(11) REGULATIONS AND DIRECTIONS

The Agriculture (Calculation of Value for Compensation) Regulations, 1948

1948 No. 185

Made - - - -	*24th February*, 1948
Laid before Parliament	*25th February*, 1948
Coming into Operation	*1st March*, 1948

In pursuance of subsection (1) of section twenty-five of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries, by and with the advice of the committee appointed under the provisions of subsection (2) of the said section, hereby makes the following regulations:—

1. Subject to the provisions of regulation 3 hereof, the method of calculating the value to an incoming tenant of an improvement specified in Part I of the Fourth Schedule to the Act shall be as set out in Part I of the Schedule to these regulations.

2. Subject to the said provisions of regulation 3 hereof, the method of calculating the value to an incoming tenant of any matter falling within Part II of the Fourth Schedule to the Act shall be as set out in Part II of the Schedule to these regulations.

3. The value of any such improvement or matter as aforesaid calculated in accordance with the method set out in Part I or Part II of the Schedule to these regulations, shall be reduced by such amount as may be necessary to ensure that the value so calculated does not exceed the value to an incoming tenant, in any case where:—

(*a*) the said improvement or matter has not been undertaken or carried out in accordance with the rules of good husbandry; or

(*b*) the value to an incoming tenant of the said improvement or matter has been reduced by any breach by the tenant of the rules of good husbandry, or any act or omission of the tenant, whether wilful or negligent; or

(*c*) any work carried out has not been carried out in the most efficient and economical manner practicable in all the circumstances; or

(*d*) reasonable precautions have not been taken by the tenant to ensure that the full benefit of the said improvement or matter is secured to the incoming tenant:

Provided that:

(i) no reduction shall be made by reason of the effects of seasonal conditions outside the tenant's control;

(a) 10 & 11 Geo. 6. c. 48.

(ii) in any case where manure or compost, or hay, fodder crops, straw or roots grown in the last year of the tenancy, shall have been destroyed by fire or otherwise, or sold or removed from the holding by the tenant, without the consent in writing of the landlord, after the date of a notice to quit given either by the tenant or by the landlord, there shall be deducted from the value calculated as aforesaid the reasonable cost to an incoming tenant of replacing on the holding produce of similar quantity and quality as aforesaid, less the value (if any) of such produce, calculated in accordance with the method set out in Part I or Part II of the Schedule to these regulations as if that produce had been on the holding at the date when the tenant quitted the holding at the termination of the tenancy.

4.—(1) In these regulations (including the Schedule thereto), unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

" The Act " means the Agriculture Act, 1947;

" Tenant " (except in the expression " incoming tenant ") means the outgoing tenant;

" Roots " means the produce of any root crop of a kind normally grown for consumption on the holding;

" Year " means a period of twelve consecutive calendar months.

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

5.—(1) These regulations may be cited as the Agriculture (Calculation of Value for Compensation) Regulations, 1948, and apply to England and Wales.

(2) These regulations shall come into operation on the first day of March, 1948.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 24th day of February, nineteen hundred and forty-eight.

(L.S.) *T. Williams.*

SCHEDULE

PART I

1. *Mole drainage and works carried out to secure the efficient functioning thereof*

(1) (*a*) Where the moles discharge into a piped main drain, the value shall be (subject to the provisions of sub-paragraph (2) of this paragraph) the reasonable cost of the work reduced by one-sixth part of the amount thereof for each year since the work was completed;

(*b*) Where the moles discharge direct into an open ditch (whether the outfalls are piped or not), the value shall be (subject to the provisions of sub-paragraph (2) of this paragraph) the reasonable cost of the work reduced by one-third part of the amount thereof for each year since the work was completed;

(a) 52 & 53 Vict. c. 63.

(2) The value of any work, calculated in accordance with sub-paragraph (1) of this paragraph, shall be reduced by such amount as may be necessary to ensure that the value so calculated does not exceed the value to an incoming tenant, in any case where:

(*a*) Plans on a suitable scale, made at the time when the work was done, and showing the position of all moles, mains and outfalls, are not made available to the landlord; or

(*b*) Moles were not drawn at a proper depth, having regard to the nature of the soil and subsoil; or

(*c*) Any ditches into which the outfalls discharge have not been maintained clean, free from obstruction and at a proper depth since the work was done; or

(*d*) Deep cultivation or other work interfering with the efficient functioning of the drains has been done on the land since the drainage work was completed; or

(*e*) The land is not of consistently suitable slope or soil texture for mole drainage to be effective; or

(*f*) The drainage scheme was not a proper one, having regard to all the conditions, or was not efficiently carried out; or

(*g*) For any other reason, the drainage system does not function efficiently.

2. *Protection of fruit trees against animals*

The value shall be the reasonable cost of the protection, whether around each tree or around the perimeter of the orchard or both, reduced where necessary according to:

(*a*) the existing condition of the protection;

(*b*) the existing condition of the fruit trees;

(*c*) the further period for which protection is likely to be necessary.

3. *Chalking of land*

The same as paragraph 5 hereof (*Liming of land*).

4. *Clay burning*

The value shall be the reasonable cost of the work, reduced by one-fourth part of the amount thereof for each growing season since the work was completed.

5. *Liming of land* (*also Chalking of land*)

(1) The value shall be the reasonable cost of the lime (or chalk) as applied to the land (including the cost of delivery and application), reduced by one-eighth part of the amount thereof for each growing season since application.

(2) For the purposes of the preceding sub-paragraph, the reasonable cost shall not be regarded as exceeding the estimated cost (including the cost of delivery and application) of the equivalent in burnt lime or ground limestone (as the case may be) of forty hundredweight per acre pure calcium oxide (CaO), unless in the circumstances of the case a heavier dressing was economic, and of benefit to the incoming tenant.

6. *Application to land of purchased manure* (*including artificial manure*)

(1) Where no crop has been taken from the land since the manure was applied, the value shall be the reasonable cost of the manure as applied to the land (including the cost of delivery and spreading).

(2) Where one crop or more has been taken from the land since the manure was applied, the value shall be:

(*a*) in the case of inorganic manure, the amount calculated in accordance with Table 1 hereunder for each unit of Nitrogen (N), Phosphoric Acid (P_2O_5) and Potash (K_2O) contained in the manure as stated in the relevant statutory statement given under the Fertilisers and Feeding Stuffs Act, 1926 (a);

(*b*) in the case of purchased stable or farmyard manure, two fifth parts of the reasonable cost as aforesaid after one crop only has been taken from the land since the manure was applied, reduced to nil after more than one crop has been taken as aforesaid;

(*c*) in the case of other organic manure, where there is a statutory statement under the said Fertilisers and Feeding Stuffs Act, 1926, or other certificate of analysis relating to the manure, the amount calculated in accordance with Table 2 hereunder for each unit of Nitrogen (N) and Phosphoric Acid (P_2O_5) contained in the manure as stated in the said statutory statement or the said certificate of analysis:

Provided that in the case of shoddy and similar bulky organic manure, there shall be added to the amount calculated as aforesaid an additional amount in respect of residual mechanical value not exceeding:

(i) ten shillings for each ton of manure applied, where not more than one crop has been taken from the land since the manure was applied;

(ii) five shillings for each ton of manure applied, where two crops have been taken as aforesaid:

(iii) nil, where more than two crops have been taken as aforesaid;

and the respective amounts in respect of residual mechanical value as aforesaid shall be taken into account notwithstanding that the manure has no other value under this sub-paragraph by reason of there being no statutory statement or other certificate of analysis.

(3) The value of bracken, moss litter, peat and other similar materials, purchased for the purpose of absorbing plant food from urine, increasing the bulk of farmyard manure, or improving the physical condition of the soil, shall be:

(*a*) twelve shillings for each ton of such materials as aforesaid, where no crop has been taken from the land since application;

(*b*) six shillings for each ton of such materials as aforesaid, where one crop has been taken from the land since application;

(*c*) nil, where more than one crop has been taken from the land since application.

(4) For the purposes of sub-paragraphs (1), (2) and (3) of this paragraph and Tables 1 and 2 hereunder:

(*a*) The value of any manure or material applied by the tenant to a crop for which the tenant is to be paid on the basis of the face value of the crop, shall be calculated as if that crop had been taken from the land;

(*b*) The reasonable cost of any manure and of its delivery and spreading, or the residual mechanical value, shall not exceed:

(i) the reasonable cost, or the residual mechanical value, of such quantity of manure as was reasonably necessary to be applied to the land, having regard to the rules of good husbandry, the type of farming practised on the holding, and sound economic practice; and

(ii) the reasonable cost of delivering and spreading such amount as aforesaid.

(a) 16 & 17 Geo. 5. c. 45.

TABLE 1

UNIT VALUES OF 1% OF A TON OF MANURE

	After one crop has been taken from the land	After two crops have been taken from the land	After three crops have been taken from the land	After four crops have been taken from the land
	s. d.	s. d.	s. d.	s. d.
Nitrogen :				
(*a*) Inorganic N ...	Nil	Nil	Nil	Nil
Phosphoric acid :				
(*b*) Soluble P_2O_5 ...	4 0	2 0	1 0	Nil
(*c*) Insoluble P_2O_5 ...	2 0	1 0	6	Nil
(*d*) Total P_2O_5 in other materials ...	2 0	1 0	6	Nil
Potash :				
(*e*) Total K_2O ...	2 6	1 3	Nil	Nil

Notes.—(i) The unit values in this Table are inclusive of the cost of delivery and spreading.

(ii) Unit values per ton may be calculated to the nearest shilling.

TABLE 2

UNIT VALUES OF 1% OF A TON OF MANURE

	After one crop has been taken from the land	After two crops have been taken from the land	After three crops have been taken from the land	After four crops have been taken from the land
	s. d.	s. d.	s. d.	s. d.
Nitrogen :				
(*a*) N in dried blood ...	Nil	Nil	Nil	Nil
(*b*) Organic N other than dried blood	5 0	2 6	Nil	Nil
Phosphoric Acid :				
(*c*) Total P_2O_5 in bone products ...	3 0	1 6	9	Nil
(*d*) Total P_2O_5 in other materials ...	2 0	1 0	6	Nil

Notes.—(i) The unit values in this Table are inclusive of the cost of delivery and spreading.

(ii) Unit values per ton may be calculated to the nearest shilling.

7. *Consumption on the holding of corn (whether produced on the holding or not) or of cake or other feeding stuff not produced on the holding by* (a) *horses, cattle, sheep or pigs, or* (b) *poultry folded on the land as part of a system of farming practised on the holding.*

(1) The values per ton of feeding stuff consumed set out in Table 3 hereunder shall apply in all cases where feeding stuffs are fed to dairy cattle in cowhouses, or to other stock in open yards, under satisfactory conditions which provide:

(*a*) that the urine is conserved;

(*b*) that the dung is well made and protected from loss in the heap; and

(*c*) that both urine and dung are effectively used, and that there is sufficient land with the farm to allow adequate returns from the manure made.

(2) Where sub-paragraph (1) of this paragraph is not applicable, the values set out in the said Table 3 shall be adjusted in accordance with Table 4 hereunder.

(3) Poultry folded on the land as part of a system of farming practised on the holding shall be treated as " stock other than milking cows."

(4) After more than one crop has been taken from the land, the values set out in Table 3 hereunder shall be reduced to nil in each case.

TABLE 3

Feedingstuff	Value per ton of feeding-stuff consumed	
	Before one crop has been taken from the land	After one crop has been taken from the land
	£ s. d.	£ s. d.
Dec. cotton cake	1 16 0	18 0
Undec. cotton cake (Egyptian)	1 3 0	11 6
Undec. cotton cake (Bombay)	1 2 0	11 0
Linseed cake	1 4 0	12 0
Linseed	1 0 0	10 0
Soya-bean cake	1 11 0	15 6
Palmnut cake	13 0	6 6
Coconut cake	1 0 0	10 0
Earthnut cake	1 13 0	16 6
Rape cake	1 7 0	13 6
Meat meal	2 6 0	1 3 0
Fish meal	2 17 0	1 8 6
Beans	19 0	9 6
Peas	16 0	8 0
Wheat	10 0	5 0
Barley	9 0	4 6
Oats	9 0	4 6
Maize	8 0	4 0
Rice meal	9 0	4 6
Locust beans	8 0	4 0
Malt	10 0	5 0
Malt culms	1 4 0	12 0
Bran and other offals of wheat	1 3 0	11 6
Brewers' grains (dried)	15 0	7 6
Brewers' grains (wet)	4 0	2 0
Clover hay	13 0	6 6
Meadow hay	10 0	5 0
Dried grass and meal	16 0	8 0
Mangolds	2 0	1 0
Swedes	2 0	1 0
Turnips	2 0	1 0
Sugar-beet pulp (dry)	6 0	3 0
Sugar-beet pulp (wet)	1 0	6
Potatoes	3 0	1 6
Straw, pea-straw and pods, and bean-straw	12 0	6 0
Compound cakes and meals for each 1% of albuminoid (proteins)	10	5
Thus: 18% albuminoids	15 0	7 6
Thus: 24% albuminoids	1 0 0	10 0
Thus: 30% albuminoids	1 5 0	12 6

TABLE 4

	Feedingstuffs fed to Milking Cows	Feedingstuffs fed to stock other than Milking Cows
(*a*) Feedingstuffs fed directly on the land ...	As Table 3 ...	Add one-third
(*b*) Feedingstuffs fed under cover under satisfactory conditions.	As Table 3 ...	Add one-third
(*c*) Feedingstuffs fed in open yards under satisfactory conditions.	Subtract one-third.	As Table 3
(*d*) Conditions unsatisfactory	Subtract up to two-thirds.	Subtract up to one-half.

PART II

8. *Growing crops and severed or harvested crops and produce, being in either case crops or produce grown on the holding in the last year of the tenancy, but not including crops or produce which the tenant has a right to sell or remove from the holding*

(1) Growing crops:—

The value shall be the reasonable cost of seeds sown, and cultivations, fallows and acts of husbandry performed, calculated in accordance with the provisions of paragraph 9 hereof.

(2) Severed or harvested crops and produce:—

The value shall be the average market value on the holding during that season of hay, fodder crops, straw, roots and other crops or produce of good quality, less the manurial value thereof calculated in accordance with Table 3 above, on the basis that no crop has been taken from the land:

Provided that the value so calculated shall be reduced by such amount as may be necessary to ensure that the value so calculated does not exceed the value to an incoming tenant in any case where:

(*a*) The crops or produce are of inferior quality; or

(*b*) the quantity of any kind of crops or produce exceeds the quantity reasonably required for the system of farming practised on the holding; or

(*c*) the crops or produce are not left in convenient or proper places on the farm; or

(*d*) any hay or straw is not properly stacked and thatched or otherwise protected.

(3) The value of farmyard manure or compost made on the farm shall be the reasonable expenditure incurred by the tenant in loading, carting, heaping and spreading such manure or compost on land from which no crop has been taken.

9. *Seeds sown and cultivations, fallows and acts of husbandry performed on the holding at the expense of the tenant*

(1) The value shall be the reasonable cost of seeds sown and of cultivations, fallows and acts of husbandry performed, taking into account:—

(*a*) normal current costs as aforesaid, having regard to the current agricultural wage, the cost of horse and tractor operations, the size and shape of the fields, and other relevant conditions;

(*b*) reasonable costs of hired tractor or steam cultivations;

(*c*) increased costs over normal tractor rates, where owing to the size of the farm or fields, the shape of the fields, or to other special circumstances, it was reasonable to use horse labour.

(2) For the purposes of the preceding sub-paragraph, the reasonable cost as aforesaid shall not be regarded as including:—

(*a*) any expenditure incurred by the tenant up to and including the removal from the land of the last preceding crop; or

(*b*) any rent paid by the tenant.

(3) For the purposes of sub-paragraph (1) of this paragraph, the reasonable cost as aforesaid shall not be regarded as reduced by reason only of the fact that more than one operation was carried out by the tenant at the same time.

10. *Pasture laid down with clover, grass, lucerne, sainfoin or other seeds, where either the pasture was laid down at the expense of the tenant or was paid for by the tenant on entering the holding:*

Provided that this paragraph does not include pasture laid down at the expense of the tenant in compliance with an obligation imposed on him by an agreement in writing to lay down the pasture to replace temporary pasture comprised in the holding when the tenant entered thereon which was not paid for by him.

(1) Where no crop has been removed either by mowing or by grazing, the value shall be the reasonable cost of seeds sown, and cultivations, fallows and acts of husbandry performed, calculated in accordance with the provisions of paragraph 9 hereof, except that the provisions of sub-paragraph (*a*) of sub-paragraph (2) of that paragraph shall not operate to exclude any expenditure incurred solely for the benefit of the pasture before the removal of any crop in or with which the pasture was sown.

(2) Where one crop or more has been removed either by mowing or by grazing, the value shall be the face value of the pasture, taking into account:—

(*a*) present condition;
(*b*) management since sowing;
(*c*) situation on the holding;
(*d*) fencing;
(*e*) water supply;
(*f*) any other circumstances appearing to be relevant.

11. Paragraphs 8 to 10 of this Part of the Schedule do not include crops or produce grown, seeds sown, cultivations, fallows or acts of husbandry performed, or pasture laid down in contravention of the terms of a written contract of tenancy unless the tenant shows that the term of the contract contravened was inconsistent with the fulfilment of the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry:

Provided that this paragraph does not apply to anything the doing of which was reasonably necessary in consequence of the giving of a direction under the Act.

EXPLANATORY NOTE

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

These Regulations are made under section 25 (1) of the Agriculture Act, 1947, with the advice of the committee appointed to advise the Minister of Agriculture and Fisheries as to the provisions to be included in the Regulations, under section 25 (2) of the Act.

The Regulations prescribe the method of calculating the value to an incoming tenant of the various improvements and other matters set out in Parts I and II of the Fourth Schedule to the Act respectively. Such value constitutes the basis for the payment of compensation to an outgoing tenant for those improvements and other matters, as provided in the Act.

The Regulations come into force on 1st March, 1948, the date on which Part III of the Act comes into force.