

Allotments (Scotland) Act, 1950

14 GEO. 6. CH. 38

ARRANGEMENT OF SECTIONS

Section

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CHAPTER 38

An Act to amend the law relating to allotments in
Scotland. [26th October 1950.]

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:—

1.—(1) Paragraph (a) of subsection (1) of section one of the Allotments (Scotland) Act, 1922 (which specifies, as the only kind of notice to remove that may be given by a lessor in respect of land let for use by the tenant as an allotment garden, a six months' or longer notice in writing expiring on or before the first day of May or on or after the first day of November in any year) shall have effect with the substitution, for the reference to six months, of a reference to twelve months.

Extension of length of notices to remove from allotment gardens.

(2) This section shall not affect the operation of a notice to remove given before the passing of this Act.

2.—(1) For subsection (3) of section two of the Allotments (Scotland) Act, 1922 (which restricts the right conferred by that section on the tenant of an allotment garden to recover compensation from the lessor on the termination of the tenancy to a case where the tenancy is terminated by the lessor and is so terminated between the first day of May and the first day of November or by resumption of possession at any time under paragraph (b) or paragraph (c) of subsection (1) of section one

Removal of restrictions on right of tenant of an allotment garden to compensation for crops and manure.

of that Act) there shall be substituted the following subsection:—

“(3) Compensation under this section shall be recoverable only if the tenancy is terminated by the lessor by notice to remove or by resumption of possession under paragraph (b) or paragraph (c) of subsection (1) of the immediately preceding section.”

(2) This section shall not have effect in relation to a tenancy terminated by virtue of a notice to remove given before the passing of this Act.

Compensation to tenant of an allotment garden for disturbance.

3.—(1) Where a tenancy under which land let, whether before or after the passing of this Act, by a local authority, an association, or any other person for use by the tenant as an allotment garden, or to a local authority or association for the purpose of being sub-let for such use, is terminated as to the whole or any part of the land comprised in the tenancy—

- (a) by resumption of possession under paragraph (b) or paragraph (c) of subsection (1) of section one of the Allotments (Scotland) Act, 1922; or
- (b) where the lessor is himself a tenant, by the termination of his tenancy; or
- (c) where the lessor is a local authority or association who have let the land under section ten of the Allotments (Scotland) Act, 1922, by the termination of the right of occupation of the authority;

the tenant shall, notwithstanding any agreement to the contrary, be entitled, on removing from the land or that part thereof, as the case may be, to recover from the lessor compensation for the disturbance of an amount determined in accordance with subsection (2) of this section.

(2) The amount of any compensation recoverable under this section shall be—

- (a) where the tenancy terminates as to the whole of the land, an amount equal to one year's rent of the land at the rate at which rent was payable immediately before the termination of the tenancy;
- (b) where the tenancy terminates as to part of the land, an amount bearing to the amount mentioned in the foregoing paragraph the same proportion that the area of that part bears to the area of the whole of the land.

(3) Compensation under this section shall be in addition to any compensation to which the tenant may be entitled under the Allotments (Scotland) Act, 1922.

(4) This section shall not have effect in relation to a tenancy which has terminated before the date of the passing of this Act or terminates after that date in consequence of a notice given, or of legal proceedings commenced, before that date.

4.—(1) Where the tenant of land let, whether before or after the passing of this Act, for use by the tenant as an allotment garden removes from the land on the termination of the tenancy, the lessor shall, notwithstanding any agreement to the contrary, be entitled to recover from the tenant compensation in respect of any deterioration of the land caused by failure of the tenant to maintain it clean and in a good state of cultivation and fertility. Right of lessor of an allotment garden to compensation for deterioration.

(2) The amount of any compensation recoverable under this section shall be the cost, as at the date of the tenant's removing from the land, of making good the deterioration.

(3) Where the tenant of land let for use by him as an allotment garden has remained therein during two or more tenancies, his lessor shall not be deprived of his right to compensation under this section in respect of deterioration of the land by reason only that the tenancy during which an act or omission occurred which in whole or in part caused the deterioration was a tenancy other than the tenancy at the termination of which the tenant removes from the land.

(4) This section shall not have effect in relation to a tenancy which has terminated before the date of the passing of this Act or terminates after that date in consequence of a notice given, or of legal proceedings commenced, before that date.

5.—(1) Out of any money payable to a tenant by way of compensation under section two of the Allotments (Scotland) Act, 1922, or section three of this Act, the lessor shall be entitled to deduct any sum due to him from the tenant under or in respect of the tenancy (including any sum due by way of compensation under section four of this Act). Set-off of compensation against rent, etc.

(2) Out of any money due to the lessor from the tenant under or in respect of the tenancy (including any money due by way of compensation under section four of this Act), the tenant shall be entitled to deduct any sum payable to him by the lessor by way of compensation under section two of the Allotments (Scotland) Act, 1922, or section three of this Act.

6. The foregoing provisions of this Act, other than those of section two, shall not apply to land let by a local authority under Regulation sixty-two A of the Defence (General) Regulations, 1939, and in any document embodying an arrangement for Provisions as to war-time allotments.

the cultivation or use of land made in pursuance of the Cultivation of Lands (Allotments) (Scotland) Order, 1939, as originally made or of that Order as amended by the Cultivation of Lands (Allotments) (Scotland) (Amendment) Order, 1941, any reference to compensation to which a person would have been entitled if the arrangement had been a letting under a contract of tenancy of the land for use as an allotment garden or for subletting in allotment gardens shall be construed in like manner as if this Act, apart from section two thereof, had not passed.

Application of provisions of the Allotments (Scotland) Act, 1922, for purposes of preceding sections.

7. Subsection (9) of section two of the Allotments (Scotland) Act, 1922 (which relates to the determination and recovery of compensation under the said section) shall have effect in relation to the determination and recovery of compensation under the foregoing provisions of this Act; section three of the said Act of 1922 (which provides for the application of the foregoing provisions of that Act to Crown lands) shall have effect as if the references to those provisions included references to the foregoing provisions of this Act; and subsection (3) of section nineteen of the said Act of 1922 (which provides, amongst other things, that, for the purposes of that Act, where land is used by the tenant thereof as an allotment garden, it shall, unless the contrary is proved, be deemed to have been let to him to be used as an allotment garden) shall have effect as if the reference to that Act included a reference to this Act.

Amendment of sections 1 and 2 of the Allotments (Scotland) Act, 1922.

8.—(1) Subsection (4) of section one of the Allotments (Scotland) Act, 1922, (which excludes from the operation of that section land held by or on behalf of the Admiralty, War Department, or Air Council, and let as mentioned in subsection (1) of that section, when possession of the land is required for naval, military or air force purposes), shall have effect—

- (a) with the substitution, for the words “ or Air Council ”, of the words “ Air Council or Minister of Supply ”; and
- (b) with the addition, at the end thereof, of the words “ or for purposes of the Ministry of Supply, as the case may be ”.

(2) Paragraph (a) of subsection (11) of section two of the Allotments (Scotland) Act, 1922 (which provides that, for the purposes of sections one and two of that Act, where a tenancy comes to an end it 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 of the lease by tacit relocation) shall cease to have effect.

Restriction of obligations of local authorities to provide allotments.

9. The obligation under the Allotments (Scotland) Acts, 1892 to 1926, of a local authority to provide allotments shall—

- (a) except in the case of the town council of a burgh the population whereof is, according to the last published

census for the time being, ten thousand or upwards, be limited to the provision of allotment gardens; and

- (b) in the said excepted case, be limited to the provision of allotment gardens not exceeding twenty poles in extent.

10.—(1) Land let by a local authority under the Allotments (Scotland) Acts, 1892 to 1926, for use as an allotment shall be let at the fair rent for such use:

Rents to be charged for allotments let by local authorities.

Provided that land may be let by a local authority as aforesaid to a person at a less rent if the local authority are satisfied that there exist special circumstances affecting that person which render it proper for them to let the land to him at a less rent.

(2) Not more than a quarter's rent for land let by a local authority as mentioned in subsection (1) of this section shall be required to be paid in advance:

Provided that this subsection shall not apply where the yearly rent is twenty shillings or less.

11. For the purpose of promoting the proper cultivation of allotments in their area a local authority may incur, or contribute towards, the expenses of—

Provision of information relating to allotments and award of prizes.

- (a) the dissemination (whether by means of lectures, cinematograph shows, exhibitions or otherwise) of information on questions relating to allotments; and
- (b) the award of prizes in connection with the cultivation and maintenance of allotments.

12.—(1) Any expenses incurred by a Minister of the Crown or by any government department (other than the Commissioners of Crown Lands) in paying compensation under this Act shall be defrayed out of moneys provided by Parliament and any sums received by a Minister of the Crown or by any government department (other than the Commissioners of Crown Lands) by way of compensation under this Act shall be paid into the Exchequer.

Expenses and receipts.

(2) Any increase attributable to the passing of this Act in the sums which, under any other enactment, are payable out of moneys provided by Parliament shall be defrayed out of moneys so provided.

13.—(1) In this Act—

Interpretation.

- (a) the expressions “allotment garden”, “association” and “lessor” have the same meanings as they have for the purposes of the Allotments (Scotland) Act, 1922; and

(b) the expression "local authority" means a town council or district council acting under the Allotments (Scotland) Acts, 1892 to 1926.

(2) References in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment including this Act.

Repeal.

14. The enactments mentioned in the first and second columns of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title,
citation and
extent.

15.—(1) This Act may be cited as the Allotments (Scotland) Act, 1950, and the Allotments (Scotland) Acts, 1892 to 1926, and this Act may be cited together as the Allotments (Scotland) Acts, 1892 to 1950.

(2) This Act shall extend to Scotland only.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
12 & 13 Geo. 5. c. 52.	The Allotments (Scotland) Act, 1922.	In section two, para- graph (a) of sub- section (11). Section twelve. In section sixteen, sub- section (3).

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