

THE AGRICULTURAL SMALL HOLDINGS ACT

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SCHEDULES

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THE AGRICULTURAL SMALL HOLDINGS ACT

[8th March, 1946.]

Cap. 8.  
Law  
33 of 1955.  
Acts  
52 of 1964,  
15 of 1979  
2nd Sch.,  
31 of 1995  
S. 4.  
Short title.

1. This Act may be cited as the Agricultural Small Holdings Act.

2. In this Act—

Interpreta-  
tion.

“Agricultural Officer” means any Agricultural Officer appointed for the purposes of this Act by the Minister by notice published in the *Gazette*;

“attested” means attested before and explained to the parties by a Justice, Minister of Religion, Head Teacher of a primary school, Sub-Officer of Police, or any person duly authorized in writing in that behalf by the Commissioner of Lands;

“contract of tenancy” means any contract, express or implied, creating a tenancy or a licence to cultivate in respect of any small holding other than an excepted holding;

“controlled area” means any locality declared by the Minister under section 9 to be a controlled area;

52/1964  
S. 3.

“economic tree” means any tree of a class specified by the Minister to be economic trees for the purpose of this Act;

“establishment tenancy” means a tenancy at a nominal rental under which the tenant undertakes to establish the land the subject of the tenancy or some specified portion thereof in some prescribed trees, plant, shrubs or grass of economic value and at the termination of the tenancy to leave it so established;

“excepted holding” does not include any land held under an establishment tenancy, but save as aforesaid, means

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any parcel of land intended for cultivation or pasturage, with or without buildings thereon, consisting of not less than one acre nor more than ten acres held by any tenant rent-free or at an annual rental of less than two *per centum* of the unimproved market value thereof or cultivated by any tenant under a licence the annual consideration in respect of which is less than two *per centum* of such unimproved market value so, however, that any parcel of land which immediately before the 1st day of June, 1949, was an excepted holding for the purposes of this Act shall be deemed to continue to be an excepted holding for such purposes during the continued subsistence of any contract of tenancy in relation thereto which subsisted on such 1st day of June, 1949, and during any extension or renewal of such contract;

“practice of good husbandry” in relation to any small holding, means the practice of methods which do not affect adversely neighbouring holdings or the capital value of the small holding, and which are generally recognized as applying to holdings of the same character and in the same neighbourhood as the small holding; and in assessing whether or not good husbandry has been practised consideration shall be given to—

- (a) the extent to which accepted measures and methods for the conservation of soil are adopted; and
- (b) the standard of maintenance of—
  - (i) drains, embankments and ditches;
  - (ii) measures introduced for the conservation of soil;
  - (iii) gates, fences, walls and hedges;
  - (iv) farm buildings, water tanks, ponds and catchments;
  - (v) the fertility of the soil;

“prescribed tree” means any tree belonging to a class of trees prescribed by the Minister;

“Regional Committee” means any Regional Committee constituted in accordance with regulations made under this Act;

“rice tenancy” means any tenancy in relation to a small holding upon which it is contemplated at the time that the contract is entered into that the tenant will cultivate swamp rice;

“small holding” means any parcel of land intended for cultivation or pasturage, with or without buildings thereon, consisting of not less than one acre nor more than ten acres held under a contract of tenancy so, however, that any parcel of land which immediately before the 1st day of June, 1949, was a small holding for the purposes of this Act shall be deemed to continue to be a small holding for such purposes during the continued subsistence of any contract of tenancy in relation thereto which subsisted on such 1st day of June, 1949, and during the continuance of any extension or renewal of such contract of tenancy;

“unimproved market value” means in relation to any contract of tenancy the price which a willing purchaser would pay to a willing vendor for the land the subject of the contract of tenancy, less any sum by which the value of the land may have been increased by reason of any improvement made thereon by the tenant;

“Valuation Board” means a Valuation Board constituted in accordance with the provisions of section 21.

### *Contract of Tenancy*

3.—(1) A contract of tenancy shall be in writing in duplicate and shall be signed by the parties thereto and attested. Form of contract.

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