



# Agricultural Land (Utilisation) Act 1931

## 1931 CHAPTER 41

### PART III

#### SUPPLEMENTARY

#### **21 Compensation for loss of employment by labourers**

- (1) Where a labourer who has been regularly employed on any land acquired by the Minister under this Act proves to the satisfaction of the Minister 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 Minister may pay to him such compensation as the Minister thinks just for his loss of employment or for his expenses in moving to another locality, and any sum so paid shall be deemed to be part of the expenses of the acquisition of the land.
- (2) No compensation shall be payable under section forty-three of the Small Holdings and Allotments Act, 1908, or under the foregoing provisions of this section, to any person for whom a small holding is provided under Part II of this Act.

#### **22 Financial provisions**

- (1) The Treasury may, subject to such conditions as they may determine, issue out of the Consolidated Fund of the United Kingdom or the growing produce thereof—
  - (a) such sums as may be required by the Minister for the purchase of land acquired by him under sections one and two of this Act and for such other expenses under those sections as may be agreed by the Treasury and the Minister to be capital expenditure not exceeding, unless and until Parliament otherwise determines, five million pounds;
  - (b) such sums as may be required by the Department of Agriculture for Scotland for the purchase of land acquired by them under sections one and two of this Act and for such other expenses under those sections as may be agreed by the Treasury and the said Department to be capital expenditure not exceeding, unless and until Parliament otherwise determines, seven hundred thousand pounds;

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- (c) such sums as may be required by the Minister for the purchase of land or the erection of buildings for the provision of small holdings and for such other expenses in connection with the provision of small holdings as may be agreed by the Treasury and the Minister to be capital expenditure;
  - (d) such sums as may be required by the Department of Agriculture for Scotland for the purchase of land or the erection of buildings for the provision of holdings for unemployed persons and for such other expenses in connection with such provision as may be agreed by the Treasury and the said Department to be capital expenditure.
- (2) The Treasury, may if they think fit, for the purpose of providing money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.
- (3) The said annuities shall, to such extent as the Treasury may direct, be defrayed out of the Small Holdings and Allotments Account or the Agriculture (Scotland) Fund as the case may be, and in so far as not so defrayed, shall be paid out of moneys provided by Parliament for the service of the Ministry of Agriculture and Fisheries, or for the service of the Department of Agriculture for Scotland, as the case may be, and if those moneys are insufficient shall be charged on and paid out of the Consolidated Fund, or the growing produce thereof.
- (4) All sums received by the Minister in the exercise and performance of his powers and duties under the provisions of this Act relating to small holdings, other than demonstration holdings, and to allotments shall be paid into the Small Holdings and Allotments Account, and all expenditure so incurred by him shall be defrayed out of that account; and all sums received by the Department of Agriculture for Scotland in the exercise and performance of their powers and duties under this Act shall be paid into the Agriculture (Scotland) Fund, constituted under section five of the Small Landholders (Scotland) Act, 1911, and all expenditure so incurred by the Department shall be defrayed out of that fund.
- (5) Any deficiency in the Small Holdings and Allotments Account or in the Agriculture (Scotland) Fund arising by reason of the last foregoing subsection, and any expenses incurred by the Minister, or by the Department of Agriculture for Scotland, or by the Minister of Labour, in the exercise and performance of their powers and duties under this Act, not provided for under the foregoing provisions of this section, shall, to such extent as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.
- (6) Any sums received by the Minister, the Department of Agriculture for Scotland, or the Treasury by reason of the exercise of powers in respect of which the Treasury have borrowed moneys under this section shall, so far as they are of a capital nature, be applied in repayment of the moneys so borrowed.

## **23 Treasury concurrence**

The powers of the Minister under sections one, two, ten and thirteen of this Act shall be exercised in accordance with such conditions as may, after consultation with the Minister, be prescribed by the Treasury.

## **24 Application to Scotland**

In the application of this Act to Scotland the following provisions shall have effect:—

- (a) Except for the purposes of section twenty-two a reference to the Minister or to the Ministry of Agriculture and Fisheries shall be construed as a reference to the Department of Agriculture for Scotland (hereinafter in this section referred to as the Department) provided that any reference to the Minister in the provisions of the First Schedule to this Act regarding the making and submission to Parliament of Provisional Orders shall be construed as a reference to the Secretary of State; a reference to the council of a borough, urban district, or parish, shall be construed as a reference to a town or a district council, and a reference to a borough, urban district, or parish, shall be construed accordingly; any reference in Part II of this Act to a county council shall not apply, and the expression " easement" means servitude, and any reference to selling includes a reference to feuing.
- (b) References to sections sixteen, seventeen, eighteen, eighty-five, ninety-two, one hundred and twenty-three, one hundred and twenty-seven, one hundred and thirty-three, one hundred and fifty and one hundred and fifty-one of the Lands Clauses (Consolidation) Act, 1845, shall be construed respectively as references to sections fifteen, sixteen, seventeen, eighty-four, ninety, one hundred and sixteen, one hundred and twenty, one hundred and twenty-seven, one hundred and forty-two, and one hundred and forty-three of the Lands Clauses (Consolidation) (Scotland) Act, 1845.
- (c) For any reference to the Small Holdings and Allotments Acts there shall be substituted a reference to the Allotments (Scotland) Acts, 1892 to 1926; for any reference to section sixteen of the Allotments Act, 1922, there shall be substituted a reference to section sixteen of the Allotments (Scotland) Act, 1922; for any reference to section thirty-two of the Small Holdings and Allotments Act, 1908, there shall be substituted a reference to section eleven of the Allotments (Scotland) Act, 1892; for any reference to section four of the Allotments Act, 1925, there shall be substituted a reference to section one of the Allotments (Scotland) Act, 1926, and any reference to section eight of the said Act of 1925 shall not apply; and for any references to section twenty-one of the Land Settlement (Facilities) Act, 1919, there shall be substituted a reference to section twenty-two of the Land Settlement (Scotland) Act, 1919.
- (d) Section one of this Act shall apply as if the reference to local authorities were omitted.
- (e) The powers conferred by section two in regard to the acquisition of land shall, notwithstanding anything in the proviso to subsection (1) of that section, be without prejudice to the power of the Department under any Act for the time being in force to acquire land compulsorily for reclamation or drainage, and any land acquired under the last mentioned power shall be deemed to have been acquired under the said section two, and in the application of the said section the expression " owner" in the case of land held under an entail means the institute or heir of entail in possession, in the case of land subject to a life rent, means the liferenter and in any other case means the person entitled to the fee; the expression " agricultural buildings " means buildings which are included in any agricultural land and heritages as denned in the Rating and Valuation (Apportionment) Act, 1928; the chairman of the Scottish Committee of the Chartered Surveyors' Institution shall be substituted for the President of the Chartered Surveyors' Institution, and any reference to consultation with the council of the county shall be omitted.

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- (f) Subsections (1) and (4) of section five and section six of this Act shall not apply, but the Department shall have power to provide, in accordance with the provisions of the Small Holding Colonies Acts, 1916 and 1918, or of the Small Landholders (Scotland) Acts, 1886 to 1919, either on land belonging to the Department or on land belonging to another person with the consent of that person, a holding for an unemployed person within the meaning of the said subsection (1) or for an agricultural worker, or for a person who, being or having been a member of His Majesty's Forces, has had a suitable course of training for agriculture, notwithstanding that such unemployed person, agricultural worker or other person would be unable to cultivate the holding unless the facilities set forth in subsection (2) of the said section five were extended to him.
- (g) Subsections (2), (3) and (5) of section five of this Act shall have effect as if for any reference to the provision under the powers conferred by that section of a small holding for an unemployed person, there were substituted a reference to the provision under the power conferred by the immediately preceding paragraph of a holding for an unemployed person or an agricultural worker, or a person who, being or having been a member of His Majesty's Forces, has had a suitable course of training for agriculture, and any reference to the said section five shall include a reference to the immediately preceding paragraph.
- (h) Subsection (3) of section sixteen of this Act shall apply with the substitution of a reference to the Agriculture (Scotland) Fund for any reference to the small holdings account.
- (i) Section one of the Land Settlement (Scotland) Act, 1919, which relates to the compulsory acquisition of land for the purposes of the Small Holding Colonies Acts, 1916 and 1918, shall have effect as if the limitation of the period, during which the powers thereby conferred may be exercised, were omitted, and any provision in any Act in force at the passing of this Act which limits the period for which that section is to remain in operation shall cease to have effect.
- (j) Subsection (3) of section eighteen of the Land Settlement (Scotland) Act, 1919, shall have effect as if for the purpose therein specified there were substituted the following purposes :—
  - (i) the provision of allotments or allotment gardens and the purchase or leasing and equipment of land therefor;
  - (ii) the making of grants or loans to local authorities or to societies or associations having as their object or one of their objects the provision of allotments or allotment gardens in aid of expenditure by such authorities, societies, or associations in connection with the provision of allotments or allotment gardens.
- (k) Subsections (8) and (9) of section two and sections seven, eight, nine, ten, twelve, and seventeen, and section eleven in so far as it relates to small holdings, and paragraph (c) of Part I of the First Schedule shall not apply.

## **25 Short title, citation and extent**

- (1) This Act may be cited as the Agricultural Land (Utilisation) Act, 1931, and Part II of this Act and the Small Holdings and Allotments Acts, 1908 to 1926, may be cited as the Small Holdings and Allotments Acts, 1908 to 1931, and so much of the said Part II as relates to allotments and the Allotments Acts, 1908 to 1925, may be cited as the Allotments Acts, 1908 to 1931.
- (2) This Act shall not extend to Northern Ireland.