STATUTORY INSTRUMENTS

1970 No. 1051

SMALLHOLDINGS AND ALLOTMENTS

The Smallholdings (Contributions Towards Losses) Regulations 1970

Made - - -	*15th July* 1970
Laid before Parliament	*23rd July* 1970
Coming into Operation	*1st August* 1970

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by paragraphs (*a*) to (*e*) of subsection (2) and paragraphs (*a*) and (*b*) of subsection (3) of section 52, subsections (2) and (3) of section 60, subsections (1), (2) and (3) of section 62 and section 63 of the Agriculture Act 1970(**a**), and of all other powers enabling them in that behalf, and with the approval of the Treasury, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Smallholdings (Contributions Towards Losses) Regulations 1970, and shall come into operation on 1st August 1970.

Interpretation

2.—(1) Except in so far as the context otherwise requires, any reference in these regulations to a regulation or a Schedule bearing a number is a reference to the regulation or Schedule bearing that number in these regulations.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Agriculture Act 1970;

"the Act of 1926" means the Small Holdings and Allotments Act 1926(**b**);

"the Act of 1931" means the Agricultural Land (Utilisation) Act 1931(**c**);

"the Act of 1947" means the Agriculture Act 1947(**d**);

"contribution" means an annual contribution payable by the Minister to a relevant authority towards their losses in respect of smallholdings land or cottage holdings land and, in relation to a contribution adjusted pursuant to regulation 5, means the contribution as so adjusted;

"cottage holdings authority" means a county council or a county borough council who immediately before the commencement of Part III of the Act held land for the purposes of cottage holdings or the Greater London Council;

(**a**) 1970 c. 40.
(**b**) 1926 c. 52.
(**c**) 1931 c. 41.
(**d**) 1947 c. 48.

"cottage holdings land" means land held by a cottage holdings authority immediately before the commencement of Part III of the Act for the purposes of cottage holdings ;

"the Minister" means the Minister of Agriculture, Fisheries and Food and includes the Minister by his former style and title of the Minister of Agriculture and Fisheries and "the appropriate Minister" means, in relation to England, except Monmouthshire, the Minister and, in relation to Wales, including Monmouthshire, the Minister and the Secretary of State for Wales acting jointly ;

"relevant authority", in relation to a contribution, means the smallholdings authority or the cottage holdings authority to whom it is payable ;

"smallholdings land" means any land held by a smallholdings authority immediately before the commencement of Part III of the Act for the purposes of smallholdings.

(3) Except in so far as the context otherwise requires any reference in these regulations to any enactment shall be construed as a reference to that enactment as amended, extended or applied by any other enactment.

(4) The Interpretation Act 1889(**a**) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Contributions to which the regulations apply

3. These regulations shall have effect in relation to contributions payable in respect of—

(1) smallholdings land, being contributions payable by virtue of an undertaking given by the Minister under section 2 of the Act of 1926 or under section 58 of the Act of 1947 either before or after these regulations come into operation ; and

(2) cottage holdings land, being contributions payable by virtue of an undertaking given by the Minister under section 2 of the Act of 1926 as applied by section 12 of the same Act or by section 12 of the Act of 1931.

Payment of contributions

4.—(1) Payment of all contributions to a relevant authority shall be made by the Minister in two equal half-yearly instalments on such dates in each year as may be agreed by the appropriate Minister with the authority.

(2) Application for payment of contributions shall be made to the Minister yearly not less than one month before the first instalment for the year is due to be paid and shall be signed by the Treasurer, Accountant or other authorised officer of the relevant authority and shall be in the form set out in Schedule 1 or in a form substantially to the like effect.

(3) In this regulation, "year" means a period of twelve months ending on 31st March.

Reporting of disposals of land and adjustment of contributions

5.—(1) Where any smallholdings land is sold, exchanged, appropriated for other purposes or let otherwise than under section 44 of the Act by a smallholdings authority or where any cottage holdings land is sold, exchanged or appropriated for other purposes by a cottage holdings authority, the small-

(**a**) 1889 c. 63.

holdings authority or the cottage holdings authority, as the case may be, shall forthwith after the completion of the sale, exchange, appropriation or letting, furnish particulars thereof to the appropriate Minister in a statement in the form set forth in Schedule 2, adapted as required in accordance with the notes to the Schedule, or in a form substantially to the like effect, which statement shall be signed by the Treasurer, Accountant or other authorised officer of the authority ; and the appropriate Minister may adjust, in such manner as he thinks fit having regard to any such particulars, the amount or aggregate amount of any contributions payable to that authority in relation to small-holdings land where the land sold, exchanged, appropriated or let was small-holdings land or in relation to cottage holdings land where the land sold, exchanged or appropriated was cottage holdings land, in a case where the land sold, exchanged, appropriated or let is land which has been or formed part of—

(i) land in respect of which payments have been made under section 27 of the Land Settlement (Facilities) Act 1919(**a**) ; or

(ii) land in the case of which contributions have been made or undertaken to be made under section 2 of the Act of 1926 or section 58 of the Act of 1947 in connection with proposals and estimates relating to that land.

(2) In this regulation—

(*a*) the reference to adjustment of the amount or aggregate amount of any contributions shall be construed as including a reference to terminating all or any contributions ; and

(*b*) in relation to cottage holdings land sold, exchanged or appropriated, the reference to section 2 of the Act of 1926 shall be construed as if it included a reference to that section as applied to cottage holdings by section 12 of that Act or by section 12 of the Act of 1931.

Furnishing of particulars

6. The relevant authority shall furnish any other particulars which the appropriate Minister may require at any time for the purpose of satisfying the appropriate Minister that contributions payable to that authority should continue to be paid.

Reduction or withholding of contributions

7. The appropriate Minister, in any case where the relevant authority do not comply with any requirements imposed on them by or under Part III of the Act or section 58 of the Act of 1947 in relation to land held by them for the purposes of smallholdings, or by or under Part III of the Act in relation to land held by them for the purposes of cottage holdings, may determine that contributions which otherwise would be payable to them shall be withheld or reduced and the Minister shall withhold or reduce such contributions accordingly.

Inspection of Accounts

8. Any person authorised by the appropriate Minister in that behalf shall have power at all reasonable times to inspect the books and other documents of the relevant authority relating to transactions in connection with which any contributions are payable to that authority.

(**a**) 1919 c. 59.

Regulations not applying to certain authorities

9. Regulations 4, 5, 6, 7 and 8 shall not apply—

(*a*) to a smallholdings authority to whom no contributions are payable in respect of smallholdings land on the date on which these regulations come into operation, or

(*b*) to a cottage holdings authority to whom no contributions are payable in respect of cottage holdings land on that date,

and shall cease to apply to any such authority when contributions cease to be payable to that authority.

Revocation

10.—(1) The regulations specified in column 1 of Schedule 3 are hereby revoked to the extent shown in column 2 of the Schedule.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if any regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th July 1970.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

Given under my hand on 14th July 1970.

Peter Thomas,
Secretary of State for Wales.

We approve
15th July 1970.

Bernard Weatherill,
Walter Clegg,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE 1 Regulation 4(2)

FORM OF APPLICATION FOR PAYMENT OF CONTRIBUTIONS

NOTE Italicised words not applicable to be deleted

Smallholdings/Cottage Holdings

1. On behalf of the Council I hereby claim payment of the sum of £ being the aggregate amount of the contributions payable by the Minister of Agriculture, Fisheries and Food under *section 2 of the Small Holdings and Allotments Act* 1926 *and section 58 of the Agriculture Act* 1947 for the year ending 31st March 19 as notified by the Minister *and the Secretary of State for Wales* under *his/their* reference dated 19 .

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

3. I hereby certify that since the last application made on behalf of the Council for payment of contributions no sale, exchange *or* appropriation *or letting (other than lettings in accordance with section 44 of the Agriculture Act* 1970) of any land then held by the Council for the purposes of *smallholdings/cottage holdings* has been made otherwise than in accordance with the relevant proposals approved under *section 2 of the Small Holdings and Allotments Act* 1926 *and section 58 of the Agriculture Act* 1947 except as stated in the Council's certificate(s) dated .

4. I hereby certify that the requirements of *section 58 of the Agriculture Act* 1947, *and* Part III of the Agriculture Act 1970, and of the Regulations made by the Minister thereunder, have been duly complied with.

(Signed).....

County or Borough Treasurer or Accountant or the Treasurer to the Council Authorised to sign for and on behalf of the Council

Dated 19 .

To The Minister of Agriculture, Fisheries and Food

SCHEDULE 2 Regulation 5(1)

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

Ministry's Ref. No.

NOTE Italicised words not applicable to be deleted

On behalf of the Council I hereby certify that land held by the Council for the purpose of *smallholdings/cottage holdings* being land held for such purposes immediately before 1970 (being the date of commencement of Part III of the Agriculture Act 1970), has been disposed of or appropriated by the Council for a purpose other than that of *smallholdings/cottage holdings* and that the particulars of such land and the other information given below are correct:—

1. Area of land (a):
2. Name and Location of Holding(s) concerned:
   Holding(s) on the estate.

3. The land *was/was not* acquired for smallholdings purposes after 31st March 1926.

4.—(1) The land *was/was not* comprised in proposals and estimates approved by the Minister of Agriculture, Fisheries and Food *and the Minister has not at any time undertaken to make contributions in respect thereof*

(2) *The proposals and estimates were approved by the Minister on* 19 *under section 2 of the Small Holdings and Allotments Act* 1926/*section 58 of the Agriculture Act* 1947

5. Type of Disposal (b)(c):

Sale/Exchange/Appropriation/Letting (otherwise than under section 44 of the Agriculture Act 1970) *for a purpose other than an agricultural purpose* (d)

6. Total Receipt or Value Involved (e):
£

7. Valuation:

The District Valuer of the Inland Revenue has certified the value of the Council's interest in the land sold, exchanged or appropriated to be as follows:—

(a) market value—£

(b) current use value—£

8. *The Disbursements necessarily and directly incurred by the Council (but excluding any overhead expenses of the Council) with regard to the Sale/Exchange/Appropriation/Letting are £* .

9. Effect of Disposal or Appropriation on Approved Proposals and Estimates (f):

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

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

(Signed).....

County or Borough Treasurer or Accountant or the Treasurer to the Council
Authorised to sign for and on behalf of the Council

Dated 19 .

To The Minister of Agriculture, Fisheries and Food *and*
The Secretary of State for Wales

NOTES

(*a*) State area in terms of decimals to nearest three decimal places.

(*b*) If the disposal is a letting under section 49 of the Agriculture Act 1970 paragraphs 6-9 do not require to be completed.

(*c*) If the certificate relates to a cottage holding, delete the words after "Appropriation".

(*d*) If the letting is for an agricultural purpose, delete the words "a purpose other than".

(e) State whether this represents a consideration in respect of a Conveyance on sale, money paid to the Council for equality of exchange or as part of the consideration for the conveyance to the Council of other land, the value recorded in the Council's accounts for the purposes of the appropriation, or a yearly rent and/or premium.

(*f*) To be completed only if paragraph 4(2) applies.

SCHEDULE 3 Regulation 10(1)

Column 1 Regulations Revoked	Column 2 Extent of Revocation
The Small Holdings and Cottage Holdings (Contributions Towards Losses) Regulations 1927(a)	The whole
The Smallholdings (Contributions Towards Losses) Regulations 1949(b) as amended (c)	Regulation 11, in Regulation 12(1) the words from "The amount of any annual contribution" to "and (b)", Regulations 12(2) and 16, in Regulation 17(2) the words "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", and Schedules 4 and 5.
The Smallholdings (Contributions Towards Losses) (Amendment) Regulations 1959(c)	The whole

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations supersede the Small Holdings and Cottage Holdings (Contributions Towards Losses) Regulations 1927 and certain provisions of the Smallholdings (Contributions Towards Losses) Regulations 1949 as amended by the Smallholdings (Contributions Towards Losses) (Amendment) Regulations 1959.

The Regulations lay down the forms, procedures and requirements applicable where contributions towards losses incurred in carrying out approved proposals for the provision of small holdings and cottage holdings for letting are payable by the Minister of Agriculture, Fisheries and Food under section 2 of the Small Holdings and Allotments Act 1926 to smallholdings authorities and authorities who provide cottage holdings and under section 58 of the Agriculture Act 1947 to smallholdings authorities. They also make provision for particulars to be furnished to the Minister or, in relation to Wales and Monmouthshire, to the Minister and the Secretary of State for Wales, of any disposals of land which was held by such authorities for the purposes of smallholdings or cottage holdings before the commencement of Part III of the Agriculture Act 1970 and empower the Minister, in relation to England, and the Minister and the Secretary of State for Wales, in relation to Wales and Monmouthshire, to adjust the amount of contributions having regard to those particulars.

These Regulations come into operation on the 1st August 1970, the date on which Part III of the Agriculture Act 1970 comes into operation by virtue of the Agriculture Act 1970 (Commencement No. 2) Order 1970 (S.I. 1970/1048), and as from that date the above-mentioned Regulations of 1927 and the relevant provisions of the Regulations of 1949, as amended, cease to have effect.

(a) S.R. & O. 1927/581 (Rev. XXI, p. 127; 1927 p. 1617).
(b) S.I. 1949/1815 (1949 I, p. 108).
(c) S.I. 1959/1426 (1959 II, p.2500).

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