



Land Settlement (Facilities) Act 1919

1919 CHAPTER 59 9 and 10 Geo 5

An Act to make further provision for the acquisition of land for the purposes of small holdings, reclamation, and drainage, to amend the enactments relating to small holdings and allotments, and otherwise to facilitate land settlement. [19th August 1919]

Modifications etc. (not altering text)

- C1 Act repealed as to small holdings by [Agriculture Act 1947 \(c. 48\), s. 67\(2\)](#) and [Agriculture Act 1970 \(c. 40\), s. 65\(1\), Sch. 5 Pt. III](#)
- C2 Act restricted by [Allotments Act 1950 \(c. 31\), s. 9](#)
- C3 “the principal Act” means [Small Holdings and Allotments Act 1908 \(c. 36\)](#)
- C4 Functions of Board of Agriculture and Fisheries now exercisable by Minister of Agriculture, Fisheries and Food: [Ministry of Agriculture and Fisheries Act 1919 \(c. 91\), s. 1\(1\)](#) and [S.I. 1955/554 \(1955 I, p. 1200\)](#)
- C5 Functions of Minister of Agriculture, Fisheries and Food as to allotments now exercisable by Secretary of State: [S.I. 1965/143, 1967/156](#) and [1970/1681](#)
- C6 Functions of Local Government Board under this Act now exercisable by Secretary of State: [Ministry of Health Act 1919 \(c. 21\), s. 3\(1\)\(a\)](#), [S.I. 1951 753, 1900 \(1951 I, pp. 1354, 1347\)](#), [1965/319](#) and [1970/1681](#)
- C7 Words of enactment omitted authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C8 Certain functions of Minister of Agriculture, Fisheries and Food transferred by [S.I. 1978/272, art. 2](#)
Act: Certain 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](#)

Commencement Information

- II Act wholly in force at Royal Assent

PART I

PROVISIONS AS TO THE ACQUISITION OF LAND

Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Facilities) Act 1919. (See end of Document for details)

Textual Amendments

F1 S. 1 repealed by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), [Sch. 2](#)

2 Power of entry on land.

- (1) [^{F2}Where the council authorised to purchase any land compulsorily under the principal Act have, by virtue of [^{F3}section 11(1) of the Compulsory Purchase Act 1965], entered on the land]

[^{F2}Where an order for the compulsory purchase of land has been made, and where necessary confirmed, under the principal Act, whether such order was made before or after the passing of this Act, the council entitled to purchase the land under the order may, at any time after a notice to treat has been served, and on giving not less than fourteen days' notice to each owner, lessee and occupier of the land, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the ^{M1}Lands Clauses (Consolidation) Act, 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest thereon as would have been payable if the provisions of those sections had been complied with:]

[Provided that, where a council have so entered on land], the council shall not be entitled to exercise the powers conferred by subsection (8) of section thirty-nine of the principal Act.

- (2) Where a council have agreed for the purposes of the principal Act, to purchase land subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year, or from year to year, then at any time after such agreement has been made the council may, after giving not less than fourteen days' notice to the person so in possession, enter on and take possession of the land or of such part thereof as is specified in the notice without previous consent, but subject to the payment to the person so in possession of the like compensation for the land of which possession is taken, with such interest thereon as aforesaid, as if the council had been authorised to purchase the land compulsorily and such person had, in pursuance of such power, been required to quit possession before the expiration of his term or interest in the land, but without the necessity of compliance with sections eighty-four to ninety of the ^{M2}Lands Clauses (Consolidation) Act, 1845.
- (3) Where a notice of entry [^{F4}given in the circumstances mentioned in subsection (1) of this section, or given under the last foregoing subsection,][^{F4}under this section] relates to land on which there is a dwelling-house and the length of notice is less than three calendar months, the occupier of the dwelling-house may, by notice served on the council within ten days after the service on him of the notice of entry, appeal against such notice, and in any such case the appeal shall be determined by an arbitrator under and in accordance with the provisions of the [^{F5}Agricultural Holdings Act 1986](except that the arbitrator shall, in default of agreement, be appointed by the President of the Surveyors' Institution), and the council shall not be entitled to enter on the land [^{F6}under this section] except on such date and on such conditions as the arbitrator may award.
- (4) This section shall with such necessary adaptations as may be prescribed apply in the case of an order authorising the compulsory hiring of land, or of an agreement to hire land.

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Textual Amendments

- F2** Words “Where the council” to “entered on the land” substituted for “Where an order” to “entered on the land” except in the application of s. 2 to the compulsory Living of land or an agreement to hire land by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), **Sch. 4**
- F3** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 2(1)**
- F4** Words “given in the circumstances” to “last foregoing subsection”, substituted for “under this section” where first occurring except in the application of s. 2 to the compulsory hiring of land or an agreement to hire land by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), **Sch. 4**
- F5** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, **Sch. 13 para. 3, Sch. 14 para. 6**
- F6** Words repealed except in the application of s. 2 to the compulsory hiring of land or an agreement to hire land by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), **Sch. 4**

Marginal Citations

- M1** [1845 c. 18](#).
- M2** [1845 c. 18](#)

PROSPECTIVE

F73—5

Textual Amendments

- F7** [Ss. 3-5](#) repealed by [Expiring Laws Act 1922 \(c. 50\)](#), **Sch. 2**

6 Compensation to labourers.

In any case of acquisition of land by the Board of Agriculture and Fisheries under this Act, subsection (5) of section one of the ^{M3}Small Holding Colonies Act, 1916 (which relates to compensation to labourers), shall apply with the substitution of references to this Act for references to that Act.

Marginal Citations

- M3** [1916 c. 38](#).

7 **F8**

Textual Amendments

- F8** [S. 7](#) repealed by [Rentcharges Act 1977 \(c.30, SIF 98:1\)](#), s. 17(2), **Sch. 2** (subject to savings in s. 17(4) in relation to applications for apportionment or redemption made before 22.8.1977)

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8 Sales of glebe.

For the purpose of a sale of land under the Ecclesiastical Leasing Acts to a council or to the Board of Agriculture and Fisheries for the purposes of the principal Act^{F9} the consent of the patron to the sale shall not be necessary.

Textual Amendments

F9 Words repealed by [Agriculture Act 1970 \(c. 40\)](#), ss. 65(1), 113(3), [Sch. 5 Pt. III](#)

PART II

AMENDMENT OF THE SMALL HOLDINGS AND ALLOTMENTS ACT, 1908

9 Power to sell and acquire land for annuity.

(1)^{F10}

(5) The provisions set out in the First Schedule to this Act shall have effect with respect to annuities under this section.

Textual Amendments

F10 [S. 9\(1\)-\(4\)](#) repealed by [Rentcharges Act 1977 \(c. 30, SIF 98:1\)](#), s. 17(2), [Sch. 2](#) (subject to savings in s. 17(4) in relation to applications for apportionment or redemption made before 22.8.1977)

10^{F11}

Textual Amendments

F11 [Ss. 10,11\(2\)\(5\)-\(7\)](#) repealed by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), [Sch. 2](#)

11 Duties of county councils with respect to sale or lease of land.

(1) Land acquired by a county council under the principal Act shall^{F12} where sold or let for small holdings, be sold or let, except where the Board of Agriculture and Fisheries for any special reason otherwise direct, subject to a reservation of all minerals vested in the council.

(2)^{F13}

(3) A tenant of a holding provided by a county council on land purchased by the council, who has been in occupation thereof for a period of not less than six years, shall, on notice of his desire to purchase the holding being given to the council at any time before the tenant has received notice to quit the holding, be entitled to require the sale to him of the holding at the expiration of [^{F14}six months] from the date of the notice at the then value of the holding, exclusive of any increase of the value thereof due to any improvement executed thereon by and at the expense of the tenant, and thereupon the council shall sell the holding to the tenant accordingly unless the council obtain

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the consent of the Board of Agriculture and Fisheries to the requirement of the tenant being refused by the council.

(4) The value of the holding shall in default of agreement be determined by arbitration under and in accordance with the provisions of the [^{F15}Agricultural Holdings Act 1986].

(5) ^{F13}

Textual Amendments

- F12** Words repealed by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), **Sch. 2**
- F13** [Ss. 10,11\(2\)\(5\)-\(7\)](#) repealed by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), **Sch. 2**
- F14** Words substituted by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), **Sch. 1**
- F15** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), **Sch. 14 para. 7**

12 Extension of powers of councils in relation to land acquired under principal Act.

(1) Subject to the consent of the Board of Agriculture and Fisheries in cases where their consent is required under this section or under regulations made by the Board, a [^{F16}district]council shall have power in any case where in the opinion of the council it is necessary or expedient so to do for the better carrying into effect of the principal Act—

- (a) to erect, repair, or improve dwelling houses and other buildings on any land acquired by the council under the principal Act, or to execute any other improvement on or in connection with and for the benefit of any such land, or to arrange with the tenant of any such land for the execution of any such improvement of such terms as may be agreed;
- (b) to sell, mortgage, exchange, or let any such land or any interest therein, subject, in the case of any sale, mortgage, or exchange, to the consent of the Board, and in the case of a mortgage subject also to the consent of the Local Government Board;
- (c) in a case where no power of appropriation is otherwise provided, with the consent of the Board and the Local Government Board and subject to such conditions as to the repayment of any loan made for the purpose of the acquisition of the land or otherwise as the last-mentioned Board may impose—
 - (i) to appropriate for any purpose for which the council is authorised to acquire land under the principal Act any land held by the council for other purposes of the council; or
 - (ii) to appropriate for other purposes of the council land acquired by the council under the principal Act;
- (d) generally to manage any land acquired by the council under the principal Act.

(2) ^{F17}

(3) ^{F18}

Textual Amendments

- F16** Word substituted by [Local Government Act 1972 \(c.70, SIF 81:1\)](#), s. 251(2), **Sch. 29 para. 10(2)**
- F17** [S. 12\(2\)](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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F18 S. 12(3) repealed by [Compulsory Purchase Act, 1965 \(c. 56\), Sch. 8 Pt. I](#)

Modifications etc. (not altering text)

C9 S. 12 amended by [Small Holdings and Allotments Act 1926 \(c. 52\), s. 20\(1\)](#)

13 †Removal of necessity for consent of Board after a certain period.

Notwithstanding any provision in the principal Act, the consent of the Board of Agriculture and Fisheries shall not . . . ^{F19} be required for the acquisition, sale, mortgage, exchange, letting, improvement or management of land by a county council under the principal Act, except in cases where such consent is required by some enactment other than the principal Act.

Textual Amendments

F19 Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

Modifications etc. (not altering text)

C10 Unreliable marginal note

C11 S. 13 excluded by [Small Holdings and Allotments Act 1926 \(c. 52\), s. 20\(2\)](#)

14 ^{F20}

Textual Amendments

F20 S. 14 repealed by [National Loans Act 1968 \(c. 13\), Sch. 6 Pt. II](#)

15 ^{F21}

Textual Amendments

F21 S. 15 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

16 Amendment of section 41 of principal Act.

- (1) An order under the principal Act may, notwithstanding anything in section forty-one thereof, authorise the compulsory acquisition—
 - (a) of any land which at the date of the order forms part of any park or of any home farm attached to and usually occupied with a mansion house, if the land is not required for the amenity or convenience of the mansion house; or
 - (b) of a holding of fifty acres or less in extent of any part of such a holding.
- (2) Where it is proposed to acquire any land forming part of a park or any such home farm, or, except where required for purposes of allotments, a holding of fifty acres or less in extent or of an annual value not exceeding [^{F22}one hundred] pounds for the purposes of income tax, or any part of such a holding, the order authorising the acquisition of

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the land shall not be valid unless confirmed or made by the Board of Agriculture and Fisheries.

- (3) A holding to which the preceding subsection applies shall not in whole or in part be compulsorily acquired under the principal Act by^{F23} a council where it is shown to the satisfaction of^{F23} the council^{F23} that the holding is the principal means of livelihood of the occupier thereof, except where the occupier is a tenant and consents to the acquisition.

Textual Amendments

F22 Words substituted by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), **Sch. 1**

F23 Words repealed by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), **Sch. 2**

17 Power of county council to acquire land for letting to parish council for allotments.

A [^{F24}district]council may acquire land for the purpose of leasing it to the council of a parish within the county for the provision of allotments, and the provisions of the principal Act relating to the acquisition, and to proceedings in relation to the acquisition, of land for the purpose of providing small holdings shall apply to such acquisition as if the land were to be acquired for the provision of small holdings.

Textual Amendments

F24 Word substituted by [Local Government Act 1972 \(c.70, SIF 81:1\)](#), s. 251(2), **Sch. 29 para. 10(2)**

Modifications etc. (not altering text)

C12 [S. 17](#) saved by [Agriculture Act 1947 \(c. 48\)](#), s. 67(2) proviso (b)

18^{F25}

Textual Amendments

F25 [Ss. 18,20](#) repealed by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), **Sch. 2**

19 Power of entry to inspect land.

A council, with a view to ascertaining whether any land is suitable for any purpose for which the council has power to acquire land under the principal Act, may by writing in that behalf authorise any person (upon production, if so required, of his authority), to enter and inspect the land specified in the authority, and anyone who obstructs or impedes any person acting under and in accordance with any such authority shall be liable on summary conviction to a fine not exceeding [^{F26}level 2 on the standard scale]

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Textual Amendments

F26 Words substituted by virtue of [Criminal Law Act 1977 \(c.45, SIF 39:1\)](#), [s. 31\(5\)\(6\)](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

20 **F27**

Textual Amendments

F27 [Ss. 18,20](#) repealed by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), [Sch. 2](#)

21 Provisions as to allotments.

- (1) The council of any borough, urban district or parish may purchase any fruit trees, seeds, plants, fertilizers or implements required for the purposes of allotments cultivated as gardens, whether provided by the council or otherwise, and sell any article so purchased to the cultivators, or, in the case of implements, allow their use, at a price or charge sufficient to cover the cost of purchase.
- (2) The powers conferred by the preceding subsection shall be exercisable by a council only where in the opinion of the council the facilities for the purchase or hire of the articles therein referred to from a society on a co-operative basis are inadequate.
- (3) Rules made by a council under section twenty-eight of the principal Act, shall, unless otherwise expressly provided, apply to an allotment, though held under a tenancy made before the rules come into operation.
- (4) **F28**
- (5) Stamp duty shall not be payable on any lease or agreement for the letting of any allotment or garden, whether provided under the principal Act or otherwise, or on any duplicate or counterpart of any such lease or agreement where the rent does not exceed ten shillings per annum and no premium is paid.

Textual Amendments

F28 [S. 21\(4\)](#) repealed by [Allotments Act 1922 \(c. 51\)](#), [s. 19\(2\)](#)

Modifications etc. (not altering text)

C13 [S. 21](#) excluded by [Agricultural Land \(Utilisation\) Act 1931 \(c. 41\)](#), [ss. 16\(1\), 20](#)

22 Power of appropriation of land.

- (1) A council of a borough, urban district, or parish may, in a case where no power of appropriation is otherwise provided, . . . **F29**,—
 - (a) appropriate for the purpose of allotments any land held by the council for other purposes of the council; or
 - (b) appropriate for other purposes of the council land acquired by the council for allotments.

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(2) F30

Textual Amendments

F29 Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), ss. 1(5), 194, Sch. 5 para. 3, **Sch. 34 Pt. V**

F30 S. 22(2) repealed by [S.I. 1965/654](#)

23 Agreement as to compensation where land is let for provision of allotments.

Where land is let for the provision of allotments either to a council under the principal Act or to an association formed for the purpose of creating or promoting the creation of allotments, the right of the council or association to claim compensation from the landlord on the determination of the tenancy shall be subject to the terms of the contract of tenancy, notwithstanding the provision of any Act to the contrary:

Provided that this section shall not prejudice or affect any right on the part of a person holding under a tenancy granted by the council or association to claim compensation from the council or association on the determination of his tenancy.

24 F31

Textual Amendments

F31 S. 24 repealed by [London Government Act 1963 \(c. 33\)](#), **Sch. 18 Pt. II**

25 Minor amendments of principal Act

(1) The provisions of the principal Act specified in the first column of the Second Schedule to this Act shall be amended in the manner specified in the second column of that schedule.

(2) ^{F32}

Textual Amendments

F32 S. 25(2) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

Modifications etc. (not altering text)

C14 The text of S. 25(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.

PART III

RECOUPMENT OF LOSSES INCURRED BY COUNCILS

26 F33

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Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Facilities) Act 1919. (See end of Document for details)

Textual Amendments

F33 S. 26 repealed by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), [Sch. 2](#)

[^{F34}27] **Recoupment of capital losses.**

- (1) For the purpose of this section there shall be ascertained—
 - (a) the amount of the charges which will fall to be met in the half-year beginning on the appointed day and every subsequent half-year by any council in respect of expenditure properly incurred by them before the appointed day in respect of the acquisition, adaptation or improvement of, or otherwise in relation to, their small holdings estate (in this section referred to as “small holdings charges”); and
 - (b) the net income which will accrue in the year beginning on the appointed day and in every subsequent year to the council from the council’s small holdings estate.
- (2) The amount of a small holdings charge falling to be met in any half-year shall, for the purpose of this section, be taken to be—
 - (a) in the case of a tithe redemption annuity or any perpetual or terminable rentcharge created on the acquisition of land, one-half of the amount payable in the year in respect thereof;
 - (b) in the case of an annuity issued under section nine of this Act, one-half of the amount of the annuity, together with one-half of the amount which the council is directed to set apart in the year to form a sinking fund for the discharge of the annuity;
 - (c) in the case of a mortgage repayable by payments of principal and interest combined, or by equal yearly or half-yearly instalments of principal together with interest on the balance of the principal sum for the time being outstanding, one-half of the aggregate of the amounts so payable in the year;
 - (d) in the case of any other mortgage or charge, such amount as is agreed between the Minister and the council concerned to be payable in that half-year as interest thereon, together with one-half of the amount which the council is required to set apart in the year to form a sinking fund for the discharge of the principal sum.
- (3) For the purpose of ascertaining the net annual income of the council’s small holdings estate for any year, the net annual income of land forming part of that estate shall be taken to be—
 - (a) in the case of land other than leasehold land, the amount representing the estimated average yearly rent obtainable by the council for the land after deducting therefrom the estimated cost of repairs, insurance, expenses of management and other outgoings reasonably necessary to secure that rent, but without deducting any small holdings charges or income tax;
 - (b) in the case of leasehold land, the difference between the estimated average yearly rent obtainable by the council for the land and the estimated annual expenditure of the council on account of rent and other necessary outgoings in connection with the land, including any amounts required to meet the estimated net liability of the council to the landlord or to the tenants of the council on the expiration of the current tenancy:

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Provided that—

- (i) if the amount of the estimated average yearly rent is less than the amount of the estimated annual expenditure, the deficiency shall be brought into account; and
 - (ii) no rent shall be deemed to be obtainable by the council in respect of the land after the expiration of the current tenancy of the council.
- (4) Where before the appointed day a council has properly incurred any expenditure in respect of the acquisition, adaptation or improvement of, or otherwise in relation to, their small holdings estate, but has not obtained a loan under the principal Act in respect of that expenditure, or where a council after the appointed day has incurred any such expenditure in respect of which the approval of the Minister was given before the appointed day, there shall be ascertained on the basis of the foregoing provisions of this section, the amount representing the half-yearly charges which would have become payable by the council if the amount of the expenditure had been raised by loan, and the amount so ascertained shall, for the purpose of this section, be treated as if it were a small holdings charge.
- (5) The Minister shall, on such date as may be agreed between him and the council, pay to every council in respect of each half-year a sum equal to the amount, if any, by which the aggregate amount of the small holdings charges payable by the council during that half-year exceeds one-half of the net annual income of the council's small holdings estate for the year ascertained as aforesaid:
Provided that, as regards the payments to be made in respect of the financial year ending on the thirty-first day of March, nineteen hundred and twenty-seven, and in respect of each of the two next following years, the date to be agreed as aforesaid shall be a date not earlier than the first day of the financial year following the year in respect of which the payment is to be made.

Any sum paid to a council under this subsection may be applied by the council in defraying any expenditure in connection with the council's small holdings estate.
- (6) There shall also be ascertained the amount of the loss which a council will necessarily or without any unreasonable default on its part incur in respect of—
 - (a) any advance made or guaranteed before the appointed day by the council under section eighteen of this Act; and
 - (b) any arrears of rent due or accruing to the council on the appointed day from any person who is or was a tenant of land acquired by the council under the principal Act and of any other liabilities of such a tenant to the council remaining undischarged on the appointed day,and the aggregate of the amounts so ascertained shall be paid to the council by the Minister in four equal annual instalments, the first of which shall be made on the appointed day or as soon thereafter as the loss is ascertained, and the remainder of which shall be made on each succeeding first day of April.
- (7) If any question arises between the Minister and a council with respect to any matter to be ascertained under this section, that question shall be determined by arbitration in accordance with the provisions of the [^{F35}Agricultural Holdings Act 1986], except that—
 - (a) in default of agreement, the arbitrator shall be appointed by the Reference Committee for England and Wales constituted under section one of the ^{M4}Acquisition of Land (Assessment of Compensation) Act, 1919, and may be a person who is not a member of the panel formed under [^{F35}Schedule 11 to

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the said Act of 1986], and for the purposes of this provision the Reference Committee shall be deemed to include the President of the Institute of Chartered Accountants in England and Wales as well as the persons mentioned in the said section one; and

- (b) the Minister and the council shall each bear their own costs and pay the costs of the award in equal shares.

- (8) For the purposes of this section unless the context otherwise requires—

“The council’s small holdings estate” means the land acquired by a council under the principal Act and vested in them on the appointed day, other than any land acquired by them when acting in default of a district or parish council or any small holdings of less than one acre;

“Rent” means, in the case of land capable of being let for the purposes of small holdings or allotments, the amount which would be obtainable as rent if the land were let for those purposes;

“Council” means the council of a county;

“Year” means the year beginning on the first day of April, and “half-year” means the period beginning on the first day of April or the first day of October in any year;

“Current” in relation to a tenancy means current until the first day after the appointed day on which the tenancy might be terminated by the landlord and no longer;

“The appointed day” means the first day of April, nineteen hundred and twenty-six;

Expenditure shall not be treated as having been properly incurred if, being expenditure for which the approval of the Minister was by law required, such approval was not given.

- (9) The provisions of this section shall apply to the council of a county borough in respect of land acquired by the council for the purposes of small holdings in like manner as it applies to the council of a county.
- (10) Amounts required to be ascertained for the purposes of this section may be so ascertained before the appointed day, and if not so ascertained shall be so ascertained as soon as possible thereafter.
- (11) When any amount has once been ascertained in accordance with the provisions of this section, it shall not thereafter be subject to revision or variation.]

Textual Amendments

F34 S. 27 substituted by [Land Settlement \(Facilities\) Amendment Act 1925 \(c. 85\), s. 1](#)

F35 Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, [Sch. 14 para. 8](#)

Marginal Citations

M4 1919 c. 57.

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PART IV

GENERAL

28 Provisions as to commons and open spaces.

- (1) Any land which is, or forms part of, a metropolitan common within the meaning of the ^{M5}Metropolitan Commons Act, 1866, or which is subject to regulation under an order or scheme made in pursuance of the Inclosure Acts, 1845 to 1899, or under any local Act or otherwise, or which is or forms part of any town or village green, or of any area dedicated or appropriated as a public park, garden, or pleasure ground, or for use for the purposes of public recreation, shall not be appropriated under this Act by a council for small holdings or allotments, and shall not be acquired by a council or by the Board of Agriculture and Fisheries under the principal Act except under the authority of an order for compulsory purchase made under the principal Act, which so far as it relates to such land shall be provisional only, and shall not have effect unless it is confirmed by Parliament.
- (2) The Board of Agriculture and Fisheries, in giving or withholding their consent under this Act to the appropriation and in confirming an order for compulsory acquisition by a council for the purpose of small holdings or allotments of any land which forms part of any common, and in the exercise by the Board of their powers of acquiring land under this Act, shall have regard to the same considerations and shall hold the same inquiries as are directed by the ^{M6}Commons Act, 1876, to be taken into consideration and held by the Board before forming an opinion whether an application under the Inclosure Acts shall be acceded to or not. Any consent by the Board of Agriculture and Fisheries for the appropriation of land forming part of any common for the purpose of small holdings or allotments shall be laid before Parliament while Parliament is sitting, and, if within twenty-one days in either House of Parliament a motion is carried dissenting from such appropriation, the order of the Board shall be cancelled.
- (3) Where an order for compulsory purchase to which this section applies or a consent by the Board to the appropriation of land provides for giving other land in exchange for the common or open space to be purchased or appropriated, the order for compulsory purchase or an order made by the Board in relation to the consent for appropriation may vest the land given in exchange in the persons in whom the common or open space purchased or appropriated was vested subject to the same rights, trusts, and incidents as attached to the common or open space and discharges the land purchased or appropriated from all rights, trusts, and incidents to which it was previously subject.
- (4) Nothing in the principal Act shall be deemed to authorise the acquisition of any land which forms part of the trust property to which the ^{M7}National Trust Act, 1907, applies.

Modifications etc. (not altering text)

C15 S. 28(1)-(3) excluded by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), [Sch. 4](#)

C16 Functions of Minister of Agriculture, Fisheries and Food under s. 28 as to commons now exercisable by Secretary of State: [S.I. 1965/143](#), 1967/156 and 1970/1681

Marginal Citations

M5 1866 c. 122

M6 1876 c. 56.

M7 1907 c. cxxxvi.

Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Facilities) Act 1919. (See end of Document for details)

29 F36

Textual Amendments
F36 S. 29 repealed by Settled Land Act 1925 (c. 18), s. 119, Sch. 5

30 F37

Textual Amendments
F37 Ss. 30,33 repealed by Statute Law Revision Act 1927 (c. 42)

31 Expenses.

The expenses of the Board of Agriculture and Fisheries under this Act to such extent as may be sanctioned by the Treasury shall, except so far as is otherwise expressly provided, if incurred for the purposes of Part I of this Act, be defrayed out of moneys provided by Parliament, and if incurred for the purposes of any other Part of this Act be defrayed out of the Small Holdings Account.

32 Construction.

- (1) This Act, so far as it amends the principal Act, shall be construed as one with that Act, and references in this Act to the principal Act, or to any provision of the principal Act, shall, where the context permits, be construed as references to the principal Act, or the provisions of the principal Act as amended by this Act.
- (2) References to small holdings provided, and to land acquired, under the principal Act shall be construed as including references to small holdings provided and land acquired under any enactment repealed by the principal Act.

33 F38

Textual Amendments
F38 Ss. 30,33 repealed by Statute Law Revision Act 1927 (c. 42)

34 Short title.

This Act may be cited as the Land Settlement (Facilities) Act, 1919, and the ^{M8}Small Holdings and Allotments acts, 1908 and ^{M9}1910, and so much of this Act as amends those Acts may be cited together as the Small Holdings and Allotments Acts, 1908 to 1919.

Marginal Citations
M8 1908 c. 36.

Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Facilities) Act 1919. (See end of Document for details)

M9 1910 c. 34.

Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Facilities) Act 1919. (See end of Document for details)

FIRST SCHEDULE

- 1 Every annuity shall be charged on and payable out of the . . . ^{F39}borough fund or rate, as the case may be, of the . . . ^{F39}borough by the council of which the annuity is payable.

Textual Amendments

F39 Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), ss. 272(1), 273(1), [Sch. 30](#)

- 2 The council shall issue a certificate of the annuity to the person entitled thereto (in this schedule referred to as “the annuitant”), and for the purpose of this provision the person who could, if the land had been disposed of for cash, have given a good discharge for the purchase money, shall be deemed to be the person entitled to the annuity.

If any question arises as to the person to whom a certificate ought to be issued, that question shall be referred to and decided by the Board of Agriculture and Fisheries, whose decision shall be final and conclusive.

- 3 If in any case the Board think it desirable so to do for the purpose of protecting the interests of persons entitled to any mortgage, charge, or other incumbrance on an annuity, they may direct that the certificate to be issued in respect of the annuity shall be issued to and held by such persons as they appoint to be trustees for the purpose, and the persons so appointed shall, subject to the provisions of any regulations made under this schedule, be deemed to be the persons entitled to the annuity.

- 4 Any annuity may be divided at the option of the annuitant into two or more annuities of any amount not being less than one pound, and any annuities whether sub-divided or not may be consolidated with other annuities payable by the same council as the annuitant may direct.

- 5 An annuity shall be payable by equal half-yearly payments on the thirty-first day of March and thirtieth day of September in every year, and the first half-yearly payment in respect of the annuity, or, if a full half-yearly payment has not then accrued due, payment of a proportionate part of the annuity, shall be made on the half-yearly day which occurs next after the date on which the land in respect of which the annuity is issued is acquired.

- 6 The council shall deliver to the annuitant or send to him by post a warrant or order on the county or borough treasurer, as the case may be, for every payment due to him.

- 7 An annuity shall be included among the securities upon which a trustee may invest under the ^{M10}Trustee Act, 1893.

Marginal Citations

M10 1893 c. 53.

- 8 If within thirty days after a payment in respect of an annuity becomes due the payment is not made, the annuitant may recover the amount thereof against the council in any court of competent jurisdiction.

Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Facilities) Act 1919. (See end of Document for details)

- 9 The annuitants, without prejudice to other remedies, may enforce payment of arrears of their annuities by the appointment of a receiver as though each annuity was interest on a mortgage granted to them by the council under the ^{M11}Local Government Act, 1888, or the ^{M12}Public Health Act, 1875, as the case may be.

Marginal Citations

M11 1888 c. 41.

M12 1875 c. 55.

- 10 The Local Government Board may make regulations with respect to the keeping by a council of a register of annuitants, and with respect to the transfer and transmission of annuities, and with respect to the redemption of annuities, and the creation of a sinking fund by councils for that purpose, and the Board of Agriculture and Fisheries may make regulations for the purpose of otherwise carrying the provisions of this schedule into effect.
- 11 No notice of any trust expressed, implied or constructive shall be receivable by a council in respect of an annuity, and no entry with respect to any such trust shall be made in any register of annuitants.

SECOND SCHEDULE

Section 25.

MINOR AMENDMENTS OF PRINCIPAL ACT.

Modifications etc. (not altering text)

C17 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.

.Provision of thr Principal Act to be amended.	Amendment.
Section 9.	In paragraph b of subsection (2) after the word “let” there shall be inserted the words “or sell.”
Section 23.	In subsection (1) the words “for the labouring population” and “belonging to the labouring population” and the words from “and that such allotments cannot” to “applicants for the same” shall be omitted. Subsection (3) shall be omitted.
Section 24.	In subsection (1) after the word “allotments” there shall be added the words “by any person or by an association to which allotments may be let under this Act,” and the words “(other than boroughs)” shall be omitted.

Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

Changes to legislation: *There are currently no known outstanding effects for the Land Settlement (Facilities) Act 1919. (See end of Document for details)*

Section 27.	In subsection (4) the words “other than a borough” shall be omitted. At the end of subsection (4) there shall be inserted the words “except with the consent of the council.”
Section 34.	In subsection (6) after the words “system or” there shall be inserted the words “of letting or selling.”
Section 42.	In subsection (1) the word “labouring” shall be omitted.
Section 43.	In subsection (1) for the words “attaching to small holdings or allotments provided by the council” there shall be substituted the words “letting to tenants of small holdings and allotments,” and in subsection (2) for the words “attached to the” there shall be substituted the words “let to tenants of.”
Section 46.	For the word “may” there shall be substituted the word “shall.”
Section 47.	In subsection (1) after the word “do” there shall be inserted the words “or such notice as may be required by the order for the compulsory hiring of the land.”
Section 49.	In subsection (2) for the words “subject in the case of land hired by agreement to any agreement in the contrary” there shall be substituted the words “subject to any provision to the contrary in the agreement or order for hiring.”
Section 53.	In subsection (1) and subsection (2) after the word “county” in both places where it occurs there shall be inserted the words “or borough or urban district.” In subsection (3) the words “under the provisions of this Act” shall be omitted.
Section 58.	In subsection (4) after the words “adapting land for allotments” there shall be inserted the words “and the council of a borough or urban district may borrow for the purpose of grants or advances to a co-operative society.”
Schedule I., Part II.	In subsection (1) the word “(England)” shall be omitted. In paragraph (2) <i>b</i> after the word “holdings” there shall be added the words “or allotments as the case may be.”

Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Land Settlement (Facilities) Act 1919. (See end of Document for details)

In paragraph (6) after the word “expenses” there shall be added the words “as the council shall consider or.”

~~F40~~F40 THIRD SCHEDULE

Textual Amendments

F40 Sch. 3 repealed by Statute Law Revision Act 1947 (c. 42)

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Status:

Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Land Settlement (Facilities) Act 1919.