EXPLANATORY NOTE

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

Section 37 (1) of the Agriculture Act, 1947, empowers the Minister of Agriculture and Fisheries, after consultation with such bodies of persons as appear to him to represent the interests of landlords and tenants of holdings, to make regulations prescribing terms as to the maintenance, repair and insurance of fixed equipment, which are to be deemed to be incorporated in every contract of tenancy of an agricultural holding. These terms are set forth in the Schedule to the present regulations. They divide between the landlord and tenant of a holding the responsibility for maintaining, repairing and insuring the fixed equipment, and impose upon each party certain specific liabilities in that regard. They do not apply where an agreement in writing is in existence or is made which imposes on one of the parties to the agreement a liability which the prescribed terms would impose on the other. Where, however, an agreement in writing, whether made before or after the commencement of Part III of that Act, substantially modifies the rights and liabilities of the parties under these regulations, it is open to either party to refer the matter to arbitration under Section 37 (2). On such a reference the arbitrator must consider whether the substantial modifications are justifiable having regard to the circumstances of the holding and of the landlord and tenant. If he considers they are not justifiable he may vary the existing terms of the agreement with respect to the maintenance, repair and insurance of fixed equipment in such manner as seems to him to be just and reasonable between landlord and tenant and make any consequential adjustment in the rent.

The regulations come into operation on 1st March, 1948, the date on which Part III of the Agriculture Act, 1947, comes into operation.

The Agriculture (Making of Representations) Regulations, 1948

1948 No. 191

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 subsections (3) and (4) of section one hundred and four of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. Where the Minister has given to any person a notice specifying any action proposed to be taken and informing him of his right to make representations, that person may within ten days from the date of the giving of such notice make representations to the Minister in writing, by serving on the Secretary of the Committee a statement setting forth in detail the matters which he desires the Minister to consider before taking the action in question.

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

2. Whether or not representations are made to the Minister in writing pursuant to the preceding regulation, the person to whom notice as aforesaid has been given by the Minister may, within ten days from the date of the giving of such notice, serve on the Secretary of the Committee a request in writing signed by him that an opportunity be afforded to him of being heard by a person appointed by the Minister for the purpose.

3. The provisions of the two preceding regulations shall have effect, in any case where notice as aforesaid shall have been given by the Minister to a smallholdings authority pursuant to subsection (2) of section fifty-seven of the Act, or to any person pursuant to subsection (4) of section eighty-five or subsection (4) of section eighty-six of the Act, as though for any reference to the Secretary of the Committee there were substituted a reference to the Minister.

4.—(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 agricultural land affected by the proposed action of the Minister, or (in case the said land 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 land.

(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 (Making of Representations) 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.)

The Agriculture Act, 1947, provides for the taking of certain courses of action by the Minister of Agriculture and Fisheries, only after affording the persons concerned an opportunity to make representations to the Minister, written or oral or both. Section 104 of the Act empowers the Minister to prescribe the time and the manner in which such written representations are to be made, and the time and the manner in which a request for an oral hearing is to be made. The present Regulations are made in the exercise of that power. They come into operation on 1st March, 1948.

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