



# Allotments Act 1922

## 1922 CHAPTER 51

### 10 Powers of entry on unoccupied land

- (1) The council of a borough or urban district, or the council of a county to whom the powers and duties of a borough or urban district council have been transferred under the provisions of subsection (2) of section twenty-four of the Small Holdings and Allotments Act, 1908, may, after giving such notice of intention to enter as is hereinafter provided—
  - (a) enter upon any land to which this section applies for the purpose of providing allotment gardens thereon ;
  - (b) adapt any such land for use for such purpose;
  - (c) let any such land for use by the tenant as an allotment garden or to any association (being an association to which land, may be let by the council under the Small Holdings and Allotments Acts, 1908 to 1919) for the purpose of sub-letting for such use, but so that any tenancy created by the council shall terminate at the date when the right of occupation of the council is terminated under this section;
  - (d) on the termination of such occupation remove any erection or work of adaptation making good any injury to the land caused by such removal.
- (2) Before entry under this section, the council shall give not less than fourteen days' notice in writing to the owner of the land, in such manner as notices may be given to an owner under the regulations for the time being applicable to compulsory hiring of land under the Allotments Acts.
- (3) The right of occupation of the council may be terminated—
  - (a) by not less than six months' notice in writing to that effect given by the council to the owner in manner aforesaid, and expiring on or before the sixth day of April, or on or after the twenty-ninth day of September in any year; or
  - (b) by not less than two months' notice in writing given by the owner to the council in any case where the land is required for any purpose other than the use of the land for agriculture.
- (4) A tenant to whom land is let by a council under this section and whose tenancy is terminated by the termination of the right of occupation of the council shall, unless

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*Status: This is the original version (as it was originally enacted).*

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otherwise agreed in the contract of tenancy, be entitled to recover from the council such compensation (if any) as would have been recoverable if his tenancy had been terminated by notice to quit given by the council, and have the same right to remove his crops as if the tenancy had been so terminated.

- (5) Any person who is interested in any land on which entry is made by the council under this section, and who suffers any loss by reason of the exercise of the powers conferred by this section shall, if he makes a claim not later than one year after the termination of the right of occupation, be entitled to be paid by the council such amount or amounts by way of periodical payments or otherwise as may represent the loss, and such amount or amounts shall in default of agreement be determined by a valuation made by a person appointed, in default of agreement, by the Minister :

Provided that a periodical payment of compensation in the nature of rent shall not exceed the rental value of the land as denned by this section.

- (6) This section applies to—

- (a) land which at the date of the notice of intended entry is not the subject of a rateable occupation; or
- (b) land of which at the date of the notice of intended entry the Minister is in possession by himself or any person deriving title under him under the provisions of section one of the Defence of the Realm (Acquisition of Land) Act, 1916, as explained by section thirty of the Land Settlement (Facilities) Act, 1919, and which when possession thereof was first taken under the Defence of the Realm Regulation was not the subject of a rateable occupation;

except land being the property of a local authority or land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or forming part of any metropolitan common within the meaning of the Metropolitan Commons Act, 1866, or any land which is subject, or might be made subject, to regulation under an order or scheme made in pursuance of the Inclosure Acts, 1845 to 1899, or under any local Act or otherwise, or land which is or forms part of any town or village green, or any area dedicated or appropriated as a public park, garden, or pleasure ground, or for use for the purposes of public recreation, or land forming part of the New Forest (as defined in the New Forest Act, 1877), or of the trust property to which the National Trust Act, 1907, applies.

- (7) For the purposes of this section—

The expression " rental value " means the annual rent which a tenant might reasonably be expected to pay for the land if the land had continued in the same condition as at the date when entry was made under this section, or at the date when possession thereof was so first taken as aforesaid, as the case may be.

The expression " rateable occupation " means such occupation as would involve liability to payment of the poor rate or any rate leviable in like manner as the poor rate.

The expression " owner " includes the person who, but for the occupation of the council, would be entitled to the possession of the land.