



Small Holdings and Allotments Act 1908

1908 CHAPTER 36

PART II

ALLOTMENTS

Provision of Allotments

23 Duty of certain councils to provide allotments

- (1) If the council of any borough, urban district, or parish are of opinion that there is a demand for allotments for the labouring population in the borough, urban district, or parish, and 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, the council shall provide a sufficient number of allotments, and shall let such allotments to persons belonging to the labouring population resident in the borough, district, or parish, and desiring to take the same.
- (2) On a representation in writing, to the council of any borough, urban district, or parish, by any six registered parliamentary electors or ratepayers resident in the borough, urban district, or parish, that the circumstances of the borough, urban district, or parish are such that it is the duty of the council to take proceedings under this Part of this Act therein, the council shall take such representation into consideration.
- (3) For the purpose of this section, the expression "reasonable rent" means the rent, exclusive of rates, taxes, and tithe rent-charge, which a person taking an allotment might reasonably be expected to pay, taking one year with another, to a landlord, having regard to the value of similar land in the neighbourhood, to the extent and situation of allotment, to the expenses of the adapting the land to the purposes of the allotment, and to the repairs and other outgoings payable by the landlord, and to the cost and risk of collecting the rents of and otherwise managing-allotments.
- (4) The duty of a council to provide allotments under this Act shall not include the duty of providing allotments exceeding one acre in extent.

24 Duty of county councils to act in default of district and parish councils

- (1) It shall be the duty of a county council to ascertain the extent to which there is a demand for allotments in the several urban districts (other than boroughs) and rural parishes in the county, or would be a demand if suitable land were available, and the extent to which it is reasonably practicable, having regard to the provisions of this Act, to satisfy any such demand, and for that purpose to co-operate with such authorities, associations, and persons as they think best qualified to assist them, and take such other steps as they think necessary.
- (2) The county council, if satisfied that the circumstances are such that land for allotments should be acquired by them under this section, shall pass a resolution to that effect, and thereupon the powers and duties of the district or parish council under the provisions of this Act relating to allotments shall be transferred from that council to the county council, and the county council, in substitution for that council, shall proceed to acquire land in accordance with this Act, and otherwise execute this Act in the district or parish:

Provided that this section shall not affect the property in, or any powers or duties of the district or parish council in relation to, any land which, before the passing of the resolution, was acquired by the district or parish council under this Act, or any enactment repealed by this Act.

- (3) Where the powers of the district or parish council are, by virtue of this section, transferred to the county council, the following provisions shall have effect:—
 - (a) The provisions of this Act relating to allotments shall apply with the modifications necessary for giving effect to this section:
 - (b) The county council may borrow for the purposes of those provisions subject to the conditions, in the manner, and on the security of the rate, subject to, in, and on the security of which the district or parish council might have borrowed under those provisions. The council shall have power to charge the said rate with the repayment of the principal and interest of the loan, and the loan with the interest thereon shall be repaid by the district or parish council in like manner, and the charge shall have the like effect, as if the loan were lawfully raised and charged on that rate by the district or parish council:
 - (c) The county council shall keep separate accounts of all receipts and expenditure under this section :
 - (d) All sums received by the county council in respect of any land acquired under this section or the corresponding provision of any enactment repealed by this Act, otherwise than from any sale or exchange, in so far as they are not required for the payment of expenses incurred by them in respect of such land, shall be paid to the district or parish council:
 - (e) The county council may delegate to the district or parish council any powers under this Act relating 'to the management of the allotments, and the letting and use thereof, and the recovery of the rent and of possession thereof; and, subject to the terms of the delegation, all expenses and receipts arising in the exercise of the powers so delegated shall be paid and dealt with as expenses and receipts of the district or parish council under this Act:
 - (f) The county council, on the request of the district or parish council, may, by order under their seal, transfer to that council all or any of the powers, duties, property, and liabilities vested in and imposed on the council by virtue of this section or the corresponding provision of any enactment repealed by this Act, as regards the district or parish, and the property so transferred shall be

deemed to have been acquired by that council under this Act, and that council shall act accordingly.

- (4) If the Board are, in relation to any urban district (other than a borough) or rural parish, satisfied, after holding a local inquiry at which the county council and the council of the district or parish, and such other persons as the person holding the inquiry may in his discretion think fit to allow, shall be permitted to appear and be heard, that the county council have failed to fulfil their obligations under this section, the Board may by order transfer to the Commissioners all or any of the powers of the county council under this section in relation to the district or parish, and this section shall apply as if references to the Commissioners were substituted for references to the county council and with such other adaptations as may be made by the order.