



Small Holdings and Allotments Act 1926

1926 CHAPTER 52

PART II

MISCELLANEOUS AMENDMENTS OF THE SMALL-HOLDINGS AND ALLOTMENTS ACTS

16 Amendment of definition of " small holding."

In the definition of " small holding " contained in section sixty-one of the principal Act, for the words "fifty pounds," there shall be substituted the words " one hundred pounds. "

17 Amendment of law as to the acquisition of land

- (1) The provisions of the Lands Clauses Acts incorporated with the principal Act by section thirty-eight thereof for the purpose of the purchase of land by agreement under that Act shall not include section eighty-two of the Lands Clauses Consolidation Act, 1845, relating to the costs of conveyances.
- (2) Where one or more objections to an order for the compulsory acquisition of land under Part I. of the First Schedule to the principal Act have been presented and not withdrawn, the Minister may dispense with the holding of a public inquiry and may confirm the order without holding such an inquiry in any case where he is of opinion that the objection or all the objections presented relate exclusively to matters which could be dealt with by the arbitrator to whom questions of disputed compensation are to be referred under the said Schedule, and the Minister may for that purpose require any objector to state in writing the grounds of his objection.
- (3) For removing doubts as to the effect of the Acquisition of Land (Assessment of Compensation) Act, 1919, it is hereby declared :—
 - (a) that the said Act does not apply to the determination of a dispute as to the amount of compensation payable on the withdrawal of a notice to treat under subsection (8) of section thirty-nine of the principal Act;
 - (b) that the said Act has not affected the power of the Minister under paragraphs (5) and (6) of Part I. of the First Schedule to the principal Act to give directions

with respect to the hearing of counsel or expert witnesses and of fixing scales of costs, and that any directions so given and scales so fixed apply to arbitrations before an official arbitrator both when assessing the compensation in the case of the compulsory purchase of land and when assessing the rent or other compensation to be paid in the case of the compulsory hiring of land.

18 Provisions as to land compulsorily hired

- (1) Where a council in pursuance of the powers conferred by section forty-four of the principal Act have given notice to the landlord of land compulsorily hired by them to renew the tenancy, it shall be lawful for the council to withdraw the notice at any time not less than three months before the expiration of the tenancy if it appears to the council that the rent assessed in pursuance of the said section is such as will involve loss to the council, but in any such case the landlord shall be entitled to obtain from the council compensation for any loss or expenses which he may have sustained or incurred by reason or in consequence of the notice to renew and of the notice to withdraw, such compensation to be determined in like manner as the compensation for withdrawal of notice to treat under subsection (8) of section thirty-nine of the principal Act.
- (2) A notice to resume possession of the whole or part of land hired by a council compulsorily for small holdings or allotments given under section forty-six of the principal Act shall not be valid if given before it has been shown to the satisfaction of the Minister that the land, possession of which is proposed to be resumed, is required for such a purpose as is mentioned in that section, and where an applicant has failed to satisfy the Minister that any land is required for such a purpose, any further application to the Minister with a view to the resumption of possession of the same land or any part of it for the same purpose shall not be entertained if made within two years after the previous application.

19 Power of tenant to purchase small holding held from a county council

- (1) Subsection (3) of section eleven of the Land Settlement (Facilities) Act, 1919 (which enables the tenant of a holding provided by a county council on land purchased by the council to purchase the holding) shall apply only in the case of a tenant in occupation of a small holding at the commencement of this Act; and nothing in this Act or in any repeal effected thereby shall affect the terms on which such a tenant is so entitled to purchase his holding.
- (2) In the case of a tenant of a small holding whose occupation thereof commences after the commencement of this Act, it shall be lawful for the county council to sell the small holding to him, subject to the provisions of this Act relating to the sale of small holdings.

20 Power to sell land without consent of Minister in certain cases

- (1) Notwithstanding anything in section twelve of the Land Settlement (Facilities) Act, 1919, it shall not be necessary for a county council to obtain the consent of the Minister to the sale of any land where the land forms part of land which they have acquired under Part I. of this Act without such consent.

- (2) Section thirteen of the Land Settlement (Facilities) Act, 1919, shall not exempt any county council from obtaining the consent of the Minister in any case where such consent is required by this Act.

21 Minor amendments

The amendments specified in the second column of the First Schedule to this Act (which relate to minor details) shall be made in the provisions of the Small Holdings and Allotments Acts, 1908 to 1919, specified in the first column of that schedule.