



Small Holdings and Allotments Act 1908

1908 CHAPTER 36

PART I

SMALL HOLDINGS

Schemes as to the provision of Small Holdings

2 Appointment of Small Holdings Commissioners, &c

- (1) With a view to extending the provision of small holdings, there shall continue to be Small Holdings Commissioners (herein-after referred to as "the Commissioners"), and the Board of Agriculture and Fisheries (herein-after referred to as "the Board") may appoint two or more persons possessed of a knowledge of agriculture to be Commissioners and may appoint such other officers for the purposes of this Act as the Board may, with the consent of the Treasury, determine.
- (2) There shall continue to be paid out of money provided by Parliament to the Commissioners and officers so appointed such salaries or remuneration as the Treasury may from time to time determine ; and all expenses incurred by those Commissioners and officers in the execution of their duties under this Act, to such amount as may be sanctioned by the Treasury, shall (except as otherwise expressly provided by this Act) continue to be defrayed out of money provided by Parliament.

3 Inquiries and reports by Commissioners

- (1) The Commissioners, acting under the directions of the Board, shall ascertain the extent to which there is a demand for small holdings in the several counties 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 shall confer with the county councils and may co-operate with such other authorities, associations, and persons as they think best qualified to assist them, and take such other steps as they think-necessary.

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- (2) The council of any county, borough, district, or parish may make representations to the Commissioners in respect of any such matters as aforesaid, and it shall be the duty of every council to furnish the Commissioners with such information, and to give them such other assistance, as they may reasonably require for the purposes of this section,
- (3) The Commissioners shall report the information acquired by them respecting any county to the Board, and shall state whether it is desirable, in the opinion of the Commissioners, that such a scheme as is herein-after mentioned should be made, and may indicate the nature of the proposals which the Commissioners consider ought to be embodied in the scheme.
- (4) If in the course of their inquiries the Commissioners receive any information- as to the existence of a demand for allotments, they shall communicate the information to the councils of the county, and of the borough, urban district, or parish concerned.

4 Preparation of draft schemes

- (1) Where the Board, after considering the report and such representations as aforesaid as respects any county, are of opinion that it is desirable that a scheme should be made, the Board shall forward the report of the Commissioners with such modifications or observations (if any) as the Board think desirable to the county council, and it shall be the duty of the county council to prepare one or more draft schemes to give effect to the report, subject to such modifications (if any) as aforesaid, or to such other modifications as the Board may make after considering any representations submitted to them by the county council, and in preparing the drafts the council shall have regard to the proposals (if any) of the Commissioners indicated in the report.
- (2) If the county council decline to undertake this duty, or within six months "after receiving the report or within such extended time as may be allowed by the Board, fail to prepare such one or more draft schemes as appear to the Board desirable, the Board may direct the Commissioners to prepare one or more .draft schemes.
- (3) A county council, if they think fit, may, without receiving any such report as aforesaid, prepare one or more draft schemes for the provision of small holdings for their county.
- (4) A draft scheme under this section may specify—
 - (a) the localities in which land is to be acquired for small holdings;
 - (b) the approximate quantity of land to be acquired, and the number, nature, and size of the small holdings to be provided, in each locality;
 - (c) whether, and to what extent, grazing or other similar rights, to be defined in the scheme, should be attached to the small holdings created in pursuance of the scheme, and, if so, the approximate quantity of land or extent and nature of the rights to be acquired for the purpose ;
 - (d) the time within which the scheme or any part thereof is to be carried into effect; and the scheme may contain such incidental, consequential, or supplemental provisions (including provisions as to the subsequent variation of the scheme) as may appear necessary or proper for the purposes of the scheme.
- (5) Where the Commissioners report or the county councils concerned are of opinion that a scheme should be made affecting two "or more counties, the scheme may, be prepared by the councils jointly, and may provide for joint action being taken by the councils.

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5 Procedure as to schemes

- (1) A copy of any draft scheme shall if prepared by a county council be sent to the Board, and if prepared by the Commissioners be sent to the Board and to any county council concerned, and the draft scheme and any modifications therein which the Board may propose to make shall be published and advertised together with notice of the time within and manner in which objections are "to be sent to the Board in such manner as the Board think best adapted for informing the persons affected and for insuring publicity.
- (2) The Board shall consider the draft scheme and any objections thereto duly made, and may in any case and shall if the county council object to the scheme, or, in the case of a scheme, prepared by the council, to any modifications therein which the Board propose to make, hold a public local inquiry, at which the county council, 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.
- (3) The Board, after considering the objections and the report of the person holding the inquiry (if any), may settle, and confirm the scheme either without modification or subject; to such modifications as the Board think fit, or may annul the scheme.

6 Duty of councils to carry schemes into effect

- (1) It shall be the duty of a county council on which obligations are imposed by a scheme to carry them into effect within such - time as may be specified in the scheme, or within such further time as may be allowed by the Board, and for that purpose the council may exercise any of the powers conferred on them by the provisions of this Act relating to small holdings.
- (2) If the county council fail so to fulfil their obligations, the Board shall by order direct the Commissioners to take such steps as may be necessary for carrying the scheme into effect, and upon such order being made the Commissioners shall for the purpose have all the powers of a county council under the provisions of this Act relating to small holdings, and those-provisions shall apply as if references to the Commissioners were substituted for references to a county council:

Provided that such expenses of the Commissioners as the Board certify to have been incurred by the Commissioners in the exercise of such powers in relation to any scheme and to be properly payable by the county council shall on demand be repaid to the Board by the county council in default out of the county fund, and shall be recoverable as a debt due to the Crown, and such sums as the Board certify to have been received by the Commissioners in respect of any land acquired shall be paid to the council.

- (3) Any order made by the Board directing the Commissioners to carry a scheme into effect shall be laid before both Houses of Parliament as soon as may be after it is made.
- (4) If it appears to the Board that the carrying out of a scheme under this Act has resulted or is likely to result in a loss, the Board may, with the consent of the Treasury, pay or undertake to pay out of the Small Holdings Account the whole or any part of that loss.