



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

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- (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.

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 Allotments Act, 1922, and section four of the 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 Small Holdings and Allotments Act, 1908, and section eight of the Allotments Act, 1925, shall not apply with respect to any such land:

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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.
- (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.

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, 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 Allotments Act, 1922, nor section four of the 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) The Minister may, after the date of the commencement of this Act, approve proposals and estimates-submitted to him for the purposes of this section before that date, but where the land to which any proposals relate has been acquired before the first day of January, nineteen hundred and thirty-one, or is after the commencement of this Act acquired without the consent of the Minister, this section shall apply with respect to such expenses only as are incurred in equipping the land and adapting it for allotment gardens for letting to unemployed persons or persons who are not in full time employment.
- (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.

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.

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 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) As respects any expenditure defrayed for the purposes mentioned in this section before the date of the commencement of this Act out of moneys provided by Parliament and paid into the small holdings account before that date, this section shall be deemed to have had effect as from the seventeenth day of December, nineteen hundred and thirty.

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 of minor detail) shall be made in the enactments specified in the first column of that Schedule.
- (2) The account opened by the Bank of England under the Small Holdings and Allotments Act, 1907, and continued under section fifty-one of the Small Holdings and Allotments Act, 1908, shall be known as " the Small Holdings and Allotments Account," and references in the Small Holdings and Allotments Acts, 1908 to 1926, to that account shall be construed accordingly.

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.

19 Duration of powers of Minister

The provisions of sections five, six and seven of this Act, and, 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 any thing 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;

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

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.