

“ Prescribed ” means prescribed by this Act or by any regulations thereunder.

“ Private land ” means land the fee-simple of which is not vested in His Majesty the King and Crown lands held under any tenure which gives a right to purchase the fee-simple.

3. (1) The Minister may for the purposes of this Act order any person or persons whom he appoints to report to him on any private land, and may cause the owner of such land to be notified in the prescribed form that he has made an order for inspection.

(2) The person or persons appointed to report as aforesaid, with such assistants as he or they may deem necessary, may at any time enter any private land and may remain thereon for such time as may be necessary to enable sufficient information to be obtained for the preparation of a report on such land: Provided that notice of intention to enter on such land shall be given to the owner thereof, or to his manager or agent.

4. (1) It shall be lawful for the Minister to refer to the local land board for inquiry and report whether any private land described in the Minister's reference is agricultural or dairying land within the meaning of this Act. The local land board, on proof of the service of a copy of the reference on the owner of the land, or, if the owner is absent from the State, on any agent or attorney of such owner, in the manner prescribed, shall thereupon make an inquiry in open court, and shall hear the Minister, or any person called on his behalf, and any person who claims any interest in the land, and shall, if it is of opinion that the character and position of the land, or any part thereof, is such that the land, or the said part thereof, could be profitably used for agricultural or dairying purposes, declare that the said land, or the said part thereof is, and the said land shall thereupon be deemed to be, agricultural or dairying land within the meaning of this Act, or may refuse to make such declaration.

Declaration that land is agricultural land.

The fact that a reference by the Minister under this section has resulted in the land not being declared agricultural or dairying land shall not operate so as to prevent another reference being made in respect of the same land, or any part thereof.

(2) Where any private land is at the commencement of this Act held under lease or under share-farming agreement for agricultural or dairying purposes, it shall be prima-facie evidence that such land is suitable for the aforesaid purposes, and such land shall without any declaration by the local land board to that effect be deemed agricultural or dairying land, as the case may be, within the meaning of this Act, and any such existing lease or agreement shall be deemed to be a statutory lease for all purposes of this Act: Provided that the owner of the land or the lessor may, within twelve months after the commencement of this Act, apply in the prescribed manner to the local land board for a declaration that such land is not agricultural or dairying land.

(3)

(3) When under this section land has been declared, or, as Rescinding of such declaration. provided in the immediately preceding subsection, is deemed to be agricultural or dairying land, it shall, after the expiration of ten years, be lawful for the owner of the land to apply in the manner prescribed to the local land board to rescind the declaration so made in whole or part, or to declare that land or part thereof which is deemed to be agricultural or dairying land is not agricultural or dairying land; and if such board is of opinion that, in the circumstances, the character and position of the land, or any part thereof, is then such that it could not be profitably used for agricultural or dairying purposes, may rescind such declaration in whole or in part, or may declare that land which is deemed to be agricultural or dairying land is not in whole or in part agricultural or dairying land, and the land, or the said part thereof, shall thereupon cease to be agricultural or dairying land within the meaning of this Act.

5. The holder of any agricultural or dairying land shall not Statutory leases of agricultural land. lease, or agree to lease, such land or any part thereof, except subject to the provisions of this Act; and any lease or agreement for a lease made in contravention of this section shall be illegal and absolutely void both at law and in equity.

Any lease of such land is, in this Act, called a "statutory lease," and the holder of such lease is called a "statutory tenant," and the land so leased is called an "agricultural or dairying holding."

6. A statutory tenant shall not during the continuance of his Conditions of statutory tenancy. statutory lease be compelled to pay a higher rent than the rent fixed in pursuance of this Act, and shall not be compelled to quit the land of which he is a statutory tenant except in consequence of the breach of some one or more of the conditions following (which in the lease and in this Act shall be referred to as statutory conditions):—

- (a) The tenant shall pay his rent at the appointed time, or within such extended time as the local land board may on application allow.
- (b) The tenant shall not, to the prejudice of the interest of the landlord in the holding, commit or persist in waste by the dilapidation of buildings, or after notice has been given by the landlord to the tenant not to commit or to desist from the particular waste specified in such notice, by the deterioration of the soil.
- (c) The tenant shall not, without the consent of his landlord in writing, subdivide his holding, or sublet the same or any part thereof, or erect or suffer to be erected thereon, any buildings otherwise than in substitution for those already upon the holding at the time of the granting of the lease, or such as are declared by the local land board to be necessary for the proper occupation and working of the land.

Agistment,

Agistment, or the letting of the land for the purpose of temporary depasturage, shall not be deemed a subletting for the purposes of this Act.

- (d) The tenant shall not do any act whereby his tenancy becomes vested in an official assignee on his bankruptcy.
- (e) The landlord, or any person authorised by him in that behalf, on making reasonable amends and satisfaction for any damage to be done or occasioned thereby, shall have the right to enter upon the holding for any of the purposes following, that is to say,—
 - (1) mining, or taking minerals, or digging or searching for minerals ;
 - (2) quarrying or taking stone, marble, gravel, sand, brick-clay, fire-clay, or slate ;
 - (3) opening or making roads, fences, drains, and watercourses ;
 - (4) cutting or taking timber, save timber and other trees planted by the tenant or his predecessors in title, or that may be necessary for ornament or shelter ;
 - (5) viewing or examining, at reasonable times, the state of the holding and all buildings or improvements thereon ;and the tenant shall not persistently obstruct the landlord, or any person authorised by him in that behalf, in the exercise of any right conferred by this subsection :

Provided that the tenant shall be entitled to a reduction of his rent by an amount corresponding with that representing his loss of the proper user of the land by reason of any of the operations referred to in paragraphs one, two, and three of this section. The amount of such reduction, if not agreed to between the tenant and his landlord, shall be that determined by the local land board.

During the continuance of a statutory term, all mines and minerals, coals and coal-pits, shall be exclusively reserved to the landlord.

- (f) The tenant shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors.

During the continuance of a statutory term in a tenancy, save as hereinafter provided, the local land board may, on the application of the landlord, and upon being satisfied that he is desirous of resuming the holding or part thereof for some reasonable and sufficient purpose having relation to the good of the holding or of the estate, including the use of the ground as building ground, or for the purpose of making grants or leases of sites for churches or clergymen's residences, or for any purpose of public or general utility, authorise

authorise the resumption thereof by the landlord upon such conditions as the local land board may think fit, and require the tenant to sell his tenancy in the whole or such part to the landlord upon such terms as may be approved by the land board, including full compensation to the tenant:

Provided that the rent of any statutory holding may be increased in respect of capital laid out by the landlord under agreement with the tenant to such amount as may be agreed upon between the landlord and tenant.

7. A statutory tenant or his landlord may apply to the local land board to appraise the fair rent to be paid during the statutory term, and such board may appraise the rent accordingly, and may appoint the days on which the rent shall be paid; and the tenant or his landlord, at the expiration of every five years from the commencement of the tenancy, may apply to such local land board for a reappraisal of such rent. The rent so appraised shall be the rent payable in respect of the tenancy until a reappraisal is made or the tenancy is determined, whichever event first happens.

Appraisements of fair rent.

8. Any tenant of a holding, may on quitting his holding, at the expiration of his tenancy, or upon any sooner determination of such tenancy by or at the instance of the landlord, claim compensation to be paid by his landlord to him in respect of all improvements on his holding made by him or his predecessors in title, including also any improvements made with the consent of the local land board:

Compensation for improvements.

Provided that a tenant shall not be entitled to compensation in respect of any improvements made in pursuance of a contract or agreement entered into with the landlord for valuable consideration.

The amount of compensation for improvements may be assessed by the local land board on the application of the tenant or his landlord, and the amount so assessed shall be a debt recoverable in any court of competent jurisdiction.

9. The tenant of any holding may, with the consent of the local land board, sell his tenancy for the best price that can be got for the same, subject to the following conditions:—

Sale of tenancy.

- (a) Except with the consent of the landlord, the sale shall be made to one person only.
- (b) The tenant shall give the prescribed notice to the landlord of his intention to sell the tenancy.
- (c) Where the tenant agrees to sell his tenancy to a person other than the landlord, he shall, upon informing the landlord of the name of the purchaser, state in writing therewith the consideration agreed to be given for the tenancy.
- (d) The landlord may if he so desires exercise a preference of purchase over the tenancy by giving notice thereof in the prescribed form to the statutory tenant and to the local land board within fourteen days after receipt of notice of the agreement

agreement to sell. The local land board shall thereupon, or within a reasonable time after receipt of the notice, settle the conditions of sale of the tenancy to the landlord, and such conditions of sale shall be binding on both parties, and may be enforced by proceeding in any court of competent jurisdiction: Provided that the settlement of the conditions of sale by the local land board shall not be necessary in any case where the statutory tenant and the landlord agree as to such conditions.

10. In all cases of dispute between the landlord and statutory tenant in reference to the statutory lease, or any condition therein contained, or in reference to any act done or suffered to be done by the landlord or statutory tenant in connection with the lease or the land leased, the local land board shall, on application as prescribed by either party, determine all questions in dispute and make any order necessary or incident to the settlement thereof, and any such order shall be binding on the parties.

11. The provisions of this Act relating to tenancies created by the holders of agricultural or dairying land shall apply to and in relation to tenancies created by way of sublease by a lessee from any such holder:

Application of Act to subleases.

Provided that the rent which such sublessee may be compelled to pay shall not exceed the rent payable by his immediate landlord by more than twenty per centum.

12. The land appeal court and the local land board shall respectively have and may exercise under this Act the powers and authorities conferred by the Acts constituting them.

13. The decision of a local land board given in pursuance of this Act on questions of fact shall be final, but the decision of the board on any other question may be appealed from to the land appeal court at any time within twenty-eight days after the same has been given, by written notice of such appeal to the chairman of the board and to the other party to the proceeding, and depositing with such chairman the sum of five pounds as security for the costs of the appeal. And every such notice shall state the grounds of appeal. The decision of the land appeal court shall be final.

Decision of land board final.

14. This Act shall be administered by the Secretary for Lands, who, for the purposes of administration; or whenever he deems it necessary for his guidance and information, shall have power to refer any matter for inquiry and report to the local land board, and the said board shall, upon such reference, proceed accordingly.

15. The Governor may make regulations—

Regulations.

regulating the making of references to local land boards under this Act;

regulating the procedure of land boards exercising any jurisdiction conferred by this Act;

prescribing the forms to be used in pursuance of this Act; generally for carrying out the provisions of this Act.

All such regulations shall be published in the Gazette, and shall thereupon, but not sooner or otherwise, have the force of law.