



Small Holdings and Allotments Act 1908

1908 CHAPTER 36

PART III

GENERAL

Supplemental

55 Provisions as to land acquired by Commissioners

Any land acquired by the Commissioners under this Act or any enactment repealed by this Act shall be vested in the Board, but the Board may at any time transfer the land to the council at whose expense the land was acquired, and shall so transfer the land on payment of all sums due from the council in connection therewith, and on proof to the satisfaction of the Board that the council are willing to exercise and perform their powers and duties in relation thereto.

56 Provisions as to Commissioners

Anything by this Act required or authorised to be done by or to the Commissioners may be done by or to any one such Commissioner, and any document purporting to be signed by a Commissioner shall be received in evidence without proof of the appointment or handwriting of the Commissioner.

57 Local inquiries

- (1) The Board and the Small Holdings Commissioners and other officers of the Board shall have for the purpose of an inquiry in pursuance of this Act the same powers as the Local Government Board and their inspectors respectively have for the purpose of an inquiry under the Public Health Acts.
- (2) Notices of the inquiries shall be given and published in accordance with such general or special directions as the Board may give.

- (3) A local inquiry by a county council for the purposes of the provisions of this Act relating to allotments shall be held by such one or more members of the small holdings and allotments committee of the council or by such officer of the council or other person as that committee may appoint to hold the inquiry.

58 Arbitrations and valuations

- (1) All questions which under this Act are referred to arbitration shall, unless otherwise expressly provided by this Act, be determined by a single arbitrator in accordance with the Agricultural Holdings (England) Act, 1908.
- (2) Where an order has been made and confirmed authorising the compulsory acquisition of land by the Commissioners acting in default of a county council, the arbitrator or valuer, as the case may be, shall be appointed by the Lord Chief Justice of England instead of by the Board.
- (3) The remuneration of an arbitrator or valuer appointed under this Act shall be fixed by the Board.

59 Annual report to Parliament

The Board shall make an annual report to Parliament of their proceedings, and of the proceedings of the Commissioners, under this Act, and also of the proceedings of the several county, borough, district, and parish councils under this Act, and for that purpose every such council shall, before such date in every year as the Board may fix, send to the Board a report of their proceedings under this Act during the preceding year.

60 Saving for existing tenancies

Nothing in this Act shall affect the rights and obligations under any tenancy created under any enactment repealed by this Act.

61 Interpretation

- (1) For the purposes of this Act—

The expression "small holding" means an agricultural holding which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres, is at the date of sale or letting of an annual value for the purposes of income tax not exceeding fifty pounds:

The expression "allotment" includes a field garden :

The expressions "agriculture" and "cultivation" shall include horticulture and the use of land for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry, or bees, and the growth of fruit, vegetables, and the like :

The expression "county" shall mean the area under the authority of a county council :

The expression "county council" shall in relation to small holdings include the council of a county borough, and in its application to a county borough the expression "county fund" shall mean the borough fund or borough rate :

The expression "prescribed" means prescribed by regulations made by the Board :

The expression "landlord," in relation to any land compulsorily hired by a council, means the person for the time being entitled to receive the rent of the land from the council.

- (2) In this Act and in the enactments incorporated with this Act the expression "land" shall include any right or easement in or over land.
- (3) For the purposes of this Act, any expenses incurred by a council in the enfranchisement of any land acquired by them for small holdings or allotments, or in the purchase or redemption of land tax, or any quit rent, chief rent, tithe, or other rentcharge, or other perpetual annual sum issuing out of land so acquired, shall be deemed to have been incurred in the purchase of the land.
- (4) In this Act references to a parish council shall, in the case of a rural parish not having a parish council, include references to the parish meeting.
- (5) Any notice required by this Act to be served or given may be sent by registered post.

62 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.

Provided that—

- (a) nothing in this Act shall affect any order, scheme, draft scheme, rules, regulations, report, petition, notice, or other document made, prepared, submitted, served, or given under any enactment so repealed, but every such document shall have effect as if made, prepared, submitted, served, or given under this Act; and
- (b) references in any conveyance, lease, or other document to any enactment so repealed shall have effect as if they had been references to the corresponding provisions of this Act; and
- (c) if any question arises as to whether any power of the Local Government Board under the enactments relating to allotments hereby repealed was thereby transferred to the Board of Agriculture and Fisheries, the question shall be determined by the Local Government Board, whose decision shall be final.

63 Short title, commencement, and extent

- (1) This Act may be cited as the Small Holdings and Allotments Act, 1908.
- (2) This Act shall come into operation on the first day of January one thousand nine hundred and nine.
- (3) This Act shall not extend to Scotland or Ireland.