AGRICULTURE BILL.

Memorandum by the Minister of Agriculture and Fisheries.

I circulate to the Cabinet the accompanying draft Bill which has been framed to give effect (so far as legislation is required) to the Agricultural Policy announced by the Prime Minister in his speech at the Caxton Hall on October 21st 1919.

The general scope and provisions of this Measure are more fully explained in the covering Memorandum which is printed with the Bill and are based, very largely, upon the Reports of the Selborne Agricultural Reconstruction Committee and the recent Royal Commission on Agriculture.

Part II., which deals with Land Tenure, embodies, in addition, the results of numerous conferences and consultations which have taken place between the Prime Minister, the Minister of Agriculture, and the various interests concerned - as represented by the National Farmers' Union, the Central Landowners' Association, the Land Union, the Surveyors' Institution and the Land Agents' Society.

It is not suggested that these bodies entirely approve or accept responsibility for, the details of Part II. of the Bill, but there has been a very large measure of agreement as to both principle and detail and a public-spirited endeavour on the part of all concerned to bring about an agreed settlement of an urgent but admittedly controversial problem.

As time is pressing, I hope that the Cabinet will give permission for the Bill to be introduced, in the House of Commons, before Easter.

L of F.

17th March, 1920.
Agriculture Bill.

MEMORANDUM.

This Bill consists of two main parts, of which the first contains amendments of the Corn Production Act, 1917, and the second contains amendments of the Agricultural Holdings Acts.

PART I.

1. The Corn Production Act will cease to be a temporary Act, but provision is made for terminating, by means of an Order in Council, to be made on an Address presented to the Crown by both Houses of Parliament, that part of the Act which deals with guaranteed minimum prices, but subject to the condition that the Order shall not take effect until the expiration of the fourth year after the date on which it is made. (Clause 1.)

2. The Bill proposes to amend Part I. of the Corn Production Act, which relates to guaranteed minimum prices, as follows:—

(a) The existing provisions which only apply to wheat and oats are to be extended to barley. (Clause 2):

(b) Instead of the prices fixed by the Act of 1917 the minimum prices for 1920 are to be, for wheat 68s. per quarter of 504 lbs., for barley 59s. per quarter of 418 lbs., and for oats 46s. per quarter of 336 lbs. These are the minimum prices recommended by the Royal Commission on Agriculture and are based on an estimate of the cost of production in 1918-19. Minimum prices for future years are to be fixed by three Commissioners and are to rise or fall in comparison with the prices of 1920 in the same proportion as the average cost of production rises or falls in comparison with the cost of 1918-19. The Commissioners are to be appointed one by the three Departments of Agriculture, one by the Treasury, and one by the Board of Trade. (Clauses 4 and 5.)

3. The provisions of s. 9 of the Act of 1917, which deal with the enforcement of proper cultivation, are amended substantially. (Clause 6.)

(a) It is proposed that the orders referred to in s. 9 shall only be made where they are "not calculated to
“affect injuriously the persons interested in the "land," and the right of appeal to an arbitrator is provided to determine whether the order is properly made.

(b) A new power is given to require landlords to execute the repairs which are necessary to secure proper cultivation, and if the landlord fails to comply the tenant may be authorised by the Minister to execute the works and recover the cost from the landlord. These orders are also subject to an appeal to arbitration.

(c) The existing procedure in case of default in complying with cultivation orders is inadequate, and it is proposed that the failure to comply with a notice requiring cultivation according to the rules of good husbandry or requiring a change in the manner of cultivating land shall be an offence punishable by summary proceedings, and also that the Central Authority or any County Agricultural Committee acting on its behalf shall be entitled to execute the work and recover the cost.

(d) Cases have occurred in which good husbandry and food production have been prejudiced by the general mismanagement of an estate, and power is taken by the Bill for the Minister in such cases on the recommendation of the County Agricultural Committee, and after full enquiry to make an order appointing a receiver to act on behalf of the owner with wide powers of management. An appeal to the High Court against such an order is included in the Bill.

(e) In view of the alteration in the scope of the orders which may be made under s. 9 and the right of appeal provided in such cases, it is proposed that compensation shall cease to be recoverable in connection with action taken under the section, except where possession has been taken by the Central Authority.

(f) Provision is made for dealing with the nuisance caused by the growth of weeds on land which cannot at present be dealt with under s. 9, as not being under cultivation, as for instance, on roadside and railway embankments.
PART II.

4. The Bill proposes (clause 8) to secure tenants against the risk of eviction and consequent loss by extending the existing provisions with regard to recovery of compensation for disturbance. If a tenant is required to quit without any fault on his part, he will receive full compensation for all loss directly attributable to the quitting, together with an additional sum equal to one year's rent; if the notice to quit is given capriciously, i.e., "without good and sufficient cause and for reasons inconsistent with good estate management," but in no other case, this additional sum may be increased by the arbitrator to four years' rent.

The Bill, without setting up a rent tribunal indirectly provides a method, convenient to both landlord and tenant, for readjustment of rent without the necessity of serving a notice to quit. The landlord will not be liable to pay compensation for disturbance if the tenant refuses to agree to an arbitration as to an increase of rent and thereby forces the landlord to determine his tenancy. On the other hand, the landlord will be liable to pay such compensation if he refuses a request by the tenant that there should be an arbitration as to reduction of rent, and in consequence forces the tenant to leave.

5. Clause 10 materially improves the position of a tenant as regards compensation for improvements. At present he can only obtain compensation for permanent improvements if the landlord consents to their execution. Under the Bill if a landlord refuses consent the County Agricultural Committee can, after hearing the landlord's case, direct that the improvements shall be treated as improvements for which consent is not required, but the landlord will, as in the case of drainage, have the option of executing the improvements and charging an appropriate additional rent to the tenant.

As regards market garden improvements, the clause contains provisions enabling the Agricultural Committee to apply to a holding, or any part of a holding, the conditions known as the "Evesham Custom" under which the tenant who determines his tenancy is only entitled to compensation for market garden improvements if he can find another tenant willing to take his place and to undertake his liability for compensation.

The Bill also provides for compensation where the tenant has continuously adopted a specially high standard of farming (Clause 11.)
6. Clause 13 enables a landlord to claim arbitration in respect of dilapidations and other breaches of contract by the tenant, and in this respect puts him in the same position as regards enforcement of his claim as that in which the tenant is under the Agricultural Holdings Act of 1908.

7. In addition to the amendments specifically mentioned above, Part II. of the Bill comprises various other amendments of the Act of 1908, of a more technical character, which are desirable for improving the legal position as between landlord and tenant.

Part II. is framed generally on the lines suggested by the Reconstruction Committee over which Lord Selborne presided.
Agriculture Bill.

ARRANGEMENT OF CLAUSES.

PART I.

AMENDMENT OF THE CORN PRODUCTION ACT, 1917.

Clause.
2. Extension of Part I. of Corn Production Act, 1917, to barley.
4. Amendment as to minimum price and average price.
5. Appointment, remuneration, and powers of Commissioners.
6. Amendment of s. 9 of Corn Production Act, 1917.
7. Service of notices.

PART II.

AMENDMENT OF AGRICULTURAL HOLDINGS ACTS.

8. Compensation for disturbances.
9. Extension of tenancies under lease for a term of years.
10. Amendment of law as to improvements.
11. Compensation for continuous high farming.
12. Determination of compensation where holding divided.
15. Constitution of panel of arbitrators, and provisions as to arbitrators' remuneration.
16. Resumption of part of holding by landlord.
17. Amendment of s. 25 of 8 Edw. 7. c. 28.
18. Power to charge on land amount due from landlord, and to make adjustments where any charge on land is made.
19. Amendment of s. 40 of 8 Edw. 7. c. 28.
20. Extension of the meaning of "holding."

7—7
Clause.
22. Record of holding.
23. Repeal of s. 4 of Act of 1908.
24. Notices to quit.
25. Minor amendments of 8 Edw. 7. c. 28.

PART III.

GENERAL.

26. Interpretation.
27. Application to Scotland.
28. Application to Ireland.
29. Short title and repeal.

SCHEDULE.
Agriculture.

Draft of a Bill

To Amend the Corn Production Act, 1917, and the

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

AMENDMENT OF THE CORN PRODUCTION ACT, 1917

1.—(1) Subject as hereinafter provided, the provisions of the Act of 1917 shall continue in force until Parliament otherwise determines:

Provided that it shall be lawful for His Majesty, on an address presented to him by both Houses of Parliament praying that the provisions of Part I. of the Act of 1917 shall cease to be in force, by Order in Council to declare that those provisions shall cease to be in force on the expiration of the fourth year subsequent to the year in which the Order is made.

(2) In the event of an Order in Council being made under this section, the expiration of the provisions of Part I. of the Act of 1917 by virtue of the Order shall not affect the right to any payments under the said Part I. in respect of the wheat, barley and oats of the year immediately preceding the date on which those provisions expire, or any previous year, or any rights, privileges, obligations or liabilities accrued, or incurred under those provisions before that date, or any penalty, forfeiture, or punishment incurred in respect of
any offence committed under those provisions before that date, or in respect of any statement or representation made in connection with a claim under those provisions, whether the statement, representation, or claim was made before or after that date.

2.—(1) Part I. of the Act of 1917 shall apply to barley as it applies to wheat and oats, and accordingly for the words "wheat or oats" and "wheat and oats" wherever they occur in the said Part I. there shall respectively be substituted the words "wheat, barley, or oats," and "wheat, barley, and oats."

(2) In section one of the Act of 1917 for the words "a sum equal in the case of wheat to four times" there shall be substituted the words "a sum equal in the case of wheat and in the case of barley to four times."

3. The expression "statutory quarter" shall be substituted for the expression "quarter" wherever that expression occurs in the Act of 1917, and for the purposes of that Act the expression "statutory quarter" means in the case of barley four hundred imperial pounds.

4.—(1) The minimum prices for the wheat, barley, and oats of the year nineteen hundred and twenty shall be such prices for a statutory quarter as are equivalent to the following prices:

- Wheat: 68s. per customary quarter of 504 pounds.
- Barley: 59s. per customary quarter of 336 pounds.
- Oats: 46s. per customary quarter of 336 pounds.

and the minimum prices for the wheat, barley, and oats of any subsequent year shall be such prices as are fixed in respect of that year in accordance with the following provisions:

(a) The Commissioners to be appointed under this Part of this Act shall as soon as possible after the completion of the harvest in the year nineteen hundred and twenty ascertain the percentage by which the cost of production of the wheat, barley, and oats respectively of the year nineteen hundred and twenty is greater or less than the cost of production of the wheat, barley, and oats respectively of the standard year.

(b) In ascertaining the variation in the cost of production no account shall be taken of any variation of rent.

(c) The minimum prices for the wheat, barley, and oats respectively of the year nineteen hundred and twenty-one shall be such sums as are certified by the Com-
missioners to bear to the minimum prices fixed for
the wheat, barley, and oats respectively of the year
nineteen hundred and twenty the same proportion as
the cost of production of the wheat, barley, and oats
respectively of the year nineteen hundred and
twenty bears to the cost of production of the wheat,
barley, and oats respectively of the standard year:

(a) The minimum prices of the wheat, barley, and oats
respectively of the year nineteen hundred and
twenty-two and each subsequent year shall be fixed
in like manner on the basis of the relation which
the cost of production of the wheat, barley, and oats
respectively of the year preceding the year for which
prices are to be fixed bears to the cost of production
of the wheat, barley, and oats respectively of the
standard year, and the Commissioners shall certify
accordingly:

(c) The standard year means the year nineteen hundred
and nineteen.

(2) Any fraction of a penny in the average price or
minimum price per statutory quarter shall be disregarded.

(3) The foregoing provisions of this section shall have effect
in substitution for the provisions of subsection (1) of section
two of the Act of 1917.

5.—(1) For the purposes of this Part of this Act there
shall be three Commissioners, of whom one shall be appointed
by the Minister, the Board of Agriculture for Scotland, and the
Department of Agriculture and Technical Instruction for Ireland
jointly, one by the Treasury, and one by the Board of Trade.

(2) There shall be paid to the Commissioners such remunera-
tion as the Treasury may determine, and any such remunera-
tion and the expenses of the Commissioners, up to an amount
sanctioned by the Treasury, shall be defrayed out of moneys
provided by Parliament.

(3) The Commissioners may by order require the production
of any books, papers, or other documents relating to the subject
matter of their inquiry, and may require any person who appears
to them to have any information with respect thereto to furnish,
in writing or otherwise, such particulars with respect thereto as
they may require, and to attend before them and give evidence
on oath, and any of the Commissioners shall for that purpose
have power to administer an oath.

A.D. 1920.
(4) If any person fails to comply with any order of the Commissioners made under this section, or furnishes any particulars which are false or misleading in any material particular, or gives any evidence which is false or misleading in any material particular, he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a term not exceeding one month.

(5) The Commissioners shall not, except with the consent of the person concerned, include in any report or publication made or authorised by them any information obtained by them in the course of an inquiry made by them under this section as to the business carried on by any person which is not available otherwise than through evidence given to them during the inquiry, nor shall any Commissioner or any person concerned in the inquiry, except with such consent as aforesaid, disclose any such information.

6. Section nine of the Act of 1917 shall be amended as follows:—

(i) For the words in subsection (1) from "(b) that for the purpose of" to "as the case may be," both inclusive, there shall be substituted the words—

"(b) that the production of food on any land can be increased by the occupier by means of an improvement or change in the manner of cultivating or using the land which is not calculated to affect injuriously the persons interested in the land; or"

"(c) that the owner of land in the occupation of a tenant has neglected to execute the necessary repairs (not being repairs which the tenant is liable to execute) to any buildings on the land being repairs required for the proper cultivation or working thereof, may serve notice, in the case of neglect by an owner to execute repairs on the owner requiring him to execute the necessary repairs within such time as may be specified in the notice, and in any other case on the occupier of the land requiring him to cultivate the land in accordance with such directions as the Minister may give for securing that the cultivation shall be in accordance with the rules of good husbandry or for securing such improvement or change as aforesaid in the manner of cultivating or using the land, as the case may be":
(ii) For the words in the proviso to subsection (1) "or whether it is undesirable in the interest of food production that the change should apply to any portion of land included in the notice" there shall be substituted the words "or whether the production of food on the land can be increased by the occupier by means of such an improvement or change as aforesaid or whether the repairs required to be executed are necessary for the proper cultivation or working of the land":

(iii) The following new subsections shall be inserted after subsection (2):

"(2A) Where a notice other than a notice under paragraph (c) of subsection (1) of this section has been served under this section on the occupier of any land requiring him within a time specified in the notice to execute some work in connection with the cultivation of the land and that person fails to comply with the requirements of the notice, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds and to a further penalty not exceeding twenty shillings for every day during which the default continues after conviction:

Provided that—

(a) proceedings for an offence under this subsection shall not be instituted except by the Minister; and

(b) the Minister shall be entitled, notwithstanding that proceedings have been instituted under this subsection, to execute any work specified in the notice, and to recover summarily as a civil debt from the person in default any expenses incurred by him in so doing, and the right to institute any such proceedings shall not be prejudiced by the fact that the Minister has executed the work specified in the notice":

"(2B) Where a notice has been served under paragraph (c) of subsection (1) of this section on the owner of any land requiring him within a time specified in the notice to execute repairs and
the owner fails to comply with the requirements of the notice, the Minister may authorise the tenant to execute the repairs, and a tenant so authorised shall be entitled to execute the repairs accordingly and at any time after the repairs have been executed to recover from the owner the costs incurred by him in so doing, in the same manner in all respects as if those costs were compensation awarded in respect of an improvement under the Agricultural Holdings Act, 1908:"

(iv) For the words in subsection (3) "make such order as seems to them required in the circumstances, either authorising the landlord to determine the tenancy of the holding, or determining the tenancy by virtue of the order" there shall be substituted the words "by order determine the tenancy of the holding or of any part thereof":

(v) The following new subsection shall be inserted after subsection (3):—

"(3A) Where it is represented to the Minister by an agricultural committee that the owner of any agricultural estate situate in the area of the committee, whether the estate or any part thereof is or is not in the occupation of tenants, cultivates or manages the estate in such a manner as to prejudice the production of food thereon, the Minister may, if he thinks it necessary or desirable so to do in the national interest, and after making such enquiry as he thinks proper and after taking into consideration any representations made to him by the owner, by order appoint such person as he thinks fit to act as receiver of the estate or any part thereof:

Provided that—

(a) an order made under this subsection shall not, except where the person appointed by the order to act as receiver of the estate is appointed to act in the place of a person previously appointed under this subsection, take effect until a period of three months has elapsed after the date on which notice of the order
having been made was given to the owner of the estate, and the owner may at any time during the said period appeal against the order to the High Court in accordance with rules of court, and where any such appeal is made the order shall not take effect pending the determination of the appeal; and

(b) the powers conferred by the foregoing provision shall be in addition to and not in derogation of any other powers conferred on the Minister under this section:

The Minister may by an order made under this provision apply for the purposes of the order, with such modifications as he thinks fit, any of the provisions of section twenty-four of the Conveyancing and Law of Property Act, 1881, which relates to the powers, remuneration and duties of receivers appointed by mortgagees, and authorise the receiver to exercise such other powers vested in the owner of the land as may be specified in the order.

(vi) In subsection (4) for the words “if within three months after the Board have entered on any land the person who was in occupation of the land at the time of the entry so requires” there shall be substituted the words “if within one month after the Minister has entered on or appointed a receiver in respect of any land the owner of the land so requires”:

(vii) The words “in respect of which any notice is served or order made under this section or” in subsection (9) shall be repealed, without prejudice, however, to the rights of any person who suffers loss by reason of the exercise of any powers before the date of the commencement of this Act:

(viii) The following new subsections shall be inserted after subsection (10):

“(11) For the purposes of this section the rules of good husbandry shall be deemed to require—

(a) the maintenance and clearing of drains, dykes and ditches:

(b) the execution of any drainage works necessary for the proper cultivation of the land;
(c) the maintenance and proper repair of fences, gates and hedges;

(d) the execution of repairs to buildings, being repairs which are necessary for the proper cultivation and working of the land and are required to be executed by the occupier of the land under the contract of tenancy:

and references in this section to cultivation according to the rules of good husbandry shall be construed accordingly."

"(12) Where the Minister is satisfied that there are injurious weeds to which this subsection applies growing upon any land he may serve upon the occupier of the land a notice in writing requiring him to cut down or destroy the weeds in the manner and within the time specified in the notice, and where any such notice is given the provisions of subsection (2A) of this section shall, with the necessary modifications, apply as if the land were land which was not being cultivated according to rules of good husbandry, and as if a notice had been served on the occupier under subsection (1) of this section:

"The expression 'occupier' in this subsection means in the case of any public road the authority by whom the road is being maintained, and in the case of unoccupied land the person entitled to the occupation thereof:

"Regulations may be made under this Act for prescribing the injurious weeds to which this subsection is to apply":

"(13) A person shall not be deemed to be injuriously affected within the meaning of this section by reason of any loss or damage in respect of a right of sporting."

7. Every notice required to be served or given by the Minister under Part IV. of the Act of 1917, on or to the owner or occupier of any land or any landlord may either be served personally on that person or sent by post to or left at his usual place of abode in the United Kingdom, and in case any person on or to whom any such notice is to be served or
given is absent from the United Kingdom and his usual place of abode in the United Kingdom cannot after diligent enquiry be found the notice may be served by sending it by post to or leaving with it any agent ordinarily receiving the rents of the land on behalf of that person or by sending a copy thereof by post to or leaving it with the occupier of the land to which the notice relates for transmission to the owner or landlord, or if there is no such occupier by affixing a copy thereof on some conspicuous part of that land.

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PART II.

AMENDMENT OF AGRICULTURAL HOLDINGS ACTS.

8.—(1) Where the tenancy of a holding is determined by notice to quit given by the landlord, then, unless the tenant at the date of the notice—

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(a) is not cultivating the holding according to the rules of good husbandry; or

(b) has failed to remedy any breach which has been committed by him of any term or condition of the tenancy, being a breach which is capable of remedy and which the landlord has given him a reasonable opportunity of remedying; or

(c) has become bankrupt or compounded with his creditors; or

(d) has refused to agree to a demand made to him in writing by the landlord for a reasonable increase of, or for arbitration as to, the rent to be paid for the holding as from the expiration of the current year of the tenancy or any later date;

and unless the notice to quit states that it is given for one or more of the reasons aforesaid, compensation for the disturbance shall be payable by the landlord to the tenant in accordance with the provisions of this section.

(2) Where the landlord of a holding refuses to agree to a demand made to him in writing by the tenant for a reasonable reduction of, or for arbitration as to, the rent to be paid for the holding as from the expiration of the current year of the tenancy or any later date, and by reason of the refusal the tenant exercises his power of determining the tenancy by notice, the tenant shall be entitled to compensation in the same manner as if the tenancy had been determined by notice to quit given by the landlord.
A.D. 1920. (3) The provisions of this section relating to demands for an increase or reduction of, or for arbitration as to, the rent to be paid for a holding shall not apply where the demand is so made that the increase or reduction of the rent would take effect at some time before the expiration of two years from the commencement of the tenancy of the holding or from the date on which a previous increase or reduction of the rent took effect:

Provided that an arbitrator in determining for the purposes of this section what rent is properly payable in respect of a holding shall have regard to any improvements executed thereon by the tenant and shall not fix the rent at a higher amount than would have been properly payable if those improvements had not been so executed.

(4) The compensation payable under this section shall be a sum representing such loss or expense directly attributable to the quitting of the holding as the tenant may unavoidably incur upon or in connection with the sale or removal of his household goods or his implements of husbandry, fixtures, farm produce or farm stock, or as is otherwise directly attributable to the quitting, and shall include any expenses reasonably incurred by him in the preparation of his claim for compensation (not being costs of an arbitration to determine the amount of the compensation), and also a sum equal to one year's rent of the holding, or, where the notice to quit is given without good and sufficient cause and for reasons inconsistent with good estate management, such sum not being less than one year's rent nor more than four years' rent of the holding, as the arbitrator may think proper.

(5) Compensation shall not be payable under this section—

(a) in respect of the sale of any goods, implements, fixtures, produce or stock unless the tenant has before the sale given the landlord a reasonable opportunity of making a valuation thereof; or

(b) unless the tenant has before the determination of the tenancy given notice to the landlord of his intention to make a claim for compensation under this section; or

(c) in respect of any loss or expense of which particulars are not given to the landlord within three months after the determination of the tenancy.
(6) The landlord shall on the written application of the tenant of a holding to whom notice to quit has been given furnish to the tenant within ten days after the receipt of the application a statement in writing of the reasons for the giving of the notice, and if he fails so to do the notice shall be deemed to have been given without good and sufficient cause and for reasons inconsistent with good estate management.

(7) If any question arises as to whether compensation is payable under this section or as to the amount payable by way of compensation under this section the question shall, in default of agreement, be determined by arbitration under the Act of 1908.

(8) Compensation payable under this section shall be in addition to any compensation to which the tenant may be entitled in respect of improvements, and shall be payable notwithstanding any agreement to the contrary.

(9) The expression "landlord" for the purposes of this section means the landlord by whom the notice to quit is given, notwithstanding that he ceases to be the landlord of the holding before the determination of the tenancy.

(10) The foregoing provisions of this section shall be substituted for section eleven of the Act of 1908 and any reference to that section in any Act or document shall be construed as a reference to this section.

9.—(1) In the case of a tenancy for a term of two years or upwards, the tenancy shall not determine on the expiration of the term for which it was granted unless not less than one year nor more than two years before the date fixed for the expiration of the term a written notice has been given by either party to the other of his intention to determine the tenancy, and any notice so given shall be deemed to be a notice to quit for the purposes of the Agricultural Holdings Acts, 1908 to 1914.

(2) If no such notice is given the tenancy shall as from the expiration of the term for which it was granted, continue as a tenancy from year to year, but otherwise so far as practicable on the terms of the original tenancy.
This section shall not apply to any tenancy granted for a term expiring on some date earlier than the first day of January nineteen hundred and twenty-two.

Amendment of law as to improvements.

10.—(1) Where the landlord of any holding refuses to consent in manner required by section two of the Act of 5 & 6 Vict. c. 91 to the making of any improvement comprised in Part I. of the First Schedule to that Act, not being an improvement comprised in the Third Schedule to that Act, either absolutely or except upon such terms as the tenant is unwilling to accept, the agricultural committee for the area in which the holding is situate may, on the application of the tenant and after hearing the landlord or his representative, direct that the improvement shall be treated for the purposes of the Act of 1908 as if it were an improvement comprised in Part II. of the First Schedule to that Act, and any direction given by the agricultural committee under this subsection may be given subject to such conditions, if any, as the committee think fit.

(2) The Minister may by regulation substitute such percentages as he thinks fit for the percentages mentioned in subsection (3) of section three of the Act of 1908.

(8) Where a tenant desires to make on his holding or any part of his holding any improvement comprised in the Third Schedule to the Act of 1908 and the landlord refuses to agree in writing that the holding or that part of the holding shall be treated as a market garden, the agricultural committee for the area in which the holding is situate may, on the application of the tenant and after hearing the landlord or his representative, direct that section forty-two of the Act of 1908 shall, either in respect of all the improvements comprised in the said Third Schedule or in respect of some only of those improvements, apply to the holding or to that part thereof, and the said section shall apply accordingly.

Any direction given by an agricultural committee under this section shall be subject to such conditions, if any, as the committee may think fit to attach to the direction, and where any such direction is given the following provisions shall have effect:—

(a) If the tenancy is determined by notice to quit given by the tenant or by reason of the tenant becoming bankrupt or compounding with his creditors, the tenant shall not be entitled to compensation in
respect of any such improvements as are specified in the direction unless the tenant not later than one month after the date on which the notice to quit is given or the date of the bankruptcy or composition, as the case may be, or such later date as may be agreed, produces to the landlord an offer in writing by a substantial person (being an offer which is to hold good for a period of one month from the date on which it is produced), to take a lease of the holding from the determination of the existing tenancy thereof, and on the terms and conditions of that tenancy, and, subject as hereinafter provided, to pay to the outgoing tenant all compensation for improvements payable under the Act of 1908 as amended by any other Act, or under the contract of tenancy, and the landlord fails to accept the offer within one month after the production thereof; and

(b) If the landlord accepts any such offer the incoming tenant shall pay to the landlord on demand all sums payable to him by the outgoing tenant on the determination of the tenancy in respect of rent or breach of contract or otherwise in respect of the holding, and any amount so paid may, subject to any agreement between the outgoing tenant and incoming tenant, be deducted by the incoming tenant from any compensation payable by him to the outgoing tenant.

(4) The powers under this section of an agricultural committee may in the case of a holding situate in a county borough for which an agricultural committee has not been appointed be exercised by the Minister.

11. Where the tenant of a holding on quitting proves to the satisfaction of an arbitrator appointed under the Act of 1908 that the value of the holding has been increased during the tenancy by the continuous adoption of a system of farming more beneficial to the holding than the system required by the contract of tenancy or by custom, the arbitrator may award to the tenant such compensation as in his opinion represents the benefit accrued to the holding by the adoption of that system:

Provided that—

(a) This section shall not apply in any case unless a record of the condition of the holding has been
A.D. 1908.

Determina-
tion of
claims for
compensa-
tion where
a holding is
divided.

Arbitration
on quitting
holding.

Provisions
as to arbi-
tration.
as he thinks desirable for expediting, or reducing the costs of, proceedings on arbitrations under the Act of 1908.

(2) On an arbitration under the Act of 1908 the arbitrator may, if he thinks fit—

(a) make separate awards in respect of the several claims referred to him; and

(b) make an interim award for the payment of any sum on account of the sum to be finally awarded.

(15)—Such number of persons as may be appointed by the Lord Chief Justice of England, the President of the Surveyors' Institution and the President of the National Farmers' Union jointly shall form a panel of persons from whom any arbitrators nominated by the Minister under the Act of 1908 shall be selected:

Provided that if at any time the said Union ceases to exist and there is then in existence or subsequently comes into existence any other body representing substantially the same interests as those represented by the Union, the Minister may direct that the foregoing provision shall have effect as if the President or chief officer (by whatever name called) of that other body were therein substituted for the President of the said Union.

(2) The remuneration of an arbitrator nominated by the Minister shall be such amount as is fixed by the Minister, and the remuneration of an arbitrator appointed by the parties to an arbitration shall, in default of agreement between those parties and the arbitrator, be such amount as on the application of the arbitrator or either of the parties is fixed by the registrar of the county court, subject to appeal to the judge of the court.

(3) The remuneration of an arbitrator when agreed or fixed under this section shall be recoverable by the arbitrator as a debt due from either of the parties to the arbitration, and any amount paid in respect of the remuneration of the arbitrator by either of those parties in excess of the amount, if any, directed by the award to be paid by him in respect of the costs of the award shall be recoverable from the other party to the arbitration.

16. Where, in pursuance of a provision in that behalf contained in the contract of tenancy, notice is given by the landlord of a holding of his intention to resume possession of

Resumption of part of a holding by landlord.
some part of the holding, the provisions of paragraphs (b) and (c) of section twenty-three of the Act of 1908 shall apply as if the notice were such a notice to quit as is mentioned in that section.

17. The proviso to section twenty-five of the Act of 1908 (which relates to penal rents for breaches of the terms of contracts of tenancy) shall, so far as it relates to the breaking-up of permanent pasture, cease to have effect.

18.—(1) Where any sum is due to the tenant of a holding by way of compensation or otherwise under the Act of 1908, 10 and the landlord neglects or fails to pay that sum to the tenant within one month after the amount has become due, the tenant shall, subject as hereinafter provided, be entitled to obtain from the Minister a first charge on the holding to the amount of the sum so due and of all costs properly incurred by him in obtaining the charge:

Provided that the foregoing provision shall not apply in the case of a sum due by way of compensation for disturbance and payable by a person who ceased to be the landlord of the holding before the determination of the tenancy.

(2) Any charge under this section shall be made in like manner as charges under the Act of 1908.

(3) Any charge made by the Minister under the Act of 1908 may contain such provision as the Minister may think necessary or desirable for adjusting as between the several persons interested in the holding the liability for the discharge of the amount charged and for the payment of interest thereon.

19. Section forty of the Act of 1908 shall have effect as though for the words "the powers by this Act conferred on a landlord (other than that of entering on a holding for the purpose of viewing the state of the holding)" and the words "the powers by this Act conferred on a landlord (other than as aforesaid)" contained in subsection (1) and subsection (2) respectively of the said section there were substituted the words "the powers by this Act conferred on a landlord in respect of charging the land."

20. Where the land comprised in a contract of tenancy is not a holding within the meaning of the Act of 1908 by reason only of the fact that the land so comprised includes land (hereinafter referred to as the non-statutory land) which, owing to...
the nature of the buildings thereon or the use to which it is put, would not, if it had been separately let, be a holding within the meaning of the said Act, the provisions of the said Act relating to compensation for improvements and disturbance shall, unless otherwise agreed in writing, apply to the part of the land exclusive of the non-statutory land as if that part were a separate holding.

21. Subject to any agreement to the contrary the tenant of a holding shall not after notice to determine the tenancy has been given, either by himself or by the landlord, sell or remove from the holding any manure, compost, or any hay or straw grown in the last year of the tenancy unless and until he has given the landlord a reasonable opportunity of agreeing to purchase on the determination of the tenancy at their fair market value, the said manure, compost, hay or straw.

22. If the landlord or tenant of a holding at any time during the tenancy so requires, a record of the condition of the buildings, fences, gates, roads, drains, ditches and cultivation of the holding shall be made by a person to be appointed in default of agreement by the Minister, and in default of agreement the cost of making any such record shall be borne by the landlord and tenant in equal shares.

23. Section four of the Act of 1908 (which relates to agreements as to compensation for improvements comprised in Part III. of the First Schedule to that Act) shall cease to have effect.

24.—(1) Notwithstanding any provision in a contract of tenancy to the contrary, a notice to quit a holding, other than an allotment garden, shall be invalid if it purports to determine the tenancy before the expiration of twelve months from the date on which the notice is given.

(2) Section twenty-two of the Act of 1908 (which relates to the time of notices to quit), is hereby repealed.

(3) This section shall not apply to any notice given before the passing of this Act.

25. The amendments in the second column of the First Schedule to this Act, which relate to minor details, shall be made in the provisions of the Agricultural Holdings Acts, 1908 to 1914, specified in the first column of that Schedule.
Interpretation.

26. In this Act, unless the context otherwise requires,—

(1) The expression “the Minister” means the Minister of Agriculture and Fisheries:

(2) The expression “agricultural committee” means the agricultural committee established for a county or borough under the Ministry of Agriculture and Fisheries Act, 1919:

(3) The expression “the Act of 1908” means the Agricultural Holdings Act, 1908, and the expression “the Act of 1917” means the Corn Production Act, 1917:

(4) References to the Act of 1917, or to the Act of 1908, or to the Agricultural Holdings Act, 1914, or to any provision of any of those Acts, shall be construed as referring to that Act or to that provision as amended by any other Act, including this Act.

Application to Scotland.

27.

Application to Ireland.

28.

Short title and repeal.

29.—(1) This Act may be cited as the Agriculture Act, 1920.

(2) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
## FIRST SCHEDULE.

**MINOR AMENDMENTS OF AGRICULTURAL HOLDINGS ACTS.**

**Agricultural Holdings Act, 1908.**

<table>
<thead>
<tr>
<th>Enactment to be Amended</th>
<th>Nature of Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section one</td>
<td>In subsection (1), after the word &quot;Act,&quot; where that word first occurs, there shall be inserted the words &quot;whether the improvement was or was not an improvement which he was required to make by the terms of his tenancy&quot;; and in paragraph (1) of subsection (2) there shall be inserted after the word &quot;crops,&quot; where that word first occurs, the words &quot;grown on and.&quot;</td>
</tr>
<tr>
<td>Section fifteen</td>
<td>In subsection (1), after the word &quot; expended,&quot; there shall be inserted the words &quot;and of all costs properly incurred by him in obtaining the charge.&quot;</td>
</tr>
<tr>
<td>Section sixteen</td>
<td>After the words &quot;Act shall&quot; there shall be inserted the words &quot;where the charge is obtained by the landlord.&quot;</td>
</tr>
<tr>
<td>Section twenty-three</td>
<td>In paragraph (iii) the words &quot;for labourers&quot; shall be omitted; and in paragraph (c) after the word &quot;rent&quot; there shall be inserted the words &quot;which in default of agreement shall be.&quot;</td>
</tr>
<tr>
<td>Section forty-eight</td>
<td>For the words &quot;cultivated as a market garden&quot; there shall be substituted the words &quot;cultivated as a market or allotment garden.&quot;</td>
</tr>
<tr>
<td>First Schedule</td>
<td>In paragraph (28) there shall be added at end thereof the words &quot;in so far as the amount of the temporary pasture laid down exceeds the amount of the temporary pasture on the holding at the commencement of the tenancy for which the tenant did not pay compensation,&quot; At the end of the Schedule there shall be inserted—&quot;(28) Haulage by the tenant of materials for the purpose of an improvement executed by the landlord on the holding.&quot;</td>
</tr>
<tr>
<td>Second Schedule</td>
<td>In paragraph 10, for the words &quot;sooner than one month or later than two months,&quot; there shall be substituted the words &quot;later than one month.&quot;</td>
</tr>
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</table>

**Agricultural Holdings Act, 1914.**

<table>
<thead>
<tr>
<th>Enactment to be Amended</th>
<th>Nature of Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section one</td>
<td>In subsection (1) the words from &quot;except that&quot; to the end of the subsection shall be omitted.</td>
</tr>
</tbody>
</table>

## SECOND SCHEDULE.

**ENACTMENTS REPEALED.**
DRAFT
OF A
BILL
To amend the Corn Production Act, 1917, and the Enactments relating to Agricultural Holdings.

VI. (7.)

10th March 1920.