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

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.

requiring him within two months from the service of the notice to pay any rent due in respect of the holding, or within a reasonable time or within such reasonable period as may be specified in the notice to remedy any breach by the tenant which was capable of being remedied of any term or condition of his tenancy which was not inconsistent with the fulfilment of his responsibilities to farm in accordance with the rules of good husbandry;

(*b*) that at the said date the interest of the landlord in the holding had been materially prejudiced by the commission by the tenant of a breach which was not capable of being remedied of any term or condition of the tenancy which was not inconsistent as aforesaid;

(*c*) that the land is required for a use, other than for agriculture, for which permission has been granted on an application made under the enactments relating to town and country planning, or for which (otherwise than by virtue of any provision of those enactments) such permission is not required.

6. In any case where the tenant requires a question to be determined by arbitration under regulation 4 hereof, and the provisions of subsection (1) of section thirty-one of the Act apply to the case in consequence of such arbitration, the period within which a notice in writing may be served by the tenant on the landlord under the said subsection shall be one month from the termination of such arbitration.

7. In any case where the tenant requires a question to be determined by arbitration under regulation 4 hereof, or where the landlord or the tenant requires the Minister's decision to withhold or to give his consent to the operation of a notice to quit to be referred to the Agricultural Land Tribunal under subsection (6) of section thirty-one of the Act, the operation of the notice to quit shall be suspended until the termination of any such arbitration or reference to the Agricultural Land Tribunal as aforesaid.

8. In any case where a notice to quit has effect in consequence of any such arbitration or reference as is referred to in the preceding regulation, and the arbitration or the reference terminates within six months before the date when the notice to quit has effect, it shall be open to the arbitrator or the Agricultural Land Tribunal, whether or not an application in writing in that behalf is made to him or to them by the tenant within one month from the termination of the arbitration or the reference, to postpone the date at which the tenancy is to be terminated by the notice to quit by any period not exceeding twelve months.

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

Provided that where under section twenty-seven of the Act of 1923 a tenant accepts a notice to quit part of his holding as a notice to quit the entire holding, and where under the proviso to subsection (2) of section one hundred and forty of the Law of Property Act, 1925(a), a tenant accepts a notice to quit served by the owner of a severed part of the reversion as a notice to quit the entire holding, then any such notice as aforesaid shall, for the purposes of this regulation, be deemed to be a notice to quit the entire holding given to the tenant by his landlord.

(a) 15 & 16 Geo. 5. c. 20.

(2) Any such notice to quit given to a sub-tenant by a tenant as is mentioned in paragraph (1) of this regulation, shall not have effect where the notice to quit given to the said tenant by his landlord does not have effect.

(3) Where the Minister gives to such a tenant as is mentioned in paragraph (1) of this regulation a notice stating that he proposes to grant or withhold his consent to the operation of a notice to quit given or to be given to the tenant by his landlord, and informing the tenant of his right to make representations to the Minister, then (whether or not notice to quit has been given by the tenant to the sub-tenant) the said notice of the Minister shall be deemed also to have been given to the sub-tenant on the same day on which it was given to the tenant, for the purpose of affording to the sub-tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister.

(4) Where the Minister gives to such tenant as aforesaid a notice of his decision to grant or withhold his consent to the operation of a notice to quit given or to be given to the tenant by his landlord, and either the landlord or the tenant duly requires that the matter shall be referred to the Agricultural Land Tribunal, then (whether or not notice to quit has been given by the tenant to the sub-tenant) if the sub-tenant, at any time before the hearing by the Agricultural Land Tribunal of the matter referred to them as aforesaid, serves on the Secretary of the Committee, the Secretary of the Agricultural Land Tribunal and the person requiring the reference as aforesaid, a statement in writing of his intention to be present and to be heard at any such hearing by the Agricultural Land Tribunal, he shall have the right to be present and to be heard (either in person or by his representative) and shall be treated in all respects as an applicant at any such hearing.

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

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

"The Act" means the Agriculture Act, 1947;

"The Act of 1923" means the Agricultural Holdings Act, 1923(a);

"The Committee" means the County Agricultural Executive Committee for the administrative county in which the holding is situated or deemed to be situated, or (in case the 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;

"The Agricultural Land Tribunal" means the Agricultural Land Tribunal established for the appropriate area or the appropriate division of an area under the provisions of section seventy-three of the Act;

"Termination" means:

(*a*) in relation to an arbitration under the Act of 1923, the date on which the final award of the arbitrator is delivered to the tenant, or (where there are proceedings in any court arising out of or consequent upon the award) the above mentioned date or such later date as the Minister may determine in any particular case;

(*b*) in relation to a reference of any matter to the Agricultural Land Tribunal, the date on which the final determination of the Agricultural Land Tribunal is forwarded to the tenant;

and "terminates", in relation to such an arbitration and such a reference as aforesaid, has a corresponding meaning.

(a) 13 & 14 Geo. 5. c. 9.

(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.

11.—(1) These regulations may be cited as the Agriculture (Control of Notices to Quit) 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

Form of application for the Minister's Consent to the Operation of a Notice to Quit

To the Secretary of the ..... County Agricultural Executive Committee:

I, the undersigned .....

of .....

hereby apply under section 31 of the Agriculture Act, 1947, for the consent of the Minister of Agriculture and Fisheries to the operation of a notice to quit which I $\frac{\text{desire to give}}{\text{have given}}$ to my tenant, namely .....

of ..... on the .....

day of ..... 19..... to expire on the .....

day of ..... 19..... in respect of the holding known as

.....

.....

The grounds upon which the notice to quit $\frac{\text{is to be}}{\text{has been}}$ given are the following(a):—

.....

.....

.....

.....

This application is made pursuant to a notice in writing served on me by the tenant on the ..... day of ..... 19.....(b).

(Signed) .....

(Date) .....

NOTES: (a) If possible, reference should be made here to any of the paragraphs (*a*) to (*e*) of section 31 (3) of the Agriculture Act, 1947, which may be considered appropriate.

(b) If the application for the Minister's consent is made before the giving of the notice to quit, this last sentence should be deleted.

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

EXPLANATORY NOTE

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

Section 31 of the Agriculture Act, 1947, lays down the general rule that notice to quit a holding or part of a holding is ineffective unless the Minister of Agriculture and Fisheries consents to the notice, either before it is given, or, if the tenant so requires in accordance with the provisions of the section, after it is given. Accordingly, it is necessary to provide for the making of application by landlords to the Minister for his consent to the operation of notices to quit; and the present regulations 1, 2 and 3 (made pursuant to the power conferred by section 31 (8) (*b*) of the Act) prescribe the time and the manner for the making of such applications.

The same section 31 specifies a number of conditions in which the tenant does not have the protection afforded by the requirement of the Minister's consent to the operation of notices to quit, if the particular conditions applicable to a given case are stated in the notice to quit. It is provided in section 31 (8) (*a*) of the Act that the Minister may make regulations to enable a tenant to submit to arbitration the question whether a notice to quit purporting to be given under one or more of such conditions was properly so given; and this is covered by the present regulations 4 and 5. It is, of course, possible that as a result of such an arbitration, the notice to quit is found not to have been properly given under any of the aforesaid conditions, so that the tenant is, after all, entitled to require that the Minister's consent be obtained. In such a case, regulation 6 (made under the power conferred by section 31 (8) (*a*) of the Act) extends the period within which the tenant may so require.

The possibility of arbitration proceedings, and of a reference to the Agricultural Land Tribunal by a landlord or a tenant who is dissatisfied by a decision of the Minister upon an application for his consent under these Regulations, necessitates that the operation of a notice to quit which may be *sub judice* at the time it is to have effect should be suspended until the determination of the proceedings. Accordingly, regulation 7 so provides, in exercise of the power conferred by section 31 (8) (*c*) of the Act. Somewhat similarly, regulation 8 (made under section 31 (8) (*d*) of the Act) provides for the postponement by the appropriate tribunal of the date of operation of a notice to quit where its finding upon the question referred to it is not given until less than six months before the date on which the notice would otherwise have taken effect.

Regulation 9 (made under section 31 (8) (*c*) of the Act) contains a number of provisions which apply only where there is a sub-tenancy, and are directed generally to safeguarding the interest of sub-tenants whose immediate lessors have been served with notice to quit.

In the ordinary case, a sub-tenant who has himself been given notice to quit by his immediate lessor will be entitled to the same protection under the provisions of section 31 of the Act, and under the same conditions, as any other tenant; but this regulation excludes the application of those provisions to a sub-tenant who has been given notice to quit by a tenant who has himself been given notice to quit by his landlord. It is provided in such a case that the sub-tenant's notice to quit shall stand or fall with the tenant's notice to quit, so that (for example) if the Minister refuses his consent to the operation of the latter notice, the former notice will also have no effect. It is further provided that the sub-tenant shall have an opportunity of making representations to the Minister and of being heard

by the Agricultural Land Tribunal in certain cases where his immediate lessor has been given notice to quit by the landlord.

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

The Agriculture (Maintenance, Repair and Insurance of Fixed Equipment) Regulations, 1948

1948 No. 184

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

In pursuance of subsection (1) of section thirty-seven of the Agriculture Act, 1947(a) (hereinafter called " the said Act "), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries (hereinafter called " the Minister "), after consultation with such bodies of persons as appear to him to represent the interests of landlords and tenants of holdings, hereby makes the following regulations:—

1. The provisions set forth in the Schedule hereto relating to the maintenance, repair and insurance of fixed equipment, shall be deemed to be incorporated in every contract of tenancy of a holding, whether made before or after the commencement of Part III of the said Act, except in so far as they would impose on one of the parties to an agreement in writing a liability which under the agreement is imposed on the other:

Provided that where the interest of the landlord is held for the purposes of a Government department, or a person representing His Majesty or the Duke of Cornwall under sections forty-three to forty-five of the Agricultural Holdings Act, 1923(b), is deemed to be the landlord, or where the landlord has made provision approved by the Minister for defraying the cost of any such works of repair or replacement as are referred to in paragraph 2 of the Schedule hereto, the provisions of the said paragraph 2 requiring the landlord to insure against loss or damage by fire shall not apply.

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

3.—(1) These regulations may be cited as the Agriculture (Maintenance, Repair and Insurance of Fixed Equipment) 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.*

(a) 10 & 11 Geo. 6. c. 48. (b) 13 & 14 Geo. 5. c. 9. (c) 52 & 53 Vict. c. 63.