The Smallholdings (Selection of Tenants) Regulations, 1949

1949 No. 1754

Made - - - -	16*th September*, 1949
Laid before Parliament	21*st September*, 1949
Coming into Operation	1*st October*, 1949

In pursuance of paragraph (*b*) of subsection (3) of section fifty-two and paragraph (*b*) 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. These regulations may be cited as the Smallholdings (Selection of Tenants) Regulations, 1949, and shall come into operation on the first day of October, 1949.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"The Act" means the Agriculture Act, 1947.

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

"Smallholdings authority" means a smallholdings authority under the Act, and includes the council of a county borough to which the provisions of Part IV of the Act apply by virtue of any of the provisions of section sixty-five thereof.

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

3. A smallholding shall not, except with the approval of the Minister, be let by a smallholdings authority to any person who is more than fifty years of age.

4. For the purposes of paragraph (*a*) of subsection (3) of section fifty-two of the Act (which provides that a smallholdings authority shall not let a smallholding to any person unless they are satisfied that the said person has had sufficient agricultural experience to render it likely that he is or will become qualified to be a farmer on his own account), a person shall be required to show that for a period of not less than five years (whether continuous or not) he has been occupied in full-time practical farm work; provided that for the purposes of this regulation, any period during which a person was undergoing a recognised course of agricultural training or education shall, up to a maximum of two years, be deemed to be a period during which he was occupied in full-time practical farm work.

5. For the purposes of paragraph (*b*) of subsection (3) of section fifty-two of the Act (which requires that in selecting persons to whom smallholdings are to be let preference shall be given, as between persons otherwise equally suitable, to applicants who at the time of the application are employed under a contract of service as agricultural workers, or who under regulations made by the Minister are to be treated as if they were then so employed), the following persons shall be treated as if at the time of the application they were employed under a contract of service as agricultural workers, provided that in the case of applicants falling within paragraphs (1), (2)

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

and (3) of this regulation they are not at the time of the application occupied as farmers on their own account:—

(1) Applicants whose last employment up to a date not more than three months before the time of the application was employment under a contract of service as agricultural workers, but who at the time of the application are not in any employment; and applicants whose last employment was employment under a contract of service as agricultural workers but who left such employment to undergo a recognised course of agricultural training or education which is continuing at the time of the application, or which terminated not more than three months before the time of the application.

(2) Applicants who at the time of the application are engaged in an occupation ancillary to agriculture, and who during not less than four out of the five years immediately preceding the said time were employed (whether continuously or not, and whether or not under a contract of service) as agricultural workers.

(3) Applicants who at the time of the application are occupied in the capacity of full-time agricultural workers otherwise than under a contract of service (whether or not for gain or reward) and who ought, in the opinion of the Minister after consultation (in the case of smallholdings proposed to be let by a smallholdings authority) with the smallholdings authority, to be treated for the purposes of this regulation as if they were employed under a contract of service.

(4) Applicants who at the time of the application are tenants of a smallholding provided by a smallholdings authority under the Act or provided by an authority under the Small Holdings and Allotments Acts, 1908 to 1931.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 16th day of September, 1949.

(L.S.) *T. Williams,*
Minister of Agriculture and Fisheries.

EXPLANATORY NOTE

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

These Regulations prescribe certain qualifying conditions as to the maximum age and the minimum agricultural experience which must be fulfilled by all applicants for smallholdings under the provisions of Part IV of the Agriculture Act, 1947.

The Regulations also define certain classes of applicants for smallholdings who, in the selection of tenants, are to be accorded the same preference, as between persons otherwise equally suitable, as the above-named Act accords to persons employed at the time of their application under a contract of service as agricultural workers.

The 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)(a).

(a) Page 31 above.