



# Agriculture Act 1947

## 1947 CHAPTER 48

### PART II

#### GOOD ESTATE MANAGEMENT AND GOOD HUSBANDRY.

#### **9 Duties of good estate management and good husbandry.**

The following provisions of this Part of this Act shall have effect for the purpose of securing that owners of agricultural land fulfil their responsibilities to manage the land in accordance with the rules of good estate management, and that occupiers of agricultural land fulfil their responsibilities to farm the land in accordance with the rules of good husbandry.

*Rules of good estate management and good husbandry.*

#### **10 Good estate management.**

- (1) For the purposes of this Act, an owner of agricultural land shall be deemed to fulfil his responsibilities to manage it in accordance with the rules of good estate management in so far as his management of the land and (so far as it affects the management of that land) of other land managed by him is such as to be reasonably adequate, having regard to the character and situation of the land and other relevant circumstances, to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as respects both the kind of produce and the quality and quantity thereof.
- (2) In determining whether the management of land is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which the owner is providing, improving, maintaining and repairing fixed equipment on the land in so far as is necessary to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as aforesaid.
- (3) The responsibilities under the rules of good estate management of an owner of land in the occupation of another person shall not in relation to the maintenance and repair of

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fixed equipment include an obligation to do anything which that other person is under an obligation to do by virtue of any agreement.

## **11 Good husbandry.**

- (1) For the purposes of this Act, the occupier of an agricultural unit shall be deemed to fulfil his responsibilities to farm it in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the unit is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) is such that, having regard to the character and situation of the unit, the standard of management thereof by the owner and other relevant circumstances, the occupier is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while keeping the unit in a condition to enable such a standard to be maintained in the future.
- (2) In determining whether the manner in which a unit is being farmed is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which—
  - (a) permanent pasture is being properly mown or grazed and maintained in a good state of cultivation and fertility and in good condition,"
  - (b) the manner in which arable land is being cropped is such as to maintain that land clean and in a good state of cultivation and fertility and in good condition;
  - (c) the unit is properly stocked where the system of farming practised requires the keeping of livestock, and an efficient standard of management of livestock is maintained where livestock are kept and of breeding where the breeding of livestock is carried out;
  - (d) the necessary steps are being taken to secure and maintain crops and livestock free from disease and from infestation by insects and other pests;
  - (e) the necessary steps are being taken for the protection and preservation of crops harvested or lifted, or in course of being harvested or lifted;
  - (f) the necessary work of maintenance and repair is being carried out.
- (3) The responsibilities under the rules of good husbandry of an occupier of an agricultural unit which is not owned by him shall not include an obligation to carry out any work of maintenance or repair which the owner of the unit or any part thereof is under an obligation to carry out in order to fulfil his responsibilities to manage in accordance with the rules of good estate management.

### *Supervision Orders.*

## **12 Power of Minister to supervise estate management and husbandry.**

- (1) Where the Minister of Agriculture and Fisheries (hereafter in this Act referred to as " the Minister ") is satisfied that the owner of agricultural land is not fulfilling his responsibilities to manage the land in accordance with the rules of good estate management, or that the occupier of an agricultural unit is not fulfilling his responsibilities to farm the unit in accordance with the rules of good husbandry, the Minister, after affording to the owner or occupier, as the case may be, an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, may by order (hereafter in this Part of this Act referred to as a " supervision order ") place the owner under the Minister's supervision

so far as relates to his management of the land, or the occupier under the Minister's supervision so far as relates to his farming of the unit, as the case may be; and while such an order is in force—

- (a) any person authorised by the Minister in that behalf may at all reasonable times enter upon the land to which the order relates for the purpose of inspecting the way in which it is being managed or farmed, as the case may be ;
- (b) the Minister shall have the powers of direction and dispossession conferred by the following provisions of this Part of this Act.

For the avoidance of doubt it is hereby declared that the fact that a person is both the occupier of the unit and also the owner of the unit or part thereof does not prevent the making of orders under this subsection placing him under supervision both in relation to farming and in relation to management.

- (2) While a supervision order is in force, the Minister shall from time to time review the management (if the order relates to management) or the farming (if the order relates to farming) of the land or agricultural unit to which the order relates, and—
  - (a) a review shall be held under this subsection as soon as may be after the expiration of twelve months from the coming into operation of the order, and, where one or more reviews have already been held under this subsection in relation to the order, such a review shall be held as soon as may be after the expiration of twelve months from the previous or last such review;
  - (b) a review under this subsection shall be held after affording to the person to whom the order relates an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister.
- (3) Where a supervision order is in force and the Minister is satisfied that by reason of the standard of management or husbandry, as the case may be, attained by the person to whom the order relates it is no longer necessary that the order should continue in force, the Minister shall revoke the order:

Provided that the revocation of the order shall not affect any direction given thereunder in so far as it is in force immediately before the revocation of the order.

- (4) Forthwith after the making of a supervision order the Minister shall serve a copy of the order on the person to whom it relates, and forthwith after the revocation of such an order the Minister shall serve notice of the revocation on the person to whom the order related.
- (5) Where the owner of land is not also the occupier thereof—
  - (a) an opportunity of making representations to the Minister shall be afforded under subsection (1) or (2) of this section both to the owner and to the occupier, and not only to the person for whose supervision the Minister is considering making the order or the person to whom the order relates, as the case may be;
  - (b) any service of a copy of an order or of a notice required by the last foregoing subsection shall be effected both on the owner and on the occupier, and not only on the person to whom the order relates or related.
- (6) Forthwith after the making of a supervision order it shall be registered, in the manner provided for under paragraph (b) of this subsection, in the register of local land charges by the proper officer of the council of each county borough or county district in which the land to which the order relates or any part thereof is situated, or, if that land or any

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part thereof is situated in the administrative county of London, by the proper officer of the London County Council; and—

- (a) it shall be the duty of the Minister forthwith after a supervision order has been made to notify that fact to the proper officer of any council by whom the order is required to be registered as aforesaid and to furnish to him all information relating to the order requisite in that behalf;
  - (b) the power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection.
- (7) If while a supervision order is in force in relation to the farming of an agricultural unit additional land becomes comprised in the unit, the supervision order shall by virtue of this subsection extend to the farming of that additional land, and references in this Act to the coming into operation of the order shall be construed as references to the date at which the order originally came into operation as well in relation to the additional land as in relation to any other land to which the order relates:

Provided that nothing in this subsection shall be construed as imposing on any person any liability with respect to the additional land at a date before it became part of the said agricultural unit.

### **13 Changes of owner or occupier effected without approval of Minister not to invalidate supervision orders.**

Where a supervision order is in force in respect of an owner or occupier, any disposition of land to which the order relates, other than a testamentary disposition, whereby some other person becomes the owner or occupier of that land shall not, unless approved by the Minister either before or after the disposition is completed, affect the continued operation of the supervision order, and accordingly in default of such approval the supervision order shall continue in force so far as it relates to that land (but subject to the provisions of subsection (3) of the last foregoing section) as if it had been made so as to relate to the new owner or occupier, as the case may be, as well as to the former owner or occupier.

*Directions to secure good estate management and good husbandry.*

### **14 Directions to secure good estate management and good husbandry.**

- (1) Where a supervision order is in force, the Minister, after affording to the person to whom the order relates an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, may by notice in writing served on the person to whom the order relates give to that person such directions as the Minister is satisfied are required—
- (a) where the order is for the supervision of the management of land, to secure that the said person fulfils his responsibilities to manage the land in accordance with the rules of good estate management;
  - (b) where the order is for the supervision of the farming of an agricultural unit, to secure that the said person fulfils his responsibilities to farm the unit in accordance with the rules of good husbandry.
- (2) Without prejudice to the generality of the provisions of the last foregoing subsection, in so far as it appears to the Minister requisite for the purposes of that subsection—

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- (a) a direction under paragraph (a) thereof may impose requirements, restrictions or prohibitions as to the carrying out of work and may require that the management to which the direction relates shall be entrusted to a person appointed by the owner to whom the direction relates and approved by the Minister;
- (b) a direction under paragraph (b) thereof may impose requirements, restrictions or prohibitions as to the carrying out of work and as to the purpose for which and the manner in which land is to be used for agricultural production:

Provided that a direction under the said paragraph (b) shall not be given to the tenant of a holding (as defined in the Agricultural Holdings Act, 1923, and Part III of this Act) to carry out on the holding any improvement falling within Part I of the Third Schedule to this Act unless either the landlord has (whether on the application of the tenant or of the Minister) consented in accordance with the said Part III to the carrying out of the improvement or by virtue of the provisions of the said Act of 1923 and this Act relating to market gardens compensation for the carrying out of the improvement does not depend on the landlord's consent thereto.

- (3) Any direction requiring only the doing of one or more of the following things, that is to say, the provision, improvement, maintenance or repair of fixed equipment, which could be given under subsection (1) of this section while a supervision order is in force may be given notwithstanding that no such order is in force.
- (4) If any person to whom a direction is given under this section contravenes or fails to comply with the direction, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.
- (5) Without prejudice to the bringing of proceedings under the last foregoing subsection, where a direction under this section to carry out any work is not complied with any person authorised by the Minister in that behalf may enter upon the land to which the direction relates and any other land managed or, as the case may be, farmed in conjunction therewith, and carry out the work required by the direction, and the reasonable cost of carrying out work in the exercise of powers conferred by this subsection shall be recoverable by the Minister from the person to whom the direction was given.
- (6) Any dispute arising under the last foregoing subsection as to what is the reasonable cost of any work shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.
- (7) Any person who obstructs a person acting in the exercise of powers conferred by subsection (5) of this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.
- (8) Where a direction under this section provides for the doing of anything within a specified time and (whether before or after the expiration of the said time) the Minister is satisfied that it is reasonable that the said time should be extended, he may extend it accordingly.

## **15 Supplementary provisions as to directions.**

- (1) The Minister shall not give to the owner of land consisting of or comprised in any agricultural unit a direction under the last foregoing section to provide fixed equipment on that land until, after affording to the owner an opportunity of making

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representations to the Minister, as required by subsection (1) thereof, the Minister has given to the owner notice in writing of the proposal to give the direction, specifying the nature of the direction which the Minister proposes to give.

The references in this and the next following subsection to the provision of fixed equipment include references to the provision thereof by the conversion of existing fixed equipment and the improvement thereof by the enlargement of buildings.

- (2) An owner to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and the provisions of the said Part V shall apply accordingly, in any case in which the owner proves to the satisfaction of the Tribunal that—
- (a) the estimated reasonable cost of the work involved in the proposal, and
  - (b) the cost borne by the owner of any other work for providing fixed equipment on the agricultural unit carried out within the two years immediately preceding the service of the notice, being work requisite for compliance with the owner's responsibilities to manage in accordance with the rules of good estate management,

together exceed the annual value of the land owned by him and comprised in the agricultural unit, or in any case in which either an authority or person has at the time when the notice is given power without further authorisation to acquire compulsorily the land to which the notice relates or at that time that land is designated by a development plan under the enactments relating to town and country planning as subject to compulsory acquisition, or designated by an order under section one of the New Towns Act, 1946.

For the purposes of this subsection, the annual value of land shall be taken to be the annual value thereof as determined for the purposes of income tax under Schedule A of the Income Tax Act, 1918, at the time when the notice under the last foregoing subsection was given, or, if the land is not a unit for which the annual value was then determined for those purposes, such proportion thereof as the Agricultural Land Tribunal may determine to be appropriate.

- (3) Where, for the purposes of determining whether a direction under the last foregoing section is to be given to the owner or occupier of land which is let, it is necessary to ascertain the respective liabilities of the owner and occupier under the contract of tenancy in relation to fixed equipment, the Minister may by notice in writing served on the owner or the occupier require him within twenty-one days from the service of the notice if there is an agreement in writing relating to the said liabilities to send or produce the agreement or a copy thereof for inspection by such person as may be specified in the notice, and in any case within the said twenty-one days to furnish in such manner and to such person as may be so specified such information as to the said liabilities of the owner and occupier, in so far as they do not depend on an agreement in writing, as may be so specified, and—
- (a) if where a requirement is made under this subsection an owner or occupier fails to comply therewith, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and to a further fine not exceeding five pounds for each day after conviction on which the failure continues;
  - (b) if in purported compliance with such a requirement an owner or occupier knowingly or recklessly furnishes any copy of an agreement or any information which is false in any material particular, he shall be liable to the penalties specified in subsection (7) of the last foregoing section.

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- (4) Where a direction is proposed to be given under the last foregoing section to an owner who is not the occupier of the land in question or to an occupier who is not the owner thereof, and the proposed direction would require the provision, improvement, maintenance or repair of fixed equipment, or the ploughing-up of permanent pasture, an opportunity of making representations to the Minister shall be afforded under subsection (1) of the last foregoing section both to the owner and to the occupier, and not only to the person to whom it is proposed to give the direction.
- (5) The provisions of the Second Schedule to this Act shall have effect where a direction is given under the last foregoing section requiring the ploughing-up of permanent pasture or the carrying out of other acts of cultivation.
- (6) Where the tenant of a holding (as defined in the Agricultural Holdings Act, 1923, and Part III of this Act) in pursuance of a direction under the last foregoing section carries out on the holding any improvement specified in Part II of the Third Schedule to this Act, the direction shall have effect, as respects the right of the tenant to compensation for the improvement, as if it were the approval of the Minister given in accordance with the said Part III to the carrying out of the improvement, and—
  - (a) without prejudice to the provisions of subsection (4) of this section the direction shall be given after affording to the tenant and to the landlord an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister;
  - (b) the direction may impose on the tenant such terms, whether as to reduction of the compensation which would be payable apart from the terms or as to other matters, as appear to the Minister to be just.
- (7) Where the Minister proposes to give such a direction as is mentioned in subsection (1) of this section, or where a proposal to give such a direction is referred to the Agricultural Land Tribunal in accordance with subsection (2) thereof, the Minister or, as the case may be, the Tribunal may require the surveyor of taxes for the district in which the land is situated to furnish information as to the annual value of the land as determined for the purposes mentioned in the said subsection (2).

*Dispossession of owners or occupiers on grounds  
of bad estate management or bad husbandry.*

**16 Dispossession on grounds of bad estate management.**

- (1) Where a supervision order is in force in relation to the management of land, and the Minister is satisfied that the management thereof does not while the order is in force show satisfactory improvement, and certifies accordingly, the Minister shall subject to the provisions of this section have power to purchase compulsorily in accordance with the provisions of this Act in that behalf the land to which the order relates or any part of that land.
- (2) Where the Minister proposes to purchase any land under the last foregoing subsection and is satisfied that it is necessary for the purpose of securing the proper management thereof that he should acquire any other land which is being managed by the same person in conjunction with the first-mentioned land, and certifies accordingly, the Minister shall subject to the provisions of this section have power to purchase that other land compulsorily in accordance with the provisions aforesaid.

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- (3) Where any person having an interest in land, by notice in writing served on the Minister within six months of the giving by the Minister of a certificate under the foregoing provisions of this section relating to any other land, represents to the Minister that the first-mentioned land was at the time when the certificate was given being managed in conjunction with that other land and that it is not reasonably practicable to manage it except in conjunction therewith, and requires that the Minister shall purchase the said interest, then unless the Minister is satisfied that the representation is not justified and certifies accordingly before the expiration of the prescribed period, the Minister shall be deemed on the date on which the said period expires to have been authorised to purchase the interest compulsorily in accordance with the provisions of this Act in that behalf and to have served a notice to treat in respect of the interest on that date.

The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this subsection.

- (4) The Minister shall not give any certificate under subsection (1), (2) or (3) of this section until, after affording to any such person as is specified in subsection (6) of this section an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, the Minister has given to any such person as is so specified notice in writing of the proposal to give the certificate together with such particulars as appear to the Minister requisite for informing him of the general grounds on which the Minister is satisfied as mentioned in subsection (1) of this section.
- (5) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and the provisions in that behalf of the said Part V shall apply accordingly.
- (6) The persons referred to in subsection (4) of this section are, in the case of a proposed certificate under subsection (1) or (2) of this section—
- (a) every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any direction under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land to which the proposed certificate is to relate, and
  - (b) if the certificate relates to land which is settled land within the meaning of the Settled Land Act, 1925, any other person entered on the register kept for the purposes of this Part of this Act who is a trustee of the settlement or who under the settlement has a vested interest in the land immediately following upon the interest of the person beneficially entitled to the land in possession, or who being an infant is beneficially entitled to the land in possession:
- in the case of a proposed certificate under subsection (3) of this section, the person by whom the representation in question was made.
- (7) No certificate under subsection (1) or (2) of this section shall be given until not less than twelve months has expired from the coming into operation of the supervision order in question, except where the person who for the time being is the owner to



whom the order relates has failed to comply with any direction under the foregoing provisions of this Part of this Act given to him as the owner—

- (a) in the case of a proposed certificate under subsection (1) of this section, of the land to which the proposed certificate is to relate,
- (b) in the case of a proposed certificate under subsection (2) thereof, of the land proposed to be acquired under subsection (1) of this section;

and no person on whom a notice to treat is served under powers conferred by either of the said subsections (1) and (2) shall be required to convey his interest to the Minister, or if he is in occupation of the land in question to give up the occupation thereof, before the expiration of three months from the service of the notice to treat.

## **17 Dispossession on grounds of bad husbandry.**

- (1) Where a supervision order is in force in relation to the farming of an agricultural unit, and the Minister is satisfied that the farming thereof does not while the order is in force show satisfactory improvement, then subject to the provisions of this section—
  - (a) where in the case of any land comprised in the unit the occupier is not the owner thereof, the Minister shall have power by order to terminate his interest in that land, or any part thereof specified in the order, as from such date not earlier than three months after the making of the order as may be specified therein, and to require that the owner shall as from the said date either farm it himself, if he so elects and the Minister approves, or let it to a tenant approved by the Minister;
  - (b) where in the case of any land comprised in the unit the occupier is the owner thereof, the Minister shall have power by order to direct that as from such date as aforesaid the occupier shall give up his occupation of that land, or any part thereof specified in the order, and let it to a tenant approved by the Minister.
- (2) The Minister shall not make an order under the last foregoing subsection until, after affording to the occupier and, in the case of a proposal to make an order under paragraph (a) thereof, to the owner of the land to which the proposed order is to relate an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, the Minister has given to the occupier, and in such a case as aforesaid to the said owner, notice in writing of the proposal to make the order, together with such particulars as appear to the Minister requisite for informing the recipient of the notice as to the general grounds on which the Minister is satisfied as mentioned in subsection (1) of this section.
- (3) An occupier or owner to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and the provisions in that behalf of the said Part V shall apply accordingly.
- (4) No order under subsection (1) of this section shall be made until not less than twelve months has expired from the coming into operation of the supervision order in question, except where the person who for the time being is the occupier to whom the supervision order relates has failed to comply with any direction under the foregoing provisions of this Part of this Act given to him as the occupier of land comprised in the agricultural unit to which the proposed order under subsection (1) of this section is to relate.
- (5) For the avoidance of doubt it is hereby declared that the termination under paragraph (a) of subsection (1) of this section of the interest of a tenant in any land

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is to be treated, for the purposes of the provisions relating to compensation of the Agricultural Holdings Act, 1923, and of Part III of this Act, as the termination of his tenancy of the land, but nothing in this section shall be construed as entitling the tenant to any compensation for disturbance.

- (6) Where under paragraph (a) of subsection (1) of this section an order is made terminating the interest of a tenant in part only of a holding (as defined in the said Act of 1923 and Part III of this Act).—
- (a) the said provisions relating to compensation shall apply as if the part to which the order relates were a separate holding; and
  - (b) the tenant shall be entitled to a reduction of rent proportionate to the part to which the order relates, and the amount of that reduction shall be settled by arbitration under the said Act of 1923.
- (7) Where the interest of an occupier in any land is terminated under subsection (1) of this section, or an occupier is required thereunder to give up his occupation of any land, and at any time after the date specified for the purposes of that subsection the occupier remains in possession of the land, the Minister may make complaint to a court of summary jurisdiction and thereupon the court shall by its warrant order vacant possession of the land to be given to the Minister forthwith.

A warrant under this subsection shall subject to the necessary modifications be in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect.

## **18 Power of Minister to take possession where occupier dispossessed and no other arrangements made.**

- (1) Where, at the date as from which a person is required under paragraph (a) or (b) of subsection (1) of the last foregoing section himself to farm any land or to let it to a person approved by the Minister, the person on whom the requirement is imposed has not complied therewith, the Minister may take possession of the land for the purpose of farming it, and—
- (a) on the Minister taking possession of the land any tenancy thereof granted without the Minister's approval and since the imposition of the requirement shall be deemed to have terminated by reason of a notice to quit duly given by the landlord, and
  - (b) subsection (7) of the last foregoing section shall apply in relation to the tenant whose tenancy is deemed to have terminated as aforesaid as it applies in relation to an occupier whose interest is terminated under subsection (1) of that section.
- (2) While the Minister is in possession of land under this section, it shall be his duty to secure that it is farmed in accordance with the rules of good husbandry either—
- (a) by a person acting under the direction of the Minister, or
  - (b) by a person entrusted by the Minister with the farming thereof on such terms, being terms which in the opinion of the Minister would be appropriate to a letting thereof to a tenant from year to year, as may be agreed between the Minister and the said person;

and subject to the provisions of this section the Minister and the person who, apart from any tenancy deemed to have terminated under paragraph (a) of subsection (1) of this section, for the time being would be entitled to possession of the land but for the exercise by the Minister of his powers under this section (hereafter in this

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section referred to as " the landlord ") shall have the like rights against and liabilities to each other as if the Minister were a tenant of the land under a tenancy from year to year beginning on the date on which the Minister took possession of the land and granted by the landlord under a tenancy agreement containing such provisions (other than provisions as to rent or any such payment as is mentioned in the next following subsection) as may be agreed between the Minister and the landlord, and providing for the making of payments by the Minister of such amounts at such times as a tenant under such an agreement might reasonably be expected to make by way of rent.

- (3) On the Minister taking possession of land under this section there shall be ascertained—
- (a) the amount (if any) in addition to rent which might reasonably have been expected to be payable by an incoming tenant, under the agreement referred to in the last foregoing subsection, in respect of tilings previously done for the purposes of the farming of the land, and in respect of seeds, tillages, growing crops and other matters;
  - (b) the cost of the carrying out of any work which under the rules of good husbandry or under a contract of tenancy ought to have been carried out on the land by the occupier before the Minister took possession thereof, being work which is necessary for putting the land into good tenantable condition, and if the said amount is greater than the said cost the difference shall be recoverable from the Minister by the landlord, and if less the difference shall be recoverable from the landlord by the Minister.
- (4) Where the Minister has taken possession of land under this section in consequence of the termination of the interest of a tenant, then without prejudice to the responsibilities of the landlord under the rules of good estate management he shall be liable to the Minister to carry out any work which under the contract of tenancy with the tenant the owner of the reversion expectant upon the termination of the tenancy was liable to carry out, being work which is necessary for putting the land into good tenantable condition; and any such liability shall be enforceable by the Minister in like manner as if it were imposed by the agreement referred to in subsection (2) of this section.
- (5) The Minister shall be entitled to continue in possession of land under this section—
- (a) where it is being farmed by a person acting under the direction of the Minister, and it is shown to the Minister that the landlord has made arrangements satisfactory to the Minister for the farming of the land by himself or by a person approved by the Minister, until the next twenty-ninth day of September, eleventh day of October, twenty-fifth day of March, or sixth day of April, as may be specified in a notice in writing served on the Minister by the landlord not later than two months before the said day;
  - (b) where it is being farmed by a person to whom the Minister has entrusted the farming thereof, until that person is entitled to possession of the land as tenant thereof under an agreement with the landlord approved by the Minister.
- (6) Nothing in subsection (2) of this section shall entitle the Minister, on giving up possession of land, to compensation for disturbance; but save as aforesaid that subsection shall apply as if when the Minister gives up possession he were quitting the land on the termination of the tenancy referred to in that subsection by notice to quit duly given by the landlord.
- (7) The enactments relating to income tax and the enactments relating to land tax, and in particular such of those enactments as relate to the deduction of tax from rent and to the taxation of excess rents, shall apply—

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- (a) in relation to payments made under subsection (2) of this section by the Minister to the landlord, as if the Minister were a tenant and the landlord were a lessor of the land under such a tenancy agreement as is mentioned in the said subsection (2) and the payments were rent paid thereunder;
  - (b) in relation to payments made by any such person as is mentioned in paragraph (b) of that subsection to the Minister, as if the said person were a tenant and the Minister were a lessor of the land under such a letting as is mentioned in the said paragraph (b) and the payments were rent paid thereunder.
- (8) Any question arising under subsections (2) to (6) of this section between the Minister and the landlord shall in default of agreement be determined by arbitration under the Agricultural Holdings Act, 1923.

**19 Power of tenant or landlord to apply for dispossession of owner or occupier under supervision.**

- (1) On any review under subsection (2) of section twelve of this Act of the management of land or farming of an agricultural unit of which the owner is not also the occupier.—
- (a) if the review is of management, the representations under paragraph (b) of that subsection of the occupier may include a request that the Minister shall exercise his powers under subsection (1) of section sixteen of this Act in relation to the land;
  - (b) if the review is of farming, the representations under the said paragraph (b) of any owner of land comprised in the agricultural unit may include a request that the Minister shall exercise his powers under subsection (1) of section seventeen of this Act in relation to the said land.
- (2) Where such a request is made the Minister shall not comply therewith unless he is satisfied that the management or farming, as the case may be, has not shown satisfactory improvement while the supervision order has been in force, but save as aforesaid may, subject to the provisions of this section, either comply with or refuse the request.
- (3) If the Minister proposes to refuse such a request, he shall give notice in writing of his proposal to the owner and to the occupier.
- (4) If before the expiration of the prescribed period from the making of such a request no notice has been given either under the last foregoing subsection of a proposal to refuse the request or under section sixteen or seventeen of this Act of a proposal complying with the request, the Minister shall be deemed to have given notice of his proposal to refuse the request.
- (5) Where notice of a proposal to refuse such a request is given or deemed to have been given, the person by whom the request is made may require that the proposal shall be referred to the Agricultural Land Tribunal constituted under Part V of this Act, and the provisions in that behalf of the said Part V shall apply accordingly.
- (6) Where in consequence of a reference to the Agricultural Land Tribunal under the last foregoing subsection the Minister complies with such a request as aforesaid, the provisions of subsections (4) and (5) of section sixteen of this Act or subsections (2) and (3) of section seventeen thereof, as the case may be, shall not apply to any action of the Minister necessary to comply with the request.

*Supplementary.*

**20 Service of notices on agents.**

- (1) Without prejudice to the general provisions of Part V of this Act as to the service of notices, any notice required or authorised to be served on an owner or occupier by the provisions of this Part of this Act relating to the making of supervision orders and the giving of directions shall, where an agent or servant of the owner or occupier is responsible for the control of the management or farming, as the case may be, of the land in question, be duly served if served on that agent or servant:

Provided that where by virtue of this subsection any notice is served in connection with a direction to entrust the management of land to a person approved by the Minister, and the owner of the land is entered on the register kept for the purposes of this Part of this Act, a copy of the notice shall be served on the owner at the address entered on the register in that behalf.

- (2) Anything which under subsection (3) of section fifteen of this Act may be required to be done by an owner or occupier may, where such an agent or servant as aforesaid is responsible for the control of the management or farming, as the case may be, of the land in question, be required to be done by the said agent or servant, and references in paragraphs (a) and (b) of the said subsection (3) to an owner or occupier shall be construed accordingly.

**21 Interpretation in Part II of references to " owner " and " manager " ; and registration of certain owners, trustees, etc.**

- (1) In this Part of this Act, the expression " owner ", subject to the provisions of the next following subsection, means the person in whom for the time being is vested the legal estate in fee simple.
- (2) Where, in relation to all or any of the provisions of this Part of this Act.—
- (a) all persons appearing to the Minister to be concerned agree, with the approval of the Minister, that some person shall be treated as the owner of land other than the person who would be so treated apart from the agreement, or
  - (b) on an application in that behalf to the Agricultural Land Tribunal established under Part V of this Act the Tribunal determine, having regard to the respective interests of the persons interested in the land, that some person shall be treated as the owner of the land other than the person who would be so treated apart from the determination,

that person shall be so treated, but without prejudice to a subsequent agreement or determination or to his ceasing to be so treated if the Minister withdraws his approval under paragraph (a) of this subsection.

- (3) Any question arising under this Part of this Act whether two parcels of land are being managed by the same person shall be determined, if the management of either or both of the parcels is under the control of an agent or servant, by reference to the person by whom the agent or servant is employed and not by reference to the agent or servant.
- (4) For the purposes of this Part of this Act the Minister shall keep, in such form as he may determine, a register of owners of land and other persons who are trustees of, or interested under, settlements as mentioned in paragraph (b) of subsection (6) of section sixteen of this Act, being in any case persons who in the prescribed manner apply to be entered on the register.