



# Land Settlement (Facilities) Act 1919

## 1919 CHAPTER 59

### PART I

#### PROVISIONS AS TO THE ACQUISITION OF LAND

#### **1 Temporary suspension of requirements as to confirmation of orders for the acquisition of land**

- (1) Any order for the compulsory acquisition of land which is duly made after the date of the passing of this Act and before the expiration of three years from that date by a council under the Small Holdings and Allotments Act, 1908 (hereinafter referred to as the principal Act), need not, except as otherwise expressly provided by this Act, be submitted to or confirmed by the Board of Agriculture and Fisheries, but shall have effect as if it had been so confirmed :

Provided that a grant or inclosure of common purporting to be made under any such order shall not be valid unless it is made with the consent of the Board, given under and in accordance with the provisions of section twenty-two of the Commons Act, 1899.

- (2) Notice of the making of an order to which this section applies shall be given in the prescribed form and manner by the council as soon as practicable to each owner, lessee and occupier of the land authorised to be acquired, and a copy of the order and of any plan annexed or referred to in the order shall be furnished by the council to any person interested in the land, on application by such person.

#### **2 Power of entry on land**

- (1) Where an order for the compulsory purchase of land has been made, and where necessary confirmed, under the principal Act, whether such order was made before or after the passing of this Act, the council entitled to purchase the land under the order may, at any time after a notice to treat has been served, and on giving not less than fourteen days' notice to each owner, lessee and occupier of the land, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses (Consolidation) Act, 1845, but subject to the payment of the like

---

*Status: This is the original version (as it was originally enacted).*

---

compensation for the land of which possession is taken and interest thereon as would have been payable if the provisions of those sections had been complied with :

Provided that, where a council have so entered on land, the council shall not be entitled to exercise the powers conferred by subsection (8) of section thirty-nine of the principal Act.

- (2) Where a council have agreed for the purposes of the principal Act, to purchase land subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year, or from year to year, then at any time after such agreement has been made the council may, after giving not less than fourteen days' notice to the person so in possession, enter on and take possession of the land or of such part thereof as is specified in the notice without previous consent, but subject to the payment to the person so in possession of the like compensation for the land of which possession is taken, with such interest thereon as aforesaid, as if the council had been authorised to purchase the land compulsorily and such person had, in pursuance of such power, been required to quit possession before the expiration of his term or interest in the land, but without the necessity of compliance with sections eighty-four to ninety of the Lands Clauses (Consolidation) Act, 1845.
- (3) Where a notice of entry under this section relates to land on which there is a dwelling-house and the length of notice is less than three calendar months, the occupier of the dwelling-house may, by notice served on the council within ten days after the service on him of the notice of entry, appeal against such notice, and in any such case the appeal shall be determined by an arbitrator under and in accordance with the provisions of the Second Schedule of the Agricultural Holdings Act, 1908 (except that the arbitrator shall, in default of agreement, be appointed by the President of the Surveyors' Institution), and the council shall not be entitled to enter on the land under this section except on such date and on such conditions as the arbitrator may award.
- (4) This section shall with such necessary adaptations as may be prescribed apply in the case of an order authorising the compulsory hiring of land, or of an agreement to hire land.

### **3 Power of Board of Agriculture and Fisheries to provide land for settlement**

- (1) If the Board of Agriculture and Fisheries are satisfied that in any county the council are not providing small holdings, or land to be leased to a parish council for the provision of allotments, to such extent as in the opinion of the Board is desirable, the Board shall, in that county during a period of three years after the passing of this Act, acquire land to such extent as they think desirable for small holdings or to be leased to a parish council for the provision of allotments, and, for such purpose and for the use or disposal of the land when acquired, the Board shall have the same powers as may be exercised by a county council under the principal Act, and the provisions 'of the principal Act 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 Board and to small holdings provided by the Board under this section.
- (2) Where the Board determine to exercise in any county the powers conferred by this section, they shall give notice of such determination to the council of the county.
- (3) A county council shall furnish the Board with all such information as the Board may require for the purposes of this section.

- (4) The Board may at any time transfer land acquired under this section to the council of the county in which it is situate if the Board are satisfied that the council are willing to exercise and perform their powers and duties in relation thereto, but the terms of any transfer shall be subject to the approval of the Treasury.
- (5) The expenses of the Board under this section to such extent as may be sanctioned by the Treasury shall be defrayed out of the Small Holdings Account, and the receipts of the Board under this section shall be paid into that account.

#### **4 Power of Board of Agriculture and Fisheries to acquire land for reclamation, &c**

- (1) During a period of two years after the passing of this Act the Board of Agriculture and Fisheries may, with the consent of the Treasury, purchase or hire land for reclamation or drainage, and for such purpose shall have the same powers as may be exercised by a county council under the principal Act, for the acquisition of land for small holdings or allotments, and the provisions of the principal Act relating to such acquisition shall apply with the necessary adaptations.
- (2) The powers of management conferred on the Board by section four of the Small Holding Colonies Act, 1916, shall apply with the necessary modifications in relation to land acquired by the Board under this section or any other enactment.

#### **5 Power of acquiring land for small holding colonies**

- (1) Subject to the limitations contained in the Small Holding Colonies Acts, 1916 and 1918, on the amount of land which may be acquired for the purposes of those Acts, and to the provisions of section one of the Small Holding Colonies (Amendment) Act, 1918, as to consultation with the chairman or a committee of the council of the county in which the land proposed to be acquired is situate, land may, during the period of two years after the passing of this Act, be acquired by the Board of Agriculture and Fisheries compulsorily for the purposes of those Acts in like manner, and subject to the like provisions as for the purposes mentioned in the last foregoing section, and that section shall apply accordingly, and the powers of acquiring land by agreement under those Acts shall be exercisable during the like period.
- (2) So much of section one of the Small Holding Colonies (Amendment) Act, 1918, as restricts the powers of the Board of acquiring land to taking land on lease, purchasing land in consideration of an annual payment and taking land in feu, shall cease to have effect.
- (3) In the selection of persons to be settled on land acquired under the Small Holding Colonies Acts, 1916 and 1918, as amended by this section, the Board of Agriculture and Fisheries shall give the like preference to women who are certified by the Board of Agriculture and Fisheries to have been engaged in whole-time employment on agricultural work for a period of not less than six months during the present war and to persons who have served in the forces of the Crown during any previous war, as they are required by those Acts to give to persons who have served in the forces of the Crown in the present war.

#### **6 Compensation to labourers**

In any case of acquisition of land by the Board of Agriculture and Fisheries under this Act, subsection (5) of section one of the Small Holding Colonies Act, 1916 (which

---

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

---

relates to compensation to labourers), shall apply with the substitution of references to this Act for references to that Act.

**7 Power to covenant to pay rentcharges**

Where under the principal Act or the Small Holding Colonies Acts, 1916 and 1918, the Board of Agriculture and Fisheries or a council have power to purchase land in consideration of a fee farm rent, the Board or council shall have power and shall be deemed always to have had power to covenant to pay the rent as and when it becomes due.

**8 Sales of glebe**

For the purpose of a sale of land under the Ecclesiastical Leasing Acts to a council or to the Board of Agriculture and Fisheries for the purposes of the principal Act or the Small Holding Colonies Acts, 1916 and 1918, the consent of the patron to the sale shall not be necessary.