CHAPTER 41.

An Act to promote the better utilisation of agricultural land in Great Britain and the settlement of unemployed persons thereon, to amend the law relating to small holdings and allotments, and for purposes connected with the matters aforesaid. [31st July 1931.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PROMOTION OF BETTER UTILISATION OF AGRICULTURAL LAND IN GREAT BRITAIN.

Power of Minister to acquire and hold land for use as demonstration farms.

1.—(1) The Minister shall have power to purchase land or to take land on lease by agreement and to equip and hold land for the purpose of utilising the land as demonstration farms conducted on an economic basis under the management and control, as agents for the Minister, of local authorities, universities, agricultural colleges, or other bodies, or of any persons who, in the opinion of the Minister, are qualified to manage and control such farms and to give instruction in agricultural subjects:

Provided that no farm conducted under the powers conferred by this section shall exceed two hundred and fifty acres in extent unless the annual value thereof was at the date of the acquisition of the land by the Minister assessed for the purposes of income tax under Schedule A of the Income Tax Act, 1918, at an amount which did not exceed two hundred and fifty pounds.

8 & 9 Geo. 5. c. 40.

(2) The Minister shall make to Parliament not later than the first day of May an annual report as to the operations conducted under this section, including the annual accounts of each demonstration farm carried on thereunder, and such accounts shall include a profit-and-loss account for each farm and a valuation made at the end of each financial year.

PART I. —*cont.*

Power of Minister to acquire land for purposes of re-conditioning.

2.—(1) If the Minister is of opinion, with respect to any piece of land, that the execution thereon of reclamation, drainage, or other work is necessary in order to enable the piece of land to be satisfactorily and economically used for agricultural purposes, he may purchase and hold the piece of land and execute thereon such work as aforesaid for the purposes of letting, selling or otherwise disposing of, the piece of land when the said work has been executed:

Provided that the Minister shall not acquire any land under this section otherwise than by agreement, save as hereinafter in this section expressly provided.

(2) If it appears to the Minister that any piece of land suitable for use for agricultural purposes cannot be satisfactorily and economically used for those purposes by reason of its being in a seriously neglected condition, the Minister may, after consultation with the council of the county or county borough, as the case may be, and after giving notice to the owner and the occupier of the piece of land, authorise any person to enter on and inspect the piece of land and report to him thereon.

(3) If after receiving a report under the last foregoing subsection with respect to any piece of land the Minister is satisfied that the piece of land is in a seriously neglected condition and that the condition thereof has been caused by the failure of the owner thereof to execute thereon any necessary works of maintenance, or in the case of land not in the occupation of the owner, by the failure of the owner to take reasonable steps to reserve or enforce any right for securing the execution on the piece of land of any necessary works of maintenance, then, subject to the provisions of this section, the Minister may cause to be served upon the owner a notice requiring the execution on the piece of land within such period as may be specified in the notice (not being less than six months after the service of the notice upon the owner) of such works as may be specified therein, and may, if at the expiration of that period the Minister determines that the requirements of the notice (not being requirements determined by arbitration to be unreasonable) have not been complied with, purchase the piece of land otherwise than by agreement, and hold the piece of land and execute works thereon as if it had been acquired under subsection (1) of this section:

PART I. —*cont.*

Provided that, if, after the determination of the amount of the compensation to be paid to any person in respect of his interest in any piece of land proposed to be compulsorily acquired under this subsection, it appears to the Minister that, having regard to the determination, the total expenditure involved in proceeding further under this section would not be justified, the Minister may, at any time within six weeks after the determination, by notice in writing withdraw any notice to treat served on that person or on any other person interested in the piece of land, and in such case any person on whom such a notice of withdrawal has been served shall be entitled to obtain from the Minister compensation for any loss or expenses which he may have sustained or incurred by reason or in consequence of the notice to treat and of the notice of withdrawal, and the amount of such compensation shall, in the event of a dispute with respect thereto, be determined by a single arbitrator appointed by agreement between the parties to the dispute or, in default of such agreement, by the President of the Chartered Surveyors' Institution.

(4) Where any such notice as aforesaid requiring the execution of works is served upon the owner of a piece of land, a copy of the notice shall be served as soon as may be upon every person upon whom the Minister would, if he proposed to acquire the land compulsorily, be required to serve notice to treat under section eighteen of the Lands Clauses (Consolidation) Act, 1845; and all such notices and copies of notices may be served in like manner as such a notice to treat as aforesaid, and may require the persons served to give such particulars of their estate and interest in the piece of land to which the notice or copy relates as might be demanded by such a notice to treat as aforesaid:

8 & 9 Vict. c. 18.

Provided that, without prejudice to the duty of the Minister under this subsection to serve copies of notices upon such of the persons mentioned in the said section eighteen as, after diligent enquiry, are known to him, no person shall be entitled to have such a copy served upon him unless he notifies the Minister in writing of his claim to receive such a copy not less than three months before the expiration of the time limited by the notice for compliance with the requirements thereof.

PART I. —*cont.*

(5) In the event of any dispute between the Minister and any person upon whom a notice or a copy of a notice has been served in accordance with the provisions of the two last foregoing subsections as to whether—

(*a*) the piece of land to which the notice relates is in a seriously neglected condition; or

(*b*) the condition of the piece of land has been caused by the failure of the owner thereof to execute thereon any necessary works of maintenance, or, in the case of land not in the occupation of the owner, by the failure of the owner to take reasonable steps to reserve or enforce any right for securing the execution on the piece of land of any necessary works of maintenance; or

(*c*) any requirements of the notice would involve unreasonable expense or are otherwise unreasonable; or

(*d*) the time limited by the notice for compliance with the requirements thereof ought to be extended; or

(*e*) any requirements of the notice have not been complied with,

that person may, subject as hereinafter provided, refer the dispute to a single arbitrator appointed by agreement between the parties to the dispute, or in default of such agreement by the President of the Chartered Surveyors' Institution, and, where any such dispute is so referred, the Minister shall not take any further proceedings under this section except in accordance with the award of the arbitrator:

Provided that—

(*a*) the arbitrator shall not award that the time limited by any notice for compliance with the requirements thereof ought to be extended unless he is satisfied that all practicable steps are being taken for complying with the requirements of the notice other than any requirements which he holds to have been unreasonable, and where the arbitrator awards that the time aforesaid ought to be extended his award shall specify the period of the extension; and

PART I. —*cont.*

(*b*) a person shall not be entitled to refer to arbitration a dispute under this subsection, in the case of a dispute as to the matters mentioned in paragraphs (*a*) or (*b*) thereof, after the expiration of two months from the date on which the notice or a copy of the notice was served upon him, in the case of a dispute as to the matters mentioned in paragraph (*c*) thereof, after the expiration of the time limited by the notice for compliance with the requirements thereof, in the case of a dispute as to the matters mentioned in paragraph (*d*) thereof, after the expiration of seven days from the expiration of the time limited by the notice for compliance with the requirements thereof, or in the case of a dispute as to the matters mentioned in paragraph (*e*) thereof, after the expiration of fourteen days from the date on which notice to treat is served upon him under section eighteen of the Lands Clauses (Consolidation) Act, 1845.

(6) Any person upon whom a notice requiring the execution of work or a copy of such a notice has been served under this section shall have power, notwithstanding anything to the contrary in any lease or other instrument, but after giving reasonable notice in writing to the occupier, to enter on the piece of land to which the notice or copy relates and execute the work specified in the notice, and if any person other than the person executing the work is, under any lease or other instrument, liable (whether to him or otherwise) to execute the work or any part thereof, any expenses incurred by the person executing the work in the execution thereof or of that part thereof, as the case may be, may be recovered as a debt due to the person executing the work.

(7) Any person authorised by the Minister to exercise any powers or duties under this section shall be so authorised in writing and shall, if required by the owner or occupier of the land to which the authority relates, produce his authority to him, and if any person prevents or obstructs any person so authorised in the exercise of his powers or duties under this section, or prevents or obstructs any person entitled under the

last foregoing subsection to enter on a piece of land and execute work thereon, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or, on a second or subsequent conviction, to imprisonment for a term not exceeding three months. PART I. —*cont.*

(8) Any of the powers and duties conferred on the Minister by this section with respect to any piece of land, except the power of acquiring or selling it, may, by arrangement between him and the council of the county or county borough, as the case may be, be exercised and performed by that council as agents for the Minister.

(9) An account, to be known as the Land Reconditioning Account, shall be drawn up annually by the Minister in such form and containing such particulars as the Treasury may direct, showing all expenditure incurred by him and the application of all moneys received by him for the purposes of this section, and that account shall be audited by the Comptroller and Auditor-General and shall be laid before Parliament together with his report thereon.

(10) For the purposes of this section—

(*a*) every parcel of land in separate occupation shall be deemed to be a piece of land, and a piece of land shall be deemed to include any buildings usually occupied therewith and any easements or rights appurtenant thereto;

(*b*) the expression "agricultural purposes" includes all purposes directly connected with the use of land as arable, meadow or pasture land, or orchard, or for market gardens or osier-beds;

(*c*) the expression "owner," in relation to any land, means the person (other than a mortgagee not in possession) entitled, either with or without the consent of any other person, to dispose of the fee simple of the land;

(*d*) the expression "works of maintenance" means the repair or reconditioning of farmhouses, cottages, agricultural buildings, drains, embankments, ditches, bridges, fences, walls, hedges, gates, roads, and water supply; and

PART I. —*cont.*
18 & 19 Geo. 5. c. 44.

(*e*) the expression " agricultural buildings " has the same meaning as in the Rating and Valuation (Apportionment) Act, 1928.

Provisions as to acquisition of and dealing with land by Minister.
9 & 10 Geo. 5. c. 57.

3.—(1) In relation to the acquisition of land by the Minister under this Part of this Act, the Lands Clauses Acts, as amended by the Acquisition of Land (Assessment of Compensation) Act, 1919 (except sections sixteen, seventeen, ninety-two, one hundred and twenty-three, one hundred and twenty-seven to one hundred and thirty-three, one hundred and fifty and one hundred and fifty-one of the Lands Clauses (Consolidation) Act, 1845) are hereby incorporated with this Act, subject to the modifications mentioned in Part I of the First Schedule to this Act:

Provided that—

(*a*) before giving notice in accordance with section eighteen of the Lands Clauses (Consolidation) Act, 1845, of his intention to acquire any land otherwise than by agreement, the Minister shall, except in the case of land which he is empowered so to acquire by the last foregoing section, comply with the provisions of Part II of the said Schedule; and

(*b*) nothing in this Part of this Act shall authorise the compulsory acquisition of any land which is the property of any local authority or has been acquired for the purposes of a railway, dock, canal, water, or other public undertaking, or which is, or forms part of, any common or any town or village green, or any area dedicated or appropriated as a public park, garden, or pleasure ground, or used for the purposes of public recreation, or which forms part of the trust property to which the National Trust Act, 1907, applies.

7 Edw. 7. c. cxxxvi

(2) Any land held by the Minister under this Part of this Act shall be held on behalf of His Majesty, and the Minister shall, subject to such conditions as may be determined by the Treasury, have power, for any purpose, to manage, sell, let, or exchange any such land, and to pay or receive money in respect of equality of exchange.

PART I. —*cont.*

4. In this Part of this Act and, for the purposes of their incorporation therewith, in the Lands Clauses Acts, and, in the Acquisition of Land (Assessment of Compensation) Act, 1919, the expression "land," except where the context otherwise requires, includes any interest in, or right or easement in or over, land. Definition of "land."

PART II.

SMALL HOLDINGS AND ALLOTMENTS.

Small Holdings.

5.—(1) If the Minister is satisfied that any person— Power of Minister to provide small holdings with financial assistance for unemployed persons.

(*a*) is an unemployed person, that is to say a person who is unemployed and unable to obtain suitable employment;

(*b*) desires to lease a small holding and will himself cultivate the holding; and

(*c*) is able to cultivate the holding properly; and

(*d*) is not possessed of sufficient means to enable him to obtain such a holding from the county council,

the Minister shall have power to provide a small holding other than a cottage holding, for that person and lease it to him:

Provided that, before acquiring land in any county for the purpose of providing small holdings thereon under the powers conferred by this section, the Minister shall consult the county council as to the localities in which land suitable for the purpose can be obtained.

(2) Where under the powers conferred by this section the Minister provides a small holding for any unemployed person, the Minister may, in accordance with regulations made by him with the approval of the Treasury—

(*a*) grant to that person an allowance of such amount and for such period, not exceeding one year from the date on which he enters into possession of the small holding, as may be prescribed by the regulations;

PART II. —*cont.*

(*b*) make or guarantee, or undertake to make or guarantee, grants by way of a loan to that person of such sums as the Minister considers necessary for enabling him to undertake the business of a small holder, including sums for the payment of any tenant right valuation or for the purchase of stock, feeding stuffs, fruit trees, seeds, fertilisers or implements required for the purpose of the holding:

Provided that the Minister may, in accordance with such regulations as aforesaid, in lieu of making a loan to any person under paragraph (*b*) of this subsection supply to that person any such stock, feeding stuffs, fruit trees, seeds, fertilisers or implements as aforesaid, and in that case the purchase price thereof shall be deemed to be a loan to him made under the said paragraph, and in the event of any difficulty in obtaining any stock required for the purpose aforesaid the Minister may arrange for the production thereof by any local authority, society, or person, and for the provision of the equipment necessary for that purpose upon such terms as may be agreed between him and the local authority, society, or person.

(3) The regulations made for the purpose of this section shall prescribe—

(*a*) such scale of allowances as will secure that the sums payable to any person shall not exceed fifty pounds in the aggregate and shall not exceed thirty shillings in any week, and that the amount of the allowance is proportionally reduced during the period in which the allowance is payable having regard to the value of the benefit which he may reasonably be expected to derive from the small holding; and

(*b*) the rate of interest payable on any loans made or guaranteed, or undertaken to be made or guaranteed, under this section, and for such loans being free of interest during such period as may be prescribed.

(4) Upon making or guaranteeing or undertaking to make or guarantee under the powers conferred by this

PART II. —*cont.*

section a grant by way of a loan to any person, or upon supplying to any person any stock, feeding stuffs, fruit trees, seeds, fertilisers, or implements whereof the purchase price is deemed under this section to be a loan so made to him, the Minister shall notify to the Land Registrar particulars showing the name and address of that person and the fact that he is indebted to the Minister in respect of such a loan, and the Land Registrar shall cause a copy of the said particulars to be entered on the register of agricultural charges kept under section nine of the Agricultural Credits Act, 1928, and to remain so entered until he receives from the Minister notice that the loan has been repaid; and any charge on any of the farming stock or other agricultural assets belonging to that person created (whether under that Act or otherwise) while such particulars as aforesaid remain entered in the said register shall be void unless created with the written consent of the Minister.

18 & 19 Geo. 5. c. 43.

For the purposes of this section, "farming stock" and "other agricultural assets" have the same meaning as in the Agricultural Credits Act, 1928, and the provisions of section ten of that Act shall apply with respect to entries made under this subsection as they apply to entries relating to agricultural land charges.

(5) If it appears to the Minister that there are persons desirous of obtaining small holdings under this section who require, for themselves or for their dependants, training to enable them to cultivate such holdings properly but otherwise possess the qualifications required by subsection (1) of this section, the Minister of Labour may, after consultation with him, make such arrangements, by the establishment of training centres and otherwise, as are necessary for securing that the required training is made available—

(*a*) for any such person as aforesaid; and

(*b*) for not more than one dependant of any such person or of any person for whom a small holding has been provided under this section.

In this section the expression "dependant" means, in relation to any person, the husband, wife, son, or daughter (including a step-son or step-daughter and an adopted son or daughter) of that person.

PART II. —*cont.*

Power of Minister to provide small holdings with financial assistance for agricultural workers.

6. The Minister shall have power to provide a small holding for an applicant who is an agricultural worker or who, being or having been a member of His Majesty's Forces, has had a suitable course of training for agriculture, on the same conditions as are set out in section five of this Act and to extend to such applicant the same facilities as are authorised by that section:

Provided that the condition set out in paragraph (*a*) of subsection (1) of that section shall not apply in respect of such applicant.

Power of Minister to provide demonstration holdings.

7.—(1) In any district in which small holdings are provided under the Small Holdings and Allotments Acts, the Minister shall have power to provide, equip, and manage, demonstration holdings, that is to say, small holdings to be used for the purpose of affording instructional demonstration to the persons for whom the small holdings have been provided as to the cultivation and management thereof.

(2) Any land acquired by the Minister for the purpose of demonstration holdings shall be held by the Minister on behalf of His Majesty and may be occupied and managed by such local authorities, societies or persons as the Minister may appoint as his agents for that purpose in accordance with such directions as may be given by him.

Power of Minister to dispose of or utilise land not required for unemployed persons or demonstration holdings.

8. If in the opinion of the Minister any land which he has acquired for the purposes of any of the foregoing provisions of this Part of this Act is not needed for those purposes but is needed for the purposes of small holdings, he shall offer the land to the council of the county for the provision of small holdings by the council, and, if that council do not acquire the land, he may himself provide small holdings thereon for any persons who desire to buy or lease them and satisfy him that they will themselves cultivate the holdings and are able to cultivate them properly.

Power of Minister to act in default of county councils

9.—(1) Subject as hereinafter provided, if the Minister is satisfied that the council of any county have not provided sufficient small holdings to satisfy the demand of persons who desire to buy or lease and will themselves cultivate the holdings and are able to cultivate

them properly, the Minister shall have power, without prejudice to the powers and duties of the county council, to provide small holdings for such persons :

PART II. —*cont.*

who have not provided sufficient small holdings.

Provided that, before exercising his powers under this section, the Minister shall give to the county council notice of his intention to do so and, if within such period as may be specified in the notice the council represent to him that in their opinion sufficient small holdings have been provided to satisfy the demand aforesaid, shall hold a local inquiry; and the county council and such other persons as the person holding the inquiry thinks fit to allow shall be entitled to appear and be heard at the inquiry.

(2) The person appointed to hold a local inquiry for the purpose of this section shall be a person to be agreed upon between the Minister and the county council or, in default of such agreement, a barrister of not less than ten years' standing to be nominated by the President of the Law Society, and, in relation to the inquiry, the person so appointed shall be deemed for the purposes of section fifty-seven of the Small Holdings and Allotments Act, 1908, to be an officer of the Ministry.

8 Edw. 7. c. 36.

(3) Every county council shall furnish to the Minister such information as he may require for the purposes of this section.

Application of Small Holdings and Allotments Acts to powers of Minister.

10. For the purpose of exercising the powers conferred on him by the foregoing provisions of this Part of this Act, the Minister shall have the like powers as may be exercised by a county council with respect to small holdings under the Small Holdings and Allotments Acts, and the provisions of those Acts relating to the acquisition, use or disposal of land by a county council and to small holdings provided by a county council shall apply with the necessary adaptations to the acquisition, use and disposal of land by the Minister and to small holdings provided by him under this Part of this Act, but subject to the modifications that the Minister may sell, or let for other purposes any land acquired by him for small holdings which is in his opinion not needed for the purposes of small holdings, or exchange any such land for land more suitable for small holdings, and may pay or receive money for equality of exchange,

PART II. —*cont.*

9 & 10 Geo. 5. c 59.

and paragraphs (*b*) and (*c*) of subsection (1) of section twelve of the Land Settlement (Facilities) Act, 1919, shall not apply with respect to any such land.

Provided that, if, after a local inquiry has been held in accordance with the said provisions with respect to any order whereby the Minister proposes to acquire land compulsorily, any objection to the order which has been presented is not withdrawn, the order shall not be confirmed except by means of a provisional order made by the Minister and confirmed by Parliament, and for that purpose the Minister may submit a Bill to Parliament for the confirmation of any such provisional order.

Power to arrange for management by local authorities of small holdings and allotments provided by Minister or for the transfer thereof to such authorities.

11.—(1) Any small holdings or allotments provided by the Minister and any land acquired by him for the purposes of small holdings or allotments in exercise of the powers conferred on him by this Part of this Act may, by arrangement between him and the local authority, be either—

(*a*) controlled and managed by the authority as agents for the Minister; or

(*b*) transferred to the authority on such terms as may be agreed between the Minister and the authority and approved by the Treasury.

(2) Any small holdings, allotments, or land transferred to a local authority under this section shall be deemed to have been acquired by the authority under the Small Holdings and Allotments Acts.

(3) In this section the expression "local authority" means in relation to a small holding or to land acquired for a small holding, the council of the county, and, in relation to any allotment or to land acquired for allotments, the council of the borough, urban district, or parish or any county council acting in default of such a council as aforesaid.

Power of county councils to provide cottage holdings.

12.—(1) The power of county councils to provide small holdings for persons who desire to buy or lease them shall include power to provide a cottage holding for any person who is, in the opinion of the council, a suitable person and who satisfies them that—

(*a*) he will reside permanently in the dwelling-house comprised in the holding; and

(*b*) he has the intention, knowledge and capital to cultivate satisfactorily the land forming part of the cottage holding, PART II. —*cont.*

and all the provisions of the Small Holdings and Allotments Acts with respect to small holdings shall apply to cottage holdings accordingly but subject to the modification that section six of the Small Holdings and Allotments Act, 1926, shall, in relation to any such holding, whether provided under this section or under the section thereby repealed, have effect as if among the conditions specified in subsection (1) of the said section six there were included a condition that the owner or occupier, as the case may be, shall reside permanently in the dwelling-house comprised in the holding. 16 & 17 Geo. 5. c. 52

(2) Section twelve of the Small Holdings and Allotments Act, 1926, is hereby repealed.

Allotments.

13.—(1) The Minister shall have power, without prejudice to the powers and duties of the council of any borough, urban district, or parish, or of any county council acting in default of such a council as aforesaid, to provide allotments not exceeding one acre in extent for unemployed persons, and for that purpose the Minister shall have the like powers as may be exercised by any such council with respect to allotments under the Small Holdings and Allotments Acts, and the provisions of those Acts relating to the acquisition, use or disposal of land by any such council and to allotments provided by any such council (except subsections (1) and (2) of section sixteen of the Allotments Act, 1922, and section four of the Allotments Act, 1925), shall apply with the necessary adaptations to the acquisition, use and disposal of land by the Minister and to allotments provided by him under this section, but subject to the modifications that the Minister may sell or let for other purposes any land acquired by him for allotments which is in his opinion not needed for the purposes of allotments, or exchange any such land for land more suitable for allotments, and may pay or receive money for equality of exchange, and section thirty-two of the Small Holdings and Allotments Act, 1908, and section eight of the Allotments Act, 1925, shall not apply with respect to any such land: Power of Minister to provide allotments not exceeding one acre for unemployed persons. 12 & 13 Geo. 5. c. 51. 15 & 16 Geo. 5. c. 61.

PART II. —*cont.*

Provided that, if, after a local inquiry has been held in accordance with the said provisions with respect to any order whereby the Minister proposes to acquire land compulsorily, any objection to the order which has been presented is not withdrawn, the order shall not be confirmed except by means of a provisional order made by the Minister and confirmed by Parliament, and for that purpose the Minister may submit a Bill to Parliament for the confirmation of any such provisional order.

(2) The powers conferred on the Minister by the last foregoing subsection shall include power to provide allotment gardens for persons who are not in full-time employment as well as for those who are wholly unemployed.

(3) Where the Minister determines to exercise in any borough, urban district, or parish the powers conferred by this section, he shall give notice of his determination to the council thereof.

(4) Every such council as aforesaid shall furnish to the Minister such information as he may require for the purposes of this section.

(5) Any of the powers and duties conferred on the Minister by this section, except the power of acquiring land or of disposing of it otherwise than for use as allotments, may, by arrangement between him and the council of any county, or of any borough, urban district or parish, or with any society having as its object or one of its objects the provision or the profitable working of allotments, be exercised and performed by the council or society as agents for the Minister.

Power of Minister to defray losses incurred by local authorities in providing allotment gardens for unemployed persons.

14.—(1) Where it appears to the council of any borough, urban district, or parish, or to any county council acting in default of such a council as aforesaid, that the provision of any allotment gardens required for the purpose of their being let to unemployed persons, or persons who are not in full time employment, resident in the borough, district, or parish, who desire to take them will entail a loss, the council may submit their proposals to the Minister together with estimates in the prescribed form of the expenses (whether on capital or income account) in relation thereto likely to be incurred by the council and of the sums likely to be received by the council by way of rent or otherwise.

PART II. —*cont.*

(2) If the Minister approves the proposals and estimates of the council, either without modifications or with such modifications as he may require, the Minister may, subject to such conditions as to records, certificates, audit or otherwise, as with the approval of the Treasury he may determine, undertake to defray in any year the loss shown in the approved estimates as likely to be incurred in that year by the council in providing allotment gardens for such persons as aforesaid in accordance with the proposals.

(3) Neither subsections (1) and (2) of section sixteen of the Allotments Act, 1922, nor section four of the Allotments Act, 1925 (which impose limits on the expenditure of councils on the provision of allotments) shall apply to any expenses incurred in accordance with proposals and estimates approved by the Minister under this section.

(4) If proposals after having been approved by the Minister under this section are subsequently varied without his consent, the Minister shall defray only such part as he thinks fit of the annual loss aforesaid and of any additional loss attributable to the variation.

(5) The Minister may, after the date of the commencement of this Act, approve proposals and estimates submitted to him for the purposes of this section before that date, but where the land to which any proposals relate has been acquired before the first day of January, nineteen hundred and thirty-one, or is after the commencement of this Act acquired without the consent of the Minister, this section shall apply with respect to such expenses only as are incurred in equipping the land and adapting it for allotment gardens for letting to unemployed persons or persons who are not in full time employment.

(6) A council shall keep separate accounts with respect to all their transactions under this section and shall furnish to the Minister such information as he may require as to such transactions.

(7) The Minister shall with the concurrence of the Treasury make regulations for carrying this section into effect.

PART II. —*cont.*

Unemployed persons not to vacate allotments on obtaining employment.

15. Where an allotment has been let to an unemployed person or to a person not in full-time employment in accordance with the provisions of either of the last two foregoing sections, his tenancy of the allotment shall not be terminated without his consent on the ground only that he has ceased to be an unemployed person or a person not in full-time employment.

Power of Minister to make grants for assisting in the provision of seeds, fertilisers and equipment for unemployed persons.

16.—(1) The Minister may, in accordance with regulations made by him with the approval of the Treasury, make grants or advances to any county council or to the council of any borough, urban district or parish, or to any society having as its object or one of its objects the profitable working of allotments, for the purpose of assisting the council or society in the provision of seeds, fertilisers and equipment for unemployed persons or persons who are not in full time employment for whom allotments are provided; and the regulations made under this section may, notwithstanding anything in section twenty-one of the Land Settlement (Facilities) Act, 1919, provide for empowering any such council, where necessary, to sell seeds, fertilisers or equipment purchased with such assistance as aforesaid and to allow the use of such equipment, at a price or charge less than that sufficient to cover the cost of purchase.

(2) The Minister may constitute a committee for the purpose of advising him as to the exercise and performance of his powers and duties under this section and for the purpose of performing such other functions in connection with those powers and duties as he may direct, and the expenses of the committee (including the remuneration of any officers of the Ministry of Agriculture and Fisheries appointed to assist the committee) shall, up to such amount as may be sanctioned by the Minister with the approval of the Treasury, be defrayed as part of the expenses of the Minister under this Act.

(3) As respects any expenditure defrayed for the purposes mentioned in this section before the date of the commencement of this Act out of moneys provided by Parliament and paid into the small holdings account before that date, this section shall be deemed to have had effect as from the seventeenth day of December, nineteen hundred and thirty.

General.

PART II. —*cont.*

Minor amendments of Small Holdings and Allotments Acts.

17.—(1) The amendments specified in the second column of the Second Schedule to this Act (which relate to matters of minor detail) shall be made in the enactments specified in the first column of that Schedule.

(2) The account opened by the Bank of England under the Small Holdings and Allotments Act, 1907, and continued under section fifty-one of the Small Holdings and Allotments Act, 1908, shall be known as "the Small Holdings and Allotments Account," and references in the Small Holdings and Allotments Acts, 1908 to 1926, to that account shall be construed accordingly.

7 Edw. 7. c. 54.

Provision as to regulations.

18. All regulations made under this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if either House within twenty-one days during which that House has sat next after any regulation is laid before it resolves that the regulation be annulled, it shall thenceforth be of no effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation.

Duration of powers of Minister.

19. The provisions of sections five, six and seven of this Act, and, so far as they confer power upon the Minister to provide allotments or to acquire land therefor, of section thirteen of this Act, shall have effect for the period of eight years from the commencement of this Act and no longer:

Provided that the expiry of the said provisions shall not—

(*a*) affect the previous operation thereof or of anything duly done or suffered thereunder; or

(*b*) affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or

(*c*) affect any legal proceeding, arbitration, remedy or investigation in respect of such right, privilege, obligation or liability as aforesaid;

and any such legal proceeding, arbitration, remedy or investigation may be instituted, enforced or continued as if the provisions aforesaid had not expired.

PART II. —*cont.*

Interpretation and construction.

20.—(1) In this Part of this Act, unless the context otherwise requires—

"Cottage holding" means a holding comprising a dwelling-house, together with not less than forty perches and not more than one acre of agricultural land which can be cultivated by the occupier of the dwelling-house and his family;

"Small Holdings and Allotments Acts" means the Small Holdings and Allotments Acts, 1908 to 1926, the Allotments Acts, 1908 to 1925, and this Act;

"Society" includes any body of persons, whether incorporated or unincorporated, and shall have the same meaning in all the enactments with which this Act is construed as one.

(2) Except where the context otherwise requires, references in this Part of this Act to any enactment or to any provision of any enactment shall be construed as references to that enactment or provision as amended by any subsequent enactment, including this Part of this Act, and this Part of this Act shall, except so far as it applies to Scotland, be construed as one with the Small Holdings and Allotments Acts, 1908 to 1926, and the Allotments Acts, 1908 to 1925.

PART III.

SUPPLEMENTARY.

Compensation for loss of employment by labourers.

21.—(1) Where a labourer who has been regularly employed on any land acquired by the Minister under this Act proves to the satisfaction of the Minister that the effect of the acquisition was to deprive him of his employment, and that there was no employment of an equally beneficial character available to him in the same locality, the Minister may pay to him such compensation as the Minister thinks just for his loss of employment or for his expenses in moving to another locality, and any sum so paid shall be deemed to be part of the expenses of the acquisition of the land.

PART III. —*cont.*

(2) No compensation shall be payable under section forty-three of the Small Holdings and Allotments Act, 1908, or under the foregoing provisions of this section, to any person for whom a small holding is provided under Part II of this Act.

Financial provisions.

22.—(1) The Treasury may, subject to such conditions as they may determine, issue out of the Consolidated Fund of the United Kingdom or the growing produce thereof—

(*a*) such sums as may be required by the Minister for the purchase of land acquired by him under sections one and two of this Act and for such other expenses under those sections as may be agreed by the Treasury and the Minister to be capital expenditure not exceeding, unless and until Parliament otherwise determines, five million pounds;

(*b*) such sums as may be required by the Department of Agriculture for Scotland for the purchase of land acquired by them under sections one and two of this Act and for such other expenses under those sections as may be agreed by the Treasury and the said Department to be capital expenditure not exceeding, unless and until Parliament otherwise determines, seven hundred thousand pounds;

(*c*) such sums as may be required by the Minister for the purchase of land or the erection of buildings for the provision of small holdings and for such other expenses in connection with the provision of small holdings as may be agreed by the Treasury and the Minister to be capital expenditure;

(*d*) such sums as may be required by the Department of Agriculture for Scotland for the purchase of land or the erection of buildings for the provision of holdings for unemployed persons and for such other expenses in connection with such provision as may be agreed by the Treasury and the said Department to be capital expenditure.

PART III. —*cont.*

(2) The Treasury, may if they think fit, for the purpose of providing money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall, to such extent as the Treasury may direct, be defrayed out of the Small Holdings and Allotments Account or the Agriculture (Scotland) Fund as the case may be, and in so far as not so defrayed, shall be paid out of moneys provided by Parliament for the service of the Ministry of Agriculture and Fisheries, or for the service of the Department of Agriculture for Scotland, as the case may be, and if those moneys are insufficient shall be charged on and paid out of the Consolidated Fund, or the growing produce thereof.

(4) All sums received by the Minister in the exercise and performance of his powers and duties under the provisions of this Act relating to small holdings, other than demonstration holdings, and to allotments shall be paid into the Small Holdings and Allotments Account, and all expenditure so incurred by him shall be defrayed out of that account; and all sums received by the Department of Agriculture for Scotland in the exercise and performance of their powers and duties under this Act shall be paid into the Agriculture (Scotland) Fund, constituted under section five of the Small Landholders (Scotland) Act, 1911, and all expenditure so incurred by the Department shall be defrayed out of that fund.

1 & 2 Geo. 5. c. 49.

(5) Any deficiency in the Small Holdings and Allotments Account or in the Agriculture (Scotland) Fund arising by reason of the last foregoing subsection, and any expenses incurred by the Minister, or by the Department of Agriculture for Scotland, or by the Minister of Labour, in the exercise and performance of their powers and duties under this Act, not provided for under the foregoing provisions of this section, shall, to such extent as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

(6) Any sums received by the Minister, the Department of Agriculture for Scotland, or the Treasury by reason of the exercise of powers in respect of which the

Treasury have borrowed moneys under this section shall, so far as they are of a capital nature, be applied in repayment of the moneys so borrowed. PART III. —*cont.*

23. The powers of the Minister under sections one, two, ten and thirteen of this Act shall be exercised in accordance with such conditions as may, after consultation with the Minister, be prescribed by the Treasury. Treasury concurrence.

24. In the application of this Act to Scotland the following provisions shall have effect :— Application to Scotland.

(*a*) Except for the purposes of section twenty-two a reference to the Minister or to the Ministry of Agriculture and Fisheries shall be construed as a reference to the Department of Agriculture for Scotland (hereinafter in this section referred to as the Department) provided that any reference to the Minister in the provisions of the First Schedule to this Act regarding the making and submission to Parliament of Provisional Orders shall be construed as a reference to the Secretary of State; a reference to the council of a borough, urban district, or parish, shall be construed as a reference to a town or a district council, and a reference to a borough, urban district, or parish, shall be construed accordingly; any reference in Part II of this Act to a county council shall not apply, and the expression "easement" means servitude, and any reference to selling includes a reference to feuing.

(*b*) References to sections sixteen, seventeen, eighteen, eighty-five, ninety-two, one hundred and twenty-three, one hundred and twenty-seven, one hundred and thirty-three, one hundred and fifty and one hundred and fifty-one of the Lands Clauses (Consolidation) Act, 1845, shall be construed respectively as references to sections fifteen, sixteen, seventeen, eighty-four, ninety, one hundred and sixteen, one hundred and twenty, one hundred and twenty-seven, one hundred and forty-two, and one hundred and forty-three of the Lands Clauses (Consolidation) (Scotland) Act, 1845. 8 & 9 Vict. c. 19.

PART III. —*cont.*

(*c*) For any reference to the Small Holdings and Allotments Acts there shall be substituted a reference to the Allotments (Scotland) Acts, 1892 to 1926; for any reference to section sixteen of the Allotments Act, 1922, there shall be substituted a reference to section sixteen of the Allotments (Scotland) Act, 1922; for any reference to section thirty-two of the Small Holdings and Allotments Act, 1908, there shall be substituted a reference to section eleven of the Allotments (Scotland) Act, 1892; for any reference to section four of the Allotments Act, 1925, there shall be substituted a reference to section one of the Allotments (Scotland) Act, 1926, and any reference to section eight of the said Act of 1925 shall not apply; and for any references to section twenty-one of the Land Settlement (Facilities) Act, 1919, there shall be substituted a reference to section twenty-two of the Land Settlement (Scotland) Act, 1919.

12 & 13 Geo. 5. c. 52.

55 & 56 Vict c. 54.

16 & 17 Geo. 5. c. 5.

9 & 10 Geo. 5. c. 97.

(*d*) Section one of this Act shall apply as if the reference to local authorities were omitted.

(*e*) The powers conferred by section two in regard to the acquisition of land shall, notwithstanding anything in the proviso to subsection (1) of that section, be without prejudice to the power of the Department under any Act for the time being in force to acquire land compulsorily for reclamation or drainage, and any land acquired under the last mentioned power shall be deemed to have been acquired under the said section two, and in the application of the said section the expression "owner" in the case of land held under an entail means the institute or heir of entail in possession, in the case of land subject to a life rent, means the liferenter and in any other case means the person entitled to the fee; the expression "agricultural buildings" means buildings which are included in any agricultural land and heritages as defined in the Rating and Valuation (Apportionment) Act, 1928; the chairman of the Scottish Committee of the Chartered Surveyors' Institution shall be substituted for the President of the Chartered

PART III. —*cont.*

Surveyors' Institution, and any reference to consultation with the council of the county shall be omitted.

(*f*) Subsections (1) and (4) of section five and section six of this Act shall not apply, but the Department shall have power to provide, in accordance with the provisions of the Small Holding Colonies Acts, 1916 and 1918, or of the Small Landholders (Scotland) Acts, 1886 to 1919, either on land belonging to the Department or on land belonging to another person with the consent of that person, a holding for an unemployed person within the meaning of the said subsection (1) or for an agricultural worker, or for a person who, being or having been a member of His Majesty's Forces, has had a suitable course of training for agriculture, notwithstanding that such unemployed person, agricultural worker or other person would be unable to cultivate the holding unless the facilities set forth in subsection (2) of the said section five were extended to him.

(*g*) Subsections (2), (3) and (5) of section five of this Act shall have effect as if for any reference to the provision under the powers conferred by that section of a small holding for an unemployed person, there were substituted a reference to the provision under the power conferred by the immediately preceding paragraph of a holding for an unemployed person or an agricultural worker, or a person who, being or having been a member of His Majesty's Forces, has had a suitable course of training for agriculture, and any reference to the said section five shall include a reference to the immediately preceding paragraph.

(*h*) Subsection (3) of section sixteen of this Act shall apply with the substitution of a reference to the Agriculture (Scotland) Fund for any reference to the small holdings account.

(*i*) Section one of the Land Settlement (Scotland) Act, 1919, which relates to the compulsory

PART III. —*cont.*

acquisition of land for the purposes of the Small Holding Colonies Acts, 1916 and 1918, shall have effect as if the limitation of the period, during which the powers thereby conferred may be exercised, were omitted, and any provision in any Act in force at the passing of this Act which limits the period for which that section is to remain in operation shall cease to have effect.

(*j*) Subsection (3) of section eighteen of the Land Settlement (Scotland) Act, 1919, shall have effect as if for the purpose therein specified there were substituted the following purposes :—

(i) the provision of allotments or allotment gardens and the purchase or leasing and equipment of land therefor;

(ii) the making of grants or loans to local authorities or to societies or associations having as their object or one of their objects the provision of allotments or allotment gardens in aid of expenditure by such authorities, societies, or associations in connection with the provision of allotments or allotment gardens.

(*k*) Subsections (8) and (9) of section two and sections seven, eight, nine, ten, twelve, and seventeen, and section eleven in so far as it relates to small holdings, and paragraph (*c*) of Part I of the First Schedule shall not apply.

Short title, citation and extent.

25.—(1) This Act may be cited as the Agricultural Land (Utilisation) Act, 1931, and Part II of this Act and the Small Holdings and Allotments Acts, 1908 to 1926, may be cited as the Small Holdings and Allotments Acts, 1908 to 1931, and so much of the said Part II as relates to allotments and the Allotments Acts, 1908 to 1925, may be cited as the Allotments Acts, 1908 to 1931.

(2) This Act shall not extend to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Sections 3 and 24.

PART I.

MODIFICATIONS OF LANDS CLAUSES ACTS.

The modifications subject to which the Lands Clauses Acts are incorporated in Part I of this Act are as follows :—

(*a*) the bond required by section eighty-five of the Lands Clauses (Consolidation) Act, 1845, shall be under the seal of the Minister and shall be sufficient without sureties.

(*b*) In lieu of section ninety-two of the Lands Clauses (Consolidation) Act, 1845, the following provisions shall have effect—

> No person shall be required to sell any land which forms part of any park, garden, or pleasure ground attached to and usually occupied with a dwelling-house or forms part of the home farm usually occupied with a mansion house, if he is willing and able to sell the whole of the park, garden, pleasure ground or home farm with the dwelling-house or mansion house; and no person shall be required to sell a part only of any house or building, if he is willing and able to sell the whole of the house or building, unless the arbitrator determines that such part of the house or building as is proposed to be taken can be taken without material detriment to the house or building; and, if he so determines, he may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Minister that part of the house or building; and

(*c*) where any land compulsorily acquired is glebe land or other land belonging to an ecclesiastical benefice, any sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the

1ST SCH. —*cont.*

Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

PART II.

PROVISIONS TO BE COMPLIED WITH BY MINISTER BEFORE GIVING NOTICE IN ACCORDANCE WITH 8 & 9 VICT. c. 18. s. 18.

1. Before giving notice in accordance with section eighteen of the Lands Clauses (Consolidation) Act, 1845, of his intention to acquire any land otherwise than by agreement, the Minister shall (save as in this Act otherwise expressly provided)—

(*a*) publish in one or more newspapers circulating within the district in which the land is situated a notice stating the fact that he intends to acquire the land compulsorily and describing by reference to a map the area proposed to be acquired and naming the place where a copy of the map may be seen at all reasonable hours; and

(*b*) serve on every owner, lessee and occupier (except tenants for one, or a less period than one, month) of the land a notice stating that he intends to acquire the land compulsorily and specifying the time within and the manner in which objections to the compulsory acquisition thereof can be made.

2. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may serve notice to treat in accordance with the said section eighteen and proceed to acquire the land accordingly, but, in any other case, he shall not acquire the land compulsorily unless authorised to do so by means of a Provisional Order made by him and confirmed by Parliament, and for that purpose the Minister may submit a Bill to Parliament for the confirmation of any such Provisional Order:

Provided that the Minister may require any person who has made an objection to state in writing the grounds thereof, and if he is of opinion that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed, he may refer the objections to such one of the panel of official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, as may be selected by rules made by the reference committee under that Act, and if that arbitrator agrees that no objection relates to any matter which cannot be so dealt with as aforesaid, all such objections shall be deemed for the purposes of this paragraph to have been withdrawn.

SECOND SCHEDULE.

Section 17.

MINOR AMENDMENTS OF SMALL HOLDINGS AND ALLOTMENTS ACTS.

Enactment to be amended.	Amendment.
The Small Holdings and Allotments Act, 1908:	
Section 52 - -	After the words "the purchase of land" in both places where those words occur there shall be inserted the words "or "the defraying of the expenses of "borrowing for that purpose."
Section 61 - -	After the word "council," where that word occurs for the second time, there shall be inserted the words "and the "expression 'council of a county,'"
The Allotments Act, 1925:	
Section 8 - -	After the word "purchased" there shall be inserted the words "or "appropriated," and after the word "consent," where that word occurs for the second time, there shall be inserted the words "may be given "unconditionally or subject to such "conditions as the Minister thinks fit, "but"
The Small Holdings and Allotments Act, 1926:	
Section 2 - -	In subsection (2) of the section, for the words "moneys provided by Parliament" there shall, as from the first day of April, nineteen hundred and thirty-one, be substituted the words "Small Holdings and Allotments Account," and at the end of the section there shall be inserted the following subsections:— "(7) Land in respect of which a "contribution has been made or

2ND SCH. —*cont.*

Enactment to be amended.	Amendment.
The Small Holdings and Allotments Act, 1926.	
Section 2—*cont.*	" undertaken to be made by the " Minister under this section shall " not be sold, mortgaged, exchanged, " let, or appropriated, for any pur- " pose other than the provision of " small holdings except with the " consent of the Minister, who may " give such consent either uncon- " ditionally or subject to such con- " ditions as he thinks fit." " (8) Where the Minister is satis- " fied that a council has reason- " ably incurred expenses in con- " nection with the preparation of " proposals or estimates with a " view to the submission thereof to " the Minister under this section " he may if he thinks fit, notwith- " standing that the proposals or " estimates are not submitted to " him or if submitted are not " approved by him, make contribu- " tions towards the expenses so " incurred, in the like manner and to " the like extent as if the expenses " had been a loss shown in approved " estimates."
Section 13 - -	After the word " repayable " there shall be inserted the words " with interest " at such rate as may be agreed " between the council and the pur- " chaser "
Section 14 - -	After the words " provided by " in both places where those words occur there shall be inserted the words ", or " purchased with the assistance of,"