

MINUTES OF EVIDENCE TAKEN BEFORE THE SELECT COMMITTEE

WEDNESDAY, 22ND APRIL, 1970.

Members present

Sir Hugh Munro-Lucas-Tooth in the Chair.

Mr. Antony Buck. Mr. Charles
Fletcher-Cooke. Mr. Stanley
Henig.

Mr. Dan Jones. Mr.
Frederick Lee. Dr. M. P.
Winstanley.

Memorandum by H.M. Treasury

1. This memorandum is submitted with a view to supplementing the statement in the report by the Parliamentary Commissioner for Administration on the complaint of Mr. R. T. Henly that " the Ministry of Defence in their handling of this case have acted in accordance with instructions which reflect current government policy for the sale of surplus land by departments ".

2. The Government's policy and practice in relation to the disposal of surplus agricultural land were described by the Financial Secretary to the Treasury in reply to a written Question an 19th January, 1970 (House of Commons official report cols. 62-63) as follows:-

" In all cases where surplus land qualifies for consideration for offer back to former owners, it continues to be the policy, as it has been since the statement to the House on 20th July, 1954, by the then Minister of Agriculture, that each case is considered on its merits with the desire that this should be done where circumstances show that the land can properly be offered to a former owner or his successor who can establish a claim. All such offers are made at the current market price.

Accordingly, at the same time as consideration is given to the requirements of any other Government Departments or non-departmental public authorities, consideration is given to the interests of the former owners in cases where agricultural land, which was acquired compulsorily, or under the threat of compulsion although acquired by agreement, and held by a Government Department, is no longer required for any of the Department's purposes.

The current practice is, in general, that the land must have been acquired by the Government Department on or after 1st January, 1935; and at the time of the acquisition or entry into possession must have been used for agriculture, and must be still predominantly agricultural in nature when it becomes surplus to the Department's requirements. Land is regarded as outside the scope of these arrangements, which are intended for land which is to continue in agriculture indefinitely, if it is the subject of planning permission for development (other than for agricultural purposes, e.g. agricultural storage), or if the disposing Department has been informed by the planning authority that such permission would be likely to be granted, or if the land is intended to be taken for development within the designated area of a new town or a town development area. The former owner (which includes his successor if the former owner is deceased) must be resident in the United Kingdom and must either still own the estate or property of which the Department's surplus land formed a part when acquired, or be known or discovered to be farming in the United Kingdom. If the former owner is deceased his successor for the purpose of consideration for offer back is the person on whom the property would clearly have devolved under the former owner's will or intestacy but for the Government's acquisition, and may include any person who has succeeded, otherwise than by purchase, to the adjoining land from which the land was severed by the Government's acquisition."

3. The action by the Ministry of Defence in the case about which Mr. Henly complained was based on the exclusion from the arrangements which apply to surplus agricultural land of land which is the subject of planning permission for

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[Continued.]

development other than for agricultural purposes. Such land has not been regarded, since February, 1966, as properly falling within the category of agricultural land, to which alone the statement by the then Minister of Agriculture on 20th July, 1954, applied.

4. That statement placed on the Government the responsibility for the administrative decisions required in pursuance of the general principles it contained; and such decisions have necessarily had to deal with the question how the term " agricultural land " should be defined for the purpose.

5. The administrative arrangements of general application to departments which need to dispose of surplus land are determined centrally by the Government. With a view to consistency of administration, the Government's intentions have been conveyed to Departments in the form of documents of guidance from a central point. Because the Treasury has had the role of providing a focal point for interdepartmental consultation on matters of common interest to land-holding departments, it has been found convenient to use Treasury Circulars for the purpose. The role of the Treasury in this matter has thus been of providing the channel of communication for the dissemination of guidance from the Government to individual departments.

H.M. TREASURY,

17th April, 1970.

Examination of Witnesses.

Sir ARTHUR DREW, Second Permanent Under Secretary of State (Administration),

Mr. E. H. PALMER, Comptroller of Defence Lands and Claims, Ministry of Defence, and
Mr. M. WIDDUP, H.M. Treasury, called in and examined.

Sir EDMUND COMPTON, K.C.B., K.B.E., Parliamentary Commissioner for Administration, called
in and further examined.

Chairman.

111. The Committee wish to consider today what has been referred to as the Compton Bassett case, Case No. 167/1, on page 19 of the Parliamentary Commissioner's Second Report for 1969-70. It is a case in which the Ministry of Defence refused to offer back land to the successor of the original owner in accordance with the Crichel Down rule. I think the questions on this particular case should be directed to you, Sir Arthur, and Mr. Palmer but there are wider issues involved and questions on this should be directed rather to Mr. Widdup from the Treasury, and may I say that we are most grateful to him for the Memorandum he has supplied to the Committee. I think it may be a little difficult at times to be sure in which direction our questions should go and therefore perhaps you would consider all questions as being asked of all witnesses and kindly sort out between yourselves which one of you should answer

them?-(Sir Arthur Drew.) That will probably be fairly clear when you put the question.

112. We have also the Parliamentary Commissioner with us and I should like to put a few preliminary questions to him. **Sir Edmund**, this is the case of Mr. Henly, on which there have been questions and debates in Parliament? -(Sir Edmund Compton.) Yes.

113. The case turns on the application of the Crichel Down rules to land previously owned by Mr. Henly's father. Can you expand a little on this?

If I state the facts to the Committee I do so subject to any corrections Sir Arthur may wish to make. As I ascertained them the facts were that before the war Mr. Henly's late father owned a farm at Compton Bassett and 36½ acres of the farm were requisitioned and later purchased by the Air Ministry for defence together with an area of 200 acres in other ownerships. Mr.