, the Secretary of State, may by order made by statutory instrument appoint, and different days may be appointed by such orders in relation to different provisions of this Act;

" contract of tenancy " and " fixed equipment " have the meanings assigned to them by section ninety-four of the Act of 1948;

" Land Court " means the Scottish Land Court;

" landlord " and " tenant ", as respects England and Wales, have the meanings assigned to them by section ninety-four of the Act of 1948, and as respects Scotland have the meanings assigned to them by section ninety-three of the Scottish Act of 1949;

" lease ", as respects Scotland, means a letting of land for a term of years, or for lives, or for lives and years, or from year to year;

" the Minister " means the Minister of Agriculture, Fisheries and Food;

" Scottish Act of 1948 " means the Agriculture (Scotland) Act, 1948;

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

(2) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any other enactment, including this Act.

Repeals, savings and transitional provisions.

10.—(1) The enactments specified in the Second Schedule to this Act are, in consequence of the foregoing provisions of this Act, hereby repealed to the extent specified in the third column of that Schedule—

(*a*) in the case of the enactments specified in Part I of that Schedule, on the passing of this Act, and

(*b*) in the case of the enactments specified in Part II of that Schedule, on the appointed day.

(2) The repeal by virtue of this Act of provisions contained in Part II of the Act of 1947 shall not affect the operation of section ninety-five of that Act (which applies certain of those provisions for the purposes of special directions to secure production).

(3) The repeal by virtue of this Act of section twenty-one of the Act of 1947 shall not affect the operation of subsection (5) of section twenty of the Mineral Workings Act, 1951 (which applies the definition of " owner " in the said section twenty-one for the purposes of the said section twenty).

(4) The repeal by virtue of this Act of provisions contained in Part II of the Scottish Act of 1948 shall not affect the operation of section thirty-five of that Act (in relation to which certain of those provisions have effect for the purposes of special directions to secure production).

(5) The repeal by virtue of this Act of section seventy-one of the Scottish Act of 1948 shall not affect the operation of subsection (6) of section twenty-one of the Crofters (Scotland) Act, 1955 (which applies the provisions of the said section seventy-one to the reference to the Land Court of certain proposals of the Crofters Commission) or the power of the Secretary of State to make regulations under the said section as so applied.

(6) The enactments specified in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, being to that extent spent.

(7) The transitional provisions set out in the Fourth Schedule to this Act shall have effect.

Short title and extent.

11.—(1) This Act may be cited as the Agriculture Act, 1958.

(2) This Act, except subsection (2) of section eight thereof, shall not extend to Northern Ireland.

SCHEDULES

Section 8.

FIRST SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

ENGLAND AND WALES

Hill Farming Act, 1946

1. On the appointed day, in section twenty-one (which empowers the Minister to avoid or relax covenants in leases prohibiting or restricting the burning of heather or grass), the following subsection shall be substituted for subsection (1)—

"(1) Where a lease of land in England or Wales contains a covenant, condition or agreement whereby the burning of heather or grass by the tenant is prohibited or restricted, the Agricultural Land Tribunal, on an application by the tenant, may if it appears to them that the covenant, condition or agreement is preventing or impeding the proper use for agricultural purposes of the land comprised in the lease or any of that land and that it is expedient in all the circumstances so to do, give such directions for avoiding or relaxing the covenant, condition or agreement as they think fit."

Agriculture Act, 1947

2. Section fifty-three (which empowers the Minister, where it appears to him that a smallholdings authority have failed to fulfil their responsibilities to manage in accordance with the rules of good estate management land held by them for the purposes of smallholdings, to direct the authority to carry out certain work on the land) shall cease to have effect.

3. In section seventy-three (which provides for the establishment, constitution and procedure of Agricultural Land Tribunals)—

(*a*) for references to the Minister there shall be substituted references to the Lord Chancellor;

(*b*) in subsection (1), for the words "determining matters referred to them under this Act" there shall be substituted the words "hearing and determining references and applications made to them under any enactment";

(*c*) in subsection (3), the following paragraph shall be inserted after the words "and in particular—"—

"(*aa*) as to the manner in which applications are to be made to the Tribunals and the time within which they are to be made;"

and paragraph (*c*) shall be omitted;

(*d*) in subsection (4), the words "or application" shall be inserted after the word "reference"; and

(*e*) after subsection (4) there shall be inserted the following subsection—

"(5) An Agricultural Land Tribunal may, for the purpose of hearing and determining applications and refer-

ences made to them under any enactment, sit in two or more divisions, and, in relation to the hearing and determination of any such application or reference by such a division, that division shall be deemed to be the Tribunal.

4. In relation to Agricultural Land Tribunals, section seventy-five (which provides for the case where land lies partly in the area of one such tribunal and partly in the area of another) shall have effect (except as respects a reference to such a tribunal under section eighty-five or section eighty-six of the Act of 1947) as if, for the reference therein to the Minister, there were substituted a reference to the Lord Chancellor.

5.—(1) The Ninth Schedule shall be amended in accordance with the following provisions of this paragraph.

(2) The following paragraphs shall be substituted for paragraphs 13 to 16—

" 13.—(1) The Lord Chancellor shall appoint a chairman for each Agricultural Land Tribunal, who shall be a barrister or solicitor of not less than seven years' standing.

(2) The chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.

(3) The chairman may resign his office by notice in writing to the Lord Chancellor.

(4) If the Lord Chancellor is satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or if the chairman is adjudged bankrupt or makes a composition or arrangement with his creditors, the Lord Chancellor may revoke the appointment of the chairman.

14. The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of deputy-chairmen, who shall be barristers or solicitors of not less than seven years' standing.

15.—(1) The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of persons appearing to him to represent the interests of farmers and a panel of persons appearing to him to represent the interests of owners of agricultural land.

(2) Subject to the following sub-paragraph, the persons to be placed on either panel shall be selected by the Lord Chancellor from nominations made at his request by persons appearing to him to represent the interests of farmers or of owners of agricultural land, as the case may be.

(3) The last foregoing sub-paragraph shall not prevent the Lord Chancellor from placing on either of the panels a person not nominated in accordance with that sub-paragraph, if the persons requested to make the nominations for that purpose do not make the required number of nominations, or the nominations they make do not include enough persons who appear to the Lord Chancellor to be suitable.

1ST SCH. —*cont.*

16.—(1) For each hearing by an Agricultural Land Tribunal of an application or reference thereto the members of the Tribunal shall be—

(*a*) the chairman, or a person nominated by the chairman either from the panel of deputy-chairmen (whether for that Tribunal or for any other Agricultural Land Tribunal) or from among the chairmen of other Agricultural Land Tribunals, and

(*b*) one person nominated by the chairman from each of the panels for that Tribunal drawn up under the last foregoing paragraph or from a corresponding panel for any other Agricultural Land Tribunal.

(2) The chairman may, if it appears to him expedient so to do, nominate two assessors to be added to the Tribunal for the hearing of an application or reference thereto in order to assist the Tribunal in the hearing.

(3) The assessors shall be selected by the chairman from a panel of persons nominated by the President of the Royal Institution of Chartered Surveyors.

16A. If the chairman of an Agricultural Land Tribunal is prevented by sickness or any other reason from making nominations under sub-paragraphs (1) and (2) of the last foregoing paragraph or from otherwise discharging the duties of his office, those duties may be discharged by a person appointed from the panel of deputy-chairmen for that Tribunal by the chairman or, if the chairman is unable to make the appointment, by the Lord Chancellor."

(3) In paragraph 17, for the reference to the Minister there shall be substituted a reference to the Lord Chancellor.

(4) Paragraph 18 shall cease to have effect.

Agricultural Holdings Act, 1948

6. The following section shall be substituted for section ten—

" 10.—(1) Where under the contract for a tenancy of an agricultural holding, whether created before or after the commencement of this Act, provision is made for the maintenance of specified land, or a specified proportion of the holding, as permanent pasture, the landlord or the tenant may, by notice in writing served on his tenant or landlord, demand a reference to arbitration under this Act of the question whether it is expedient in order to secure the full and efficient farming of the holding that the amount of land required to be maintained as permanent pasture should be reduced.

(2) On a reference under the foregoing subsection the arbitrator may by his award—

(*a*) direct that the contract of tenancy shall have effect subject to such modifications of the provisions thereof as to land which is to be maintained as permanent pasture or is to be treated as arable land, and as to cropping, as may be specified in the direction; and

(*b*) if he gives a direction reducing the area of land which under the contract of tenancy is to be maintained as permanent pasture, order that the contract of tenancy shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave as permanent pasture, or should leave as temporary pasture sown with seeds mixture of such kind as may be specified in the order, such area of land (in addition to the area of land required by the contract of tenancy, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the contract of tenancy to be maintained as permanent pasture has been reduced by virtue of the direction."

7. In section eleven, in subsection (3) (which provides for a question whether a tenant has so exercised his rights under subsection (1) of that section as to injure or deteriorate his holding to be determined for certain purposes by the Minister), for the words from " shall be determined by the Minister " to the end of the subsection there shall be substituted the words " shall be determined by arbitration under this Act; and the award of the arbitrator shall, for the purposes of any proceedings brought under the last foregoing subsection (including an arbitration under paragraph (*b*) thereof) be conclusive proof of the facts stated therein."

8. On the appointed day, in section twenty-four, for references to the Minister there shall be substituted references to the Agricultural Land Tribunal.

9. On the appointed day, in section twenty-five—

(*a*) subsections (2) to (4) shall cease to have effect;

(*b*) in subsection (5) the words " the Minister or " in each place where they occur shall be omitted; and

(*c*) in subsection (6), for the reference to the Minister there shall be substituted a reference to the Agricultural Land Tribunal, and for the word " he " there shall be substituted the words " the Tribunal ".

10. The following section shall be substituted for section twenty-six—

" 26.—(1) The Lord Chancellor may by order provide—

(*a*) for requiring any question arising under subsection (2) of section twenty-four of this Act to be determined by arbitration under this Act, for limiting the time within which any such arbitration may be required or any proceedings for the purposes thereof may be taken, and for extending the period within which a counter-notice may be given by the tenant under subsection (1) of that section where any such arbitration is required;

(*b*) for suspending the operation of notices to quit until the termination of any such arbitration as aforesaid;

1ST SCH. —*cont.*

(*c*) for postponing the date at which a tenancy is to be terminated by a notice to quit which has effect in consequence of any such arbitration as aforesaid or of an application under the said section twenty-four;

(*d*) for excluding the application of subsection (1) of the said section twenty-four in relation to sub-tenancies in such cases as may be specified in the order, and for making such provision as appears to the Lord Chancellor expedient for the purpose of safeguarding the interests of sub-tenants, including provision enabling the Agricultural Land Tribunal, where the interest of a tenant is terminated by notice to quit, to secure that a sub-tenant will hold from the landlord on the like terms as he held from the tenant.

(2) The power to make orders conferred on the Lord Chancellor by this section shall be exercisable by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) and shall include a power, exercisable in the like manner, to revoke or vary any order made thereunder."

11. On the appointed day, for section twenty-seven there shall be substituted the following section—

"27. For the purposes of paragraph (*c*) of subsection (2) of section twenty-four of this Act, the landlord of an agricultural holding may apply to the Agricultural Land Tribunal for a certificate that the tenant is not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and the Tribunal, if satisfied that the tenant is not fulfilling his said responsibilities, shall grant such a certificate."

12. Section twenty-eight (which empowers the Minister to give to the tenant of an agricultural holding, being a holding in respect of which a certificate of bad husbandry under section twenty-four of the Act of 1948 is in force, directions for securing that the holding does not further deteriorate before the termination of the tenancy) shall cease to have effect.

13. The following section shall be substituted for section twenty-nine—

"Penalty for breach of condition accompanying consent to notice to quit.

29.—(1) Where, on giving consent under section twenty-four of this Act to the operation of a notice to quit an agricultural holding or part of an agricultural holding, the Agricultural Land Tribunal imposed a condition under section twenty-five of this Act for securing that the land to which the notice to quit related would be used for the purpose for which the landlord proposed to terminate the tenancy, and it is proved on an application to the Tribunal on behalf of the Crown—

(*a*) that the landlord has failed to comply with the condition within the period allowed thereby, or

(*b*) that the landlord has acted in contravention of the condition,

the Tribunal may by order impose on the landlord a penalty of an amount not exceeding two years' rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy, or, where the notice to quit related to a part only of the holding, of an amount not exceeding the proportion of the said two years' rent which it appears to the Tribunal is attributable to that part.

(2) A penalty imposed under this section shall be a debt due to the Crown and shall, when recovered, be paid into the Exchequer.

(3) The Tribunal may, in proceedings under this section, by order provide for the payment by any party of such sum as the Tribunal consider a reasonable contribution towards costs.

(4) An order under this section shall be enforceable in the same manner as a judgment or order of the county court to the like effect."

14. On the appointed day, in section fifty (which empowers the Minister to approve the carrying out by the tenant of an agricultural holding of certain long-term improvements)—

(*a*) for references to the Minister there shall be substituted references to the Agricultural Land Tribunal;

(*b*) in subsection (1), the words from " after giving notice " to " so to do " shall be omitted;

(*c*) in subsection (2), the words from " after affording " to " by the Minister " and the words from " and in either case " to the end of the subsection shall be omitted; and

(*d*) in subsection (4), the words from " after affording " to " by the Minister " shall be omitted.

15. In section fifty, in subsection (3), the following paragraph shall be inserted at the end—

" In this subsection " the prescribed period " means the period prescribed by the Lord Chancellor by order made by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament); and the power to make orders under this subsection shall include a power, exercisable in the like manner, to revoke or vary any order made thereunder."

16. In section sixty-three, in subsection (1), for the words " paragraph (ii) of section ten " there shall be substituted the words " paragraph (*b*) of subsection (2) of section ten ".

17. On the appointed day, in section sixty-eight (which empowers the Minister to direct that, for the purposes of certain improvements to be carried out by the tenant, an agricultural holding shall be treated as a market garden)—

(*a*) for references to the Minister there shall be substituted references to the Agricultural Land Tribunal; and

(*b*) in subsection (1), the words from " and after affording " to " by the Minister " shall be omitted.

18. On the appointed day, sections seventy-five and seventy-six (which respectively provide for representations to the Minister as to

1ST SCH. —*cont.*

the taking of action by him, and for proposals as to such action to be referred to the Agricultural Land Tribunal) shall cease to have effect.

19. As from the appointed day, the power to make rules under subsection (2) of section seventy-seven shall, in relation to arbitrations under paragraph (*a*) of subsection (1) of section twenty-six of the Act of 1948, be exercisable by the Lord Chancellor and not by the Minister.

20. In the Sixth Schedule, in paragraph 1, for the reference to the Lord Chief Justice of England there shall be substituted a reference to the Lord Chancellor.

21.—(1) The provisions of paragraph 24 of the Sixth Schedule (under which a special case may be stated for the opinion of the county court where any question of law arises in the course of an arbitration under the Act of 1948) shall apply in relation to a question as to the jurisdiction of an arbitrator as they apply in relation to a question of law arising in the course of an arbitration.

(2) The provisions of the Sixth Schedule relating to the fixing and recovery of the remuneration of an arbitrator and the making and enforcement of an award as to costs, together with any other provision thereof applicable for the purposes of or in connection with those provisions, shall apply where the arbitrator has no jurisdiction to decide the question referred to him as they apply where the arbitrator has jurisdiction to decide that question.

Mineral Workings Act, 1951

22. In section twenty-one, in subsection (1), for the words " section fourteen " there shall be substituted the words " section ninety-five ".

Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951

23. On the appointed day, in section twenty-one—

(*a*) in subsections (2) and (3), for references to the Minister there shall be substituted references to the Agricultural Land Tribunal,

(*b*) subsections (4) and (7) shall cease to have effect,

(*c*) for paragraph (*c*) of subsection (5) there shall be substituted the following—

" (*c*) the Agricultural Land Tribunal has not before the beginning of his period of residence protection decided whether to give or withhold consent to the operation of the notice to quit,",

(*d*) in subsection (6), for the reference to the Minister there shall be substituted a reference to the Lord Chancellor, and for the reference to regulations there shall be substituted a reference to orders, and

(*e*) in subsection (8) the words from " and the expression " to the end shall be omitted.

24. As from the appointed day, the power to make regulations conferred by subsection (4) of section twenty-two shall be exercisable by the Lord Chancellor and not by the Minister, and subsection (5) of that section shall have effect accordingly.

Coastal Flooding (Emergency Provisions) Act, 1953

25. In section sixteen, for the words " section fourteen " there shall be substituted the words " section ninety-five ".

Agriculture (Miscellaneous Provisions) Act, 1954

26. In section five, in subsection (1) (which empowers an Agricultural Land Tribunal to award costs against a person concerned in a reference to them who has acted frivolously, vexatiously or oppressively), after the word " reference " in each place where it occurs there shall be inserted the words " or application ".

27. In section six—

(*a*) subsection (3) (which entitles the Minister to appear and be heard on a reference or application to the High Court in respect of a question of law arising in the course of proceedings before an Agricultural Land Tribunal) shall cease to have effect; and

(*b*) the power to make orders conferred by subsection (6) shall be exercisable by the Lord Chancellor and not by the Minister.

28. On the appointed day, in section seven, for the words " the Minister of Agriculture and Fisheries " there shall be substituted the words " the Agricultural Land Tribunal ".

Landlord and Tenant Act, 1954

29. Subsection (1) of section forty-three shall have effect, and be deemed always to have had effect, as if, at the end of paragraph (*a*) thereof, there were inserted the words " or a tenancy which would be a tenancy of an agricultural holding if the proviso to subsection (1) of section two of the Agricultural Holdings Act, 1948, did not have effect or, in a case where the approval of the Minister of Agriculture, Fisheries and Food was given as mentioned in the said subsection (1), if that approval had not been given".

PART II

SCOTLAND

Agriculture (Scotland) Act, 1948

30. Section thirty-six (which relates to special directions as to stocking of deer forests and grouse moors) shall cease to have effect.

31. In the Third Schedule, in paragraph 1, the words " section twenty-nine or ", and in paragraph 5 the words " subsection (4) of section thirty and " shall be omitted.

Agricultural Holdings (Scotland) Act, 1949

32. For section nine there shall be substituted the following section—

" 9.—(1) Where under the lease of an agricultural holding, whether entered into before or after the commencement of this Act, provision is made for the maintenance of specified land, or a specified proportion of the holding, as permanent pasture, the landlord or the tenant may, by notice in writing served on his tenant or landlord, demand a reference to arbitration under this Act of the question whether it is expedient in order to secure the full and efficient farming of the holding that the amount of land required to be maintained as permanent pasture should be reduced.

1ST SCH. —*cont.*

(2) On a reference under the foregoing subsection the arbiter may by his award—

(*a*) direct that the lease shall have effect subject to such modifications of the provisions thereof as to land which is to be maintained as permanent pasture or is to be treated as arable land, and as to cropping, as may be specified in the direction; and

(*b*) if he gives a direction reducing the area of land which under the lease is to be maintained as permanent pasture, order that the lease shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave as permanent pasture, or should leave as temporary pasture sown with seeds mixture of such kind as may be specified in the order, such area of land (in addition to the area of land required by the lease, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the lease to be maintained as permanent pasture has been reduced by virtue of the direction."

33. In section twelve, in subsection (3) (which provides for a question whether a tenant has so exercised his rights under subsection (1) of that section as to injure or deteriorate his holding to be determined for certain purposes by the Secretary of State) for the words from " determined by the Secretary of State " to " a certificate of the Secretary of State " there shall be substituted the words " determined by arbitration; and a certificate of the arbiter "; and in subsection (5) after the words " section nine of this Act " there shall be inserted the words " or an arbiter has directed under the said section nine ".

34. In section twenty-four (which relates to the giving of notices to quit), in paragraph (*a*) of subsection (6) after the words " other purposes " there shall be inserted the words " (not being agricultural purposes) ".

35. On the appointed day, in section twenty-five—

(*a*) for references to the Secretary of State there shall be substituted references to the Land Court;

(*b*) paragraph (*a*) of subsection (2) shall cease to have effect; and

(*c*) at the end of paragraph (*b*) of subsection (2) there shall be added the words " and it is stated in the notice that it is given by reason of the matter aforesaid ".

36. On the appointed day, in section twenty-six—

(*a*) subsections (2) to (4) shall cease to have effect;

(*b*) in subsection (5) the words " the Secretary of State or " in each place where they occur shall be omitted; and

(*c*) in subsection (6) for the reference to the Secretary of State there shall be substituted a reference to the Land Court.

37. On the appointed day, for section twenty-seven there shall be substituted the following section—

" 27.—(1) An application by a landlord for the consent of the Land Court under section twenty-five of this Act to the operation

1ST SCH. —*cont.*

of a notice to quit shall be made within one month after service on the landlord by the tenant of a counter-notice requiring that subsection (1) of that section shall apply to the notice to quit.

(2) A tenant to whom has been given a notice to quit in connection with which any question arises under subsection (2) of section twenty-five of this Act shall, if he requires such question to be determined by arbitration under this Act, give notice to the landlord to that effect within one month after the notice to quit has been served on him; and where the award of the arbiter in an arbitration so required is such that the provisions of subsection (1) of section twenty-five of this Act would have applied to the notice to quit if a counter-notice had been served within the period limited by that subsection the period within which a counter-notice may be served under that subsection shall be extended up to the expiration of one month from the issue of the arbiter's award.

(3) Where such an arbitration as is referred to in the last foregoing subsection has been required by the tenant, or where an application has been made to the Land Court for their consent to the operation of a notice to quit, the operation of the notice to quit shall be suspended until the issue of the arbiter's award or of the decision of the Land Court, as the case may be.

(4) Where the decision of the Land Court giving their consent to the operation of a notice to quit, or the award of the arbiter in such an arbitration as is referred to in subsection (2) of this section, is issued at a date later than six months before the date on which the notice to quit is expressed to take effect, the Land Court, on application made to them in that behalf at any time not later than one month after the issue of the decision or award aforesaid, may postpone the operation of the notice to quit for a period not exceeding twelve months.

(5) If the tenant of an agricultural holding receives from the landlord notice to quit the holding or a part thereof and in consequence thereof gives to a sub-tenant notice to quit that holding or part, the provisions of subsection (1) of section twenty-five of this Act shall not apply to the notice given to the sub-tenant; but if the notice to quit given to the tenant by the landlord does not have effect, the notice to quit given as aforesaid by the tenant to the sub-tenant shall not have effect.

For the purposes of this subsection a notice to quit part of the holding which under the provisions of section thirty-three of this Act is accepted by the tenant as notice to quit the entire holding shall be treated as a notice to quit the holding.

(6) Where notice is served on the tenant of an agricultural holding to quit the holding or a part thereof, being a holding or part which is subject to a sub-tenancy, and the tenant serves on the landlord a counter-notice in accordance with the provisions of subsection (1) of section twenty-five of this Act, the tenant shall also serve on the sub-tenant notice in writing that he has served such counter-notice on the landlord, and the sub-tenant shall be entitled to be a party to any proceedings before the Land Court for their consent to the notice to quit."

1ST SCH. —*cont.*

38. On the appointed day, for section twenty-eight there shall be substituted the following section—

"28. For the purposes of paragraph (*d*) of subsection (2) of section twenty-five of this Act, the landlord of an agricultural holding may apply to the Land Court for a certificate that the tenant is not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and the Land Court, if satisfied that the tenant is not fulfilling his said responsibilities, shall grant such a certificate."

39. Section twenty-nine (which empowers the Secretary of State to give to the tenant of an agricultural holding, being a holding in respect of which a certificate of bad husbandry under section twenty-five of the Scottish Act of 1949 is in force, directions for securing that the holding does not further deteriorate before the termination of the tenancy) shall cease to have effect.

40. For section thirty there shall be substituted the following section—

"Penalty for breach of condition accompanying consent to notice to quit.

30.—(1) Where, on giving consent under section twenty-five of this Act to the operation of a notice to quit an agricultural holding or part of an agricultural holding, the Land Court imposed a condition under section twenty-six of this Act for securing that the land to which the notice to quit related would be used for the purpose for which the landlord proposed to terminate the tenancy, and it is proved, on an application to the Land Court on behalf of the Crown—

(*a*) that the landlord has failed to comply with the condition within the period allowed thereby, or

(*b*) that the landlord has acted in contravention of the condition,

the Land Court may by order impose on the landlord a penalty of an amount not exceeding two years' rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy, or, where the notice to quit related to a part only of the holding, of an amount not exceeding the proportion of the said two years' rent which it appears to the Land Court is attributable to that part.

(2) A penalty imposed under this section shall be a debt due to the Crown and shall, when recovered, be paid into the Exchequer."

41. On the appointed day, in section fifty-two (which empowers the Secretary of State to approve the carrying out by the tenant of certain long-term improvements)—

(*a*) for references to the Secretary of State there shall be substituted references to the Land Court;

(*b*) in subsection (2) the words from "after giving notice" to "so to do", the words from "after affording" to "appointed by the Secretary of State" and the words from "and in either case" to the end of the subsection, shall be omitted; and

(*c*) in subsection (4) the words from "after affording" to "appointed by the Secretary of State" shall be omitted.

42. In section sixty-three, in subsection (1), for the words "paragraph (ii) of section nine" there shall be substituted the words "paragraph (*b*) of subsection (2) of section nine".

1ST SCH. —*cont.*

43. On the appointed day, in section sixty-six (which empowers the Secretary of State to direct that, for the purposes of certain improvements to be carried out by the tenant, an agricultural holding shall be treated as a market garden)—

(*a*) for references to the Secretary of State there shall be substituted references to the Land Court; and

(*b*) in subsection (1) the words from " and after affording " to " appointed by the Secretary of State " shall be omitted.

44. On the appointed day, sections seventy-one and seventy-two (which respectively provide for representations to the Secretary of State as to the taking of action by him, and for proposals as to such action to be referred to the Land Court) shall cease to have effect.

Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951

45. On the appointed day in section twenty-one (as read with section twenty-four)—

(*a*) in subsections (2) and (3) for references to the Secretary of State there shall be substituted references to the Land Court;

(*b*) subsections (4) and (7) shall cease to have effect;

(*c*) in subsection (5) for paragraph (*c*) there shall be substituted the following paragraph—

" (*c*) the Scottish Land Court has not before the beginning of his period of residence protection decided whether to give or withhold consent to the operation of the notice to quit,"; and

(*d*) in subsection (6) the reference to section twenty-seven of the Scottish Act of 1949 shall be construed as a reference to that section as originally enacted and not as amended by this Act.

46. On the appointed day, in section twenty-four, in paragraph (*b*), the words from " for references to the Agricultural Land Tribunal " to " appeals thereto " and paragraph (*c*) shall be omitted.

SECOND SCHEDULE

ENACTMENTS REPEALED IN CONSEQUENCE OF THE PROVISIONS OF THIS ACT Section 10.

PART I

ENACTMENTS REPEALED ON THE PASSING OF THIS ACT

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 48.	The Corn Production Acts (Repeal) Act, 1921.	In the Schedule, paragraph (5).
10 & 11 Geo. 6. c. 48.	The Agriculture Act, 1947.	Section nine. Sections twelve to twenty-one. Section fifty-three. In section seventy-three, in subsection (3), paragraph (*c*). In section one hundred and six, in subsection (4), the words " other than the power conferred by paragraph (*a*) of

2ND SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 48.—*cont.*	The Agriculture Act, 1947 —*cont.*	subsection (1) of section twelve of this Act ". In the Second Schedule, in paragraph 1, the words " fourteen or " and in paragraph 5 the words " and subsection (5) of section fifteen ". In the Ninth Schedule, paragraph 18.
11 & 12 Geo. 6. c. 45.	The Agriculture (Scotland) Act, 1948.	In section twenty-six, subsection (1). Sections twenty-seven to thirty-four. Sections thirty-six to thirty-eight. In section sixty-three, subsection (2). Section seventy-one. In section eighty-two, in subsection (4), the words " other than the power conferred by paragraph (*a*) of subsection (1) of section twenty-seven of this Act ", and the words " of section twenty-nine or ". In the Third Schedule, in paragraph 1, the words " twenty-nine or " and in paragraph 5 the words " subsection (4) of section thirty and ".
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act, 1948.	Section twenty-eight. In section forty-seven, paragraph (*b*) of subsection (2).
12, 13 & 14 Geo. 6. c. 75.	The Agricultural Holdings (Scotland) Act, 1949.	In section seven, in subsection (3), the words " or under subsection (7) of section thirty-two of the Agriculture (Scotland) Act, 1948 ". Section twenty-nine.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.	The Income Tax Act, 1952.	In section five hundred and twenty-nine, in paragraph (*e*) of subsection (2), the words " subsection (7) of section eighteen of the Agriculture Act, 1947, and subsection (7) of section thirty-three of the Agriculture (Scotland) Act, 1948 ".
1 & 2 Eliz. 2. c. 18.	The Coastal Flooding (Emergency Provisions) Act, 1953.	Section fifteen.
2 & 3 Eliz. 2. c. 39.	The Agriculture (Miscellaneous Provisions) Act, 1954.	Section four. In section six, subsection (3). The First Schedule.
4 & 5 Eliz. 2. c. 60.	The Valuation and Rating (Scotland) Act, 1956.	Section thirty-nine.

PART II

ENACTMENTS REPEALED ON THE APPOINTED DAY

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act, 1948.	In section twenty-five, subsections (2) to (4), and in subsection (5) the words " the Minister or " in each place where they occur. In section fifty, in subsection (1), the words from " after giving notice " to " so to do ", in subsection (2), the words from " after affording " to " by the Minister " and the words from " and in either case " to the end of the subsection, and in subsection (4), the words from " after affording " to " by the Minister ". In section sixty-eight, in subsection (1), the words from " and after affording " to " by the Minister ". Sections seventy-five and seventy-six.
12, 13 & 14 Geo. 6. c. 75.	The Agricultural Holdings (Scotland) Act, 1949.	In section twenty-five, paragraph (*a*) of subsection (2). In section twenty-six, subsections (2) to (4), and in subsection (5) the words " the Secretary of State or " in each place where they occur. In section fifty-two, in subsection (2), the words from " after giving notice " to " so to do ", the words from " after affording " to " appointed by the Secretary of State " and the words from " and in either case " to the end of the subsection, and in subsection (4) the words from " after affording " to " appointed by the Secretary of State ". In section sixty-six, in subsection (1), the words from " and after affording " to " appointed by the Secretary of State ". Sections seventy-one and seventy-two.

2ND SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.	In section twenty-one, subsections (4) and (7), and in subsection (8), the words from " and the expression " to the end. In section twenty-four, in paragraph (*b*), the words from " for references to the Agricultural Land Tribunal " to " appeals thereto ", and paragraph (*c*).

Section 10.

THIRD SCHEDULE

ENACTMENTS REPEALED AS SPENT

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 48.	The Corn Production Acts (Repeal) Act, 1921.	In section one, in the proviso, paragraphs (*a*), (*b*) and (*d*). In the Schedule, in paragraph 10, sub-paragraph (ii).
10 & 11 Geo. 6. c. 48.	The Agriculture Act, 1947.	In section sixty-one, subsection (8). In section sixty-three, subsection (3). In section seventy-one, subsection (7). In section seventy-six, subsections (1) and (3). Section ninety-one. In section ninety-five, in subsection (1), the words from " or, in the case of an order " to the end of the subsection. In section ninety-eight, subsection (6). Section one hundred and ten. In section one hundred and eleven, subsection (2). The Thirteenth Schedule.

3RD SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 45.	The Agriculture (Scotland) Act, 1948.	In section thirty-five, in subsection (1), the words from " or in the case of an instrument " to the end of the subsection. In section forty-eight, subsection (5). In section sixty-eight, subsection (5). Section eighty-seven. In section eighty-eight, subsection (2). The Tenth Schedule.
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act, 1948.	In section twenty-four, subsection (3). In section thirty-four, in subsection (1), the words " or of subsection (3) thereof ".
12, 13 & 14 Geo. 6. c. 75.	The Agricultural Holdings (Scotland) Act, 1949.	In section twenty-five, subsection (3). In section thirty-five, in subsection (1), the words " or of subsection (3) thereof ".
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.	In section twenty-one, in subsections (2) and (3), the words " or subsection (3) " in each place where they occur.

FOURTH SCHEDULE

Section 10.

TRANSITIONAL PROVISIONS

1. Where, by virtue of any provision of the First Schedule to this Act, any functions of the Minister under an enactment referred to in that provision fall to be exercised after the coming into operation thereof by the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator, anything done in the exercise of those functions, in so far as it has effect immediately before the coming into operation of that provision shall, subject to the provisions of this Schedule, continue to have effect thereafter as if done by the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator, as the case may be, under the said enactment as amended by this Act.

2. Notwithstanding the repeal by this Act of section fourteen of the Act of 1947—

(*a*) a direction given by the Minister under paragraph (*a*) of subsection (1) of that section which is in force immediately before the passing of this Act shall continue in force, and the provisions of the Act of 1947 applicable for the purposes of such a direction shall continue to apply for those purposes notwithstanding the repeal by this Act of any of those provisions;

4TH SCH. —*cont.*

(*b*) the right conferred on the Minister by subsection (5) of the said section fourteen to recover the reasonable cost of work carried out before the passing of this Act in the exercise of powers conferred by that subsection shall continue to be exercisable, and subsection (6) of that section shall continue to apply in relation to disputes as to the reasonable cost of such work; and

(*c*) the Second Schedule to the Act of 1947 shall continue to apply as respects a direction given under the said section fourteen.

3. Notwithstanding the repeal by this Act of section fifteen of the Act of 1947, subsection (6) of that section shall continue to have effect as respects the right of a tenant to compensation for an improvement carried out before the passing of this Act.

4.—(1) This paragraph shall apply where, immediately before the passing of this Act, the Minister was in possession of land under section eighteen of the Act of 1947.

(2) In this paragraph—

" the landlord " has the same meaning as in the said section eighteen;

" the landlord's agreement " means the agreement, if any, regulating the Minister's possession of the land made between the Minister and the landlord under subsection (2) of the said section eighteen.

(3) The Minister shall be entitled to remain in possession of the land until the eleventh day of October, nineteen hundred and fifty-eight.

(4) If, immediately before the said eleventh day of October, the land is being farmed by a person entrusted by the Minister with the farming thereof (in this sub-paragraph referred to as " the farmer ") then, on that day—

(*a*) the farmer shall become the tenant of the land under a tenancy from year to year beginning on that day on such terms as may thereafter be agreed between the farmer and the landlord or as may, in default of agreement, be determined by arbitration under the Act of 1948; and

(*b*) the landlord's agreement and the agreement regulating the farming of the land made between the Minister and the farmer under paragraph (*b*) of subsection (2) of the said section eighteen shall each determine as if the condition specified in paragraph (*b*) of subsection (5) of that section had been satisfied.

(5) If, immediately before the said eleventh day of October, the land is being farmed by a person acting under the direction of the Minister the landlord's agreement shall determine on that day as if the landlord had served on the Minister a notice in writing under paragraph (*a*) of subsection (5) of the said section eighteen two months before that day.

(6) Notwithstanding the repeal by this Act of the said section eighteen, subsections (2) and (4) and (6) to (8) of that section shall continue to apply in relation to the land, so however that paragraph (*b*) of the said subsection (2) shall not apply in relation thereto.

5.—(1) Where, before the passing of this Act,—

(*a*) a reference to arbitration under subsection (1) of section eight of the Act of 1948 has been demanded, but

(*b*) the arbitrator has not made his award thereon,

section two of this Act shall not apply as respects the arbitration unless the reference was demanded in such circumstances that any increase or reduction of rent made in consequence thereof would take effect on or after the twenty-ninth day of September, nineteen hundred and fifty-nine.

(2) Where, as respects an arbitration under subsection (1) of the said section eight in relation to a tenancy, section two of this Act would have applied by virtue of the foregoing sub-paragraph but for the fact that the arbitrator had made his award before the passing of this Act, nothing in subsection (3) of the said section eight shall prevent a further reference to arbitration being begun in relation to that tenancy at any time after the passing of this Act.

6. Nothing in this Act shall affect the operation of the Act of 1948 as respects the giving of consent to the operation of a notice to quit an agricultural holding or part of an agricultural holding in a case where the tenant served on the landlord a counter-notice under subsection (1) of section twenty-four of that Act before the coming into operation of section three of this Act:

Provided that where, as respects any condition imposed under subsection (5) of section twenty-five of the Act of 1948 in connection with the giving of consent to the operation of such a notice to quit, the time within which the condition ought to have been complied with expires after the fourth day of March, nineteen hundred and fifty-eight, or any act is done after that date in contravention of the condition, the Act of 1948 shall have effect in relation thereto subject to the amendment specified in paragraph 13 of the First Schedule to this Act.

7. Nothing in this Act shall affect the operation of subsection (2) of section twenty-four of the Act of 1948 in a case where, before the coming into operation of section three of this Act, the Minister consented under the said section twenty-four to the operation of a notice to quit.

8.—(1) Subject to the following sub-paragraph, nothing in the provisions of this Act shall affect the operation of paragraph (*c*) of subsection (2) of section twenty-four of the Act of 1948 or of section twenty-seven thereof in a case where, before the coming into operation of section three of this Act, an application was made by a landlord under the said section twenty-seven for a certificate that the tenant was not fulfilling his responsibilities to farm in accordance with the rules of good husbandry.

(2) In so far as the said section twenty-seven continues to apply by virtue of the foregoing sub-paragraph, it shall apply as if paragraph (*b*) of subsection (2) thereof were omitted.

9. Without prejudice to the generality of paragraph 1 of this Schedule, regulations made by the Minister under section twenty-six or section fifty of the Act of 1948 in force immediately before the

4TH SCH. —*cont.*

passing of this Act shall continue in force thereafter and shall be treated as orders made by the Lord Chancellor under the said section twenty-six, or, as the case may be, the said section fifty, as amended by this Act.

10.—(1) Nothing in paragraph 5 of the First Schedule to this Act, shall affect the appointment of a chairman of an Agricultural Land Tribunal made before the passing of this Act or any proceedings before such a Tribunal commenced before the passing thereof.

(2) A panel drawn up by the Lord Chancellor before the passing of this Act under paragraph 15 of the Ninth Schedule to the Act of 1947 shall be deemed for the purposes of proceedings commenced after the passing of this Act to have been drawn up under that paragraph as amended by paragraph 5 of the First Schedule to this Act.

11. Nothing in paragraph 20 of the First Schedule to this Act shall affect the validity of the appointment of a panel of arbitrators by the Lord Chief Justice of England under sub-paragraph (3) of paragraph 1 of the Sixth Schedule to the Act of 1948; and that appointment shall continue to have effect for the purposes of the Act of 1948 until such time as a new panel is appointed under the said sub-paragraph (3) by the Lord Chancellor.

12. Nothing in this Act shall affect the operation of the Schedule to the Corn Production Acts (Repeal) Act, 1921, in a case where a notice was served under paragraph (1) of that Schedule before the passing of this Act.

13. Paragraphs 1 and 2, paragraphs 5 to 8 and paragraph 12 of this Schedule shall apply to Scotland, subject to the following modifications that is to say—

(*a*) in paragraph 1, for references to the Minister and to the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator there shall be substituted respectively references to the Secretary of State and to the Land Court or an arbiter;

(*b*) in paragraph 2, for references to the Minister, to the Act of 1947, to section fourteen of that Act, to paragraph (*a*) of subsection (1) and to subsections (5) and (6) of that section and to the Second Schedule to that Act, there shall be substituted respectively references to the Secretary of State, to the Scottish Act of 1948, to section twenty-nine of that Act, to paragraph (*a*) of subsection (1) or subsection (3) and to subsections (6) and (7) of that section and to the Third Schedule to that Act;

(*c*) in paragraph 5, for references to section eight of the Act of 1948, to the twenty-ninth day of September and to an arbitrator there shall be substituted respectively references to section seven of the Scottish Act of 1949, to the twenty-eighth day of November and to an arbiter;

(*d*) in paragraphs 6 and 7, for the references to sections twenty-four and twenty-five of the Act of 1948 and to paragraph 13 of the First Schedule to this Act there shall be substituted

respectively references to sections twenty-five and twenty-six of the Scottish Act of 1949 and to paragraph 40 of the said Schedule;

(*e*) in paragraph 8, for references to paragraph (*c*) of subsection (2) of section twenty-four of the Act of 1948 and to section twenty-seven of that Act there shall be substituted respectively references to paragraph (*d*) of subsection (2) of section twenty-five of the Scottish Act of 1949 and to section twenty-eight of that Act.

14. Notwithstanding the provisions of paragraph 37 of the First Schedule to this Act, the regulations made by the Secretary of State under section twenty-seven of the Scottish Act of 1949 in force immediately before the day appointed for the coming into operation of section three of this Act shall continue to have effect for the purposes of any proceedings consequent upon a notice to quit in a case where the tenant served on the landlord a counter-notice under subsection (1) of section twenty-five of that Act before that day.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Corn Production Acts (Repeal) Act, 1921 ...	11 & 12 Geo. 5. c. 48.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Hill Farming Act, 1946	9 & 10 Geo. 6. c. 73.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Agricultural Holdings (Scotland) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 75.
Adoption Act, 1950	14 Geo. 6. c. 26.
Mineral Workings Act, 1951	14 & 15 Geo. 6. c. 60.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.
Coastal Flooding (Emergency Provisions) Act, 1953	1 & 2 Eliz. 2. c. 18.
Agriculture (Miscellaneous Provisions) Act, 1954	2 & 3 Eliz. 2. c. 39.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Crofters (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 21.
House of Commons Disqualification Act, 1957...	5 & 6 Eliz. 2. c. 20.

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