The Agriculture (Reference to Agricultural Land Tribunals) Regulations, 1948

1948 No. 193

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 sub-section (6) of section thirty-one and sub-section (1) of section seventy-four of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. Where a person is empowered by any of the provisions of the Act to require that a decision of the Minister or a proposal of the Minister to take any action shall be referred to the Agricultural Land Tribunal, that person may, within fourteen days from the date when the Minister gives notice or is deemed to have given notice of his decision or his proposal to take such action, serve on the Secretary of the Committee a request in writing that the decision or proposal be referred to the Agricultural Land Tribunal:

Provided that any request in writing under this regulation that a proposal of the Minister of which notice is given by him under subsection (4) of section eighty-five or subsection (5) of section eighty-six of the Act be referred to the Agricultural Land Tribunal, shall be served within the time aforesaid on the Minister.

2.—(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 Agricultural Land Tribunal" means the Agricultural Land Tribunal established for any area, or any division of an area, under the provisions of section seventy-three of the Act;

"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 decision or 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(b), 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 (Reference to Agricultural Land Tribunals) 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) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

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

The Agriculture Act, 1947, provides that proposals of the Minister of Agriculture and Fisheries to take certain courses of action may be referred by the persons concerned to the Agricultural Land Tribunal. Section 74 of the Act empowers the Minister to prescribe the time and the manner in which such persons may require a proposal to be so referred. In one case, it is the decision, and not the proposal, of the Minister which may be so referred: this is the case of a decision to grant or withhold consent to a notice to quit under section 31 of the Act, and in this case the power to prescribe the time and the manner of requiring a reference to the Tribunal is contained in section 31 (6). The present Regulations are made in the exercise of these powers. The period laid down is 14 days from the date when the Minister gives notice of his proposal or decision, or is deemed to have given such notice. The latter words are inserted to cover cases where no notice whatever has been given by the Minister before the expiration of prescribed time-limits, and he is then deemed to have given notice of a proposal in one sense or another: see, for example, sections 16 (3) and 19 (4) of the Act, and paragraph 3 of the Fifth Schedule thereto. Requests for reference to the Agricultural Land Tribunal are to be served on the Secretary of the appropriate County Agricultural Executive Committee, except in cases arising under section 85 of the Act (which deals with the retention by the Minister of land of which he is in possession) or section 86 (which deals with the control of subdivision of agricultural units, and which is in force only during any such period as the Minister may by order determine). In these two cases, the requests for reference to the Tribunal are to be served on the Minister.

These Regulations do not relate to applications under section 21 (2) (*b*) of the Act, for a determination by the Tribunal that some person should be treated as the owner of land other than the person who would otherwise be so treated. Such applications are dealt with in the Agriculture (Procedure of Agricultural Land Tribunals) Order, 1948 (S.I. 1948 No. 186)(**a**).

These Regulations come into operation on 1st March, 1948, the date on which Parts II and III of the Act come into operation.

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(4) AGRICULTURAL MARKETING

The Hops Marketing Scheme (Amendment) Order, 1948
1948 No. 642

Made - - - - 25*th March*, 1948
Coming into Operation 1*st April*, 1948

The Minister of Agriculture and Fisheries, in exercise of the powers vested in him under Section 1 of the Agricultural Marketing Act, 1931, hereby makes the following Order:— 21 & 22 Geo. 5. c. 42.

1. The Amendment of the Hops Marketing Scheme, 1932(**b**) [as amended by the Hops Marketing Scheme (Amendment) Order, 1934(**c**), the Hops Marketing Scheme (Amendment) Order, 1939(**d**), and the Hops Marketing Scheme (Amendment) Order, 1945(**e**)] in the manner set forth in the Schedule hereto is hereby approved.

(**a**) Page 13 above.
(**b**) S.R. & O. 1932 (No. 505) p. 24.
(**c**) S.R. & O. 1934 (No. 841) I, p. 14.
(**d**) S.R. & O. 1939 (No. 444) I, p. 24.
(**e**) S.R. & O. 1945 (No. 1486) I, p. 1.