1954 No. 1138

The Agriculture (Procedure of Agricultural Land Tribunals) Order, 1954

Made - - - -	26*th August*, 1954
Laid before Parliament	31*st August*, 1954
Coming into Operation	1*st September*, 1954

The Minister of Agriculture and Fisheries, in exercise of the powers conferred upon him by subsection (3) of section 73 of the Agriculture Act, 1947(**a**), and by section 6 of the Agriculture (Miscellaneous Provisions) Act, 1954(**b**), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1.—(1) This Order may be cited as the Agriculture (Procedure of Agricultural Land Tribunals) Order, 1954, and shall come into operation on the first day of September, 1954.

(2) The Agriculture (Procedure of Agricultural Land Tribunals) Order, 1948(**c**), and the Agriculture (Procedure of Agricultural Land Tribunals) (No. 2) Order, 1948(**d**), are hereby revoked, but anything duly done or suffered under any provision of the said Orders prior to their revocation shall for the purpose of the application of this Order be deemed to have been duly done or suffered at that time under the corresponding provision of this Order.

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" applicant " means (except for the purpose of Article 21 of this Order) a person who is empowered by any of the provisions of the 1947 Act or the 1948 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 ;

" Committee " means a County Agricultural Executive Committee established by the Minister under the provisions in that behalf of section 71 of the 1947 Act and the Ninth Schedule thereto ;

" enactment " includes a provision in regulations or orders made under an Act ;

" 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 ;

" Minister " means Minister of Agriculture and Fisheries ;

" Tribunal " means any Agricultural Land Tribunal established under the provisions in that behalf of section 73 of the 1947 Act and the Ninth Schedule thereto as originally enacted or as amended by section 4 of the 1954 Act and the First Schedule thereto ;

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

(**a**) 10 & 11 Geo. 6. c. 48. (**b**) 2 & 3 Eliz. 2. c. 39.
(**c**) S.I. 1948/186 (Rev. I, p. 678: 1948 I, p. 13).
(**d**) S.I. 1948/2751 (Rev. I, p. 686: 1948 I, p. 20).

"1948 Act" means the Agricultural Holdings Act, 1948(a), and includes regulations and orders made thereunder;

"1954 Act" means the Agriculture (Miscellaneous Provisions) Act, 1954.

(2) Any reference in this Order to any enactment shall, except in so far as the contrary intention appears, be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment.

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

3. 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.

4. Within 21 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 to this Order, and shall at the same time serve on the applicant the documents specified in Part II of the said Schedule, and shall at the same time 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 enactment 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.

5.—(1) Within 21 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.

(3) A copy of any statement and any documents served by the applicant on the Secretary of the Committee under this Article shall be served by the Secretary of the Committee as soon as may be practicable, and in any case before the date fixed for the hearing, on any person (other than the applicant) entitled to be served with documents under Article 4 of this Order:

Provided that the Secretary of the Committee may comply with the requirements of this paragraph 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.

6.—(1) As soon as may be practicable after the expiration of the period of 21 days referred to in the last foregoing Article of this Order, the Chairman of the Tribunal shall fix a date and place for the hearing, and shall, not less than 10 clear days before the date fixed for the hearing, cause to be served upon the applicant, and upon any other person who availed himself of an opportunity to make representations to the Minister afforded to him under

(a) 11 & 12 Geo. 6. c. 63. (b) 52 & 53 Vict. c. 63.

the enactment relating to the subject-matter of the reference, a notice in the form set out in the Second Schedule to this Order, or to the like effect, and shall at the same time cause to be sent 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, unless the Chairman of the Tribunal otherwise directs, be cancelled.

(3) Where, under the provisions of the 1947 Act or the 1948 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 relevant enactment; but such notice shall not confer upon him any right of being heard in his own behalf at the said hearing.

7. In any case where a request in writing has been served on the Minister that a proposal of the Minister under section 85 or section 86 of the 1947 Act shall be referred to the Tribunal, the provisions of the last four foregoing Articles of this Order shall have effect as though for any reference therein to the Secretary of a Committee there were substituted a reference to the Minister.

8. A party to proceedings before the Tribunal 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; and 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.

9. If at any hearing the applicant or any other party fails to appear, either in person or by his representative, 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.

10.—(1) A hearing before the Tribunal shall be held in public, unless either a party (other than the Minister) requires or the Tribunal directs that it shall be held in private.

(2) The Tribunal shall give each party or his representative an opportunity to address the Tribunal and call witnesses, and to cross-examine any witnesses called by or on behalf of another party, and to re-examine any of his own witnesses cross-examined by or on behalf of another party.

(3) A party may, if he so desires, give evidence as a witness on his own behalf.

(4) 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.

11. 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 1948 Act.

12. 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.

13.—(1) The Tribunal may require the attendance before them of such other persons as witnesses, not called by or on behalf of a party to the proceedings, and may consider such other evidence, as may appear to the Tribunal to assist them in reaching their decision, subject to the right of each party or his representative 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 3 of this Order and the First Schedule hereto.

(3) The Tribunal may permit a party, 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 3, 4 and 5 of this Order and the First Schedule hereto.

(4) Without prejudice to the generality of the last foregoing paragraph of this Article, 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 said 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.

14.—(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 (other than by paragraphs (2) and (3) of Article 18 hereof) 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, the applicant or any other party to the proceedings 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.

15.—(1) 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.

(2) The Chairman of the Tribunal shall have power to correct in the certified record of the decision of the Tribunal any clerical mistake or error arising from any accidental slip or omission.

16. As soon as may be practicable after certification of the record of the decision as aforesaid, or any correction thereof pursuant to paragraph (2) of the last foregoing Article of this Order, a copy of such record or correction, certified as mentioned in the next following Article of this Order, shall be sent by the Secretary of the Tribunal to the Minister and (except in the case referred to in Article 7 of this Order) to the Secretary of the Committee.

17.—(1) Copies of the certified record of the decision of the Tribunal and of any correction thereof pursuant to paragraph (2) of Article 15 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.

(2) The certified copies mentioned in the last foregoing paragraph of this Article shall be evidence of or in relation to the decision of the Tribunal on the matter to which that decision refers.

18.—(1) Any request to refer to the High Court a question of law arising in the course of proceedings before the Tribunal shall, if made after the Tribunal have given their decision in the proceedings, be made in writing to the Secretary of the Tribunal not later than 15 days from the date when the said decision is forwarded to the party to the proceedings making the request, and a copy of the said request shall at the same time be served on every other party to the proceedings before the Tribunal.

(2) The Tribunal shall, if after giving their decision in the proceedings they refuse any such request to refer a question to the High Court, give to the party making the request and to every other party to the proceedings before the Tribunal notice in writing of the refusal not later than 7 days from the date of receipt of the request; and if the party making the request and being aggrieved by the refusal intends to apply to the High Court for an order directing the Tribunal to refer the question to the High Court, he shall give to the Secretary of the Tribunal, to every other party to the proceedings before the Tribunal and (whether or not the Minister is a party to the proceedings before the Tribunal) to the Minister, notice in writing of the intended application to the High Court not less than 7 days before the filing of the notice of motion.

(3) A case stated by the Tribunal shall set out the question of law to be referred to the High Court and the facts found by the Tribunal, and shall, after signature by the Tribunal, be delivered to the party making the request within 2 months after the date of the request or (subject to any direction of the High Court) of the order of the High Court, as the case may be.

19.—(1) The powers of the Tribunal under subsection (5) of section 6 of the 1954 Act (which relates to giving effect to or modifying the Tribunal's decision after proceedings in the High Court have been concluded, and to postponing the operation of notices to quit) may be exercised by the Chairman of the Tribunal in any case where it is not considered by the Chairman to be necessary or desirable that there should be a further hearing or further consideration of the case by the Tribunal.

(2) Where, as a consequence of the reference of a question of law to the High Court or of the decision on such a reference, it is considered by the Chairman of the Tribunal to be necessary or desirable that there should be a further hearing, he shall fix a date and place for such further hearing and shall cause a notice thereof (in such form as he may consider proper for informing the parties as to the purpose of the further hearing) to be served, not less than 10 clear days before the date fixed for the further hearing, upon all persons who were served with a notice of the original hearing in the same proceedings, and shall at the same time cause to be sent a copy of such notice to the Secretary of the Committee or (in the case referred to in Article 7 of this Order) to the Minister.

(3) Any relevant provisions of this Order shall be applied by the Tribunal or (as the case may require) by the Chairman of the Tribunal at or in respect of any further hearing, whether or not the Tribunal have given their decision in the proceedings prior to the reference of any question of law to the High Court.

(4) Where the proceedings (including any further hearing) consequent on the reference of a question of law to the High Court or on the decision on such a reference cannot conveniently be dealt with by the Tribunal originally constituted for the purpose of the proceedings in the course of which the question arose, the Tribunal may, for the purpose of the aforesaid further proceedings, be constituted as though such proceedings were a new reference to the Tribunal.

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

(2) Non-compliance with any of the provisions of this Order by a party to proceedings before the Tribunal 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.

21.—(1) The provisions of Articles 3, 4 and 5, paragraphs (1) and (3) of Article 6, and paragraphs (3) and (4) of Article 13 of this Order shall not apply to an application to the Tribunal, under the provisions of paragraph (*b*) of subsection (2) of section 21 of the 1947 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 he shall serve copies of such statement upon the applicant and all the persons named in the said application, and at the same time 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 and place 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 10 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.

22.—(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.

In Witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 26th day of August, nineteen hundred and fifty-four.

D. Heathcoat Amory,
Minister of Agriculture and Fisheries.

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, relevant to the case.

A copy of any directions relevant to the 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 16 or subsection (2) of section 17 of the 1947 Act.

(Except in cases where a notice and particulars are furnished pursuant to subsection (4) of section 16 or subsection (2) of section 17 of the 1947 Act) a statement of 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 enactment relating to the subject-matter of the reference.

A copy of any further documentary evidence relevant to the case.

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, relevant to the case.

(Except in cases where a notice and particulars are furnished pursuant to subsection (4) of section 16 or subsection (2) of section 17 of the 1947 Act), a statement of the general grounds on which the Minister's decision or proposal was made.

A copy of any documentary evidence relevant to the case, other than documents sent, given or served at any time by or on behalf of the Minister to or on the person to be served with the said copy.

SECOND SCHEDULE

AGRICULTURAL LAND TRIBUNAL ..... PROVINCE

(Address of Tribunal's area office) .....
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To .....
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NOTICE OF HEARING

TAKE NOTICE that a hearing has been fixed pursuant to [your application] [the application of .....] 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 .....
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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:—
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.....

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 ....

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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, 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.)

This Order consolidates with minor amendments the two Orders making provision for the procedure of Agricultural Land Tribunals (S.I. 1948/186 and 2751), with new provisions for enabling the Chairman of a Tribunal to correct a clerical error or accidental slip in the written record of the Tribunal's decision and for regulating the procedure of the Tribunal in cases where there is a request by one of the parties that a question of law shall be referred to the High Court for decision pursuant to section 6 of the Agriculture (Miscellaneous Provisions) Act, 1954, and for dealing with consequential matters. The procedure in the High Court on the reference of a question by the Tribunal is dealt with by rules of court.

The time and manner in which an application may be made to refer to the Tribunal a decision or proposal of the Minister of Agriculture and Fisheries under the relevant enactments are prescribed in the Agriculture (Reference to Agricultural Land Tribunals) Regulations, 1948 (S.I. 1948/193).