4.—(1) The Interpretation Act, 1889(a), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) These regulations may be cited as the Agriculture (Special Directions) (Delegation to County Agricultural Executive Committees) Regulations, 1948, and shall come into operation on the 31st day of July, 1948.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 30th day of July, 1948.

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

EXPLANATORY NOTE

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

By Section 95 of the Agriculture Act, 1947, the Minister of Agriculture and Fisheries can take power by Order to give directions to persons occupying or entitled to occupy agricultural land as to the use of such land for agriculture, and the manner in which and the produce for which it is to be so used; as to the carrying out of any work required to enable the land to be so used; as to any other matters which could form the subject of directions where the occupier of the land is under the Minister's supervision; and as to the maximum area of land which may be maintained on an agricultural unit under pasture or herbage crops.

By virtue of the Agriculture (Special Directions) (Maximum Area of Pasture) Order, 1948 (S.I. 1948 No. 1795)(b) the Minister is authorised to give directions as to the last of the above-mentioned matters only, and he may do so during the period ending with 31st December, 1950. By the present Regulations, the Minister delegates his functions under the said Order to County Agricultural Executive Committees, pursuant to section 72 of the Act. It is provided in the Regulations that the Minister's powers himself to exercise these functions are unaffected by their delegation.

(9) HILL FARMING

(i) *Cottages.*
(ii) *Delegation of Functions*, p. 46.
(iii) *Hill Cattle Schemes*, p. 48.
(iv) *Hill Sheep Schemes*, p. 50.

(i) COTTAGES

The Hill Farming (Cottages) (England and Wales) Regulations, 1948

1948 No. 853

Made - - - -	*21st April*, 1948
Laid before Parliament	*27th April*, 1948
Coming into Operation	*30th April*, 1948

The Minister of Agriculture and Fisheries in exercise of the powers conferred upon him by Section 10 of the Hill Farming Act, 1946(c), hereby makes the following Regulations:—

Citation and Application

1. These Regulations may be cited as the Hill Farming (Cottages) (England and Wales) Regulations, 1948, and shall apply to England and Wales.

(a) 52 & 53 Vict. c. 63. (b) Page 82 below.
(c) 9 & 10 Geo. 6. c. 73.

Interpretation

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.

Definitions

3. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

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

"Owner" means the person who is for the time being receiving or who, if the cottage were let at a rent, would receive the rent of the cottage, provided that if in any case the person, who by virtue of this definition would be the owner of the cottage, is a person himself liable to pay a rent in respect of the cottage, or a rack rent in respect of any property comprising the cottage, to a superior landlord, that superior landlord and not the person aforesaid shall be deemed to be the owner of the cottage for the purposes of these Regulations.

"Tenant" means a worker employed under a contract of service in agriculture or employed under a contract of service in an industry mainly dependent on agriculture, to whom a cottage is let on a contract of tenancy, or any person to whom a cottage is so let with the consent of the Minister.

Conditions applicable to a cottage in respect of which an improvement grant is payable

4. Subject to the provisions of these Regulations, where an improvement grant has been made by the Minister in accordance with the provisions of the Hill Farming Act, 1946, in respect of cost of work done for the erection, improvement, or reconditioning of a cottage, the following conditions shall apply to that cottage with respect to the occupation and maintenance thereof for a period of twenty years from the date on which it first becomes fit for occupation after the completion of the work.

(i) The cottage shall not be occupied except by the owner or by a tenant.

(ii) The cottage shall be maintained by the owner so as to be in all respects fit for human habitation.

(iii) The owner of the cottage shall from time to time, on being so required by the Minister, give to the Minister a certificate that the foregoing conditions are being complied with in respect of the cottage.

Recovery and withholding of payments on any breach of the conditions

5. In the event of a breach of any of the conditions applied to a cottage by these Regulations the Minister may recover as a debt due from the owner of the cottage for the time being all sums paid (whether before or after the breach) on account of the improvement grant together with interest thereon as from the respective dates on which the payments were made at the rate of three per cent. per annum, and may withhold any sums which, apart from the breach, would be payable to such owner. From the date on which such sums are recovered by the Minister the conditions shall cease to apply to the cottage.

Cessation of application of conditions on voluntary payment

6. Except where there has been a breach of the conditions applied to a cottage by these Regulations, such Regulations shall cease to apply on payment by the owner to the Minister at any time during the period of 20 years

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

within which such conditions may be applicable of an amount bearing the same proportion to the payment made by way of grant as the period between the date on which payment is to be made to the Minister and the expiration of the said period of 20 years bears to the said period of 20 years, together with interest thereon calculated at the rate of three per cent. per annum as from the date on which payment by way of grant was made; provided that if the grant in respect of the cottage was paid by instalments, the amount shall be computed as if each instalment had been a separate grant and the amount payable together with the interest thereon were calculated as aforesaid. For the purpose of calculating the unexpired portion of the period of 20 years any fractional part of a year shall be treated as a full year.

7. These Regulations shall come into operation on the 30th day of April, 1948.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 21st day of April, 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 purposes for which improvement grants may be made under the Hill Farming Act, 1946, include the erection, improvement, and reconditioning of cottages attached, or to be attached, to a hill farm. These Regulations prescribe conditions which shall attach to the occupation and maintenance of such cottages, and provide for the recovery of a grant with interest by the Minister in the event of a breach of the conditions, and for the conditions ceasing to apply to a cottage on voluntary payment of a sum representing a proportion of any grant paid.

(ii) DELEGATION OF FUNCTIONS

The Hill Farming (Control of Rams and Heather and Grass Burning) Delegation Instrument, 1948

1948 No. 2196

Made - - - - 23rd September, 1948

In pursuance of Section 33 of the Hill Farming Act, 1946(a), the Minister of Agriculture and Fisheries hereby delegates his functions as follows:—

1. The functions of the local committees constituted by virtue of Section 33 of the Hill Farming Act, 1946, for the counties set out in the Schedule hereto shall be to exercise as respects the county or counties for which they are appointed any of the functions, other than the function of making regulations, of the Minister of Agriculture and Fisheries under the Hill Farming Act, 1946, or under any regulations made or to be made thereunder in connection with the control of rams and uncastrated ram lambs and the burning of heather and grass, but without prejudice to the right or power of the Minister himself to exercise any of such functions at any time.

(a) 9 & 10 Geo. 6. c. 73.