CHAPTER 52.

An Act to amend the Law relating to Allotments in Scotland. [4th August 1922.]

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 :—

Termination of tenancies of allotment gardens.

1.—(1) Where land is let by a local authority, an association, or any other person, for use by the tenant as an allotment garden, the tenancy of the land or any part thereof shall not (except as hereinafter provided) be terminable by the lessor by notice to remove or by resumption of possession, notwithstanding any agreement to the contrary, except by—

(*a*) a six months' or longer notice in writing to remove expiring on or before the first day of May or on or after the first day of November in any year; or

(*b*) resumption of possession after three months' or longer notice in writing to the tenant, under a power of resumption contained in or affecting the lease, on account of the land being required for building, mining, or any other industrial purpose, or for roads or sewers necessary in connection with any of those purposes; or

(*c*) resumption of possession under a power of resumption of possession contained in the lease in the case of land let by a corporation or company being the owners or lessees of a railway, dock, canal, water, or other public undertaking on account of the land being required by the corporation or company for any purpose (not being the use of land for agriculture) for which it was acquired or held by the corporation or company, or appropriated under any statutory provision, or in the case of land let by a local authority within the meaning of the Housing (Scotland) Acts, 1890 to 1921 (being land which was acquired by the local

authority under those Acts before the date of the passing of this Act), on account of the land being required by the local authority for the purposes of those Acts; or

(*d*) resumption of possession on account of any irritancy of the lease by the tenant or any breach by the tenant of the regulations made by a local authority under the Allotments Acts.

(2) Where land is let to a local authority or to an association for the purpose of being sub-let for use as allotment gardens, this section shall apply to the tenancy of the authority or association as well as to the tenancies of the sub-tenants.

(3)—(*a*) This section shall apply to a tenancy current at the date of the passing of this Act, but not so as to affect the operation of any notice to remove given, possession resumed, or proceedings for resumption commenced before that date.

(*b*) Where under any lease entered into before the date of the passing of this Act a tenancy to which this section applies is either by express provision or by implication made terminable by the lessor by notice to remove expiring on a date between the first day of May and the first day of November, the tenancy shall be terminable by him on the first day of November, and any such notice to remove given in accordance with the lease shall have the effect of a notice to remove on that date.

(4) This section shall not apply to land held by or on behalf of the Admiralty, War Department, or Air Council, and so let as aforesaid, when possession of the land is required for naval, military or air force purposes.

Compensation on removing from allotment gardens

2.—(1) Where land is let by a local authority, an association, or any other person for use by the tenant as an allotment garden, the tenant shall, subject to the provisions of this section and notwithstanding any agreement to the contrary, be entitled at the termination of the tenancy, on removing from the land, to recover from the lessor compensation for crops growing upon the land in the ordinary course of the cultivation of the land as an allotment garden, and for manure applied to the land such compensation to be based on the value of the growing crops and manure to an incoming tenant.

(2) A tenant whose tenancy is terminated by the termination of the tenancy of his lessor shall be entitled to recover from his lessor such compensation (if any) as would have been recoverable if his tenancy had been terminated by notice of removal given by his lessor.

(3) Compensation under this section shall be recoverable only if the tenancy is terminated by the lessor and terminated, either—

(*a*) between the first day of May and the first day of November; or

(*b*) by resumption of possession at any time under paragraph (*b*) or paragraph (*c*) of subsection (1) of the immediately preceding section of this Act.

(4) Where under any lease entered into after the date of the passing of this Act land is let to a local authority or to an association for the purpose of being sub-let for use as allotment gardens, this section shall, except so far as is otherwise provided by the lease, apply not only to the tenancy of the sub-tenants but also to the tenancy of the local authority or association and that notwithstanding that the crops have been grown and the manure applied by the sub-tenants.

(5) This section shall apply to a tenancy (other than the tenancy of a local authority or association) current at the date of the passing of this Act, but not so as to affect the operation of any notice to remove given, possession resumed, or proceedings for resumption commenced before that date.

(6) This section shall apply to the termination of the tenancy of the whole or any part of the land the subject of a lease.

(7) Except as provided by this section or by the lease, the tenant of land under a tenancy to which this section applies shall not be entitled to recover compensation from the lessor at the termination of the tenancy, and the provisions of the Agricultural Holdings (Scotland) Acts, 1908 to 1921, relating to compensation shall not apply to any tenancy to which this section applies.

(8) The tenant of any land under a tenancy to which this section applies may, before the termination of the tenancy, remove any fruit trees or bushes provided and planted by the tenant and any erection, fencing, or

other improvement erected or made by the tenant, making good any injury caused by such removal.

(9)—(*a*) The compensation under this section from the lessor on the termination of a tenancy to which this section applies, and such further compensation (if any) as is recoverable from the lessor under the lease, shall, in default of agreement, be determined by an arbiter appointed in default of agreement by the sheriff having jurisdiction in the place where the allotment garden is situated upon an application by letter from either or any of the parties addressed to the sheriff clerk.

(*b*) Any such agreement or determination with respect to compensation may, if any sum payable thereunder is not paid within fourteen days from the date of the agreement or determination, be competently recorded for execution in the books of council and session or sheriff court books, and shall be enforceable in like manner as a recorded decree arbitral.

(*c*) The proper expenses of the arbitration shall be borne by such of the parties or by the parties in such proportions as the arbiter shall direct, but be recoverable by the arbiter from any of the parties, and any amount paid by any of the parties in excess of the amount (if any) directed by the arbiter to be borne by him shall be recoverable from the other party or parties and may be deducted from any compensation payable to such party or parties.

(10) This section shall not apply to any tenancy which has terminated before the date of the passing of this Act, or where a notice to remove has been given, or possession has been resumed, or proceedings for resumption have been commenced before that date.

(11) For the purposes of this section, and the immediately preceding section of this Act—

(*a*) Where a tenancy comes to an end at the expiry of the stipulated endurance of the lease or at the expiry of any renewal of the lease by tacit relocation, the tenancy shall not be deemed to be terminated by the lessor by reason only of any notice given by the lessor to the tenant in order to prevent renewal or further renewal of the lease by tacit relocation:

(*b*) Where land is let to a local authority or association and is sub-let by the authority or association, notice from the lessor to the authority or association shall have effect also as notice at the same time to every sub-tenant of the authority or association affected thereby, but it shall be the duty of the authority or association forthwith to serve by post intimation of the notice upon each such sub-tenant.

Application to Crown lands.

3. The foregoing provisions of this Act shall not apply to any land of which possession was taken by or on behalf of any Government department under the enactments relating to the Defence of the Realm or the regulations made thereunder, and possession of which has been continued by virtue of any enactment, or to any land forming part of a royal park; but, save as aforesaid, the foregoing provisions of this Act shall apply to lands vested in His Majesty in right of the Crown, and, except as otherwise hereinbefore in this Act expressly provided, to land vested in any Government department for public purposes.

Rights of tenant who has paid compensation to outgoing tenant.

4. Where a tenant of an allotment has paid compensation to an outgoing tenant for any fruit trees or bushes or other improvement, he shall have the same rights to removal or compensation as he would have had under the Allotments Acts if the trees or bushes had been provided and planted or the improvement had been made by him.

Restriction on tenancy of allotment gardens.

5. A local authority may let to one person two or more allotment gardens if their aggregate extent does not exceed forty poles, but, save as aforesaid, one person shall not hold more than one allotment garden provided by a local authority and an allotment garden so provided shall not be sub-let.

Provisions relating to land leased for allotments.

6.—(1) Where land is acquired on lease by a local authority for use as allotments—

(*a*) The local authority may let to one person an allotment or allotments (not being an allotment garden or allotment gardens) exceeding one acre, but, if the land is taken on lease compulsorily, either not exceeding in the whole four acres of pasture, or one acre of arable and

three acres of pasture, or not exceeding four pounds in annual value:

(*b*) The local authority may permit to be erected on an allotment (not being an allotment garden) a stable, byre or barn: Provided that such stable byre or barn shall not, unless erected with the assent in writing of the landlord, be the subject of compensation, but may be removed by the tenant on the termination of the tenancy:

(*c*) The local authority shall not, without the assent in writing of the landlord, break up or permit to be broken up any permanent pasture on the land acquired on lease, unless entitled by the lease so to do: Provided that, in the case of land so acquired after the date of the passing of this Act, the Board may authorise the local authority without such assent to break up or permit to be broken up permanent pasture thereon, if the Board are satisfied that no other land equally suitable for allotments is reasonably available:

(*d*) If the land acquired on lease shall, at any time during the tenancy thereof by the local authority, be shown to the satisfaction of the Board to be required by the landlord for the purpose of working and winning the mines, minerals, or surface minerals thereunder, or for feuing for building, or for any road or work to be used in connection with such working or winning or feuing, it shall be lawful for the landlord of such land to resume possession thereof upon giving to the local authority twelve months' previous notice in writing of his intention so to do, and upon such resumption the landlord shall pay to the authority and to the holders of allotments on the land for the time being such compensation for loss sustained by them respectively and arising directly from such resumption as may be agreed between the landlord and the authority, or in default of agreement determined under and in accordance with the provisions of the Second Schedule to the Agricultural Holdings (Scotland) Act, 1908;

8 Edw. 7 c. 64.

Where land is let to a local authority for the purpose of being sub-let for use as allotment

gardens, the foregoing provision shall have effect subject to the provisions of this Act relating to the termination of tenancies of allotment gardens and to compensation on removing therefrom, and to determination of questions arising on resumption of land:

(*e*) In this subsection the word "landlord" means the person for the time being entitled to receive the rent of the land acquired on lease by the local authority.

(2) Where land is acquired by a local authority for use as allotments under an order for the compulsory leasing of the land—

(*a*) The lease shall be for a period of not less than ten nor more than thirty-five years:

(*b*) On the termination of the tenancy of the local authority, the compensation (if any) due by the landlord for improvements, or by the authority for depreciation, shall be determined, in default of agreement, by arbitration under and in accordance with the provisions of the Second Schedule to the Agricultural Holdings (Scotland) Act, 1908:

(*c*) The order shall not authorise the compulsory taking on lease of any mines or minerals, or confer the right to take, sell, or carry away any stone, gravel, sand, or clay:

(*d*) The paragraphs set out in the Second Schedule to this Act shall be substituted for paragraph (*b*) of provision (6) of the First Schedule to the Act of 1919.

(3) Nothing in the Allotments Acts contained shall authorise a local authority to acquire on lease for use as allotments any land which is already owned or occupied as a small holding within the meaning of the Small Holdings Act, 1892, or under the Small Landholders (Scotland) Acts, 1886 to 1919. 55 & 56 Vict. c. 31.

(4) The Board shall, in their annual report, include a statement of any proceedings under this section.

Provisions relating to common pasture.

7. Where a local authority are satisfied that having regard to the wants and circumstances of the population of the burgh or parish it is desirable to acquire land for

affording common pasture, the authority may, subject to the provisions of this section, by purchase or leasing, acquire land suitable for that purpose whether within or without the burgh or parish, and the provisions of the Allotments Acts shall, so far as applicable in that behalf and with the necessary modifications, apply as if the word "allotments" in those Acts included common pasture, and as if the word "rent" included a charge for turning out an animal:

Provided that—

(*a*) The regulations made by the local authority under the Allotments Acts may extend to regulating the turning out of animals on the common pasture, to defining the persons (being persons resident within the burgh or parish) entitled to turn them out, the number of animals to be turned out, and the conditions under which animals may be turned out, and fixing the charges to be made for each animal, and otherwise to regulating the common pasture:

(*b*) The land acquired by a local authority by compulsory leasing for common pasture and held by the authority for that purpose at any one time shall not exceed twenty acres.

Amendment of statutory provisions as to compulsory acquisition of land for allotments.

8.—(1) Notwithstanding anything contained in any other enactment, counsel shall not be heard in any arbitration under the Allotments Acts, or as to compensation payable for lands acquired for allotments under those Acts, unless the Board otherwise direct.

(2) So much of subsection (1) of section two of the Act of 1892 as requires that a local authority before acquiring land for allotments shall be of opinion that such allotments cannot be obtained at a reasonable rent and on reasonable conditions by voluntary arrangement between the owners of land suitable for such allotments and the applicants for the same, shall cease to have effect.

(3) For section twenty of the Act of 1919 (which relates to land for allotments) there shall be substituted the following section:—

"(1) If a local authority are unable by agreement to acquire by purchase suitable land for allotments at a reasonable price, the authority may

apply to the Board for an order providing for the compulsory acquisition of such land by purchase:

"(2) If a local authority are unable by agreement to obtain on lease suitable land for allotments at a reasonable rent and subject to reasonable conditions, the authority may apply to the Board for an order providing for the compulsory acquisition of such land by leasing: Provided that, in the case of land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, such leasing shall be subject to a condition enabling the corporation or company to resume possession of the land when required by the corporation or company for the purpose (not being the use of land for agriculture) for which it was so acquired:

"(3) For the purposes of any application under this section, the provisions of the First Schedule to this Act shall have effect."

Establishment of allotments committee.

9.—(1) The council of any burgh with a population of ten thousand or upwards shall, unless exempted by the Board from the provisions of this section, establish an allotments committee, and all matters relating to the exercise and performance by the council of their powers and duties under the Allotments Acts as respects the provision of allotment gardens (except the power of raising a rate or borrowing money) shall stand referred to such committee, and the council before exercising any such powers shall, unless in their opinion the matter is urgent, receive and consider the report of the committee with respect to the matter in question, and the council may delegate to the committee, with or without restrictions, any of their said powers except as aforesaid.

(2) An allotments committee established under this section shall comprise persons other than members of the council, representative of the interests of occupiers of allotment gardens in the burgh, and being themselves occupiers of such allotment gardens provided that the number of such representative members shall not be more than one-third or less than two or one-fifth of the

total number of the members of the committee, whichever be the larger number.

(3) The accounts of any receipts or payments by or to a committee under powers delegated under this section shall be accounts of the council and made up and audited accordingly.

Powers of entry on unoccupied land.

10.—(1) A town council or parish council may, after giving such notice of intention to enter as is hereinafter provided—

(*a*) enter upon any unoccupied land for the purpose of providing allotment gardens thereon;

(*b*) adapt any such land for use for such purpose;

(*c*) let any such land for use by the tenant as an allotment garden, or to any association for the purpose of sub-letting for such use, but so that any tenancy created by the council or by the association shall terminate at the date when the occupation of the council is terminated under this section;

(*d*) on the termination of such occupation remove any erection or work of adaptation, making good any injury to the land caused by such removal.

(2) Before entry under this section the council shall give not less than fourteen days' notice in writing to the owner of the land in such manner as notices may be given to an owner under regulations for the time being in force with respect to the compulsory leasing of land under the Allotments Acts.

(3) The right of occupation of the council may be terminated—

(*a*) by not less than six months' notice in writing to that effect given by the council to the owner in manner aforesaid, and expiring on or before the first day of May, or on or after the first day of November in any year; or

(*b*) by not less than one month's notice in writing given by the owner to the council in any case where the land is required for any purpose other than the use of the land for agriculture.

(4) A tenant to whom land is let by a council or association under this section, and whose tenancy is

terminated by the termination of the right of occupation of the council, shall, unless otherwise agreed in the lease, be entitled to recover from the council or association, as the case may be, such compensation (if any) as would have been recoverable if his tenancy had been terminated by notice to remove given by the council or association, as the case may be, and have the same rights with respect to the removal of fruit trees or bushes or improvements as if his tenancy had been so terminated.

(5) Any person who is interested in any land on which entry is made by a council under this section, and who suffers any loss by reason of the exercise of the powers conferred by this section, shall, if he makes a claim not later than one year after the termination of the right of occupation, be entitled to be paid by the council such amount as may represent the loss; and such amount shall, in default of agreement, be determined by an arbiter appointed in default of agreement by the Board: Provided that such amount may be paid by the council by way of periodical payments to be determined as aforesaid and that a periodical payment of compensation in the nature of rent shall not exceed the rental value of the land as defined by this section.

(6) For the purposes of this section, the expression "unoccupied land" means land in respect of which no person is entered as tenant or occupier in the valuation roll in force at the date of the notice of intended entry and which has not been let and occupied subsequent to the making up of the valuation roll, and before the date of the notice.

The expression "rental value" means the annual rent which a tenant might reasonably be expected to pay for the land if the land had continued in the same condition as at the date when entry was made under this section.

(7) This section shall not apply to land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking or to land which is or forms part of any area dedicated or appropriated as a public park, garden, or pleasure ground, or for use for the purposes of public recreation.

Determination of questions arising on

11.—(1) Where land has been let to a local authority or to an association for the purpose of being sub-let for use as allotment gardens, or is occupied by a council under

resumption of land.

the powers of entry conferred by this Act, and the lessor, or the person who but for such occupation would be entitled to the possession of the land, proposes, in accordance with the provisions of this Act, to resume possession of the land for any particular purpose, notice in writing of the purpose for which resumption is required shall be given to the local authority or association or council.

(2) The local authority or association or council may, by a counter notice served within ten days after receipt of such notice on the person requiring possession, demand that the question as to whether resumption of possession is required in good faith for the purpose specified in the notice shall be determined by arbitration under and in accordance with the provisions of the Second Schedule to the Agricultural Holdings (Scotland) Act, 1908.

(3) Possession of the land shall not be resumed until after the expiration of the said period of ten days or the determination of such question as aforesaid where such determination is demanded under this section.

(4) This section shall not apply to any case where resumption of possession is required by a corporation or company being the owners or lessees of a railway, dock, canal, water, or other public undertaking.

Restriction of obligation of town councils to provide allotments.

12. The obligation of a town council under the Allotments Acts to provide allotments shall, if the population thereof is ten thousand or upwards, be limited to the provision of allotment gardens not exceeding twenty poles in extent.

Time limit for serving notice to treat for compulsory acquisition of land.

13.—(1) Where under the Allotments Acts an order has been made for the compulsory acquisition of any land, and notice to treat thereunder is not served by the acquiring authority within three months after the making of the said order, then the order, so far as it relates to land in respect of which notice to treat has not been so served, shall become null and void.

(2) Where an order has so become null and void as respects any land, no order authorising the compulsory acquisition of that land or any part of such land shall be made within three years after the expiration of the said three months, unless it is proved to the satisfaction of the Board that there are special reasons justifying the failure to exercise the powers under the original order.

Power to Board to let land for allotments.

14. The Board may let land acquired by the Board for small holdings for use by the tenant as an allotment, or to a local authority or association for the purpose of being sub-let for such use.

Access to allotments.

15. It shall be the duty of a local authority providing allotments to make provision for access thereto by suitable roads or paths, where such means of access are not already available, and by regulations made under the Allotments Acts to require that access to the allotments shall be had only by such roads or paths.

Limitation on expenditure on allotments and rents to be charged.

16.—(1) A local authority shall not take any proceedings under the provisions of the Allotments Acts relating to allotments unless in the opinion of the authority the expenses of the authority incurred under those provisions (other than such expenses as are hereinafter specified) may reasonably be expected after the proceedings are taken to be defrayed out of the receipts of the authority under those provisions.

(2) For the purposes of this section, expenses and receipts shall include expenses and receipts in respect of land acquired whether before or after the passing of this Act, and shall be calculated in such manner as in the case of a town council the Secretary for Scotland, and in the case of a parish council the Scottish Board of Health may direct:

Provided that such expenses shall not include—

(*a*) expenses in relation to the acquisition of land other than the price, feu duty, ground annual, or rent, or other compensation payable in respect of the land;

(*b*) expenses incurred in making roads to be used by the public;

(*c*) sinking fund charges in respect of loans raised in connection with the purchase of land.

(3) Land let by a local authority under the Allotments Acts for use as an allotment shall be let at the fair rent for such use, and not more than a quarter's rent (except where the yearly rent is twenty shillings or less) shall be required to be paid in advance.

Rating of allotments.

17.—(1) A local authority providing land for allotments may, with respect to any assessment imposed and levied by such local authority, resolve, and with respect to any assessment imposed and levied by any other authority, by notice to that authority, require, that the local authority providing the land

shall, with respect to such assessment, be deemed to be the occupiers of the land, notwithstanding that the land or part thereof may be let, and in such case that local authority shall for the purposes of such assessment be deemed to be the occupiers of the land until the resolution is revoked, or the notice is withdrawn, as the case may be.

(2) The foregoing subsection shall apply to an association providing land for allotments with respect to any assessment in like manner as it applies to a local authority so providing land with respect to an assessment imposed and levied by another authority, if at the request of the association the authority by whom the assessment is imposed and levied agree that it shall so apply.

55 & 56 Vict. c. 55.

(3) For removing doubts as to the effect of section three hundred and forty-seven of the Burgh Police (Scotland) Act, 1892 (which relates to the valuation of arable lands, &c.), it is hereby declared that the expression "ground used for nurseries, market gardens, or for agricultural purposes" occurring in that section shall be deemed to include ground used for allotments.

Financial provisions

18.—(1) The maximum period for the repayment of money borrowed by a local authority under the Allotments Acts shall, notwithstanding any other enactment, where the purpose for which the money is borrowed is the purchase of land for allotments, be eighty years.

(2) Money borrowed by a local authority for the purpose of providing allotments shall not be reckoned as part of the total outstanding debt of the authority for the purpose of any enactment restricting the powers of borrowing by the authority.

Interpretation.

19.—(1) In this Act, unless the context otherwise requires—

The expression "the Board" means the Board of Agriculture for Scotland;

The expression "allotment garden" means an area not exceeding forty poles which is wholly or mainly cultivated by the occupier for the production of vegetable crops for consumption by himself or his family and is not let to the occupier during his continuance in any office, appointment, or employment held under the landlord or let along with any dwelling-house;

55 & 56 Vict. c. 54.

The expression "the Allotments Acts" means the Allotments (Scotland) Act, 1892, as amended

or applied by any subsequent enactment including this Act;

The expression "local authority" means a town council or parish council acting under the Allotments Acts;

The expression "association" means an association formed for the purposes of creating or promoting the creation of allotments;

The expression "lessor" means any person for the time being entitled to receive the rent or to resume possession of the land;

The expression "lease" means a letting or sub-letting of or agreement for letting or sub-letting land and the expressions "let" and "sub-let" have corresponding meanings;

The expression "the Act of 1892" means the Allotments (Scotland) Act, 1892;

The expression "the Act of 1894" means the Local Government (Scotland) Act, 1894; 57 & 58 Vict. c. 58.

The expression "the Act of 1919" means the Land Settlement (Scotland) Act, 1919; 9 & 10 Geo. 5. c. 97.

The expression "industrial purpose" shall not include use for agriculture;

The expression "agriculture" includes forestry, horticulture, and the keeping and breeding of livestock;

The expression "sinking fund charges" includes any charges for the repayment of loans, whether by means of a sinking fund or otherwise.

References to population shall be construed as references to population according to the published returns of the last census for the time being.

(2)—(*a*) In the Allotments Acts, except the provisions thereof hereinafter specified, unless the context otherwise requires, the expression "allotment" includes an allotment garden.

(*b*) The excepted provisions referred to in the foregoing paragraph are—

In the Act of 1892, subsections (3) and (6) of section seven and the proviso to subsection (2) of section eight.

(3) Where land is used by the tenant thereof as an allotment garden, then for the purposes of this Act, unless the contrary is proved—

(*a*) the land shall be deemed to have been let to him to be used as an allotment garden; and

(*b*) where the land has been sub-let to him by a local authority or association which holds the land under a lease, the land shall be deemed to have been let to that council or association for the purpose of being sub-let for such use as aforesaid.

Repeal.

20. The enactments specified in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Short title and extent.

21.—(1) This Act may be cited as the Allotments (Scotland) Act, 1922, and the Act of 1892, the provisions of Part IV. of the Act of 1894, which relate to allotments, Part III. of the Act of 1919, and this Act may be cited together as the Allotments (Scotland) Acts, 1892 to 1922.

(2) This Act shall extend to Scotland only.

Section 20.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 54.	The Allotments (Scotland) Act, 1892.	In section two, subsection (1), from "and that such allotments" to "for the same," and subsection (2). Subsection (1) of section seven. Section twelve. In section sixteen, the definition of "allotment."
57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	Subsection (4) of section twenty-four, so far as not already repealed. Section twenty-six.
9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Section nineteen.
10 & 11 Geo. 5. c. 76.	The Agriculture Act, 1920.	Section eleven— subsection (5) of section thirty-four.

SECOND SCHEDULE.

Section 6.

Provisions to be substituted for paragraph (*b*) of Provision (6) of the First Schedule of the Act of 1919.

(*b*) The official arbiter shall have power to determine any question—

(i) as to the terms and conditions of the proposed lease; or

(ii) as to the amount of compensation for severance; or

(iii) as to the compensation payable to any tenant in respect of the land taken forming part of any existing tenancy; or

(iv) as to the apportionment of the rent between the land acquired by the local authority and the land retained by the tenant; or

(v) as to any other matter incidental to the taking on lease of the land by the authority, or the surrender thereof at the end of their tenancy:

but the arbiter, in fixing the rent, shall not make any allowance in respect of the lease being compulsory.

(*c*) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land taken on lease by the local authority shall, as far as possible, be provided for by taking such compensation into account in fixing, as the case may require, the rent to be paid by the authority for the land taken on lease by them, and the apportioned rent, if any, to be paid by the tenant for that portion of the holding which is not taken on lease by the authority. Provided always that during the unexpired period of the tenant's lease the sum in cumulo of the apportioned portions of rent shall not be less than the rent formerly paid by the tenant.

(*d*) The award of the arbiter or a copy thereof, together with a report signed by him as to the condition of the land taken on lease by the local authority, shall be deposited and preserved with the public books and papers of the authority, and any person interested shall, at all reasonable times, be at liberty to inspect the same, and to take copies thereof.

(*e*) The order may incorporate or apply, with any adaptations which may be prescribed by the Board, such of the provisions of the Lands Clauses Acts (including those relating to the acquisition of land otherwise than by agreement) and of sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845, as appear to the Board sufficient for carrying into effect the order, and for the protection of the persons interested in the land, and of the local authority, and those Acts shall apply accordingly; but it shall not be necessary for the order to incorporate or apply any other provisions of those Acts.

CHAPTER 53.

An Act to make provision with respect to the disposal of sums received in respect of the carrying on and liquidation of the Expeditionary Force Canteens and the Navy and Army Canteen Board. [4th August 1922.]

WHEREAS during the late war certain organisations known respectively as the Expeditionary Force Canteens and the Navy and Army Canteen Board were created for the purpose of conducting canteens, regimental institutes and other similar institutions for the benefit of the naval, military, and air forces of His Majesty (including His Majesty's Indian forces and forces raised in His Majesty's dominions outside the United Kingdom) and of the United States of America:

And whereas prior to the first day of January, nineteen hundred and twenty-one, the said organisations had ceased to conduct such canteens, institutes, and institutions, and an organisation known as the Navy, Army, and Air Force Institutes was incorporated for the purpose of conducting, on and after the said date, such canteens, institutes, and other similar institutions for the benefit of the naval, military, and air forces of His Majesty: