SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 27.

An Act to extend and amend the provisions of the Agricultural Holdings (England) Act, 1883, so far as they relate to Market Gardens. [6th July 1895.] A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Market Gardeners' Compensation Act, 1895, and shall be read and construed as part of the Agricultural Holdings (England) Act, 1883, herein-after called the principal Act, as amended by the Tenants Compensation Act, 1890.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-six, which date is herein-after referred to as the commencement of this Act.

Amendment and extension of 46 & 47 Vict. c. 61. as to improvements executed in or upon market gardens.

3. Where after the commencement of this Act it is agreed in writing that a holding shall be let or treated as a market garden, the following provisions shall have effect:—

(1.) The provisions of section thirty-four of the principal Act shall extend to every fixture or building affixed or erected by the tenant to or upon such holding for the purposes of his trade or business of a market gardener.

(2.) The improvements numbered (1) "erection or enlargement of buildings," (6) "making of gardens," and (11) "planting of orchards or fruit bushes," in Part I. of the First Schedule to the principal Act shall, as far as regards such holding, cease to be comprised in the said schedule.

(3.) The following improvements shall as far as regards such holding be deemed to be comprised in Part III. of the said schedule:—

(i.) Planting of standard or other fruit trees permanently set out;
(ii.) Planting of fruit bushes permanently set out;
(iii.) Planting of strawberry plants;
(iv.) Planting of asparagus and other vegetable crops;
(v.) Erection or enlargement of buildings for the purposes of the trade or business of a market gardener.

A.D. 1895.

(4.) Section fifty-six of the principal Act shall be read and construed as if the words "with the consent in writing of his landlord" were not included therein.

(5.) It shall be lawful for the tenant to remove all fruit trees and fruit bushes planted by him on the holding and not permanently set out; but if the tenant shall not remove such fruit trees and fruit bushes before the termination of his tenancy, such fruit trees and fruit bushes shall remain the property of the landlord, and the tenant shall not be entitled to any compensation in respect thereof.

Application to current tenancies.

4. Where, under a contract of tenancy current at the commencement of this Act, a holding is at that date in use or cultivation as a market garden with the knowledge of the landlord, and the tenant thereof has then executed thereon, without having received previously to the execution thereof any written notice of dissent by the landlord, any of the improvements in respect of which a right of compensation or removal is given to a tenant by this Act, then the provisions of this Act shall apply in respect of such holding, as if it had been agreed in writing after the commencement of this Act that the holding should be let or treated as a market garden.

As to Crown lands and lands belonging to the Duchies of Lancaster and Cornwall.

5. Any compensation payable under this Act shall as regards land belonging to Her Majesty the Queen, Her heirs and successors, in right of the Crown or in right of the Duchy of Lancaster, and as regards land belonging to the Duchy of Cornwall, be paid in the same manner and out of the same funds respectively as if it were payable in respect of an improvement mentioned in the first part of the First Schedule to the principal Act, except that as regards land belonging to Her Majesty the Queen, Her heirs and successors, in right of the Crown, compensation for planting strawberry plants and asparagus and other vegetable crops shall be paid in the same manner and out of the same funds as if it were payable in respect of an improvement mentioned in the third part of the said schedule.

Interpretation.

6. For the purposes of the principal Act and of this Act the expression "market garden" shall mean a holding or that part of a holding which is cultivated wholly or mainly for the purpose of the trade or business of market gardening.

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