EXPLANATORY NOTE

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

This Order implements the recommendation of the Committee on Agricultural Valuation(a) to add to Part II of the Fourth Schedule to the Agricultural Holdings Act, 1948, the acclimatisation, hefting or settlement of hill sheep on hill land, thereby conferring on tenants of agricultural holdings a statutory right to compensation therefor in appropriate cases. Article 4 of the Order contains provisions relating to tenancies current when the Order takes effect, and certain consequential provisions relating thereto. Briefly, the new provisions of Part II of the Fourth Schedule will not apply to a tenant in occupation of a holding when the Order takes effect, unless he so elects; while an election already made before the Order takes effect, to apply the existing provisions of Part II of the Fourth Schedule to a "sitting tenant", will not operate to apply the new provisions, for which a specific election will be required in the case of such "sitting tenants".

The Order has been made after consultation, as required by the Act of 1948, with bodies representative of landlords and tenants of agricultural holdings.

The Agriculture (Control of Notices to Quit) (Service Men) Regulations, 1951

1951 No. 1786

Made - - - -	*2nd October*, 1951
Laid before Parliament	*5th October*, 1951
Coming into Operation	*5th October*, 1951

In pursuance of subsection (1) of Section 26 of the Agricultural Holdings Act, 1948(b), as applied by subsection (6) of Section 21 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(c), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries hereby makes the following Regulations:—

1. These Regulations may be cited as the Agriculture (Control of Notices to Quit) (Service Men) Regulations, 1951, and the Agriculture (Control of Notices to Quit) Regulations, 1948(d), and these Regulations may be cited together as the Agriculture (Control of Notices to Quit) Regulations, 1948-51.

2. These Regulations shall come into operation on the fifth day of October, 1951.

3.—(1) Except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

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

"the Minister" means the Minister of Agriculture and Fisheries.

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

(a) Second Report, H.M.S.O. (1950).
(b) 11 & 12 Geo. 6. c. 63.
(c) 14 & 15 Geo. 6. c. 65.
(d) S.I. 1948 (No. 190) I, p. 66.
(e) 52 & 53 Vict. c. 63.

4. Where by reason of the modification of Section 24 of the Act (which in certain circumstances makes a notice to quit an agricultural holding ineffective unless the landlord has obtained the consent of the Minister to its operation), by Section 21 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, subsection (1) of the aforesaid Section 24 applies in any case in which, but for the modification, the existence of circumstances such as are mentioned in subsections (2) and (3) of the aforesaid Section 24 would have excluded the application of the subsection, the Agriculture (Control of Notices to Quit) Regulations, 1948 (hereinafter referred to as the principal regulations), shall apply, subject to the modifications set out in the succeeeding paragraphs.

(1) Regulation 6 of the principal regulations shall not apply, but in any case where the tenant requires a question to be determined by arbitration under Regulation 4 of the principal regulations the period within which a counter-notice in writing may be served by the tenant on the landlord under subsection (1) of Section 24 of the Act shall expire one month after the termination of such arbitration.

(2) Where, on an application by a landlord for the Minister's consent to the operation of a notice to quit, it appears to the Minister that the notice to quit was given for one or more of the reasons set out in Regulation 5 of the principal regulations, and that it is expedient that any question arising out of those reasons should be determined by arbitration between the landlord and tenant under the Act before he considers whether to give or withhold his consent to the operation of the notice to quit, he may require that any such question shall be determined accordingly.

(3) Where a notice to quit has been given for any of the reasons set out in Regulation 5 of the principal regulations and the tenant has duly served a counter-notice under subsection (1) of Section 24 of the Act, the form of application by the landlord for the Minister's consent to the operation of the notice to quit prescribed by Regulation 3 of the principal regulations shall be deemed to include a requirement to state as far as practicable for which of the reasons notice to quit was given, and if any question arising out of them has been determined by arbitration, the determination.

(4) Regulation 8 of the principal regulations shall not apply, but in any case where a notice to quit has effect in consequence of the Minister's consenting thereto, or in consequence of such reference to the Agricultural Land Tribunal as is referred to in Regulation 7 of the principal regulations, and the consent is given, or the reference terminates, within six months before the date when the notice to quit has effect, it shall be open to the Minister, 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 giving of the consent or the termination of 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.

In Witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this second day of October, nineteen hundred and fifty-one.

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

EXPLANATORY NOTE

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

Section 24 (1) of the Agricultural Holdings Act, 1948, provides that a notice to quit an agricultural holding shall not have effect, if the tenant serves on the landlord a counter-notice not later than one month from the giving of the notice, unless the Minister of Agriculture and Fisheries consents to its operation. Section 25 of that Act requires the Minister to withhold his consent unless he is satisfied, in accordance with the provisions of that Section, that the notice to quit ought to have effect. To this general rule there are certain exceptions which are set out in subsections (2) and (3) of Section 24.

Section 21 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, modifies Section 24 of the Agricultural Holdings Act, 1948, by providing that, where the tenant of an agricultural holding is performing a period of service and occupying the farmhouse comprised in the holding, firstly, the consent of the Minister may also be required in the exceptional cases referred to above, and, secondly, that he may take into consideration in these cases how far the circumstances are attributable to the service man's absence on service, and, thirdly, that he may take into consideration in all cases special hardship attributable to the service man performing a period of service.

The Agriculture (Control of Notices to Quit) Regulations, 1948, relate to matters arising under Sections 24 and 25. These are now modified so that they may apply to certain of the previous exceptions. In three of these cases, namely, notices stated to be given for the reasons set out in paragraphs (*b*), (*d*) and (*e*) of subsection (2) of Section 24, the tenant could require any question arising out of the reason stated to be referred to arbitration. Although such arbitration will no longer determine whether notice to quit given on those grounds should be effective or not, a service man occupying the farmhouse on his holding who receives notice to quit on any of those grounds may, if he so desires, still require a question to be referred to arbitration, and these Regulations accordingly extend the period within which a counter-notice may be given, until one month after the termination of the arbitration. The Regulations also provide that if the tenant has given his counter-notice within one month, and the Minister finds that it is a case which the tenant could have referred to arbitration and that it is desirable for questions arising out of the reasons for the notice to be determined before he decides whether to give or withhold his consent, he may require that the questions shall be determined by arbitration. There are also consequential modifications amending the prescribed form of application for the Ministers' consent to the operation of a notice to quit, and providing that either the Minister or, if the case is referred to them, an Agricultural Land Tribunal may postpone the date at which the tenancy is to be terminated by notice to quit to which consent has been given.