



# Small Holdings and Allotments Act 1908

1908 CHAPTER 36 8 Edw 7

## 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 . . . <sup>F1</sup> in the borough, urban district, or parish, . . . <sup>F1</sup> the council shall provide a sufficient number of allotments, and shall let such allotments to persons . . . <sup>F1</sup> 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 [<sup>F2</sup>persons who are liable to pay an amount in respect of council tax] 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) . . . . . <sup>F3</sup>
- (4) . . . . . <sup>F4</sup>

#### **Textual Amendments**

- F1** Words repealed by Land Settlement(Facilities) Act 1919 (c. 59), Sch.3
- F2** Words in s. 23(2) substituted (1. 4. 1993) by virtue of [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(1), [Sch. 13 para.4](#) (with s. 118(1)(2)(4); [S.I. 1992/2454](#), [art. 3\(1\)\(a\)](#).
- F3** Ss. 23(3), 27(2), 31, 32(3), 41(3) repealed by [Land Settlement \(Facilities\) Act 1919 \(c. 59\)](#), [Sch. 3](#)
- F4** S. 23(4) repealed by [Allotments Act 1950 \(c. 31\)](#), [Sch.](#)

*Changes to legislation: There are currently no known outstanding effects for the Small Holdings and Allotments Act 1908, Part II. (See end of Document for details)*

#### Modifications etc. (not altering text)

C1 S. 23 modified (London) by [London Government Act 1963 \(c. 33\)](#), [S. 55\(4\)](#)

24 ..... F5

#### Textual Amendments

F5 S. 24 repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), ss. 272(1), 273(1), [Sch. 30](#)

### *Powers of Councils in relation to the provision of Allotments*

#### 25 Acquisition of land for purpose of Act.

(1) The Council of a borough, urban district, or parish may, for the purpose of providing allotments, by agreement purchase or take on lease land, whether situate within or without their borough, district, or parish [<sup>F6</sup>or may purchase such land compulsorily in accordance with the provisions of this Act and of the [<sup>F7</sup>Acquisition of Land Act 1981], in that behalf].

(2) ..... F8

(3) ..... F9

#### Textual Amendments

F6 Words added by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), Sch. 4

F7 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 1](#) Table

F8 S. 25(2) repealed by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), [Sch. 6](#)

F9 Ss. 25(3), 27(1) repealed by [Allotments Act 1922 \(c. 51\)](#), [Sch.](#)

#### 26 Improvement and adaptation of land for allotments.

(1) The council of a borough, urban district, or parish may improve any land acquired by them for allotments and adapt the same for letting in allotments, by draining, fencing, and dividing the same, acquiring approaches, making roads and otherwise, as they think fit, and may from time to time do such things as may be necessary for maintaining such drains, fences, approaches, and roads, or otherwise for maintaining the allotments in a proper condition.

(2) The council may also adapt the land for allotments by erecting buildings and making adaptations of existing buildings, but so that not more than one dwelling-house shall be erected for occupation with any one allotment; and no dwelling-house shall be erected for occupation with any allotment of less than one acre.

#### 27 Provisions as to letting of allotments.

(1) ..... F10

(2) ..... F11

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- (3) ..... <sup>F12</sup>
- (4) An allotment shall not be sublet [<sup>F13</sup>except with the consent of the council.]
- (5) If at any time an allotment cannot be let in accordance with the provisions of this Act and the rules made thereunder, the same may be let to any person whatever at the best annual rent which can be obtained for the same, without any premium <sup>F14</sup> . . . , and on such terms as may enable possession thereof to be resumed within a period not exceeding twelve months if it should at any time be required to be let under the provisions aforesaid.
- (6) A council shall have the same power of letting one or more allotments to persons working on a co-operative system or [<sup>F15</sup>of letting or selling] to an association formed for the purposes of creating or promoting the creation of allotments as may be exercised as respects small holdings by a county council.

#### Textual Amendments

- F10** Ss. 25(3), 27(1) repealed by Allotments Act 1922 (c. 51), **Sch.**
- F11** Ss. 23(3), 27(2), 31, 32(3), 41(3) repealed by Land Settlement (Facilities) Act 1919 (c. 59), **Sch. 3**
- F12** S. 27(3) repealed by Local Government Act 1972 (c. 70, SIF 81:1), ss. 272(1), 273(1), **Sch. 30**
- F13** Words added by Land Settlement (Facilities) Act 1919 (c. 59), **Sch. 2**
- F14** Words in s. 27(5) repealed (5.11.1993) by 1993 c. 50, s.1(1), **Sch. 1 Pt. III**
- F15** Words inserted by Land Settlement(Facilities) Act 1919 (c. 59), Sch.2

## 28 Rules as to letting allotments.

- (1) Subject to the provisions of this Act, a borough, urban district, or parish council may make such rules as appear to be necessary or proper for regulating the letting of allotments under this Act, and for preventing any undue preference in the letting thereof, and generally for carrying the provisions of this Part of this Act into effect.
- (2) Rules under this section may define the persons eligible to be tenants of allotments, the notices to be given for the letting thereof, the size of the allotments, the conditions under which they are to be cultivated, and the rent to be paid for them.
- (3) All such rules shall make provision for reasonable notice to be given to a tenant of any allotment of the determination of his tenancy.

..... <sup>F16</sup>

- (4) Rules for the time being in force under this section shall be binding on all persons whatsoever; and the council shall cause them to be from time to time made known, in such manner as the council think fit, to all persons interested, and shall cause a copy thereof to be given gratis to any inhabitant of the district or parish demanding the same.

#### Textual Amendments

- F16** Words repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), ss. 1(5), 194, **Sch. 5 para. 1(a)**, Sch. 34 Pt. V

#### Modifications etc. (not altering text)

- C2** S. 28 extended by Land Settlement (Facilities) Act 1919 (c. 59), **s. 21(3)**

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## 29 Management of allotments.

- (1) The council of a borough, urban district, or parish may from time to time appoint, and, when appointed, remove allotment managers of land acquired by the council for allotments, and the allotment managers shall consist either partly of members of the council and partly of other persons, or wholly of other persons, so that in either case such other persons be persons residing in the locality and [<sup>F17</sup>liable to pay to the district or London borough council in whose area the land is situated an amount in respect of council tax.]
- (2) The proceedings and powers of allotment managers shall be such as, subject to the provisions of this Act, may be directed by the council; the allotment managers may be empowered by the council to do anything in relation to the management of the allotments which the council are authorised to do and to incur expenses to such amount as the council authorise, and any expenses properly so incurred shall be deemed to be expenses of the council under this Act.

### Textual Amendments

**F17** Words in s. 29(1) substituted (1. 4. 1993) by virtue of [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(1), [Sch. 13 para.5](#) (with s. 118(1)(2)(4); S.I. 1992/2454, [art. 3\(1\)\(a\)](#)).

## 30 Recovery of rent and possession of allotments.

- (1) The rent for an allotment let by a council in pursuance of this Act, and the possession of such an allotment in the case of any notice to quit, or failure to deliver up possession thereof as required by law, may be recovered by the council as landlords, in the like manner as in any other case of landlord and tenant.
- (2) If the rent for any allotment is in arrear for not less than forty days, or if it appears to the council that the tenant of an allotment not less than three months after the commencement of the tenancy thereof has not duly observed the rules affecting the allotment made by or in pursuance of this Act, or is resident more than one mile out of the borough, district, or parish for which the allotments are provided, the council may serve upon the tenant, or, if he is residing out of the borough, district, or parish, leave at his last known place of abode in the borough, district, or parish, or fix in some conspicuous manner on the allotment, a written notice determining the tenancy at the expiration of one month after the notice has been so served or affixed, and thereupon the tenancy shall be determined accordingly:  

... <sup>F18</sup>
- (3) Upon the recovery of an allotment from any tenant, the court directing the recovery may stay delivery of possession until payment of the compensation (if any) due to the outgoing tenant has been made or secured to the satisfaction of the court.

### Textual Amendments

**F18** Proviso repealed by [Allotments Act 1922 \(c. 51\)](#), [Sch.](#)

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#### Textual Amendments

**F19** Ss. 23(3), 27(2), 31, 32(3), 41(3) repealed by [Land Settlement \(Facilities\) Act 1919 \(c. 59\)](#), **Sch. 3**

### 32 Sale of superfluous or unsuitable land.

- (1) Where the council of any borough, urban district, or parish are of opinion that any land acquired by them for allotments or any part thereof is not needed for the purpose of allotments, or that some more suitable land is available, they may, . . . <sup>F20</sup>sell or let such land otherwise than under the provisions of this Act, or exchange the land for other land more suitable for allotments, and may pay or receive money for equality of exchange.
- (2) The proceeds of a sale under this Act of land acquired for allotments, and any money received by the council on any such exchange as aforesaid by way of equality of exchange, shall be applied in discharging, either by way of a sinking fund or otherwise, the debts and liabilities of the council in respect of the land acquired by the council for allotments, or in acquiring, adapting, and improving other land for allotments, and any surplus remaining may be applied for any purpose for which capital money may be applied, . . . <sup>F21</sup>; and the interest thereon (if any) and any money received from the letting of the land may be applied in acquiring other land for allotments, or shall be applied in like manner as receipts from allotments under this Act are applicable.
- (3) . . . . . <sup>F22</sup>

#### Textual Amendments

- F20** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), ss. 272(1), 273(1), **Sch. 30**
- F21** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), ss. 1(5), 194, **Sch. 5 para. 1(b)**, Sch. 34 Pt. V
- F22** Ss. 23(3), 27(2), 31, 32(3), 41(3) repealed by [Land Settlement \(Facilities\) Act 1919 \(c. 59\)](#), **Sch. 3**

#### Modifications etc. (not altering text)

- C3** [S. 32](#) excluded by [Allotments Act 1925 \(c. 61\)](#), **s. 8** and [Agricultural Land \(Utilisation\) Act 1931 \(c. 41\)](#), **s. 13(1)**

### 33 Transfer of allotments to borough, district and parish councils.

- (1) The allotment wardens under the Inclosure Acts, 1845 to 1882, having the management of any land appropriated under those Acts either before or after the passing of this Act for allotments or field gardens for the labouring poor of any place, may, by agreement with the council of the borough, urban district, or parish, within whose borough, district, or parish that place is wholly or partly situate, transfer the management of that land to the council, upon such terms and conditions as may be agreed upon with the sanction, as regards the allotment wardens, of the Board, and thereupon the land shall vest in the council.
- (2) . . . . . <sup>F23</sup>
- (3) Where, as respects any rural parish, any Act constitutes any persons wardens of allotments, or authorises or requires the appointment or election of any wardens, committee, or managers for the purpose of allotments, the powers and duties of the

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wardens, committee, or managers shall, subject to the provisions of this Act, be exercised and performed by the parish council, or, in the case of a parish not having a parish council, by persons appointed by the parish meeting, and it shall not be necessary to make the said appointment or to hold the said election.

- (4) The provisions of this Act relating to allotments shall apply to land vested in, or the management whereof has been transferred to, a council under this section or the corresponding provision of any enactment repealed by this Act in like manner as if the land had been acquired by the council under the general powers of this Part of this Act.

#### Textual Amendments

**F23** S. 33(2) repealed by [Charities Act 1960 \(c. 58\)](#), [Sch. 7 Pt. I](#)

### Supplemental

#### 34 Power to make scheme for provision of common pasture.

- (1) Where it appears to the council of any borough, urban district, or parish that, as regards their borough, district, or parish, land can be acquired for affording common pasture at such price or rent that all expenses incurred by the council in acquiring the land and otherwise in relation to the land when acquired may reasonably be expected to be recouped out of the charges paid in respect thereof, and that the acquisition of such land is desirable in view of the wants and circumstances of the . . . . .<sup>F24</sup> population, the council may [<sup>F25</sup>prepare and carry into effect]a scheme for providing such common pasture.

- (2) [<sup>F25</sup>Upon such a scheme being carried into effect], the provisions of this Act relating to allotments shall, with the necessary modifications, apply in like manner as if “allotments” in those provisions included common pasture, and “rent” included a charge for turning out an animal:

Provided that the rules made under those provisions may extend to regulating the turning out of animals on the common pasture, to defining the persons entitled to turn them out, the number to be turned out, and the conditions under which animals may be turned out, and fixing the charges to be made for each animal, and otherwise to regulating the common pasture.

#### Textual Amendments

**F24** Words repealed by [Land Settlement\(Facilities\) Act 1919 \(c. 59\)](#), [Sch.3](#)

**F25** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), s. 251(2), [Sch. 29 para. 9\(2\)\(3\)](#)

#### 35 Use of schoolroom free of charge.

- (1) Any room in a public elementary school in respect of which a grant is made out of moneys provided by Parliament may, except while the room is being used for educational purposes, be used free of charge for the purposes of this Part of this Act . . .<sup>F26</sup>, with the consent of any two managers, for the purpose of holding public meetings to discuss any question relating to allotments under this Act, but any damage done

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to the room and any expense incurred by the person having control over the room on account of its being so used shall be paid by . . . <sup>F26</sup>the persons calling the meeting.

(2) Nothing in this section shall give any right to hold a public meeting in a schoolroom—

- (a) Unless not less than six days before the meeting a notice of the intention to hold the meeting on the day and at the time specified in the notice, signed by the persons calling the meeting, being not less than six in number, and being persons qualified to make a representation to the council of a borough, urban district, or parish under this Part of the Act, has been given, in the case of a school provided by the local education authority to the clerk of that authority, and in any other case to one of the managers of the school; or
- (b) if the use of the schoolroom on the said day and at the said time has previously to the receipt of the notice of the meeting been granted for some other purpose; but in that case the clerk or manager, or some one on his behalf, shall forthwith, after the receipt of the notice, inform in writing one of the persons signing it that the use of the school has been so granted for some other purpose, and name some other day on which the schoolroom can be used for the meeting.

<sup>F27</sup>(3) . . . . .

(4) . . . . . <sup>F28</sup>

#### Textual Amendments

**F26** Words repealed by [Local Government Act 1972](#) (c. 70, SIF 81:1), ss. 272(1), 273(1), **Sch. 30**

**F27** [S. 35\(3\)](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt.III**

**F28** [Ss. 35\(4\), 52\(4\)](#) repealed by [Local Government Act 1933](#) (c. 51), s. 307, **Sch. 11 Pt. IV**

**36** . . . . . <sup>F29</sup>

#### Textual Amendments

**F29** [S. 36](#) repealed by [London Government Act 1963](#) (c. 33), **Sch. 18 Pt. II**

**37** . . . . . <sup>F30</sup>

#### Textual Amendments

**F30** [S. 37](#) repealed by [Local Government Act 1972](#) (c. 70, SIF 81:1), ss. 272(1), 273(1), **Sch. 30**

**Changes to legislation:**

There are currently no known outstanding effects for the Small Holdings and Allotments Act 1908, Part II.