



Land Settlement (Facilities) Act 1919

1919 CHAPTER 59

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.]

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:

PART I

PROVISIONS AS TO THE ACQUISITION OF LAND

1 Temporary suspension of requirements as to confirmation of orders for the acquisition of land

- (1) Any order for the compulsory acquisition of land which is duly made after the date of the passing of this Act and before the expiration of three years from that date by a council under the Small Holdings and Allotments Act, 1908 (hereinafter referred to as the principal Act), need not, except as otherwise expressly provided by this Act, be submitted to or confirmed by the Board of Agriculture and Fisheries, but shall have effect as if it had been so confirmed :

Provided that a grant or inclosure of common purporting to be made under any such order shall not be valid unless it is made with the consent of the Board, given under and in accordance with the provisions of section twenty-two of the Commons Act, 1899.

- (2) Notice of the making of an order to which this section applies shall be given in the prescribed form and manner by the council as soon as practicable to each owner, lessee and occupier of the land authorised to be acquired, and a copy of the order and of any plan annexed or referred to in the order shall be furnished by the council to any person interested in the land, on application by such person.

2 Power of entry on land

- (1) 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 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 Lands Clauses (Consolidation) Act, 1845.
- (3) Where a notice of entry 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 Second Schedule of the Agricultural Holdings Act, 1908 (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 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.

3 Power of Board of Agriculture and Fisheries to provide land for settlement

- (1) If the Board of Agriculture and Fisheries are satisfied that in any county the council are not providing small holdings, or land to be leased to a parish council for the provision of allotments, to such extent as in the opinion of the Board is desirable, the Board shall, in that county during a period of three years after the passing of this Act, acquire land to such extent as they think desirable for small holdings or to be leased to a parish council for the provision of allotments, and, for such purpose and for the use or disposal of the land when acquired, the Board shall have the same powers as may be exercised by a county council under the principal Act, and the provisions 'of the principal Act

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relating to the acquisition use or disposal of land by a county council and to small holdings provided by a county council shall apply with the necessary adaptations to the acquisition, use and disposal of land by the Board and to small holdings provided by the Board under this section.

- (2) Where the Board determine to exercise in any county the powers conferred by this section, they shall give notice of such determination to the council of the county.
- (3) A county council shall furnish the Board with all such information as the Board may require for the purposes of this section.
- (4) The Board may at any time transfer land acquired under this section to the council of the county in which it is situate if the Board are satisfied that the council are willing to exercise and perform their powers and duties in relation thereto, but the terms of any transfer shall be subject to the approval of the Treasury.
- (5) The expenses of the Board under this section to such extent as may be sanctioned by the Treasury shall be defrayed out of the Small Holdings Account, and the receipts of the Board under this section shall be paid into that account.

4 Power of Board of Agriculture and Fisheries to acquire land for reclamation, &c

- (1) During a period of two years after the passing of this Act the Board of Agriculture and Fisheries may, with the consent of the Treasury, purchase or hire land for reclamation or drainage, and for such purpose shall have the same powers as may be exercised by a county council under the principal Act, for the acquisition of land for small holdings or allotments, and the provisions of the principal Act relating to such acquisition shall apply with the necessary adaptations.
- (2) The powers of management conferred on the Board by section four of the Small Holding Colonies Act, 1916, shall apply with the necessary modifications in relation to land acquired by the Board under this section or any other enactment.

5 Power of acquiring land for small holding colonies

- (1) Subject to the limitations contained in the Small Holding Colonies Acts, 1916 and 1918, on the amount of land which may be acquired for the purposes of those Acts, and to the provisions of section one of the Small Holding Colonies (Amendment) Act, 1918, as to consultation with the chairman or a committee of the council of the county in which the land proposed to be acquired is situate, land may, during the period of two years after the passing of this Act, be acquired by the Board of Agriculture and Fisheries compulsorily for the purposes of those Acts in like manner, and subject to the like provisions as for the purposes mentioned in the last foregoing section, and that section shall apply accordingly, and the powers of acquiring land by agreement under those Acts shall be exercisable during the like period.
- (2) So much of section one of the Small Holding Colonies (Amendment) Act, 1918, as restricts the powers of the Board of acquiring land to taking land on lease, purchasing land in consideration of an annual payment and taking land in feu, shall cease to have effect.
- (3) In the selection of persons to be settled on land acquired under the Small Holding Colonies Acts, 1916 and 1918, as amended by this section, the Board of Agriculture and Fisheries shall give the like preference to women who are certified by the Board of Agriculture and Fisheries to have been engaged in whole-time employment on

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agricultural work for a period of not less than six months during the present war and to persons who have served in the forces of the Crown during any previous war, as they are required by those Acts to give to persons who have served in the forces of the Crown in the present war.

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 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.

7 Power to covenant to pay rentcharges

Where under the principal Act or the Small Holding Colonies Acts, 1916 and 1918, the Board of Agriculture and Fisheries or a council have power to purchase land in consideration of a fee farm rent, the Board or council shall have power and shall be deemed always to have had power to covenant to pay the rent as and when it becomes due.

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 or the Small Holding Colonies Acts, 1916 and 1918, the consent of the patron to the sale shall not be necessary.

PART II

AMENDMENT OF THE SMALL HOLDINGS AND ALLOTMENTS ACT, 1908

9 Power to sell and acquire land for annuity

- (1) Any person having power (whether subject to any consent or conditions or not) to sell land authorised to be acquired by a county council under the principal Act may, subject to the like consent and conditions, sell the land to the council in consideration, wholly or partially, of a perpetual annuity under this section payable by the council.
- (2) Where the vendor of the land sold in consideration for an annuity is not absolutely entitled for his own benefit to the land sold, the annuity shall be treated as if the land had been sold for a capital sum and that sum invested in the purchase of the annuity.
- (3) Subject to the provisions of this section, the council liable for the payment of an annuity under this section may at any time redeem the annuity.

The council shall in each case give to the annuitant one month's notice of their intention to redeem the annuity, and shall pay to him as consideration for the redemption such sum as may be agreed, or in default of agreement such sum as would, according to the average price at the date of the expiration of the notice of such Government securities as may for the time being be prescribed by the Treasury, yield annual dividends equal to the amount of the annuity.

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The redemption of an annuity under this section shall be deemed to be a purpose for which a council may borrow under the principal Act.

- (4) The power to sell land in consideration of an annuity under this section shall 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.
- (5) The provisions set out in the First Schedule to this Act shall have effect with respect to annuities under this section.

10 Amendment of principal Act as respects power to acquire land for small holdings

- (1) The power of a council to acquire land for small holdings under the principal Act shall not be exercised during the period ending on the thirty-first day of March, nineteen hundred and twenty-six, except with the previous consent of the Board of Agriculture and Fisheries, or after the thirty-first day of March, nineteen hundred and twenty-six, except at such a price or rent or for such an annuity as in the opinion of the council will allow all expenses incurred by the council in relation to the land to be recouped out of the purchase money or rent to be obtained by the council for the land.
- (2) Subsection (3) of section seven of the principal Act (which regulates the price or rent at which land for small holdings may be acquired) shall cease to have effect.
- (3) This section shall be deemed to have had effect as from the first day of January nineteen hundred and nineteen.

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 be sold or let by the council at the best price or sum that can reasonably be obtained, and, 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) Where land is sold for small holdings at any time before the first day of April, nineteen hundred and twenty-six, the sale shall only be made subject to the approval of the Board of Agriculture and Fisheries.
- (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 one month 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 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 Second Schedule to the Agricultural Holdings Act, 1908.

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- (5) A council may, by order in relation to sales of small holdings provided by the council which are made while the order is in force, extend the term within which the purchase money is required by subsection (5) of section eleven of the principal Act to be repaid, but so that the term shall not exceed sixty years : Provided that any order made under this subsection before the thirty-first day of March nineteen hundred and twenty-six, shall require the approval of the Board of Agriculture and Fisheries and the Treasury.
- (6) Subsection (3) of section eleven of the principal Act (which required the payment on completion of the purchase of a small holding of not less than one-fifth of the purchase money) is hereby repealed, and, unless the purchaser desires to pay on completion of the purchase or at any subsequent time the whole or part of the purchase money, the whole of the purchase money shall be secured as provided by section eleven, subsection (5) of the principal Act as amended by this Act.
- (7) A council, when selling or letting a small holding at any time before the expiration of two years after the passing of this Act, shall give preference to suitable men who have served at any time in the forces of the Crown and to suitable women who are certified by the Board to have been engaged in whole-time employment on agricultural work for a period of not less than six months during the present war.

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 county 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) Sections eight and sixteen of the principal Act (which relate respectively to the adaptation of land for small holdings and to the letting of land unsold and to the sale of superfluous or unsuitable land), shall cease to have effect.

- (3) The provisions of the Lands Clauses (Consolidation) Act, 1845, with respect to the sale of superfluous land, shall not apply to land acquired by a council under the principal Act.

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, after the thirty-first day of March, nineteen hundred and twenty-six, 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.

14 Extension of term of loans

- (1) The Public Works Loan Commissioners may lend to a county council any money which the council are authorised to borrow under the principal Act on such terms and conditions as the Treasury may prescribe.
- (2) During the period from the commencement of this section to the expiration of two years after the passing of this Act, the Treasury may issue to the Commissioners out of the Consolidated Fund of the United Kingdom or the growing produce thereof, sums not exceeding in the aggregate twenty million pounds, and the loans made by the Commissioners may be met out of the moneys so issued instead of out of the Local Loans Fund.
- (3) After the expiration of the said two years any loans so-made by the Public Works Loan Commissioners shall be made from the Local Loans Fund in manner provided by the Public Works Loans Act, 1875, as modified by subsection (2) of section fifty-two of the principal Act, except that proviso (a) of that subsection shall not apply, when the loan is made in respect of the acquisition or adaptation of land acquired before the first day of April, nineteen hundred and twenty-six.
- (4) For the purposes of any borrowing under the principal Act by a county council for the erection of buildings, or any loan under this section by the Public Works Loan Commissioners to a county council for that purpose, for the period of fifty years mentioned in section fifty-two of the principal Act there shall be substituted the period of sixty years.
- (5) This section shall be deemed to have had effect as from the first day of April, nineteen hundred and nineteen.

15 Consent of Board to period of borrowing by county councils

A determination by a county council as to the period-within which any money borrowed for the purpose of the exercise of their powers under this Act shall be repaid shall, if the money is borrowed after the passing of this Act and before the thirty-first day of March, nineteen hundred and twenty-six, be subject to the approval of the Board of Agriculture and Fisheries.

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 or 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 fifty pounds for the purposes of .income tax, or any part of such a holding, the order authorising the acquisition of 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 the Board or a council where it is shown to the satisfaction of the Board or the council, as the case may be, 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.

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

A county 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.

18 Power to advance money to certain tenants of small holdings for purchase of stock, &c

- (1) Subject to the provisions of any regulations made by the Treasury, a county council may make or guarantee, or undertake to make or guarantee, an advance by way of loan to any tenant or prospective tenant of a small holding provided by the council under the principal Act, of such sums as they think necessary for the purchase of live stock, fruit trees, seeds, fertilisers, and implements required for the purposes of the holding, and the making of such advances shall be included amongst the purposes for which the council may borrow under section fifty-two of the principal Act.
- (2) The Board of Agriculture and Fisheries may make or guarantee, or undertake to make or guarantee, similar advances to tenants of small holdings provided by the Board.
- (3) The powers conferred by this section shall be exercise-able by the council or the Board only where, in the opinion of the council or the Board, as the case may be, the facilities for obtaining advances from a society on a co-operative basis are inadequate.

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 twenty pounds. .

20 Provisions as to small holdings of less than one acre

- (1) Subject to the provisions of this section, a county council may provide a holding of less than one acre if it is not less than half an acre and has a cottage erected thereon, and such a holding shall be deemed to be a small holding for the purposes of the principal Act.
- (2) As respects holdings to which this section relates provided by a county council during such period after the passing of this Act as may be specified by the Board of Agriculture and Fisheries with the consent of the Treasury, the county council shall keep separate accounts of all receipts and expenditure in respect thereof, and at the end of each financial year ending on the thirty-first day of March the excess of the expenditure over the receipts or of the receipts over the expenditure during that year shall be paid to the county council by the local authority, for the purposes of Part III. of the Housing of the Working Classes Act, 1890, of the district in which the holdings are situate, or to that authority by the county council, as the case may be, and any amount so paid or received by the local authority shall be treated as if it was expenditure or receipts of the authority in carrying out a scheme for the exercise of their powers under that Part approved by the Local Government Board.
- (3) As respects holdings to which this section relates provided by a county council after the expiration of the period so specified, the local authority, for the purposes of Part III. of the Housing of the Working Classes Act, 1890, of the district" in which the holdings are situate may contribute or agree to contribute to the expenses of providing such holdings, and any sums so payable to the county council by the local authority shall be treated as expenses of the local authority under Part III. of that Act.
- (4) Any question as to the amount payable to or by a local authority under this section may be determined by the Local Government Board.
- (5) Any receipts and expenditure of the council of a county borough in respect of the provision of holdings to which this section relates shall be treated as if they were receipts and expenditure of the council in carrying out such a scheme as aforesaid.

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) Any person who by any act done without lawful authority or by negligence causes damage to any crops growing on an allotment cultivated as a garden, shall be liable

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on summary conviction to a penalty not exceeding five pounds, but this provision shall not apply unless notice of the provision is conspicuously displayed on or near the allotment.

- (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.

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, with the consent of the Board of Agriculture and Fisheries and the Local Government Board, and subject to such conditions as to the repayment of any loan obtained for the purpose of the acquisition of land or otherwise as the last-mentioned Board may impose,—
- (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.
- (2) This section shall apply, in the county of London, to the council of the county and to any metropolitan borough council.

23 Agreements 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 Power of metropolitan boroughs as to allotments

The powers as to allotments conferred on borough councils by the- principal Act may be exercised by a metropolitan borough council, and the expenses so incurred by a council shall be defrayed, and money for such purpose may be borrowed, under and in accordance with the provisions of the Public Health (London) Act, 1891, as if such expenses were incurred by the council under that Act.

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) Subsection (2) of section twenty-seven of the principal Act is hereby repealed.

PART III

RECOUPMENT OF LOSSES INCURRED BY COUNCILS

26 Recoupment of losses incurred in exercise of powers under principal Act

- (1) At the end of the financial year ending on the thirty-first day of March in the year nineteen hundred and twenty and of each of the six succeeding years the Board shall pay to a council of a county the loss (if any) which may be shown to the satisfaction of the Board of Agriculture and Fisheries to have been reasonably or necessarily incurred by the council during the financial year in the exercise of their powers under the principal Act otherwise than in relation to small holdings of less than one acre.
- (2) The Board shall, on the passing of this Act, pay to a council of a county the loss (if any) which may be shown to the satisfaction of the Board to have been reasonably or necessarily incurred by the council in the exercise of their powers under the principal Act during the period from the first day of January nineteen hundred and eight to the thirty-first day of March nineteen hundred and nineteen.
- (3) In calculating for the purposes of this section the amount of any loss incurred by a council, there shall be included all sums paid by the council by way of interest, or sinking fund, or other loan charges on account of loans obtained for the purpose of acquiring and adapting land for small holdings, and the amount of the loss shall be determined under and in accordance with regulations made by the Board with the approval of the Treasury.
- (4) Until the thirty-first day of March nineteen hundred and twenty-six, a council of a county shall not incur expenditure under section forty-nine of the principal Act (which relates to co-operative societies), without the consent of the Board.
- (5) Subsection (4) of section six and section twenty-one of the principal Act are hereby repealed.
- (6) This section shall apply to losses incurred by the council of a county borough in the exercise of their powers under the principal Act in relation to small holdings.

27 Recoupment of capital losses

- (1) The value of the interest of the council of a county in all land acquired by the council under the principal Act, other than land acquired by the council acting in default of a district or parish council and small holdings of less than one acre, and vested in the council on the first day of April nineteen hundred and twenty-six, shall be ascertained as on that date by a valuation made by one or more persons agreed on by the Board of Agriculture and Fisheries and the council, or failing such agreement, appointed by the President of the Surveyors' Institution, and where, owing to the conditions of tenancy on which any such land is let or held, or to any rent-charge to which it is subject, or otherwise, the value of the interest of the council in that land is a minus amount, that amount shall be brought into account for the purposes of the valuation aforesaid.

The value of the interest of the council in such land as aforesaid shall for the purposes of this section be deemed to be such as in the opinion of the person or persons by whom the value is ascertained will allow the value so ascertained, and all expenses which may be incurred by the council in relation to the land to be recouped out of the

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purchase money or rents which might reasonably be expected to be obtained if the land were sold or let by the council for small holdings or allotments, as the case may be.

- (2) There shall also at the same date be ascertained by agreement between the Board and the council, or, in default of agreement, by an accountant appointed by the Treasury, the amount of the total capital liabilities of the council at the same date in respect of the acquisition and adaptation of such land as aforesaid.
- (3) if the amount of the liabilities so ascertained as aforesaid exceeds the value of the interest of the council in the land as so ascertained, the Board shall pay to the council as from the same date such part of the interest and sinking fund or other loan charges payable by the council in respect of money borrowed to defray the expenditure as is proportionate to the amount by which such liabilities exceed the value so ascertained.
- (4) The Board and the council shall each bear their own costs incurred in connexion with the ascertainment of any such liabilities or value as aforesaid, and shall contribute in equal shares to the charges of any person appointed to determine any such liabilities or value.
- (5) 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.

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 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 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 National Trust Act, 1907, applies.

29 Amendment of Settled Land Acts, 1882 to 1890

The powers conferred upon a tenant for life by the Settled Land Acts, 1882 to 1890, shall include the following further power:—

A power at any time, or times, to make a grant or grants of any part or parts of the settled land in fee simple or absolutely, or a lease or leases for any term of years without any consideration, or at a nominal price, annuity or rent, or at less than the best price, annuity or rent that can reasonably be obtained for the purpose of the Small Holdings and Allotments Acts, 1908 to 1919, and any such grant as aforesaid shall be deemed to be a sale within the meaning of the said Settled Land Acts: Provided that, except under an order of the court, no more than two acres in the case of land situate in an urban district or ten acres in the case of land situate in a rural district in any one parish shall be granted or leased under this power for the purpose of the said Small Holdings and Allotments Acts or under the similar power conferred by the Housing, Town Planning, &c. Act, 1919, for the purpose of the erection of dwellings for the working classes or the provision of gardens to be held in connexion therewith or for all of such purposes together without payment of the full-price annuity or rent for any land granted or leased in excess of such quantity.

30 Provisions as to land taken under the Defence of the Realm Regulations

- (1) For removing doubts it is hereby declared that section one of the Defence of the Realm (Acquisition of Land) Act, 1916, applies to land of which possession has been taken by the Board of Agriculture and Fisheries under the powers conferred by Regulations 2L and 2M of the Defence of the Realm Regulations, and that the Board are entitled whilst in possession by themselves or by any person deriving title under them of the land, after the termination of the present war, to exercise in relation thereto any of the powers conferred by those regulations for such term and subject to such conditions as are mentioned in the said Act.
- (2) Where at the termination of the present war a local authority is exercising powers under the said Regulation 2L in respect of land of which the local authority is owner or occupier, the local authority may continue to exercise those powers in relation to that land until the expiration of two years from the termination of the present war, and the provisions of subsection (6) of the said regulation shall apply accordingly.

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 Repeal

The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

34 Short title

This Act may be cited as the Land Settlement (Facilities) Act, 1919, and the Small Holdings and Allotments Acts, 1908 and 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.

SCHEDULES.

FIRST SCHEDULE

Section 9.

- 1 Every annuity shall be charged on and payable out of the county fund or borough fund or rate, as the case may be, of the county or borough by the council of which the annuity is payable.
- 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 purposes 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 Trustee Act, 1893.
- 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.
- 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 Local Government Act, 1888, or the Public Health Act, 1875, as the case may be.

Status: This is the original version (as it was originally enacted).

- 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

Provision of the 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.
Section 27	In subsection (4) the words " other than a borough " shall be omitted. In subsection (1) after the words " quarter's rent" there shall be added the words " (except where the-yearly rent is twenty shillings or less). " 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. " In subsection (1) the word " labouring" shall be omitted.

Status: This is the original version (as it was originally enacted).

Provision of the Principal Act to be amended.	Amendment.
Section 42	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 43	For the word " may " there shall be substituted the word " shall. "
Section 46	In subsection (1) after the word " do " there shall be inserted the words " or such shorter notice as may " be required by the order for the compulsory " hiring of the land."
Section 47	In subsection (2) for the words " subject in the case " of land hired by agreement to any agreement to "the contrary" there shall be substituted the words " subject to any provision to the contrary in the agreement or order for hiring. "
Section 49	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 53	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."
Section 58	In subsection (1) the word " (England)" shall be omitted.
Schedule I., Part II.	In paragraph (2) (b) after the word " holdings " there shall be added the words " or allotments as the case may be. " In paragraph (6) after the word " expenses " there shall be added the words " as the council shall consider or. "

Status: This is the original version (as it was originally enacted).

THIRD SCHEDULE

Section 33.

ENACTMENTS REPEALED

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act, 1908.	Subsection (3) of section four; subsection (4) of section six; subsection (3) of section seven; section eight; subsections (1) and (3) of section nine; section sixteen ; section twenty-one ; in section twenty-three 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 " and subsection (3); in section twenty-four the words "other than boroughs" and "other than a borough"; subsection (2) of section twenty-seven; section thirty-one ; subsection (3) of section thirty-two ; in section thirty-four the word " labouring " ; subsection (3) of section forty-one in subsection (3) of section forty-nine the words " under the provisions of this Act" and in section fifty-eight the word " (England)."
6 & 7 Geo. 5. c. 38.	The Small Holding Colonies Act, 1916.	In section one the words " during the " continuance of the present war and " a period of twelve months there-" after."
8 & 9 Geo. 5. c. 26.	The Small Holding Colonies (Amendment) Act, 1918.	Section one from " Provided that" to " the same in feu."