(10) SMALLHOLDINGS

The Smallholdings (Contributions Towards Losses) Regulations, 1949

1949 No. 1815

Made - - - -	*24th September*, 1949
Laid before Parliament	*28th September*, 1949
Coming into Operation	*1st October*, 1949

In pursuance of subsections (1), (2) and (7) of section fifty-eight of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries, with the approval of the Treasury, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Smallholdings (Contributions Towards Losses) Regulations, 1949, and shall come into operation on the first day of October, 1949.

(2) The Small Holdings and Cottage Holdings (Contributions Towards Losses) Regulations, 1927(b), are hereby revoked with effect from the aforesaid date in so far as they relate to smallholdings.

2.—(1) Where, by virtue of any of the provisions of section sixty-five of the Agriculture Act, 1947, the provisions of Part IV of the said Act apply in relation to the council of a county borough, the expression " smallholdings authority " in these regulations shall include the council of any such county borough.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. Where a smallholdings authority have formulated proposals, or have subsequently varied proposals already formulated, for the provision of smallholdings or for the laying out, alteration or equipment of smallholdings provided by the authority, and it appears to the authority that the proposals, or the proposals as varied, are likely to involve them in a loss, and the authority desire that the Minister of Agriculture and Fisheries (hereinafter in these regulations called " the Minister ") shall make a contribution towards such loss, the said authority shall, after ascertaining the expenditure which such proposals are likely to involve but before incurring any expense other than necessary or reasonable expenses of a preliminary character, submit to the Minister for his approval estimates in the form set out in Parts I, II and III of the First Schedule to these regulations, or in such form to the like effect as may be indicated to the authority by the Minister, together with the following information:—

(i) such particulars as the Minister may require of the land proposed to be acquired (including particulars of any minerals thereunder) together with a map or plan showing the several holdings to be provided;

(a) 10 & 11 Geo. 6. c. 48. (b) S.R. & O. 1927 (No. 581) p. 1617.
(c) 52 & 53 Vict. c. 63.

(ii) particulars of any land, buildings or timber not needed for the purpose of smallholdings and proposed to be sold or let or utilised by the authority for some other purpose ;

(iii) a description with estimates of the cost of the several works of laying out, alteration or equipment proposed to be carried out or provided by the authority, in sufficient detail to enable the Minister to judge as to the suitability of the proposed works and as to the reasonableness of the estimates of cost submitted therewith ;

(iv) details of the legal expenses, fees and costs expected to be incurred or payable by the authority, distinguishing between expenses that will only be incurred if and when the land is acquired and those (if any) incurred or to be incurred before the land is acquired ;

(v) a statement showing the dates when it is expected

(*a*) that the several amounts of expenditure shown in the estimates will be borrowed by the authority or become chargeable to their smallholdings account and

(*b*) that the receipts will accrue.

4. Where a smallholdings authority propose to make an order for the compulsory purchase or hiring of any land in respect of which application is to be made to the Minister for a contribution, provisional estimates and particulars shall be submitted to the Minister in accordance with regulation 3 hereof and the Minister's approval thereto obtained before the order for compulsory purchase or hiring is made by the authority. As soon as possible after the determination of the price or rent to be paid for the land, the smallholdings authority shall submit revised estimates and particulars for the Minister's approval.

5. Notwithstanding the provisions of regulations 3 and 4 hereof, the Minister, in any case where it appears to him that time does not permit the submission of estimates and particulars as aforesaid prior to incurring expense or prior to the date of making the order for compulsory purchase or hiring, may waive (either wholly or in part) the requirements of the said regulations, and in any such case the requirements of regulation 3 hereof shall be complied with as soon as possible after incurring the expense or after the date of making the order for compulsory purchase or hiring, as the case may be.

6. Where a smallholdings authority desire to secure an option on land proposed to be acquired by them in respect of which a contribution will be claimed from the Minister, the following conditions shall apply:—

(i) the authority before agreeing to make any payment for the option shall obtain the approval of the Minister thereto ;

(ii) the authority shall satisfy themselves that the circumstances are so exceptional as to warrant an option to purchase being secured, pending the submission of their proposals to the Minister ;

(iii) any payment for the option shall be made by the authority on the condition that it shall form part of the purchase money in the event of the purchase being completed ;

(iv) upon payment for the option the authority shall submit for the Minister's approval estimates and particulars in accordance with regulation 3 hereof.

7. Before approving a smallholdings authority's proposals or estimates, either with or without modifications, the Minister will require to be satisfied:—

(i) that the estimates are made on the basis of the full fair rent being charged for each smallholding proposed to be let;

(ii) that in estimating the value of any land, the value of any sporting rights thereon and of any minerals thereunder have been left out of account;

(iii) that the value attributed to any land, buildings or timber purchased by the authority and not required for the provision of smallholdings is not less than the best price that could reasonably be obtained therefor if the land, buildings or timber were sold;

(iv) that, in the case of land hired by the authority, the annual value of any land or buildings not required for the purpose of smallholdings is not less than the best rent obtainable for such land or buildings;

(v) that the estimates are framed on the basis of full use of their borrowing powers being made by the authority and of all loans being repayable by equal half-yearly instalments, of principal and interest combined, calculated at the rate for the time being payable on loans borrowed from the Public Works Loan Board;

(vi) that the estimates of expenditure and receipts are framed so as to exclude amounts accruing but not actually payable or receivable by the authority between the last normal date of payment or receipt and the thirty-first day of March in any year;

(vii) generally, that the authority's proposals whether as regards (*a*) the price or rent to be paid for the lands, (*b*) the number, description and rent of the holdings to be provided, (*c*) the extent, character and cost of the work to be done or the equipment to be provided, or (*d*) any other matter affecting the amount of the Minister's contribution, are framed with due regard to economy;

and where the Minister is not satisfied that the aforesaid conditions or any other requirement imposed upon the authority by or under Part IV of the Agriculture Act, 1947, have been fully complied with, or that having regard to all the circumstances the scheme is a satisfactory one, he may either withhold his approval or give his approval on such conditions as to a reduction of contribution or otherwise as he may think fit.

8.—(1) If the Minister approves the smallholdings authority's proposals and estimates, either with or without modifications, such approval will in the first instance take the form of a statement of the amount of the contribution which, subject to these regulations and to Part IV of the Agriculture Act, 1947, the Minister will be prepared to make in respect of the first year (being the first period of twelve months ending the thirty-first day of March) commencing after the authority's proposals as approved shall, in his opinion, have been brought into full operation.

(2) Upon receipt of the Minister's approval of their proposals and estimates, either with or without modifications, the smallholdings authority shall, if they propose to proceed with the scheme as approved, submit to the Minister in the form set out in Part IV of the First Schedule to these regulations, or in such form to the like effect as may be indicated to the authority by the Minister, an estimate of the loss likely to be incurred by them in respect of each year ending the thirty-first day of March, and any necessary particulars showing how the estimated loss in respect of each such year has been ascertained.

9.—(1) As soon as possible after the proposals of the smallholdings authority as approved by the Minister have been brought into full operation, the authority shall submit to the Minister a statement in the form set out in the Second Schedule to these regulations, or in such form to the like effect as may be indicated to the authority by the Minister, showing, in respect of the period earlier than the beginning of the period of twelve months referred to in paragraph (1) of the last foregoing regulation, the actual receipts of the authority in carrying out the said proposals, and their actual expenditure in the carrying out thereof; such expenditure being calculated, in so far as it consists of expenses of management, in such manner as the authority may with the approval of the Minister determine.

(2) Not later than the time when the statement referred to in the preceding paragraph of this regulation is submitted to the Minister, the smallholdings authority shall furnish to the Minister a certificate to the effect that their proposals as approved have been brought into full operation. Such certificate shall be under the hand of the Clerk of the authority or other authorised officer, and shall be in the form set out in the Third Schedule to these regulations, or to the like effect.

10. Differences between the actual sums received by way of rent or otherwise and the approved estimates of such sums, or differences between the periods allowed for repayment of loans and the periods provided for in the approved estimates, or any minor differences due to errors of calculation, shall not be deemed to be a variation of a smallholdings authority's proposals and estimates or require the variation of any agreement to make contributions made by the Minister.

11.—(1) The smallholdings authority shall furnish any further particulars which the Minister may require at any time for the purpose of satisfying the Minister that contributions should be paid or continue to be paid as provided on the basis of the estimates approved by him.

(2) The Minister may require, as a condition of consenting to the sale, letting or appropriation of any land to which estimates submitted under regulation 3 hereof relate, the submission to him of revised estimates, and may adjust any contributions in accordance with revised estimates so submitted.

12.—(1) The amount of any annual contribution to be paid by the Minister after the proposals of the smallholdings authority as approved have in his opinion been brought into full operation shall be paid in two equal half-yearly instalments on such dates as may be agreed with the authority; provided that (*a*) payment in respect of all approved proposals of any one smallholdings authority shall be made on the same dates, and (*b*) no payment shall be made in respect of any approved proposals during the year (being the period of twelve months ending the thirty-first day of March) in which such proposals are approved, but the amount thereof shall be added to and be part of the first amount payable to the authority in such year next following.

(2) Application for payment of any annual contribution to be paid by the Minister shall be made yearly not less than one month before the first instalment for the year as aforesaid is due to be paid, and shall be signed by the Treasurer or Accountant of the smallholdings authority and counter-signed by the Clerk or other authorised officer, and shall be in the form set out in the Fourth Schedule to these regulations, or to the like effect.

(3) The amount of any contribution to be paid by the Minister in respect of the period earlier than the beginning of the period of twelve months referred to in paragraph (1) of regulation 8 hereof shall be paid in such manner as the Minister may determine after he has received and approved the statement and certificate referred to in regulation 9 hereof.

13. Where a smallholdings authority propose to raise a loan for the purpose of carrying out proposals approved by the Minister, they shall submit to the Minister plans and specifications of the proposed works, or such other particulars as may be necessary to enable the Minister to make a recommendation to the Minister of Health as to the period for repayment of the loan.

14. Nothing in these regulations shall be construed as requiring a smallholdings authority to carry out proposals that have been approved by the Minister, if the authority are of opinion that it is not expedient to do so, but in that case the authority shall inform the Minister that it is not their intention to proceed with the proposals.

15. Where a smallholdings authority without any unreasonable default on their part fail to acquire any land which is the subject of proposals and estimates approved by the Minister, he may, if he thinks fit, pay to the authority a sum not exceeding three-quarters of the expenses reasonably incurred by them and included in the estimates approved by the Minister. Particulars of such expenses shall be furnished to the Minister in such form as he may require.

16. Any person authorised by the Minister in that behalf shall have power at all reasonable times to examine such of the books, accounts and vouchers of a smallholdings authority as relate to transactions in connection with which contributions are payable by the Minister.

17.—(1) If a smallholdings authority submit to the Minister a scheme which is approved by him under section fifty of the Agriculture Act, 1947, and such scheme is submitted in the form set out in Parts I, II and III of the First Schedule to these regulations, or in such form to the like effect as may be indicated to the authority by the Minister, the submission of the said scheme may be treated as if it were the submission of proposals and estimates for the purposes of regulation 3 hereof.

(2) It shall be open to the Minister, in any case where a smallholdings authority do not obtain the approval of the Minister to a scheme under section fifty of the Agriculture Act, 1947, or in any other respect do not comply with any requirement imposed on them by or under Part IV of the said Act in relation to smallholdings provided by them, to withhold or reduce contributions which otherwise would be payable by him.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 24th day of September, nineteen hundred and forty-nine.

(L.S.)

T. Williams,
Minister of Agriculture and Fisheries.

Approved.

Wm. Hannan,
Richard Adams,
Two of the Lords Commissioners of His Majesty's Treasury.

FIRST SCHEDULE

PART I

ESTIMATED CAPITAL EXPENDITURE

COUNTY or COUNTY BOROUGH of.....

Name of Property.....

Estimated Cost of		Net Capital Expenditure	Term for Repayment	Rate of Interest	Annual Loan Charges (Principal and Interest)
	£	£	Years	Per cent.	£
(i) LAND					
Less Value of Surplus Land or Minerals					
(ii) EXISTING BUILDINGS					
Less Value of Surplus Buildings					
(iii) TIMBER					
Less Value of Surplus Timber					
(iv) COST OF EXTINGUISHMENT OF MANORIAL RIGHTS					
(v) COMPENSATION, NOT being Compensation recoverable from the Smallholders					
(vi) REDEMPTION OF REDEMPTION ANNUITIES under Tithe Act, 1936, LAND TAX or OTHER ANNUAL CHARGE ...					
(vii) LEGAL EXPENSES, FEES AND COSTS WHICH MAY BE INCLUDED IN LOANS (EXCLUDING Costs of raising Loans —See xv).					
(viii) NEW HOUSES ... ... No.					
(ix) OTHER NEW BUILDINGS No.					
(x) INITIAL REPAIRS and ADAPTATIONS OF EXISTING BUILDINGS					
(xi) FENCING					
(xii) WATER SUPPLY					
(xiii) DRAINAGE					
(xiv) ROADS					
(xv) COSTS OF RAISING LOANS					
(xvi) ANY OTHER ITEMS (to be specified) ...					
Total		£			£
Insert here details of any costs and expenses for which loans cannot be raised.					

PART II

ESTIMATED EXPENDITURE AND RECEIPTS IN RESPECT OF THE FIRST NORMAL YEAR

PARISH of.....

Area ..... acres.

Estimated Expenditure	Year ending 31st March £	s.	d.	Estimated Receipts	Year ending 31st March £	s.	d.
(i) LOAN CHARGES—Interest and Repayment of Principal				(i) GROSS AMOUNT OF RENTS FOR HOLDINGS LET			
(ii) ANNUITIES OR RENT-CHARGES for Purchase of Land, including Sinking Fund Charges for Redemption of Annuities				(ii) RENT OF PROPERTY NOT LET AS SMALL HOLDINGS*			
(iii) GROSS RENT OF LAND HIRED				(iii) OTHER ITEMS (to be specified)			
(iv) REDEMPTION ANNUITIES (TITHE ACT, 1936)				.....			
(v) ANNUITIES IN REDEMPTION OF TITHE RENT-CHARGE (TITHE ACTS, 1918 and 1925)				.....			
(vi) LAND TAX				.....			
(vii) ANY OTHER CHARGES PAYABLE BY COUNCIL (to be specified)				.....			
(viii) REPAIRS AND MAINTENANCE				TOTAL RECEIPTS ...			
(ix) INSURANCE				ESTIMATED DEFICIENCY IN RESPECT OF THE FIRST NORMAL YEAR			
(x) MANAGEMENT							
(xi) CONTINGENCIES							
(xii) ANY OTHER ITEMS (to be specified) ...							
.....							
.....							
£				£			

* Exclusive of Surplus Land, Buildings, etc., the value of which is deducted from Capital Expenditure in Part I.

PART III

SCHEDULE OF PROPOSED HOLDINGS, ETC.

No. on Plan	Area			Type of Holding	Particulars of Buildings to be included with Holding. (State if new or existing.)	Full Fair Rent		
	A.	R.	P.			£	s.	d.
Total					Total Receipts (as in Part II) ...£			
Add Area of Surplus Land deducted in Part I.								
Gross Area								

REMARKS AND EXPLANATIONS

PART IV

AMOUNT OF LOSS ESTIMATED AS LIKELY TO BE INCURRED IN RESPECT OF EACH YEAR, INCLUDING ANY YEAR PRIOR TO THE YEAR IN WHICH THE PROPOSALS ARE BROUGHT INTO FULL OPERATION, AND THE AMOUNT TO BE CONTRIBUTED BY THE MINISTER IN RESPECT OF SUCH LOSS.

COUNTY OR COUNTY BOROUGH of.....

Name of Property..... Area.....acres

Year ending 31st March	Amount of Loss			Amount of Minister's Contribution			Year ending 31st March	Amount of Loss			Amount of Minister's Contribution		
	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.

REMARKS AND EXPLANATIONS

Signed on behalf of the Council.....

Date.....19.....

SECOND SCHEDULE

ACCOUNT OF ACTUAL EXPENDITURE AND RECEIPTS AND FORM OF APPLICATION FOR PAYMENT OF CONTRIBUTION IN RESPECT OF THE PERIOD PRIOR TO THE COMPLETION OF THE SCHEME.

Name of Property.....

Area.....acres.

Date of Minister's approval of proposals....., 19...

Approximate date on which proposals were brought into full operation..... ....., 19.....

1. On behalf of the County Council (or the Council of the County Borough) of..... we herewith submit an account of actual expenditure and receipts in respect of the above-mentioned Proposals for the approval of the Minister in accordance with Regulation 9 (1) of the Smallholdings (Contributions towards Losses) Regulations, 1949.

2. We request that payment of the sum of £ may be made to the Council being the agreed proportion of the loss incurred by the Council in carrying out the said Proposals during the period to .

3. We hereby certify that all material requirements of the Agriculture Act, 1947, 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 .

ACTUAL EXPENDITURE AND RECEIPTS IN RESPECT OF PERIOD PRIOR TO THE COMPLETION OF THE SCHEME

Actual Expenditure	£	s.	d.	Actual Receipts	£	s.	d.
(i) LOAN CHARGES—Interest and Repayment of Principal				(i) GROSS AMOUNT OF RENTS FOR HOLDINGS LET			
(ii) ANNUITIES OR RENT-CHARGES for Purchase of Land, including Sinking Fund Charges for Redemption of Annuities				(ii) RENT OF PROPERTY NOT LET AS SMALL HOLDINGS*			
(iii) GROSS RENT OF LAND HIRED				(iii) OTHER ITEMS (to be specified)			
(iv) REDEMPTION ANNUITIES (TITHE ACT, 1936)				.....			
(v) ANNUITIES IN REDEMPTION OF TITHE RENT-CHARGE (TITHE ACTS, 1918 and 1925)				.....			
(vi) LAND TAX				.....			
(vii) ANY OTHER CHARGES PAYABLE BY COUNCIL (to be specified)				.....			
(viii) REPAIRS AND MAINTENANCE				TOTAL RECEIPTS ...			
(ix) INSURANCE				ACTUAL DEFICIENCY			
(x) MANAGEMENT							
(xi) ANY OTHER ITEMS (to be specified) ...							
.....							
.....							
£				£			

* Exclusive of Surplus Land, Buildings, etc., the value of which is not taken into account in assessing loan charges.

THIRD SCHEDULE

Form of Certificate as to Completion of Proposals

I hereby certify that the proposals of the County Council (or the Council of the County Borough) of.....relating to the provision of smallholdings on the property known as..... .....comprising.....acres or thereabouts which were approved by the Minister on the....., 19....., were duly completed on or about the.....19....., and that the normal contribution agreed to be paid by the Minister in respect thereof will be due and payable to the Council as from the.....19.....

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

Date....., 19 .

FOURTH SCHEDULE

Form of Application for Payment of Contribution

1. On behalf of the County Council (or the Council of the County Borough) of we hereby claim payment of the sum of £ being the aggregate of the Contributions agreed to be paid by the Minister 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 may 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 all material requirements of the Agriculture Act, 1947, 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.

EXPLANATORY NOTE

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

These Regulations, made with the approval of the Treasury, lay down the forms and procedure applicable to cases where smallholdings authorities and certain county borough councils claim a contribution from the Minister of Agriculture and Fisheries towards losses to be incurred in carrying out approved schemes for the provision, laying-out, alteration or equipment of smallholdings. The Regulations follow the main lines of those hitherto in force (The Small Holdings and Cottage Holdings (Contributions Towards Losses) Regulations, 1927—S.R. & O. 1927, No. 581) with certain modifications called for by the provisions of Part IV of the Agriculture Act, 1947. The present Regulations come into operation on 1st October, 1949, the date on which Part IV of the Agriculture Act, 1947, comes into operation by virtue of the Agriculture Act, 1947 (Commencement) Order, 1949 (S.I. 1949, No. 1201). As from that date, the above-named Regulations of 1927 will cease to have effect in so far as they relate to smallholdings.

The Smallholdings (Management) Regulations, 1949

1949 No. 1801

Made - - - -	*23rd September,* 1949
Laid before Parliament	*27th September,* 1949
Coming into Operation	*1st January,* 1950

In pursuance of paragraph (*a*) of subsection (1) of section fifty-five of the Agriculture Act, 1947(**a**), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries hereby makes the following regulations :—

1.—(1) These regulations may be cited as the Smallholdings (Management) Regulations, 1949, and shall (save as provided in paragraph (4) of regulation 3 hereof) come into operation on the first day of January, 1950.

(2) Where, by virtue of any of the provisions of section sixty-five of the Agriculture Act, 1947, the provisions of Part IV of the said Act apply in relation to the council of a county borough, the expression " smallholdings authority " in these regulations shall include the council of any such county borough.

(3) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. An agreement entered into by a smallholdings authority for the letting of a small holding shall (subject to the provisions of regulation 3 hereof) be in the form set out in the Schedule to these regulations, with any such necessary adaptations as may be indicated in the said Schedule and the marginal notes thereto :

(**a**) 10 & 11 Geo. 6. c. 48. (**b**) 52 & 53 Vict. c. 63.