EXPLANATORY NOTE

(This Note is not part of this Order, but is intended to indicate its general purport.)

This Order is made under section 73 (1) of the Agriculture Act, 1947, which requires the Minister of Agriculture and Fisheries by order to constitute such number of areas as he may consider expedient, so that for each area there may be established an Agricultural Land Tribunal under the provisions of the Act. The areas so constituted by this Order, set out in the Schedule hereto, correspond in general with the "provinces" which have been constituted for the purposes of the Agricultural Land Service of the Ministry of Agriculture and Fisheries.

The Minister has power, under the Agriculture (Procedure of Agricultural Land Tribunals) Order, 1948 (S.I. 1948 No. 186), made under section 73 (3) of the Act, to direct that the Tribunal for any area mentioned in this Order shall sit in two or more divisions (section 73 (3) (*c*) of the Act).

The Agriculture (Procedure of Agricultural Land Tribunals) Order, 1948

1948 No. 186

Made - - - -	*24th February*, 1948
Laid before Parliament	*25th February*, 1948
Coming into Operation	*1st March*, 1948

In pursuance of subsection (3) of section seventy-three 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 Order:—

1. As soon as may be practicable after service on the Secretary of a Committee of any request in writing that a decision of the Minister or a proposal of the Minister to take any action shall be referred to the Tribunal, the Secretary of the said Committee shall forward to the Secretary of the Tribunal a copy of the said request together with a copy of the Minister's notice to the applicant of his decision or proposal as aforesaid.

2. Within twenty-one days after service upon the Secretary of a Committee of any such request in writing as aforesaid the Secretary of the said Committee shall forward to the Secretary of the Tribunal the documents specified in Part I of the First Schedule hereto, and shall at the same time serve on the applicant the documents specified in Part II of the said Schedule.

3.—(1) Within twenty-one days after service upon the applicant of the aforesaid documents, the applicant may forward to the Secretary of the Tribunal a statement in writing of his reasons for requiring that the matter be referred to the Tribunal, and shall at the same time serve on the Secretary of the said Committee a copy of any such statement.

(2) The applicant shall attach to any such statement any documentary evidence or copy thereof, relative to his case, which is in his possession or which he can reasonably obtain, and shall attach a copy of any such documentary evidence as aforesaid to the copy statement to be served on the Secretary of the Committee, other than copies of documents sent, given or served at any time by the applicant to or on the Committee.

4.—(1) As soon as may be practicable after the expiration of the period referred to in the preceding Article, the Chairman of the Tribunal shall

(a) 10 & 11 Geo. 6. c. 48.

fix a date for the hearing, and shall cause to be served upon the applicant, not less than ten clear days before the date fixed for the hearing, a notice in the form set out in the Second Schedule hereto, or to the like effect, and shall at the same time send a copy of such notice to the Secretary of the Committee.

(2) An applicant may at any time before the hearing give in writing to the Secretary of the Tribunal and to the Secretary of the Committee notice that he desires to withdraw his application, and thereupon the application shall be cancelled.

(3) Where, under the provisions of the Act, two or more persons are empowered to require that a single decision of the Minister or a single proposal of the Minister to take any action shall be referred to the Tribunal then:—

(*a*) if more than one such person requires such a reference to the Tribunal, the Chairman may at any time direct that the applications shall be dealt with at a single hearing; and

(*b*) notice of any hearing shall be given to any other such person who has not required such a reference as aforesaid, but who availed himself of any opportunity to make representations to the Minister afforded to him under the provisions of the Act; but such notice shall not confer upon him any right of being heard in his own behalf at the said hearing.

5. In any case where a request in writing has been served on the Minister that a proposal of the Minister under section eighty-five or section eighty-six of the Act shall be referred to the Tribunal, the provisions of the four preceding Articles of this Order shall have effect as though for any reference therein to the Secretary of the Committee, there were substituted a reference to the Minister.

6.—(1) An applicant may conduct his case himself or may be represented by any person (whether holding any legal or other professional qualification or not) whom he may appoint for the purpose.

(2) The Minister may be represented by any person, whether or not an officer or servant in the service of the Minister or of the Committee.

7. If at any hearing the applicant fails to appear, either in person or by his representative, or if the Minister's representative fails to appear, it shall be open to the Tribunal to take such action (whether proceeding with the hearing or adjourning the hearing or otherwise) or give such instructions as appear to them to be just and expedient.

8.—(1) A hearing before the Tribunal shall be held in public, unless either the applicant requires or the Tribunal directs that it shall be held in private.

(2) The Tribunal shall give the Minister's representative an opportunity to address the Tribunal and call witnesses, and shall give the applicant or his representative an opportunity to cross-examine any witnesses called as aforesaid, and shall give the Minister's representative an opportunity to re-examine any witnesses cross-examined as aforesaid.

(3) The Tribunal shall give the applicant or his representative an opportunity to address the Tribunal and call witnesses, and shall give the Minister's representative an opportunity to cross-examine any witnesses called as aforesaid, and shall give the applicant or his representative an opportunity to re-examine any witnesses cross-examined as aforesaid.

(4) The applicant may, if he so desires, give evidence as a witness on his own behalf.

(5) The Tribunal may require any witnesses to give evidence on oath or affirmation, and for that purpose the Chairman may administer an oath or affirmation in due form.

9. The provisions of county court rules as to the issuing of witness summonses shall apply for the purposes of a reference of any matter to

the Tribunal as they apply for the purposes of an arbitration under the Agricultural Holdings Act, 1923(a).

10. The Tribunal may, if they deem it necessary or expedient in any particular case, enter and inspect any land or fixed equipment or inspect any produce or livestock concerned in the case:

Provided that if the occupier of any such land or of land on which any such fixed equipment, produce or livestock is situated is not a party to the matter before the Tribunal, at least twenty-four hours notice in writing of the intended entry and inspection shall be given to such occupier by the Secretary of the Tribunal.

11.—(1) The Tribunal may require the attendance before them of such other persons as witnesses, not called by either the Minister or the applicant, and may consider such other evidence, as may appear to the Tribunal to assist them in reaching their decision, subject to the right of the Minister and the applicant, or their representatives, to cross-examine any such witnesses as aforesaid.

(2) The Tribunal shall not be bound to reject any evidence on the ground only that such evidence would be inadmissible in a court of law, and they may, at their discretion, dispense with the formal proof of any document mentioned in Article 1 of this Order and the First Schedule hereto.

(3) The Tribunal may permit the Minister or the applicant, upon such terms and conditions (if any) as appear to the Tribunal to be just and expedient, to adduce evidence relating to any matter which is relevant to an issue to be determined by the Tribunal, whether or not such matter is referred to in any of the documents mentioned in Articles 1, 2 and 3 of this Order and the First Schedule hereto.

(4) Without prejudice to the generality of the preceding paragraph, the Tribunal may take notice of the circumstances existing at the date of the hearing, where there has been any change of circumstances since the date of the documents mentioned in the preceding paragraph.

(5) The Tribunal may adjourn the hearing from time to time if for any reason it appears to them necessary or desirable to do so.

12.—(1) The Chairman of the Tribunal may, upon such terms and conditions (if any) as appear to him to be just and expedient, extend the time appointed by this Order for doing any act or taking any step; and a request for such an extension may be addressed to the Secretary of the Tribunal either before or after the expiration of the time so appointed.

(2) The Minister or the applicant may at any time request the Chairman of the Tribunal to give instructions on any matter arising out of a reference to the Tribunal, and the Chairman may, on such a request being made to him, take such action or give such instructions as he thinks fit.

13. The decision of the Tribunal which, in the event of disagreement between the members of the Tribunal, shall be the decision of the majority of the members of the Tribunal, shall be recorded in a document to be certified by the signature of the Chairman of the Tribunal as correctly recording the decision of the Tribunal as aforesaid.

14. As soon as may be practicable after the certification of the said document, a copy thereof, certified as mentioned in the next succeeding Article, shall be forwarded by the Secretary of the Tribunal to the Minister and (except in the case referred to in Article 5 of this Order) to the Secretary of the Committee.

15.—(1) Copies of the said document referred to in Article 13 of this Order shall be prepared as may be necessary by the Secretary of the Tribunal and shall be certified by him as true copies.

(a) 13 & 14 Geo. 5. c. 9.

(2) A copy of the said document certified as mentioned in the preceding paragraph shall be conclusive evidence of the decision of the Tribunal on the matter to which that decision relates.

16.—(1) Save as in this Order expressly provided, the Tribunal shall have power to regulate their own procedure.

(2) Non-compliance by either the Minister or the applicant with any of the provisions of this Order shall not render the proceedings void unless the Tribunal so direct; and the Chairman of the Tribunal may at any time give such instructions as appear to him to be necessary or desirable by reason of any such non-compliance.

17.—(1) The provisions of Articles 1, 2 and 3, paragraphs (1) and (3) of Article 4, and paragraphs (3) and (4) of Article 11 of this Order shall not apply to an application to the Tribunal, under the provisions of paragraph (*b*) of subsection (2) of section twenty-one of the Act, for a determination that some person shall be treated as the owner of land other than the person who would be so treated apart from such determination.

(2) An application to the Tribunal under the provisions of the said paragraph (*b*) may be made at any time by notice in writing in the form set out in the Third Schedule hereto, or to the like effect, signed by the person making the application and served at the same time on:

(*a*) the Secretary of the Tribunal for the area in which the land is situated or deemed to be situated;

(*b*) (except where the applicant is the Secretary of a Committee acting on behalf of the Minister), the Secretary of the Committee for the administrative county in which the land is situated or deemed to be situated, or (in case the land is situated or deemed to be situated in more than one administrative county) in which is situated or deemed to be situated the greater part of the said land;

(*c*) any person interested or appearing to the applicant to be interested in the land.

(3) It shall be open to any person who is served with a notice of application as aforesaid within twenty-one days from the date of such service to make a written statement by way of comment upon the application and to serve copies of such statement upon the applicant and all the persons named in the said application, and at the same time to forward a copy of such statement to the Secretary of the Tribunal.

(4) As soon as may be practicable after the expiration of the period referred to in the preceding paragraph, the Chairman of the Tribunal shall fix a date for the hearing, and shall cause to be served upon all the persons named in the said application, not less than ten clear days before the date fixed for the hearing, a notice in the form set out in the Fourth Schedule hereto, or to the like effect.

(5) The Chairman of the Tribunal may at any time direct that a copy of the notice of application, of any such statement as is referred to in paragraph (3) of this Article, and of the notice of hearing, shall be served upon any person appearing to him to be interested in the land, whether or not such person is named in the notice of application or such statement as aforesaid.

(6) Article 8 of this Order shall apply to the hearing of an application under this Article subject to such modifications (if any) as the Tribunal may consider proper, having regard to the nature of the application and of the evidence adduced or to be adduced at the hearing; and every person interested or appearing to be interested in the land shall have a right to be heard at the hearing, either in person or by a representative appointed by him.

18.—(1) If at any time it appears to the Minister to be necessary or desirable, in the interests of the work of a Tribunal, that that Tribunal should sit in

two or more divisions, he may direct that the Tribunal shall sit in two or more divisions accordingly; and any such direction may be varied or revoked by the Minister at any time.

(2) In the event of a Tribunal sitting in two or more divisions pursuant to a direction of the Minister under the preceding paragraph, the work of the Tribunal shall be assigned among the said divisions as the Minister may from time to time direct.

19.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"Committee" means a County Agricultural Executive Committee established by the Minister under the provisions in that behalf of section seventy-one of the Act and the Ninth Schedule thereto;

"Minister" means the Minister of Agriculture and Fisheries;

"Tribunal" means any Agricultural Land Tribunal established under the provisions in that behalf of section seventy-three of the Act and the said Ninth Schedule;

"applicant" (except for the purpose of Article 17 of this Order) means a person who is empowered by any of the provisions of the Act to require that a decision of the Minister or a proposal of the Minister to take any action shall be referred to the Tribunal, and has duly so required; and "application" has a corresponding meaning;

"hearing" means a sitting of the Tribunal duly constituted for the purpose of receiving evidence, hearing addresses and witnesses or doing anything lawfully requisite to enable the Tribunal to reach a decision on a particular matter referred to them;

"the Act" means the Agriculture Act, 1947, and includes regulations and orders made thereunder.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

20.—(1) This Order may be cited as the Agriculture (Procedure of Agricultural Land Tribunals) Order, 1948, and applies to England and Wales.

(2) This Order shall come into operation on the first day of March, 1948.

In witness whereof the official seal of the Minister of Agriculture and Fisheries is hereunto affixed this 24th day of February, nineteen hundred and forty-eight.

(L.S.) *T. Williams.*

FIRST SCHEDULE

PART I

A plan of any land concerned in the case.

A schedule, related to the said plan, of any crops, including existing crops or fallows, previous crops or fallows, and any permanent or temporary pasture, relative to the Minister's case.

A copy of any directions relative to the Minister's case given by or on behalf of the Minister to the applicant.

A copy of any notice and particulars furnished to the applicant pursuant to subsection (4) of section sixteen or subsection (2) of section seventeen of the Act.

(Except in cases where a notice and particulars are furnished pursuant to subsection (4) of section sixteen or subsection (2) of section seventeen of the Act), a statement of the general grounds on which the Minister's decision or proposal was made.

A list of the names and addresses of all persons who availed themselves of an opportunity to make representations to the Minister afforded to them under the provisions of the Act relating to the subject-matter of the reference.

A copy of any further documentary evidence relative to the Minister's case.

(a) 52 & 53 Vict. c. 63.

PART II

A plan of any land concerned in the case.

A schedule, related to the said plan, of any crops, including existing crops or fallows, previous crops or fallows, and any permanent or temporary pasture, relative to the Minister's case.

(Except in cases where a notice and particulars are furnished pursuant to subsection (4) of section sixteen or subsection (2) of section seventeen of the Act), a statement of the general grounds on which the Minister's decision or proposal was made.

A copy of any documentary evidence relative to the Minister's case, other than documents sent, given or served at any time by or on behalf of the Minister to or on the applicant.

SECOND SCHEDULE

AGRICULTURAL LAND TRIBUNAL.....PROVINCE

(Address of Tribunal's area office) .....

To..... .....

....

....

NOTICE OF HEARING

TAKE NOTICE that a hearing has been fixed pursuant to your application for a reference to this Tribunal dated ..... and will take place at ..... on ..... the ..... day of ..... 19 ..... at ..... o'clock in the ..... noon. In your own interests, you should attend the hearing with your witnesses at the above time and place, whether or not you are to be represented. If for any reason you do not propose or are unable to attend, either in person or by your representative, you should IMMEDIATELY inform me in writing at the address mentioned at the head of this Notice, stating the reasons for your inability to attend.

(Signed).....
(for Chairman)

(Date).....

THIRD SCHEDULE

To.....

.....

.....

TAKE NOTICE that I, the undersigned .....
of .....
.....
am applying to the Agricultural Land Tribunal for the .....
..... Province for a determination that .....
..... of .....
.....
shall, in relation to the provisions of Part II of the Agriculture Act, 1947, be treated as the owner of the land known as .....
.....
in the place of .....
of .....
who would be so treated apart from such determination.

My reasons for making this application are as follows :—

.....

.....

.....

.....

.....

So far as I know, the following persons are interested or appear to be interested in the land :—

(Names)	(Addresses)
.....	.....
.....	.....
.....	.....

(Signed).....

(Date).....

FOURTH SCHEDULE

AGRICULTURAL LAND TRIBUNAL.....PROVINCE

	(Address of Tribunal's area office)
To.....	.....
.....	.....
.....	.....
	.....

NOTICE OF HEARING

TAKE NOTICE that a hearing of the application dated ..... that ..... should, in relation to the provisions of Part II of the Agriculture Act, 1947, be treated as the owner of the land known as ..... in the place of ..... has been fixed to take place at ..... on ..... the ..... day of ..... 19 ..... at ..... o'clock in the ..... noon. If for any reason you do not propose or are unable to attend, either in person or by your representative, you should IMMEDIATELY inform me in writing at the address mentioned at the head of this Notice, stating the reasons for your inability to attend.

(Signed).....
(for Chairman)

(Date).....

EXPLANATORY NOTE

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

The Agriculture Act, 1947, provides for the establishment of an Agricultural Land Tribunal for each area constituted in accordance with an Order of the Minister of Agriculture and Fisheries. The Order constituting the areas is the Agriculture (Areas for Agricultural Land Tribunals) Order, 1948 (S.I. 1948 No. 192). The present Order, which is made under the powers conferred by sub-sections (3) and (4) of section 73 of the Act, lays down some procedural rules for the Tribunal, and for parties to a reference thereto.

The Order provides that subject to the express rules therein laid down, the Tribunal has the power to regulate its own procedure. Special rules are provided, in Article 17, for the procedure on an application under section 21 (2) (*b*) of the Act to have a person named as the " owner " of land who would not be treated as the owner apart from a determination of the Tribunal; such an application differs from the normal case of an " appeal " against a proposal or a decision of the Minister.

The time and manner in which a normal application for reference to the Tribunal is to be made, are prescribed in the Agriculture (Reference to Agricultural Land Tribunals) Regulations, 1948 (S.I. 1948 No. 193).

The above-mentioned Orders and Regulations (including the present Order) come into operation on 1st March, 1948.

The Agriculture (Procedure of Agricultural Land Tribunals) (No. 2) Order, 1948

1948 No. 2751

Made - - - -	*16th December,* 1948
Laid before Parliament	*20th December,* 1948
Coming into Operation	*1st January,* 1949

In pursuance of subsection (3) of section seventy-three 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 Order:—

1.—(1) The Secretary of a Committee served with a request in writing that a decision of the Minister or a proposal of the Minister to take any action shall be referred to the Tribunal shall, at the same time as he serves on the applicant the documents specified in Part II of the First Schedule to the principal Order, serve the like documents on any other person who availed himself of an opportunity to make representations to the Minister afforded to him under the provisions of the Act relating to the subject-matter of the reference, together with a copy of the applicant's request in writing that the decision or proposal of the Minister be referred to the Tribunal.

(2) For the purposes of the preceding paragraph of this Article, there shall be substituted for the reference to the applicant in the said Part II of the First Schedule a reference to the person served under the preceding paragraph of this Article.

2. A copy of any statement and any documents served under the principal Order on the Secretary of the said Committee by the applicant shall be served by the Secretary of the said Committee as soon as may be practicable, and in any case before the date fixed for the hearing, on any person entitled to be served with documents under Article 1 of this Order:

Provided that the Secretary of the said Committee may comply with the requirements of this Article by affording to any such person a reasonable opportunity before the date fixed for the hearing of inspecting and taking a copy of any such statement and any such documents as aforesaid.

3. The Chairman of the Tribunal shall, at the same time as he causes to be served upon the applicant a notice of the hearing, cause a notice to the like effect to be served on any person who availed himself of an opportunity to make representations to the Minister afforded to him under the provisions of the Act relating to the subject-matter of the reference.

(**a**) 10 & 11 Geo. 6. c. 48.