



Agricultural Land (Utilisation) Act 1931

1931 CHAPTER 41

PART II

SMALL HOLDINGS AND ALLOTMENTS

Small Holdings

5 Power of Minister to provide small holdings with financial assistance for unemployed persons

(1) If the Minister is satisfied that any person—

- (a) is an unemployed person, that is to say a person who is unemployed and unable to obtain suitable employment;
- (b) desires to lease a small holding and will himself cultivate the holding; and
- (c) is able to cultivate the holding properly; and
- (d) is not possessed of sufficient means to enable him to obtain such a holding from the county council,

the Minister shall have power to provide a small holding other than a cottage holding, for that person and lease it to him:

Provided that, before acquiring land in any county for the purpose of providing small holdings thereon under the powers conferred by this section, the Minister shall consult the county council as to the localities in which land suitable for the purpose can be obtained.

(2) Where under the powers conferred by this section the Minister provides a small holding for any unemployed person, the Minister may, in accordance with regulations made by him with the approval of the Treasury—

- (a) grant to that person an allowance of such amount and for such period, not exceeding one year from the date on which he enters into possession of the small holding, as may be prescribed by the regulations;
- (b) make or guarantee, or undertake to make or guarantee, grants by way of a loan to that person of such sums as the Minister considers necessary for

enabling him to undertake the business of a small holder, including sums for the payment of any tenant right valuation or for the purchase of stock, feeding stuffs, fruit trees, seeds, fertilisers or implements required for the purpose of the holding :

Provided that the Minister may, in accordance with such regulations as aforesaid, in lieu of making a loan to any person under paragraph (b) of this subsection supply to that person any such stock, feeding stuffs, fruit trees, seeds, fertilisers or implements as aforesaid, and in that case the purchase price thereof shall be deemed to be a loan to him made under the said paragraph, and in the event of any difficulty in obtaining any stock required for the purpose aforesaid the Minister may arrange for the production thereof by any local authority, society, or person, and for the provision of the equipment necessary for that purpose upon such terms as may be agreed between him and the local authority, society, or person.

- (3) The regulations made for the purpose of this section shall prescribe—
- (a) such scale of allowances as will secure that the sums payable to any person shall not exceed fifty pounds in the aggregate and shall not exceed thirty shillings in any week, and that the amount of the allowance is proportionally reduced during the period in which the allowance is payable having regard to the value of the benefit which he may reasonably be expected to derive from the small holding; and
 - (b) the rate of interest payable on any loans made or guaranteed, or undertaken to be made or guaranteed, under this section, and for such loans being free of interest during such period as may be prescribed.
- (4) Upon making or guaranteeing or undertaking to make or guarantee under the powers conferred by this section a grant by way of a loan to any person, or upon supplying to any person any stock, feeding stuffs, fruit trees, seeds, fertilisers, or implements whereof the purchase price is deemed under this section to be a loan so made to him, the Minister shall notify to the Land Registrar particulars showing the name and address of that person and the fact that he is indebted to the Minister in respect of such a loan, and the Land Registrar shall cause a copy of the said particulars to be entered on the register of agricultural charges kept under section nine of the Agricultural Credits Act, 1928, and to remain so entered until he receives from the Minister notice that the loan has been repaid; and any charge on any of the farming stock or other agricultural assets belonging to that person created (whether under that Act or otherwise) while such particulars as aforesaid remain entered in the said register shall be void unless created with the written consent of the Minister.

For the purposes of this section, "farming stock" and " other agricultural assets " have the same meaning as in the Agricultural Credits Act, 1928, and the provisions of section ten of that Act shall apply with respect to entries made under this subsection as they apply to entries relating to agricultural land charges.

- (5) If it appears to the Minister that there are persons desirous of obtaining small holdings under this section who require, for themselves or for their dependants, training to enable them to cultivate such holdings properly but otherwise possess the qualifications required by subsection (1) of this section, the Minister of Labour may, after consultation with him, make such arrangements, by the establishment of training centres and otherwise, as are necessary for securing that the required training is made available—
- (a) for any such person as aforesaid; and

Status: This is the original version (as it was originally enacted).

- (b) for not more than one dependant of any such person or of any person for whom a small holding has been provided under this section.

In this section the expression " dependant" means, in relation to any person, the husband, wife, son, or daughter (including a step-son or step-daughter and an adopted son or daughter) of that person.

6 Power of Minister to provide small holdings with financial assistance for agricultural workers

The Minister shall have power to provide a small holding for an applicant who is an agricultural worker or who, being or having been a member of His Majesty's Forces, has had a suitable course of training for agriculture, on the same conditions as are set out in section five of this Act and to extend to such applicant the same facilities authorised by that section :

Provided that the condition set out in paragraph (a) of subsection (1) of that section shall not apply in respect of such applicant.

7 Power of Minister to provide demonstration holdings

- (1) In any district in which small holdings are provided under the Small Holdings and Allotments Acts, the Minister shall have power to provide, equip, and manage, demonstration holdings, that is to say, small holdings to be used for the purpose of affording instructional demonstration to the persons for whom the small holdings have been provided as to the cultivation and management thereof.
- (2) Any land acquired by the Minister for the purpose of demonstration holdings shall be held by the Minister on behalf of His Majesty and may be occupied and managed by such local authorities, societies or persons as the Minister may appoint as his agents for that purpose in accordance with such directions as may be given by him.

8 Power of Minister to dispose of or utilise land not required for unemployed persons or demonstration holdings

If in the opinion of the Minister any land which he has acquired for the purposes of any of the foregoing provisions of this Part of this Act is not needed for those purposes but is needed for the purposes of small holdings, he shall offer the land to the council of the county for the provision of small holdings by the council, and, if that council do not acquire the land, he may himself provide small holdings thereon for any persons who desire to buy or lease them and satisfy him that they will themselves cultivate the holdings and are able to cultivate them properly.

9 Power of Minister to act in default of county councils who have not provided sufficient small holdings

- (1) Subject as hereinafter provided, if the Minister is satisfied that the council of any county have not provided sufficient small holdings to satisfy the demand of persons who desire to buy or lease and will themselves cultivate the holdings and are able to cultivate them properly, the Minister shall have power, without prejudice to the powers and duties of the county council, to provide small holdings for such persons :

Provided that, before exercising his powers under this section, the Minister shall give to the county council notice of his intention to do so and, if within such period as may be specified in the notice the council represent to him that in their opinion sufficient small holdings have been provided to satisfy the demand aforesaid, shall hold a local inquiry; and the county council and such other persons as the person holding the inquiry thinks fit to allow shall be entitled to appear and be heard at the inquiry.

- (2) The person appointed to hold a local inquiry for the purpose of this section shall be a person to be agreed upon between the Minister and the county council or, in default of such agreement, a barrister of not less than ten years' standing to be nominated by the President of the Law Society, and, in relation to the inquiry, the person so appointed shall be deemed for the purposes of section fifty-seven of the Small Holdings and Allotments Act, 1908, to be an officer of the Ministry.
- (3) Every county council shall furnish to the Minister such information as he may require for the purposes of this section.

10 Application of Small Holdings and Allotments Acts to powers of Minister

For the purpose of exercising the powers conferred on him by the foregoing provisions of this Part of this Act, the Minister shall have the like powers as may be exercised by a county council with respect to small holdings under the Small Holdings and Allotments Acts, and the provisions of those Acts relating to the acquisition, use or disposal of land by a county council and to small holdings provided by a county council shall apply with the necessary adaptations to the acquisition, use and disposal of land by the Minister and to small holdings provided by him under this Part of this Act, but subject to the modifications that the Minister may sell, or let for other purposes any land acquired by him for small holdings which is in his opinion not needed for the purposes of small holdings, or exchange any such land for land more suitable for small holdings, and may pay or receive money for equality of exchange, and paragraphs (b) and (c) of subsection (1) of section twelve of the Land Settlement (Facilities) Act, 1919, 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.

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 small holdings or allotments provided by the Minister and any land acquired by him for the purposes of small holdings or 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 small holdings, 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 in relation to a small holding or to land acquired for a small holding, the council of the county, and, in relation to any allotment or to land acquired for allotments, the council of the borough, urban district, or parish or any county council acting in default of such a council as aforesaid.

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 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.
- (2) Section twelve of the Small Holdings and Allotments Act, 1926, is hereby repealed.