



Small Holding Colonies Act 1916

1916 CHAPTER 38

An Act to provide for the acquisition and management of land by the State for experimental Small Holding Colonies, and to extend the powers of acquisition and management of land by certain Government Departments under the Development and Road Improvement Funds Act, 1909, and for other purposes connected therewith. [23rd August 1916]

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 Power of Board to acquire land for small holding colonies

- (1) During the 'continuance of the present war, and a period of twelve months thereafter, the Board of Agriculture and Fisheries (in this Act referred to as " the Board ") for the purpose of providing experimental small holding colonies may, with the consent of the Treasury, acquire by agreement any land which, in the opinion of the Board, is suitable for that purpose.
- (2) Where the Board, or a landlord at the request of the Board; terminates a tenancy of land by notice to quit, whether given before or after the passing of this Act, with a view to the use of the land or any part thereof by the Board for the provision of small holdings under this Act, the tenant upon quitting shall be entitled to recover from the Board compensation for the loss or expense directly attributable to the quitting which the tenant may unavoidably incur upon or in connection with the sale or removal of his household goods or his implements of husbandry, produce, or farm stock on or used in connection with the land:

Provided that no compensation shall be payable under this subsection:

- (a) unless the tenant has given to the Board a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid ; or
- (b) if the claim for compensation is not made within three months after the time at which the tenant quits;

and in the event of any difference arising as to any matter under this subsection the difference shall, in default of agreement, be settled by a single arbitrator in accordance with the Agricultural Holdings Act, 1908 :

Provided also that compensation under the Agricultural Holdings Act, 1914, shall not be payable in any case to which this subsection applies.

- (3) The total area of the land for the time being acquired by the Board for the purposes of this section shall not at any time exceed four thousand five hundred acres in England (excluding Monmouthshire), or two thousand acres in Wales and Monmouthshire, or six thousand acres in all, and in the selection of persons to be settled on the land so acquired the Board shall give preference to persons who have, served in the naval or military forces of the Crown in the present war.
- (4) For the purpose of the acquisition of land by agreement under this Act, the Lands Clauses Acts shall be incorporated with this Act except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement and the provisions relating to the sale of superfluous land and the provisions with respect to any lands being common or waste land.
- (5) Where a labourer, who has been regularly employed on any land acquired by the Board for the purposes of this Act, proves to the satisfaction of the Board 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 Board shall pay to him such compensation as they think just for his loss of employment or for his expenses in moving to another locality, and any sum so paid shall be treated as part of the expenses of the acquisition of the land.

2 Power of Board to promote co-operation in connection with, small holdings colonies

With the consent of, and subject to regulations made by, the Treasury, the Board may promote the formation or extension of societies on a co-operative or co-partnership basis, having for their object, or one of their objects, the establishment or profitable working of holdings provided under this Act, whether in relation to the purchase of requisites, the sale of produce, credit banking, or insurance, or otherwise, and may assist any such society by making grants or advances to the society, or guaranteeing advances made to the society, upon such terms and conditions as to rate of interest and repayment or otherwise, and on such security, as the Board think fit, and the Board where they think fit may transfer to any such society the whole or any portion of any colony of small holdings provided under this Act upon such terms and conditions as, the Board may think fit;

Provided that the Board shall not make any such transference except upon such terms as provide for the payment of the full value of the land transferred, as determined by the Board with the consent of the Treasury.

3 Powers in relation to acquisition of land

The power of acquiring land conferred on the Board by this Act or the Development and Road Improvement Funds Act, 1909, shall include power by agreement to take land on lease or acquire an option of purchasing land or taking land on lease.

4 Powers of management of land acquired

- (1) The Board shall, in relation to any land acquired by them under this Act or under Part I. of the Development and Road Improvement Funds Act, 1909, whether acquired before or after the passing of this Act, have power—
 - (a) to let or manage the land or improve the same by the erection of buildings or otherwise ;
 - (b) to enfranchise the land, and to purchase or redeem any land tax, quit rent, chief rent, tithe rentcharge, or other rentcharge or any perpetual sum issuing out of the land ;
 - (c) subject to compliance with any conditions prescribed by regulations made by the Treasury, or with the consent of the Treasury, to sell or exchange the land, and so that the purchase money on the sale of a small holding to a person willing himself to cultivate the holding may be made payable in periodical instalments or otherwise as the Treasury may direct.
- (2) Where a small holding is sold by the Board under this Act the provisions of section twelve of the Small Holdings and Allotments Act, 1908, relating to a small holding sold by a county council under that Act shall apply as if herein re-enacted with the necessary adaptations.

5 Expenses and receipts of Board

- (1) Any expenses of the Board incurred in the exercise of any of their powers under this Act in relation to land acquired or to be acquired under the Development and Road Improvement Funds Act, 1909, shall be defrayed out of any advances made to the Board for the purpose, under that Act; and any sums received by the Board in respect of any such land shall be applied as the Treasury may direct.
- (2) Any sums expended or received by the Board in pursuance of their powers under this Act in relation to land acquired under this Act, shall be paid out of or into the Small Holdings Account.

6 Particulars of valuations to be ascertained and recorded

Where land is purchased or leased under this Act the Board shall ascertain and record the annual value thereof as adopted for rating purposes at the date of such purchase or lease, and these particulars, together with the amount of the price or rent, shall be included in the information set out in the .annual report presented to Parliament:

Provided that when the land purchased or leased is part of a larger unit for valuation, particulars shall be given showing the apportionment of the said valuations as between the several portions after severance.

7 Power to grant or demise land to Board for perpetual rent

- (1) Any person having" power (whether subject to any consent or conditions or not) to sell land authorised to be acquired by the Board may, subject to the like consent and conditions, grant or demise the land in perpetuity, or for any term of years to the Board at such fee farm or other rent, secured by such condition of re-entry or otherwise as may be agreed upon, and with or without a right of renewal, or grant to the Board an option to acquire the land :

Provided that, where the power to sell arises under the, Settled Land Acts, 1882 to 1890, the powers conferred by this section shall be exercised only with the consent of the trustees of the settlement for the purposes of those Acts, or with the sanction of the court.

- (2) This section shall extend and apply to land belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, and to land belonging to the Duchy of Cornwall.

8 Interpretation and miscellaneous

- (1) For the purposes of this Act and the Lands Clauses Acts as incorporated with this Act the expression "land" includes any right or easement in or over land, and the expression "small holding" has the same meaning as in the Small Holdings and Allotments Act, 1908.
- (2) The powers conferred by this Act are in addition to and not in substitution for any powers otherwise exercisable by the Board.
- (3) Any person who sells land to the Board or purchases land from the Board or exchanges land with the Board shall not be entitled to require proof of compliance with any conditions prescribed by regulations made by the Treasury, or of the consent of the Treasury, or be affected by any omission to comply with those conditions, or to obtain such consent.

9 Provisions as to solicitor to Board

The Revenue Solicitors Act, 1828, and section forty-seven of the Solicitors Act, 1843 (which relate to solicitors of various Government departments), shall extend and apply to the solicitor of the Board in like manner as they apply to the solicitors of the Government departments therein mentioned.

10 Annual report of proceedings to Parliament

The Board shall present to Parliament an annual report of their proceedings under this Act which shall include a statement of the financial position of each colony.

11 Application to Scotland

This Act shall apply to Scotland, subject to the following modifications:—

- (a) "The Board of Agriculture for Scotland" shall be substituted for "the Board of Agriculture and Fisheries," "arbiter" shall be substituted for "arbitrator," "the Agricultural Holdings (Scotland) Act, 1908," shall be substituted for "the Agricultural Holdings Act, 1908," "the Agricultural (Scotland) Fund" shall be substituted for "the Small Holdings Account," "easement" means servitude, and "small holding" means a small holding as defined in section thirty-three of the Small Landholders (Scotland) Act, 1911 :
- (b) Paragraph (b) of section four and sections seven and nine of this Act shall not apply:
- (c) The total area of the land for the time being acquired by the Board of Agriculture for Scotland for the purpose of section one of this Act shall not at any time exceed two thousand acres, of which three-fourths shall consist of land suitable to be cultivated as arable land.

12 Short title and extent

- (1) This Act may be cited as the Small Holding Colonies Act, 1916.
- (2) This Act shall not extend to Ireland.