The Agriculture (Certificates of Bad Husbandry) Regulations, 1948

1948 No. 189

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

The Minister of Agriculture and Fisheries, in pursuance of section thirty of the Agriculture Act, 1947(a), and of paragraphs two and three of the Fifth Schedule thereto, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. An application to the Minister for a certificate under paragraph (*a*) of subsection (1) of section thirty of the Act shall be made in writing, signed by the applicant and served on the Secretary of the Committee, and shall set forth in detail the reasons for the application.

2. The period at the expiration of which the Minister shall, if he has not given notice in writing to the landlord and to the tenant that he proposes to grant or refuse the certificate and has not made an order having the like effect as a supervision order under Part II of the Act, be deemed to have given notice in writing to the landlord and to the tenant that he proposes to refuse the certificate, shall be six weeks from the date of service of the application under the preceding regulation.

3.—(1) In these regulations, the following expressions have the meanings hereby assigned to them:—

" The Act " means the Agriculture Act, 1947;

" The Minister " means the Minister of Agriculture and Fisheries;

" The Committee " means the County Agricultural Executive Committee for the administrative county in which is situated or deemed to be situated the holding affected by the application, or (in case the said holding is situated or deemed to be situated in more than one administrative county) in which is situated or deemed to be situated the greater part of the said holding.

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

4.—(1) These regulations may be cited as the Agriculture (Certificates of Bad Husbandry) 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.*

EXPLANATORY NOTE

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

Section 30 (1) (*a*) of the Agriculture Act, 1947, provides that an application may be made to the Minister of Agriculture and Fisheries, not more than six months before the giving of a notice to quit, for a certificate that the Minister is satisfied that the tenant of a holding is not fulfilling his responsibilities to farm in accordance with the rules of good husbandry. The grant of such a

(a) 10 & 11 Geo. 6. c. 48. (b) 52 & 53 Vict. c. 63.

certificate, if the notice to quit states that it is given by reason thereof, affords one of several grounds (enumerated in section 30 (1) of the Act) upon which compensation for disturbance does not fall to be paid by the landlord to the tenant, and upon which the tenant's right to require the landlord to obtain the Minister's consent to the notice to quit (under section 31 of the Act) is defeated.

The procedure relating to applications for certificates of bad husbandry is dealt with in the Fifth Schedule to the Act, wherein the Minister is empowered to prescribe the manner in which such applications are to be made. This power is exercised in regulation 1 of the present Regulations. The Minister is also empowered to prescribe a period at the expiration whereof, if he has not taken one of the courses of action open to him on the application, he shall be deemed to have given notice that he proposes to refuse the certificate. This power is exercised in regulation 2 of the present Regulations.

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

The Agriculture (Control of Notices to Quit) Regulations, 1948

1948 No. 190

Made - - - -	*24th February*, 1948
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In pursuance of subsection (8) of section thirty-one of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries hereby makes the following regulations:—

1. An application for the Minister's consent to the operation of a notice to quit under section thirty-one of the Act. made by a landlord before the giving of the said notice, shall be made not less than three months and not more than twelve months before the commencement of the period of twelve months at the expiration of which the notice to quit is intended to have effect.

2. An application for the Minister's consent to the operation of a notice to quit under section thirty-one of the Act, made by a landlord after service upon him by the tenant of a notice in writing in that behalf under the said section, shall be made within one month from the date of the service of the said notice.

3. Any application for the Minister's consent under the two preceding regulations shall be made in writing in the form set out in the Schedule hereto and signed by the person making the application, and shall be served upon the Secretary of the Committee.

4. In any case where it is stated in a notice to quit that the notice is given for one or more of the reasons specified in the next following regulation, it shall be open to the tenant, within one month from the giving of the notice to quit, to serve on the landlord a notice in writing requiring any question arising out of the reason stated in the notice to quit to be determined by arbitration under the Act of 1923.

5. The preceding regulation shall apply where it is stated in the notice to quit that it is given for one or more of the following reasons:—

(*a*) that at the date of the giving of the notice to quit the tenant had failed to comply with a notice in writing served on him by the landlord

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