



# Allotments (Scotland) Act 1922

## 1922 CHAPTER 52

### **1 Termination of tenancies of allotment gardens**

- (1) Where land is let by a local authority, an association, or any other person, for use by the tenant as an allotment garden, the tenancy of the land or any part thereof shall not (except as hereinafter provided) be terminable by the lessor by notice to remove or by resumption of possession, notwithstanding any agreement to the contrary, except by—
  - (a) a six months' or longer notice in writing to remove expiring on or before the first day of May or on or after the first day of November in any year; or
  - (b) resumption of possession after three months' or longer notice in writing to the tenant, under a power of resumption contained in or affecting the lease, on account of the land being required for building, mining, or any other industrial purpose, or for roads or sewers necessary in connection with any of those purposes; or
  - (c) resumption of possession under a power of resumption of possession contained in the lease in the case of land let by a corporation or company being the owners or lessees of a railway, dock, canal, water, or other public undertaking on account of the land being required by the corporation or company for any purpose (not being the use of land for agriculture) for which it was acquired or held by the corporation or company, or appropriated under any statutory provision, or in the case of land let by a local authority within the meaning of the Housing (Scotland) Acts, 1890 to 1921 (being land which was acquired by the local authority under those Acts before the date of the passing of this Act), on account of the land being required by the local authority for the purposes of those Acts ; or
  - (d) resumption of possession on account of any irritancy of the lease by the tenant or any breach by the tenant of the regulations made by a local authority under the Allotments Acts.
- (2) Where land is let to a local authority or to an association for the purpose of being sub-let for use as allotment gardens, this section shall apply to the tenancy of the authority or association as well as to the tenancies of the sub-tenants.
- (3) (a) This section shall apply to a tenancy current at the date of the passing of this Act, but not so as to affect the operation of any notice to remove given,

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*Status: This is the original version (as it was originally enacted).*

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possession resumed, or proceedings for resumption commenced before that date.

- (b) Where under any lease entered into before the date of the passing of this Act a tenancy to which this section applies is either by express provision or by implication made terminable by the lessor by notice to remove expiring on a date between the first day of May and the first day of November, the tenancy shall be terminable by him on the first day of November, and any such notice to remove given in accordance with the lease shall have the effect of a notice to remove on that date.
- (4) This section shall not apply to land held by or on behalf of the Admiralty, War Department, or Air Council, and so let as aforesaid, when possession of the land is required for naval, military or air force purposes.