Land Cultivation

THE TILLAGE (NORTHERN IRELAND) GENERAL ORDER, 1947, DATED NOVEMBER 3, 1947, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND UNDER REGULATION 62 OF THE DEFENCE (GENERAL) REGULATIONS, 1939, AS HAVING EFFECT BY VIRTUE OF THE SUPPLIES AND SERVICES (TRANSITIONAL POWERS) ACT, 1945, AS EXTENDED BY THE SUPPLIES AND SERVICES (EXTENDED PURPOSES) ACT, 1947.

1947. No. 177

In exercise of the powers under Regulation 62 of the Defence (General) Regulations, 1939, delegated to it by the Delegation of Emergency Powers (Ministry of Agriculture for Northern Ireland) (No. 2) Order, 1943 made by the Secretary of State under paragraph (1) of Regulation 102A of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945 as extended by the Supplies and Services (Extended Purposes) Act, 1947 and of all other powers it enabling, the Ministry of Agriculture for Northern Ireland hereby orders and directs as follows :—

1. In this Order the following expressions have the meanings hereby assigned to them, that is to say :—

" agricultural purposes " has the same meaning as it has for the purposes of paragraph (1) of the principal Regulation ;

" arable " means cultivated or, in the opinion of the Ministry, capable of being cultivated ;

" holding " means the land held by an occupier ;

" land " means land with respect to the cultivation, management or use of which for agricultural purposes the Ministry has power to give directions under paragraph (1) of the principal Regulation ;

" occupier " means the person rated or liable to be rated to the poor rate in respect of the holding, or who would be so rated or liable to be rated but for the provisions of section one of the Local Government (Rating and Finance) Act (Northern Ireland), 1929, and includes, in relation to any holding the occupier of which is absent from Northern Ireland, any agent or other person entrusted with the management of the land on his behalf ;

" principal Regulation " means Regulation 62 of the Defence (General) Regulations, 1939.

" the Ministry " means the Ministry of Agriculture for Northern Ireland ;

2. Every occupier of arable land in Northern Ireland shall cultivate and maintain in cultivation for the purpose of producing crops for

harvesting in the year 1948 at least three-tenths of the arable area comprised in his holding :

Provided that—

(*a*) in the case of land situate in any of the townlands in the County of Antrim, or wards in the County Borough of Belfast, specified in the Schedule to this Order, or situate in the County of Fermanagh, the occupier shall not be required by virtue of this Article to cultivate and maintain in cultivation a portion thereof exceeding one-fifth in extent of the total arable area of such land ;

(*b*) nothing in this Article shall prejudice or affect the operation of any directions with respect to the cultivation, management or use of land for agricultural purposes which the Ministry may give by notice under paragraph 1 (*b*) of the principal Regulation.

3. For the purpose of the directions contained in this Order—

(1) the expression " cultivate and maintain in cultivation " means do in sufficient time and in accordance with the proper methods of husbandry, to the satisfaction of the Ministry, all the following things in relation to land, that is to say :—

(*a*) till the land, and

(*b*) sow or plant and produce on such land—

(i) a crop (other than grass, clover or a mixture of grasses and clovers) capable of being harvested for human or animal food, or

(ii) a crop of flax, and

(*c*) sever such crops from the soil ;

(2) where land has been ploughed and sown in the year 1947 with a crop usually sown in the autumn, other than grass, clover or a mixture of grasses and clovers, for harvesting in the year 1948, such land shall be deemed to have been cultivated ;

(3) where land has been ploughed and sown in the year 1948 with a crop usually sown in the autumn for harvesting in the year 1949, such land shall not be deemed to have been cultivated ;

(4) cultivation by any person under a letting in conacre made by the occupier shall be deemed to be cultivation by the occupier.

4. Where any arable land comprised in a holding—

(*a*) is under a crop of cereals or flax in the year 1948, and

(*b*) was cropped with cereals or flax in each of the years 1945, 1946 and 1947 ;

the occupier shall sow the said land down to grass before the thirty-first day of May, 1948.

5.—(1) An occupier of land situate in the County of Fermanagh shall before the thirty-first day of March, 1948, apply to an area of his existing grassland, equivalent to three-tenths of his arable land, a dressing at the rate of eight hundredweights of basic slag or five hundredweights of ground rock phosphate or five hundredweights of semsol or five hundredweights of superphosphate for each statute acre.

(2) A person shall not, in the year 1948, plant potatoes on any land situate in the County of Fermanagh unless, before planting, he has applied to that land, at the rate of six hundredweights for each statute acre, a dressing consisting of a mixture of one hundredweight of sulphate of ammonia and four hundredweights of superphosphate and one hundredweight of muriate of potash.

6. The foregoing provisions of this Order shall not apply to—

(*a*) any holding of less than ten statute acres in extent ; or

(*b*) any holding which comprises less than five statute acres of arable land ;

except in a case where a direction in that behalf is given by the Ministry by notice served on the occupier under paragraph 1 (*b*) of the principal Regulation.

7.—(1) The Occupier of a holding may, on or before the 1st day of December, 1947, apply to the Ministry for a declaration that the cultivation of the holding or any part thereof under directions given by the Ministry (whether by this Order or by notice) would be of less service for the purpose of increasing or maintaining production than the use of the holding or part thereof in some other way ; and if, on or before the 28th day of February, 1948, the Ministry makes a declaration to that effect in writing, the foregoing provisions of this Order shall not apply to the holding or part of a holding to which the declaration relates.

(2) An application for such a declaration as aforesaid shall set out such particulars as the Ministry may require in relation to the lands held by the occupier, the manner in which the lands are used or proposed to be used, and the grounds of the application ; and such an application will not be considered unless it is made on a form prescribed and issued by the Ministry, and such a form will not be issued except on the direct request of the applicant or his agent and on the submission of prima facie evidence in support of the application.

(3) A declaration obtained by means of any false statement or misrepresentation shall not have effect for the purposes of this Order.

8. The occupier of any land which is for the time being regarded by the Ministry as not being arable shall comply with such directions as