SMALLHOLDINGS AND ALLOTMENTS

1959 No. 1426

The Smallholdings (Contributions Towards Losses) (Amendment) Regulations, 1959

Made - - - -	12*th August*, 1959
Laid before Parliament	14*th August*, 1959
Coming into Operation	16*th August*, 1959

The Minister of Agriculture, Fisheries and Food, in exercise of the power conferred on him by subsection (7) of section 58 of the Agriculture Act, 1947(**a**), as amended by subsection (1) of section 58 of, and the Seventh Schedule to, the Town and Country Planning Act, 1959(**b**), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Smallholdings (Contributions Towards Losses) (Amendment) Regulations, 1959, and shall come into operation on the 16th day of August, 1959.

(2) These regulations shall be construed as one with the Smallholdings (Contributions Towards Losses) Regulations, 1949 and 1954(**c**); and the last-mentioned regulations and these regulations may be cited together as the Smallholdings (Contributions Towards Losses) Regulations, 1949 to 1959.

2. For paragraph (2) of regulation 11 of the Smallholdings (Contributions Towards Losses) Regulations, 1949 (hereinafter called "the principal regulations") there shall be substituted the following paragraph:—

"(2) Where estimates submitted under regulation 3 hereof or under section 2 of the Small Holdings and Allotments Act, 1926(**d**), as amended(**e**), have been approved by the Minister, and the Minister has undertaken to make contributions under section 58 of the Agriculture Act, 1947 or section 2 of the said Act of 1926, and any of the land to which such estimates relate is subsequently sold, exchanged, let or appropriated otherwise than in accordance with the proposals on which the estimates were based, the smallholdings authority shall forthwith after the completion of the sale, exchange, lease or appropriation furnish particulars thereof to the Minister in a statement in the form set forth in the Fifth Schedule to these regulations or to the like effect, which statement shall be signed by the Treasurer or Accountant of the smallholdings authority and countersigned by the Clerk or other authorised officer, and the Minister may adjust any contribution which he has undertaken to make in respect of the land to which such estimates relate as he may think fit having regard to those particulars."

3. In paragraph (1) of regulation 12 of the principal regulations (which provides for the payment of contributions in two equal half-yearly instalments) there shall be inserted the words "subject to any adjustment which

(**a**) 10 & 11 Geo. 6. c. 48. (**b**) 7 & 8 Eliz. 2. c. 53.
(**c**) S.I. 1949/1815, 1954/1087 (1949 I, p. 108; 1954 II, p. 2030).
(**d**) 16 & 17 Geo. 5. c. 52. (**e**) 21 & 22 Geo. 5. c. 41, s. 17 (1) and sch. 2.

may be made by virtue of paragraph (2) of regulation 11 hereof" after the word "shall" where it first occurs.

4. The Schedule to these regulations headed "Fourth Schedule" shall be substituted for the Fourth Schedule to the principal regulations and the Schedule to these regulations headed "Fifth Schedule" shall be added as a Fifth Schedule to the principal regulations.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this tenth day of August, nineteen hundred and fifty-nine.

(L.S.) *John Hare,*
Minister of Agriculture, Fisheries and Food.

Approved this twelfth day of August, nineteen hundred and fifty-nine.

Michael Hughes-Young,
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

Regulation 4

FOURTH SCHEDULE

Form of Application for Payment of Contribution

1. On behalf of the Council we hereby claim payment of the sum of £ being the aggregate of the contributions agreed to be paid by the Minister of Agriculture, Fisheries and Food in respect of the year ending 31st March, 19 , in respect of proposals approved by him as set forth in the Schedule hereto.

2. We request that payment of the said amount be made to the Council as to £ on the day of , 19 and as to £ on the day of , 19 .

3. We hereby certify that since the last application made on behalf of the Council for payment of contributions no sale, exchange, appropriation or lease of any of the land comprised in any of the said proposals has been made otherwise than in accordance with the proposals in which they were comprised except as stated in the certificate(*s*) dated .

4. We hereby certify that all material requirements of the Agriculture Act, 1947, as amended by subsequent enactments, and of the Regulations made by the Minister thereunder have been duly complied with.

(Signed) .....
County or Borough Treasurer or Accountant.

(Signed) ....
Clerk of the Council or Town Clerk.

Date 19 .

SCHEDULE OF ITEMS INCLUDED IN THE COUNCIL'S APPLICATION

Ministry's File No.	Date of Sanction	Due in respect of the year (See Note A)			Due in respect of the previous year (See Note B)		
		£	s.	d.	£	s.	d.

A. One half to be paid on each of the agreed dates (See Regulation 12).

B. Amount due in respect of previous year, not being a year prior to the completion of the scheme, will be added to the amount payable on the first of the agreed dates.

Regulation 4 FIFTH SCHEDULE

FORM OF CERTIFICATE OF SALE, EXCHANGE, LETTING OR APPROPRIATION OF LAND

Ministry's File No.

NOTE Italicised words not applicable to be deleted.

On behalf of the Council we hereby certify as follows:—

1. acres roods perches of land at in the parish of being land comprised in proposals and estimates submitted to the Minister of Agriculture, Fisheries and Food and approved by him on the under *section 2 of the Small Holdings and Allotments Act,* 1926/*section 58 of the Agriculture Act,* 1947 and in respect of which the Minister has undertaken to make contributions under the said section was *by a Conveyance on Sale dated conveyed by the Council in consideration of the sum of £*

or

by a Deed of Exchange/Conveyance dated conveyed by the Council in consideration of the conveyance to the Council of other land and of the sum of £ paid to the Council for equality of exchange/as part of the consideration for the conveyance to the Council of other land

or

appropriated by the Council for a purpose other than that of smallholdings, and the outstanding balance of the loan raised in respect of the net capital expenditure actually incurred in respect of such land pursuant to the said proposals was £

or

by a Lease dated *leased by the Council for the term*
of years from the *at the yearly rent of £*
and in consideration of a premium of £ .

2. Actual disbursements necessarily incurred by the Council with regard to *the sale/exchange in respect of which the said Conveyance/Deed of Exchange dated was made/the said Lease* (but not including any overhead expenses of the Council) amounted to £ .

3. As a result of the said *sale/exchange/lease/appropriation*

(1) the rents which will be receivable by the Council in respect of the property described in the said proposals and estimates will be *reduced/increased* by £ ; and

(2) it is estimated that the annual expenditure of the Council on repairs and maintenance, insurance and management in respect of the property described in the said proposals and estimates will be *reduced/increased* by £ .

(Signed) .....
County or Borough Treasurer or Accountant.

(Signed) .....
Clerk of the Council or Town Clerk.

Dated 19 .

EXPLANATORY NOTE

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

Regulation 11 (2) of the Smallholdings (Contributions Towards Losses) Regulations 1949, which the present Regulations amend, provides for the case where a smallholdings authority, to whose losses the Minister of Agriculture, Fisheries and Food has undertaken to make contributions as a result of proposals and estimates submitted to him by the authority, disposes of land in respect of which contributions are payable. Formerly the consent of the Minister to sales, exchanges and appropriations and to certain lettings of land held by a smallholdings authority for the purpose of smallholdings was necessary; and the 1949 Regulations empowered the Minister, as a condition of giving his consent to such sales, appropriations and lettings, to require the submission of revised estimates and to adjust contributions in accordance therewith. Those Regulations did not deal with exchanges, since section 58 (7) (*b*) of the Agriculture Act, 1947, under which the Regulations were made, did not apply to such transactions; but the Minister had a wide power to impose conditions on giving his consent to an exchange. The present Regulations, made with the approval of the Treasury, make an amendment to the 1949 Regulations consequential on the dispensation with the necessity for such consent in any of these cases made by the Town and Country Planning Act, 1959. They provide for smallholdings authorities supplying particulars of certain dispositions of land in respect of which contributions are payable and enable the Minister to adjust contributions having regard to those particulars.