CHAPTER 80.

An Act for the Extension of Allotments.

[18th August 1882.] A.D. 1882.

WHEREAS by an Act 2 William IV., cap. 42, the trustees of lands allotted under enclosure Acts or otherwise appropriated for the benefit of the poor of any parish, together with the churchwardens and overseers of the poor in parish vestry assembled, are required to let portions of such lands in quantities of not more than one statute acre to any one individual, according to their discretion, as a yearly occupation from Michaelmas to Michaelmas, and at such rent as land of the same quality is usually let for in the said parish, to industrious cottagers of good character, being day labourers or journeymen legally settled in the said parish, or dwelling within or near its bounds:

And whereas the provisions of the said Act, from its limited application and other causes, have been only partially carried out:

And whereas it is expedient that having regard to the present Poor Law, the benefit thereof should be extended to all the irremovable poor, and that the same should be extended to all lands, whether cultivated or uncultivated, held for the benefit of the poor as herein-after described, and that a summary remedy should be afforded:

Be it therefore enacted by the Queen'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:

Interpretation.

1. In this Act "trustees" shall mean trustees, feoffees, and managers, whether corporate or sole, or a committee of the same in such cases as are provided for in the Poor Allotments Management Act, 1873. 36 & 37 Vict. c. 19.

Short title.

2. This Act may be cited as the Allotments Extension Act, 1882.

Extent of Act.

3. This Act shall not apply to Scotland or Ireland.

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Trustees of lands vested for benefit of the poor to give notice as to letting.

4. All trustees in whom lands are vested or by whom the same are held or managed for the benefit of the poor of any parish or place in or adjoining to that in which such lands are situate, and whereof the rents or produce are distributed in gifts of money, doles, fuel, clothing, bread, or other articles of sustenance or necessity, shall, where such lands are not otherwise used for the benefit of the parish in which it is situate as a recreation ground, or otherwise for the enjoyment or general benefit of the inhabitants, take proceedings, subject as herein-after mentioned, for letting such lands in allotments to cottagers, labourers, and others, and—

(1.) They shall set apart for the purpose of this Act such field or other portion of the said lands as is most suitable, as regards distance and otherwise, for allotments, and give public notice, in manner directed by the schedule to this Act, of the field or portion so set apart, specifying the situation and extent thereof, and the rent per acre or rod which they are ready to accept for the same when let in allotments, and the times and places at which applications for allotments are to be made:

(2.) If any applications for an allotment are received within the time fixed by the notice the trustees shall forthwith proceed to obtain possession of the field or portion set apart, or of so much thereof as is required for the applications, and to fence the same (if necessary), and to let the same in manner provided by this Act:

(3.) If the whole of the field or portion so set apart is let in allotments the trustees shall proceed as soon as they have power so to do to set apart another field or portion of their lands for the purpose of this Act, and give public notice thereof as directed by this section, and so on until the whole of their lands are let in allotments, or no applications are received for further allotments:

Provided that—

(*a*.) If application is made within the time aforesaid for part only of the field or portion so set apart, the remainder thereof may be let as provided by this Act in the case of unlet allotments; and

(*b*). It shall not be necessary for the trustees to set apart any portion of any such lands as aforesaid, the separation of which from the remainder of such lands not set apart for the time being may make it impossible to let such remainder without substantial loss to the charity, when the whole of such lands

cannot conveniently be set apart for allotments; and they shall have the same powers of letting any remainder of such lands, not set apart for the time being, as if this Act had not passed; and

(*c.*) If no application is made within the time aforesaid for any part of the field or portion so set apart, the like public notice as is required in the first instance shall be given by the trustees once in every succeeding year; and

(*d.*) Where the said lands are at any time held on lease, the trustees shall proceed to act in pursuance of this Act upon the expiration of such lease, and this Act shall apply as if such expiration were the passing of this Act.

Power to let lands inconveniently situated.

5. If any of the said lands shall be found to lie at an inconvenient distance from the residences of any cottagers or labourers it shall be lawful for the trustees to let such lands, or any part thereof, for the best rent that can be procured for the same, and to hire in lieu thereof, for the purposes of this Act, other land more favourably situated for allotments to the poor of the parish or place for whose benefit such lands are held in trust.

Saving old rights.

6. Neither this Act nor section twelve of the Poor Allotments Management Act, 1873, shall extend or be applicable to any lands with regard to which the provisions of the second William the Fourth, chapter forty-two, have been put into operation; but all industrious cottagers of good character, being day labourers or journeymen, whether legally settled in any parish in which the said Act of second William the Fourth, chapter forty-two, has been put into operation, or dwelling within its bounds or those of the adjoining parishes, or being poor persons in any such parishes, shall at all times be entitled to and enjoy the benefits, rights, and privileges created and conferred by the second William the Fourth, chapter forty-two, in as full and ample a manner as they would have been entitled to and have enjoyed the same if they had been legally settled in the parish and this Act and section twelve of the Poor Allotments Management Act, 1873, had not been passed.

Preference to cottagers living in parishes where the lands are situate.

7. The provisions of this Act shall apply to lands held for the benefit of the poor of any parish or place situated in or adjoining to the same parish in which such poor dwell; but where the said lands are situated in or adjoining to several parishes, preference shall be given to the cottagers and labourers being inhabitants of the parish or place for the benefit of the poor of which lands are so held.

Where lands are held

8. Where any lands shall be held as aforesaid, partly for the benefit of the poor, and partly for other objects, the provisions of

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partly for benefit of poor.

the Act shall apply to such a proportion of the entire quantity of the said lands as the amount of the gross income applicable to the poor shall bear to the entire gross income thereof; and in case of difference as to the amount of such gross income, or as to the said proportion, the difference shall be referred to the Charity Commissioners for England and Wales, in this Act referred to as the Charity Commissioners, whose decision shall be final.

Charity Commissioners to settle rules in certain cases.

9. The trustees or the majority of them may from time to time make and, when made, revoke and vary such rules as may be necessary for the appointment and powers of local managers of allotments under this Act, whether as tenants or agents of the trustees or otherwise, and for preventing the same being built upon or sublet, and preventing any undue preference in such letting, and all other necessary rules, and for giving effect to the provisions of the Act; and such rules as are for the time being in force under this section shall be binding on all persons and corporations whatsoever.

Provided that—

(*a.*) A copy of all rules made under this section shall be sent to the Charity Commissioners as soon as may be after they are made, and the Charity Commissioners may, if they think fit, by order disallow any rules made under this section, and upon such disallowance the same shall be void:

(*b.*) Such public notice as is provided by the schedule to this Act shall be given of all rules in force under this section, and a copy thereof shall be at all times given gratis to any cottager or labourer demanding the same:

(*c.*) Any four cottagers or labourers, or any of the trustees, if aggrieved by any such rules, whether in respect of anything contained therein, or of any omission therefrom, or if aggrieved by the want of any rules, may complain to the Charity Commissioners, and the Charity Commissioners, if they think such complaint is well grounded, may make such order as appears to them necessary to remedy the complaint. Any such order may rescind or alter any such rules, and may make any rules for the purposes of this section, and such rules shall be duly observed by all persons and corporations whatsoever.

In case of neglect of trustees to publish notice.

10. If the trustees of any such lands shall omit, neglect, or refuse to give such public notice or to proceed for such setting apart of land as is required by this Act, or otherwise to comply with the provisions of this Act, any of the said cottagers or labourers, not being less than four, who would be entitled to rent any allotment out of the said lands under the provisions of this Act if the same had

been duly observed shall be entitled, after due notice to such trustees requiring them to remedy the omission, neglect, or refusal specified in the notice, to apply to the Charity Commissioners, and the said Commissioners shall inquire into the complaint, and, if satisfied that such omission, neglect, or refusal exists, and requires to be remedied, may issue their order for remedying, in manner specified therein, such omission, neglect, or refusal, and such order may be enforced in like manner as an order made by the Commissioners under the Charitable Trusts Acts.

Certificate of Charity Commissioners sufficient defence for trustees.

11. If in the opinion of the trustees such lands as aforesaid shall, either on the ground of distance or on any other ground, be so unsuitable for allotments that no part thereof can be usefully set apart for the purposes of this Act, they shall be at liberty to apply to the Charity Commissioners for a certificate to that effect: and if such certificate be granted they shall not be bound to set apart under this Act any part of the lands to which the same shall apply: and they shall annually give public notice of such certificate so long as the same shall remain in force in the manner directed by the schedule to this Act. Provided always, that it shall be lawful for the said Commissioners at any time, for any cause shown to their satisfaction by any person entitled to make an application to them under this Act, to revoke such certificate: Provided also that every certificate given by the Charity Commissioners under this section, unless and until revoked by them, shall be final and conclusive.

Arrears of rent, and in case of refusal of tenant to quit. 8 & 9 Vict. c. 118.

12. Any rent for any allotment let in pursuance of this Act, and the possession of such allotment in the case of any notice to quit, or other failure to deliver up possession of the same as required by law, may be recovered in all respects as if the same were an allotment under the Inclosure Act, 1845, and the Acts amending the same, and sections one hundred and ten and one hundred and eleven of the Inclosure Act, 1845, shall apply as if they were herein enacted, and as if the trustees, or in the case of the appointment of local managers, such managers, were the allotment wardens within the meaning of the said sections.

Letting of allotments.

13. With respect to the letting of allotments in any field or portion of land set apart for the purposes of this Act the following provisions shall have effect:

(1.) Public notice of the intention to let the same shall be given in manner directed in the schedule to this Act:

(2.) Every allotment shall be let free of all charges (that is to say), tithe, tithe rentcharge, rates, taxes, and outgoings whatsoever, and shall be let at such rent as land of the same

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quality is usually let for in the same parish, with such addition as is necessary to satisfy the said charges; and in this section the expression "outgoings" includes the expense of getting possession, and allotting, dividing, and fencing the field or portion of land set apart, and collecting the rents, and any sum payable for such draining of the allotments and means of approach to the allotments as may be necessary:

(3.) The trustees shall, for the purposes of all rates, taxes, tithes, and tithe rentcharge, be deemed to be the occupiers of the allotments:

(4.) One person shall not hold any allotment or allotments exceeding one acre:

(5.) No building whatever shall be erected for or used as a dwelling or workshop on any part of any allotment, and if any building is so erected or used the trustees shall forthwith pull down the same and sell and dispose of the materials thereof, and the proceeds of the sale shall be applicable in like manner as the rent of the allotment:

(6.) If at any time the trustees are unable to let any allotment or any portion thereof, they may let the same, or such portion thereof as may be unlet, to any person whatever at the best annual rent which can be obtained for the same, without any premium or fine, and on such terms as may enable them to resume possession thereof within a period not exceeding twelve months if it should at any time be required to be let for allotments; but such letting shall not be deemed to exonerate the trustees from giving public notice under the foregoing provisions of this section.

Provision for allotments in scheme of Charity Commissioners.

14. Where a scheme is made by the Charity Commissioners after the passing of this Act in relation to any charity, and part of the endowment of such charity consists of land other than buildings and the appurtenances of buildings, the Charity Commissioners shall insert in such scheme a provision authorising the trustees of the charity to set apart portions of the said lands for allotments, and the same may be set apart and let as allotments in like manner as is directed by this Act.

Act not to impair powers conferred by Endowed Schools Acts.

15. Nothing in this Act contained shall be taken to impair or alter any powers conferred on the trustees of any charities or the Charity Commissioners by the Endowed Schools Acts or the Acts amending the same.

SCHEDULE.

Regulations as to Public Notices and Lettings.

1. Public notice, for the purposes of this Act, shall be given by fixing the notice on the doors of the church of the parish in which the land referred to in the notice is situate, and if there is no church, then on some public building or conspicuous place therein.

2. Public notice of the setting apart under this Act of a field or portion of land shall be given in the month of February, or such other month as the trustees may fix, and the first notice shall be given in the said month next after the passing of this Act, and if not so given shall be given as soon as may be afterwards, at such time as may be fixed by the trustees, or, in case of their default, by the county court judge for the district in which the land is situate, or by the Charity Commissioners.

Letting.

3. The public notice of the intention to let an allotment out of land when set apart shall specify the amount of land to be let, and the rent per acre or rod to be paid, and the place and time at which applications are to be made, and shall be given annually in the month of June, or in such other month as may be fixed by, or in pursuance of, rules under this Act: Provided that in any year in which there will be no allotment vacant out of land already set apart, it shall not be necessary to give such notice.

4. The first public notice of the intention to let an allotment shall be given in the month of June next after the trustees obtain possession of the allotment, or at such other time, not more than one month later, as may be fixed by or in pursuance of rules under this Act; and, if not so given, shall be given at such time as may be fixed by the county court judge for the district in which the land is situate, or by the Charity Commissioners.

5. The time for applications for allotments out of land when already set apart shall be the month of August, or such other month as may be fixed by or in pursuance of rules under this Act.

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6. The allotments shall be let to persons in the order in which they apply, or in accordance with such other order as may be provided by rules under this Act, so that there shall be no undue preference shown as regards the persons to whom they are let.

7. Each allotment shall be let on a yearly tenancy beginning at Michaelmas day, or at such other day as may be fixed by or in pursuance of rules under this Act.

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Somersham Rectory Act, 1882.

[45 & 46 VICT. CH. 81.]

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