



# Agricultural Land (Utilisation) Act 1931

1931 CHAPTER 41 21 and 22 Geo 5

## PART II

### SMALL HOLDINGS AND ALLOTMENTS

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

- C1** Part II repealed as to small holdings by [Agriculture Act 1947 \(c. 48\), s. 67\(2\)](#)
- C2** Functions of Minister of Agriculture, Fisheries and Food under Part II now exercisable by Secretary of State, [S.I. 1955/554](#) (1955 I, p. 1200), 1965/143, 1967/156 and 1970/1681

### *Small Holdings*

**5—7.** ..... <sup>F1</sup>

.....  
**Textual Amendments**

- F1** Ss. 5-7 repealed by [Statute Law Revision Act 1950 \(14 Geo. 6 c. 6\)](#)

**8—10.** ..... <sup>F2</sup>

.....  
**Textual Amendments**

- F2** Ss. 8-10 repealed by [Agriculture Act 1970 \(c. 40\), ss. 65\(1\), 113\(3\), Sch. 5 Pt. III](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Agricultural Land (Utilisation) Act 1931, Part II. (See end of Document for details)*

**[<sup>F3</sup>11 Power to arrange for management by local authorities of small holdings and allotments provided by Minister or for the transfer thereof to such authorities.**

- (1) Any . . . <sup>F4</sup> allotments provided by the Minister and any land acquired by him for the purposes of . . . <sup>F4</sup> allotments in exercise of the powers conferred on him by this Part of this Act may, by arrangement between him and the local authority, be either—
- (a) controlled and managed by the authority as agents for the Minister; or
  - (b) transferred to the authority on such terms as may be agreed between the Minister and the authority and approved by the Treasury.
- (2) Any . . . <sup>F4</sup> allotments, or land transferred to a local authority under this section shall be deemed to have been acquired by the authority under the Small Holdings and Allotments Acts.
- (3) In this section the expression “local authority” means . . . <sup>F4</sup> in relation to any allotment or to land acquired for allotments, the council of the borough, urban district, or parish [<sup>F5</sup>or any county council acting in default of such a council as aforesaid.]]

**Textual Amendments**

**F3** S. 11 repealed (E.W.) by [Agriculture Act 1970 \(c. 40\)](#), s. 65(1), [Sch. 5 Pt. III](#)

**F4** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), [Sch. 1 Pt. VIII](#)

**F5** Words repealed (E.W.) by [Local Government Act 1972 \(c. 70\)](#), SIF 81:1, ss. 272(1), 273(1), [Sch. 30](#)

**12 Power of county councils to provide cottage holdings.**

- (1) The power of county councils to provide small holdings for persons who desire to buy or lease them shall include power to provide a cottage holding for any person who is, in the opinion of the council, a suitable person and who satisfies them that—
- (a) he will reside permanently in the dwelling-house comprised in the holding; and
  - (b) he has the intention, knowledge and capital to cultivate satisfactorily the land forming part of the cottage holding,

and all the provisions of the Small Holdings and Allotments Acts with respect to small holdings shall apply to cottage holdings accordingly but subject to the modification that section six of the <sup>M1</sup>Small Holdings and Allotments Act, 1926, shall, in relation to any such holding, whether provided under this section or under the section thereby repealed, have effect as if among the conditions specified in subsection (1) of the said section six there were included a condition that the owner or occupier, as the case may be, shall reside permanently in the dwelling-house comprised in the holding. [<sup>F6</sup>Provided that this section shall have effect subject to section 60 of the Agriculture Act 1970]

[<sup>F7</sup>(1A) If the tenant of a cottage holding feels aggrieved by a prohibition such as is mentioned in the proviso to section 47(1) of the Small Holdings and Allotments Act <sup>M2</sup>1908 (prohibition of improvements), he may appeal to the Minister of Agriculture, Fisheries and Food, who may confirm, vary or annul the prohibition, and the decision of the Minister shall be final.]

- (2) . . . . . <sup>F8</sup>

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#### Textual Amendments

- F6** Proviso added by [Agriculture Act 1970 \(c. 40\)](#), [Sch. 4](#)
- F7** [S. 12\(1A\)](#) added by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), s. 194, [Sch. 33 para. 2](#)
- F8** [S. 12\(2\)](#) repealed by [Statute Law Revision Act 1950 \(14 Geo. 6 c. 6\)](#)

#### Marginal Citations

- M1** [1926 c. 52](#).
- M2** [1908 c. 36\(2:5\)](#).

### *Allotments*

## **13 Power of Minister to provide allotments not exceeding one acre for unemployed persons.**

- (1) The Minister shall have power, without prejudice to the powers and duties of the council of any borough, urban district, or parish, or of any county council acting in default of such a council as aforesaid, to provide allotments not exceeding one acre in extent for unemployed persons, and for that purpose the Minister shall have the like powers as may be exercised by any such council with respect to allotments under the Small Holdings and Allotments Acts, and the provisions of those Acts relating to the acquisition, use or disposal of land by any such council and to allotments provided by any such council (except subsections (1) and (2) of section sixteen of the <sup>M3</sup>Allotments Act, 1922, and section four of the <sup>M4</sup>Allotments Act, 1925), shall apply with the necessary adaptations to the acquisition, use and disposal of land by the Minister and to allotments provided by him under this section, but subject to the modifications that the Minister may sell or let for other purposes any land acquired by him for allotments which is in his opinion not needed for the purposes of allotments, or exchange any such land for land more suitable for allotments and may pay or receive money for equality of exchange, and section thirty-two of the <sup>M5</sup>Small Holdings and Allotments Act, 1908, and section eight of the Allotments Act, 1925, shall not apply with respect to any such land:

Provided that, if, after a local inquiry has been held in accordance with the said provisions with respect to any order whereby the Minister proposes to acquire land compulsorily, any objection to the order which has been presented is not withdrawn, the order shall not be confirmed except by means of a provisional order made by the Minister and confirmed by Parliament, and for that purpose the Minister may submit a Bill to Parliament for the confirmation of any such provisional order.

- (2) The powers conferred on the Minister by the last foregoing subsection shall include power to provide allotment gardens for persons who are not in full-time employment as well as for those who are wholly unemployed.
- (3) Where the Minister determines to exercise in any borough, urban district, or parish the powers conferred by this section, he shall give notice of his determination to the council thereof.
- (4) Every such council as aforesaid shall furnish to the Minister such information as he may require for the purposes of this section.

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- (5) Any of the powers and duties conferred on the Minister by this section, except the power of acquiring land or of disposing of it otherwise than for use as allotments, may, by arrangement between him and the council of any county, or of any borough, urban district or parish, or with any society having as its object or one of its objects the provision or the profitable working of allotments, be exercised and performed by the council or society as agents for the Minister.

**Marginal Citations**

**M3** 1922 c. 51.  
**M4** 1925 c. 61.  
**M5** 1908 c. 36.

**14 Power of Minister to defray losses incurred by local authorities in providing allotment gardens for unemployed persons.**

- (1) Where it appears to the council of any borough, urban district, or parish, [<sup>F9</sup>or to any county council acting in default of such a council as aforesaid], that the provision of any allotment gardens required for the purpose of their being let to unemployed persons, or persons who are not in full time employment, resident in the borough, district, or parish, who desire to take them will entail a loss, the council may submit their proposals to the Minister together with estimates in the prescribed form of the expenses (whether on capital or income account) in relation thereto likely to be incurred by the council and of the sums likely to be received by the council by way of rent or otherwise.
- (2) If the Minister approves the proposals and estimates of the council, either without modifications or with such modifications as he may require, the Minister may, subject to such conditions as to records, certificates, audit or otherwise, as with the approval of the Treasury he may determine, undertake to defray in any year the loss shown in the approved estimates as likely to be incurred in that year by the council in providing allotment gardens for such persons as aforesaid in accordance with the proposals.
- (3) Neither subsections (1) and (2) of section sixteen of the <sup>M6</sup>Allotments Act, 1922, nor section four of the <sup>M7</sup>Allotments Act, 1925 (which impose limits on the expenditure of councils on the provision of allotments) shall apply to any expenses incurred in accordance with proposals and estimates approved by the Minister under this section.
- (4) If proposals after having been approved by the Minister under this section are subsequently varied without his consent, the Minister shall defray only such part as he thinks fit of the annual loss aforesaid and of any additional loss attributable to the variation.
- (5) ..... <sup>F10</sup>
- (6) A council shall keep separate accounts with respect to all their transactions under this section and shall furnish to the Minister such information as he may require as to such transactions.
- (7) The Minister shall with the concurrence of the Treasury make regulations for carrying this section into effect.

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**Textual Amendments**

- F9** Words repealed (E.W.) by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), ss. 272(1), 273(1), **Sch. 30**  
**F10** [S. 14\(5\)](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. VIII**

**Marginal Citations**

- M6** [1922 c. 51](#).  
**M7** [1925 c. 61](#).

**15 Unemployed persons not to vacate allotments on obtaining employment.**

Where an allotment has been let to an unemployed person or to a person not in full-time employment in accordance with the provisions of either of the last two foregoing sections, his tenancy of the allotment shall not be terminated without his consent on the ground only that he has ceased to be an unemployed person or a person not in full-time employment.

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

- C3** [Agriculture \(Scotland\) Fund](#) wound up by [Agriculture \(Scotland\) Act 1948 \(c. 45\)](#), s. 67

**16 Power of Minister to make grants for assisting in the provision of seeds, fertilisers and equipment for unemployed persons**

- (1) The Minister may, in accordance with regulations made by him with the approval of the Treasury, make grants or advances to any county council or to the council of any borough, urban district or parish, or to any society having as its object or one of its objects the profitable working of allotments, for the purpose of assisting the council or society in the provision of seeds, fertilisers and equipment for unemployed persons or persons who are not in full time employment for whom allotments are provided; and the regulations made under this section may, notwithstanding anything in section twenty-one of the <sup>M8</sup>Land Settlement (Facilities) Act, 1919, provide for empowering any such council, where necessary, to sell seeds, fertilisers or equipment purchased with such assistance as aforesaid and to allow the use of such equipment, at a price or charge less than that sufficient to cover the cost of purchase.
- (2) The Minister may constitute a committee for the purpose of advising him as to the exercise and performance of his powers and duties under this section and for the purpose of performing such other functions in connection with those powers and duties as he may direct, and the expenses of the committee (including the remuneration of any officers of the Ministry of Agriculture and Fisheries appointed to assist the committee) shall, up to such amount as may be sanctioned by the Minister with the approval of the Treasury, be defrayed as part of the expenses of the Minister under this Act.
- (3) .....

F11

**Textual Amendments**

- F11** [S. 16\(3\)](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. VIII**

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### Marginal Citations

**M8** 1919 c. 59

### *General*

## 17 Minor amendments of Small Holdings and Allotments Acts.

- (1) The amendments specified in the second column of the Second Schedule to this Act (which relate to matters in minor detail) shall be made in the enactments specified in the first column of that Schedule.
- (2) . . . . . <sup>F12</sup>

### Textual Amendments

**F12** S. 17(2) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. VIII**

### Modifications etc. (not altering text)

- C4** Small Holdings and Allotments Account wound up by [Agriculture Act 1947 \(c. 48\)](#), s. 59.
- C5** The text of S. 17(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 18 Provision as to regulations.

All regulations made under this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if either House within twenty-one days during which that House has sat next after any regulation is laid before it resolves that the regulation be annulled, it shall thenceforth be of no effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation.

### Modifications etc. (not altering text)

**C6** S. 18 amended by [Statutory Instruments Act 1946 \(c. 36\)](#), s. 5(2)

## 19 Duration of powers of Minister.

The provisions . . . <sup>F13</sup> so far as they confer power upon the Minister to provide allotments or to acquire land therefor, of section thirteen of this Act, shall have effect for the period of eight years from the commencement of this Act and no longer:

Provided that the expiry of the said provisions shall not—

- (a) affect the previous operation thereof or of anything duly done or suffered thereunder; or
- (b) affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or
- (c) affect any legal proceeding, arbitration, remedy or investigation in respect of such right, privilege, obligation or liability as aforesaid;

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and any such legal proceeding, arbitration, remedy or investigation may be instituted, enforced or continued as if the provisions aforesaid had not expired.

**Textual Amendments**

**F13** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), [Sch. 1 Pt. VIII](#)

**20 Interpretation and construction.**

(1) In this Part of this Act, unless the context otherwise requires—

“Cottage holding” means a holding comprising a dwelling-house, together with not less than forty perches and not more than one acre of agricultural land which can be cultivated by the occupier of the dwelling-house and his family;

“Small Holdings and Allotments Acts” means the Small Holdings and Allotments Acts, 1908 to 1926, the Allotments Acts, 1908 to 1925, and this Act;

“Society” includes any body of persons, whether incorporated or unincorporated, and shall have the same meaning in all the enactments with which this Act is construed as one.

(2) Except where the context otherwise requires, references in this Part of this Act to any enactment or to any provision of any enactment shall be construed as references to that enactment or provision as amended by any subsequent enactment, including this Part of this Act, and this Part of this Act shall, except so far as it applies to Scotland, be construed as one with the Small Holdings and Allotments Acts, 1908 to 1926, and the Allotments Acts, 1908 to 1925.

**Status:**

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