



Agricultural Land (Utilisation) Act 1931

1931 CHAPTER 41 21 and 22 Geo 5

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]

Modifications etc. (not altering text)

- C1** Act restricted (E.W.) by [Allotments Act 1950 \(c. 31\), s. 9](#)
- C2** Style and title of Minister of Agriculture and Fisheries now changed to Minister of Agriculture, Fisheries and Food by [S.I. 1955/554 \(1955 I, p. 1200\)](#)
- C3** Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C4** Certain functions of Minister of Agriculture, Fisheries and Food transferred by [S.I. 1978/272, art. 2](#) [Act: Functions of a Minister of the Crown transferred to the National Assembly for Wales \(W.\) \(1.7.1999\) by S.I. 1999/672, art. 2, Sch. 1](#)

PART I

PROMOTION OF BETTER UTILISATION OF AGRICULTURAL LAND IN GREAT BRITAIN

1—4^{F1}

Textual Amendments

- F1** Ss. 1-4 repealed by [Agriculture Act 1947 \(c. 48\), Sch. 13](#) and [Agriculture \(Scotland\) Act 1948 \(c. 45\), Sch. 10](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Land (Utilisation) Act 1931. (See end of Document for details)

PART II

SMALL HOLDINGS AND ALLOTMENTS

Modifications etc. (not altering text)

- C5** Part II repealed as to small holdings by [Agriculture Act 1947 \(c. 48\), s. 67\(2\)](#)
- C6** Functions of Minister of Agriculture, Fisheries and Food under Part II now exercisable by Secretary of State, [S.I. 1955/554](#) (1955 I, p. 1200), 1965/143, 1967/156 and 1970/1681

Small Holdings

5—7. ^{F2}

Textual Amendments

- F2** [Ss. 5-7](#) repealed by [Statute Law Revision Act 1950 \(14 Geo. 6 c. 6\)](#)

8—10. ^{F3}

Textual Amendments

- F3** [Ss. 8-10](#) repealed by [Agriculture Act 1970 \(c. 40\), ss. 65\(1\), 113\(3\), Sch. 5 Pt. III](#)

[^{F4}11 Power to arrange for management by local authorities of small holdings and allotments provided by Minister or for the transfer thereof to such authorities.

- (1) Any . . . ^{F5} allotments provided by the Minister and any land acquired by him for the purposes of . . . ^{F5} 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 . . . ^{F5} 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 . . . ^{F5} in relation to any allotment or to land acquired for allotments, the council of the borough, urban district, or parish [^{F6}or any county council acting in default of such a council as aforesaid.]]

Textual Amendments

- F4** [S. 11](#) repealed (E.W.) by [Agriculture Act 1970 \(c. 40\), s. 65\(1\), Sch. 5 Pt. III](#)
- F5** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), s. 1\(1\), Sch. 1 Pt. VIII](#)
- F6** Words repealed (E.W.) by [Local Government Act 1972 \(c. 70, SIF 81:1\), ss. 272\(1\), 273\(1\), Sch. 30](#)

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12 Power of county councils to provide cottage holdings.

(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,

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 ^{M1}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. [^{F7}Provided that this section shall have effect subject to section 60 of the Agriculture Act 1970]

[^{F8}(1A) If the tenant of a cottage holding feels aggrieved by a prohibition such as is mentioned in the proviso to section 47(1) of the Small Holdings and Allotments Act ^{M2}1908 (prohibition of improvements), he may appeal to the Minister of Agriculture, Fisheries and Food, who may confirm, vary or annul the prohibition, and the decision of the Minister shall be final.]

(2) ^{F9}

Textual Amendments

- F7** Proviso added by [Agriculture Act 1970 \(c. 40\)](#), **Sch. 4**
- F8** [S. 12\(1A\)](#) added by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), s. 194, **Sch. 33 para. 2**
- F9** [S. 12\(2\)](#) repealed by [Statute Law Revision Act 1950 \(14 Geo. 6 c. 6\)](#)

Marginal Citations

- M1** [1926 c. 52](#).
- M2** [1908 c. 36\(2:5\)](#).

Allotments

13 Power of Minister to provide allotments not exceeding one acre for unemployed persons.

(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 ^{M3}Allotments Act, 1922, and section four of the ^{M4}Allotments Act, 1925), shall apply with the

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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 ^{M5}Small Holdings and Allotments Act, 1908, and section eight of the Allotments Act, 1925, 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.

- (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.

Marginal Citations

- M3** 1922 c. 51.
M4 1925 c. 61.
M5 1908 c. 36.

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

- (1) Where it appears to the council of any borough, urban district, or parish, [^{F10}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.

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- (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 ^{M6}Allotments Act, 1922, nor section four of the ^{M7}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) ^{F11}
- (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.

Textual Amendments

F10 Words repealed (E.W.) by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), ss. 272(1), 273(1), **Sch. 30**

F11 [S. 14\(5\)](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. VIII**

Marginal Citations

M6 [1922 c. 51](#).

M7 [1925 c. 61](#).

15 Unemployed persons not to vacate allotments on obtaining employment.

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.

Modifications etc. (not altering text)

C7 [Agriculture \(Scotland\) Fund wound up by Agriculture \(Scotland\) Act 1948 \(c. 45\)](#), s. 67

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

- (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

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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 ^{M8}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) F12

Textual Amendments

F12 S. 16(3) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), [Sch. 1 Pt. VIII](#)

Marginal Citations

M8 1919 c. 59

General

17 Minor amendments of Small Holdings and Allotments Acts.

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

- (2) F13

Textual Amendments

F13 S. 17(2) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), [Sch. 1 Pt. VIII](#)

Modifications etc. (not altering text)

C8 Small Holdings and Allotments Account wound up by [Agriculture Act 1947 \(c. 48\)](#), s. 59.

C9 The text of S. 17(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

18 Provision as to regulations.

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

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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.

Modifications etc. (not altering text)

C10 S. 18 amended by [Statutory Instruments Act 1946 \(c. 36\), s. 5\(2\)](#)

19 Duration of powers of Minister.

The provisions . . . ^{F14} 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.

Textual Amendments

F14 Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), s. 1\(1\), Sch. 1 Pt. VIII](#)

20 Interpretation and construction.

(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.

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PART III

SUPPLEMENTARY

21 Compensation for loss of employment by labourers.

(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.

(2) No compensation shall be payable under section forty-three of the ^{M9}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.

Marginal Citations
M9 1908 c. 36.

22 ^{F15}

Textual Amendments
F15 S. 22 repealed by National Loans Act 1968 (c. 13), s. 24(2), Sch. 6 Pt. I

23 Treasury concurrence.

The powers of the Minister under sections . . . ^{F16} thirteen of this Act shall be exercised in accordance with such conditions as may, after consultation with the Minister, be prescribed by the Treasury.

Textual Amendments
F16 Words repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), Sch. 1 Pt. VIII

24 Application to Scotland.

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

- (a) ^{F17} 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). ^{F18} a reference to the council of a borough, urban district, or parish, shall be construed as a reference to [^{F19}an islands area] or a district council, and a reference to a borough, urban district, or parish, shall be construed accordingly; any reference in Part II of

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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) F20
- (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 ^{M10}Allotments Act, 1922, there shall be substituted a reference to section sixteen of the ^{M11}Allotments (Scotland) Act, 1922; for any reference to section thirty-two of the ^{M12}Small Holdings and Allotments Act, 1908, there shall be substituted a reference to section eleven of the ^{M13}Allotments (Scotland) Act, 1892; for any reference to section four of the ^{M14}Allotments Act, 1925, there shall be substituted a reference to section one of the ^{M15}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 ^{M16}Land Settlement (Facilities) Act, 1919, there shall be substituted a reference to section twenty-two of the ^{M17}Land Settlement (Scotland) Act, 1919.
- (d) F20
- (e) F20
- (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 ^{M18}Small Holding Colonies Acts, 1916 and ^{M19}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) F21
- (h) F21
- (i) Section one of the ^{M20}Land Settlement (Scotland) Act, 1919, which relates to the compulsory acquisition of land for the purposes of the ^{M21}Small Holding Colonies Acts, 1916 and ^{M22}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) F22 sections twelve and seventeen shall not apply.

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Textual Amendments

- F17** Words repealed by [National Loans Act 1968 \(c. 13\)](#), **Sch. 6 Pt. I**
- F18** Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **Sch.**
- F19** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 214(2), **Sch. 27 Pt. II para. 78**
- F20** [S. 24\(b\)\(d\)\(e\)](#) repealed by [Agriculture \(Scotland\) Act 1948 \(c. 45\)](#), **Sch. 10**
- F21** [S. 24\(g\)\(h\)](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. VIII**
- F22** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. VIII**

Modifications etc. (not altering text)

- C11** Functions of Department of Agriculture for Scotland now exercisable by Secretary of State: [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **s. 1.**
- C12** [Agriculture \(Scotland\) Fund wound up by Agriculture \(Scotland\) Act 1948 \(c. 45\)](#), **s. 67**

Marginal Citations

- M10** 1922 c. 51.
- M11** 1922 c. 52.
- M12** 1908 c. 36.
- M13** 1892 c. 54.
- M14** 1925 c. 54.
- M15** 1926 c. 5.
- M16** 1919 c. 59.
- M17** 1919 c. 97.
- M18** 1916 c. 38.
- M19** 1918 c. 26.
- M20** 1919 c. 97.
- M21** 1916 c. 38.
- M22** 1918 c. 26.

25 Short title, citation and extent.

- (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.

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F23F23 FIRST SCHEDULE

Textual Amendments

F23 Sch. 1 repealed by Agriculture (Scotland) Act 1948 (c. 45), **Sch. 10** and Statute Law Revision Act 1950 (14 Geo. 6 c. 6)

F23

SECOND SCHEDULE

Section 17.

MINOR AMENDMENTS OF SMALL HOLDINGS AND ALLOTMENTS ACTS.

Modifications etc. (not altering text)

C13 The text of Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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 of a “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

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Section 12	<p>Account,” and at the end of the section there shall be inserted the following subsections:—</p> <p>(7) Land in respect of which a contribution has been made or undertaken to be made by the Minister under this section shall not be sold, mortgaged, exchanged, let, or appropriated, for any purpose other than the provision of small holdings except with the consent of the Minister, who may give such consent either unconditionally or subject to such conditions as he thinks fit.</p> <p>(8) Where the Minister is satisfied that a council has reasonably incurred expenses in connection 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, notwithstanding that the proposals or estimates are not submitted to him or if submitted to him are not approved by him, make contributions toward 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.</p>
Section 13	<p>After the word “repayable” there shall be inserted the words “with interest at such rate as may be agreed between the council and the purchaser”</p>
Section 14	<p>After the words “provided by” in both places where those words occur there shall be inserted the words “, or purchased with the assistance of,”</p>

Status:

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Changes to legislation:

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