



Small Holdings and Allotments Act 1908

1908 CHAPTER 36

PART I

SMALL HOLDINGS

Powers of County Councils in relation to the provision of Small Holdings

12 Conditions affecting small holdings

- (1) A small holding sold by a county council under this Act or any enactment repealed by this Act shall for a term of twenty years from the date of the sale, and thereafter so long as any part of the purchase money remains unpaid, be held subject to the following conditions :—
- (a) any periodical payments due in respect of the purchase money shall be duly made ;
 - (b) the holding shall not be divided, subdivided, assigned, let, or sublet without the consent of the county council;
 - (c) the holding shall be cultivated by the owner or occupier as the case may be, and shall not be used for any purpose other than agriculture ;
 - (d) not more than One dwelling-house shall be erected on the holding;
 - (e) any dwelling-house erected on the holding shall comply with such requirements as the county council may , impose for securing healthiness and freedom from, overcrowding;
 - (f) no dwelling-house or building on the holding shall be used for the sale of intoxicating liquors ;
 - (g) in the case of any holding on which, in the opinion of the county council, a dwelling-house ought not to be erected, no dwelling-house shall be erected on the holding without the consent of the county council:

Provided that a county council may, if they think fit, relax the condition that not more than one dwelling-house shall be erected on a holding, if in their opinion such relaxation will be for the benefit of that or adjacent small holdings provided by the

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council, but so that the council shall not authorise more than one dwelling-house to be erected for occupation with any one small holding.

- (2) If any such condition is broken, the council may, after giving the owner an opportunity of remedying the breach (if it is capable of remedy), cause the holding to be sold.
- (3) If, on the decease of the owner while the holding is subject to the conditions imposed by this section, the holding would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided, the council may require the holding to be sold within twelve months after such decease to some one person, and, if default is made in so selling the holding, the council may cause the holding to be sold.
- (4) Where under either of the two preceding subsections a county council have power to cause or require a small holding to be sold, the council may, in the event of their requiring such holding for the purposes of small holdings, by notice in writing require the holding to be sold to themselves at such price as, in default of agreement, may be determined by arbitration, and thereupon the council shall, after such date as may be specified by the notice, and on production to the registrar of the land registry of evidence of service of the notice and of the payment of the sum so agreed or determined, or of the tender of such payment, be registered as the proprietor of the land in place of the registered proprietor, and such registration shall operate as a registration on a transfer for valuable consideration under the Land Transfer Acts, 1875 and 1897.

A notice for the purposes of this subsection shall be deemed to be sufficiently served if sent by registered post addressed to the owner or the personal representatives of the deceased owner at his registered address or at his last known place of abode.

This subsection shall not apply in the case where a small holding has been let by a county council.

- (5) Any sale by a county council under this section may be made either subject to the charge in respect of purchase money or free, wholly or partly, from that charge, and in either case the provisions of this Act with respect to the purchase money shall apply in like manner as if the sale were the first sale of the holding.
- (6) The proceeds of the sale shall be applied in discharge of any unpaid purchase money for the holding, or redemption of any rentcharge or terminable annuity which is not to continue a charge on the holding, and, subject as aforesaid, shall be paid to the person appearing to the council to be entitled to receive the same.
- (7) A county council may, under special circumstances, to be recorded in their minutes, sell or consent to the sale under this section of a small holding free from all or any of the conditions imposed by this section, and may give such consent on such terms as they think fit.
- (8) A small holding let by a county council shall be held subject to the conditions on which it would under this section be held if it were sold, except so far as those conditions relate to the purchase money, and except so far as is otherwise expressly provided by this section ; and, if any such condition or any term of the letting is broken, the council may, after giving the tenant an opportunity of remedying the breach (if it is capable of remedy), determine the tenancy.
- (9) Nothing in or done under this section shall derogate from the effect of any building or sanitary byelaws for the time being in force.