



# Land Settlement (Facilities) Act 1919

## 1919 CHAPTER 59

### PART II

#### AMENDMENT OF THE SMALL HOLDINGS AND ALLOTMENTS ACT, 1908

#### **9 Power to sell and acquire land for annuity**

- (1) Any person having power (whether subject to any consent or conditions or not) to sell land authorised to be acquired by a county council under the principal Act may, subject to the like consent and conditions, sell the land to the council in consideration, wholly or partially, of a perpetual annuity under this section payable by the council.
- (2) Where the vendor of the land sold in consideration for an annuity is not absolutely entitled for his own benefit to the land sold, the annuity shall be treated as if the land had been sold for a capital sum and that sum invested in the purchase of the annuity.
- (3) Subject to the provisions of this section, the council liable for the payment of an annuity under this section may at any time redeem the annuity.

The council shall in each case give to the annuitant one month's notice of their intention to redeem the annuity, and shall pay to him as consideration for the redemption such sum as may be agreed, or in default of agreement such sum as would, according to the average price at the date of the expiration of the notice of such Government securities as may for the time being be prescribed by the Treasury, yield annual dividends equal to the amount of the annuity.

The redemption of an annuity under this section shall be deemed to be a purpose for which a council may borrow under the principal Act.

- (4) The power to sell land in consideration of an annuity under this section shall apply to land belonging to His Majesty in right of the Crown or of the Duchy of Lancaster and to land belonging to the Duchy of Cornwall.
- (5) The provisions set out in the First Schedule to this Act shall have effect with respect to annuities under this section.

## **10 Amendment of principal Act as respects power to acquire land for small holdings**

- (1) The power of a council to acquire land for small holdings under the principal Act shall not be exercised during the period ending on the thirty-first day of March, nineteen hundred and twenty-six, except with the previous consent of the Board of Agriculture and Fisheries, or after the thirty-first day of March, nineteen hundred and twenty-six, except at such a price or rent or for such an annuity as in the opinion of the council will allow all expenses incurred by the council in relation to the land to be recouped out of the purchase money or rent to be obtained by the council for the land.
- (2) Subsection (3) of section seven of the principal Act (which regulates the price or rent at which land for small holdings may be acquired) shall cease to have effect.
- (3) This section shall be deemed to have had effect as from the first day of January nineteen hundred and nineteen.

## **11 Duties of county councils with respect to sale or lease of land**

- (1) Land acquired by a county council under the principal Act shall be sold or let by the council at the best price or sum that can reasonably be obtained, and, where sold or let for small holdings, be sold or let, except where the Board of Agriculture and Fisheries for any special reason otherwise direct, subject to a reservation of all minerals vested in the council.
- (2) Where land is sold for small holdings at any time before the first day of April, nineteen hundred and twenty-six, the sale shall only be made subject to the approval of the Board of Agriculture and Fisheries.
- (3) A tenant of a holding provided by a county council on land purchased by the council, who has been in occupation thereof for a period of not less than six years, shall, on notice of his desire to purchase the holding being given to the council at any time before the tenant has received notice to quit the holding, be entitled to require the sale to him of the holding at the expiration of one month from the date of the notice at the then value of the holding, exclusive of any increase of the value thereof due to any improvement executed thereon by and at the expense of the tenant, and thereupon the council shall sell the holding to the tenant accordingly unless the council obtain the consent of the Board of Agriculture and Fisheries to the requirement of the tenant being refused by the council.
- (4) The value of the holding shall in default of agreement be determined by arbitration under and in accordance with the provisions of the Second Schedule to the Agricultural Holdings Act, 1908.
- (5) A council may, by order in relation to sales of small holdings provided by the council which are made while the order is in force, extend the term within which the purchase money is required by subsection (5) of section eleven of the principal Act to be repaid, but so that the term shall not exceed sixty years : Provided that any order made under this subsection before the thirty-first day of March nineteen hundred and twenty-six, shall require the approval of the Board of Agriculture and Fisheries and the Treasury.
- (6) Subsection (3) of section eleven of the principal Act (which required the payment on completion of the purchase of a small holding of not less than one-fifth of the purchase money) is hereby repealed, and, unless the purchaser desires to pay on completion of the purchase or at any subsequent time the whole or part of the purchase money,

the whole of the purchase money shall be secured as provided by section eleven, subsection (5) of the principal Act as amended by this Act.

- (7) A council, when selling or letting a small holding at any time before the expiration of two years after the passing of this Act, shall give preference to suitable men who have served at any time in the forces of the Crown and to suitable women who are certified by the Board to have been engaged in whole-time employment on agricultural work for a period of not less than six months during the present war.

## **12 Extension of powers of councils in relation to land acquired under principal Act**

- (1) Subject to the consent of the Board of Agriculture and Fisheries in cases where their consent is required under this section or under regulations made by the Board, a county council shall have power in any case where in the opinion of the council it is necessary or expedient so to do for the better carrying into effect of the principal Act—
- (a) To erect, repair, or improve dwelling houses and other buildings on any land acquired by the council under the principal Act, or to execute any other improvement on or in connection with and for the benefit of any such land, or to arrange with the tenant of any such land for the execution of any such improvement of such terms as may be agreed ;
  - (b) to sell, mortgage, exchange, or let any such land or any interest therein, subject, in the case of any sale, mortgage, or exchange, to the consent of the Board, and in the case of a mortgage subject also to the consent of the Local Government Board ;
  - (c) in a case where no power of appropriation is otherwise provided, with the consent of the Board and the Local Government Board and subject to such conditions as to the repayment of any loan made for the purpose of the acquisition of the land or otherwise as the last-mentioned Board may impose—
    - (i) to appropriate for any purpose for which the council is authorised to acquire land under the principal Act any land held by the council for other purposes of the council; or
    - (ii) to appropriate for other purposes of the council land acquired by the council under the principal Act:
  - (d) generally to manage any land acquired by the council under the principal Act.
- (2) Sections eight and sixteen of the principal Act (which relate respectively to the adaptation of land for small holdings and to the letting of land unsold and to the sale of superfluous or unsuitable land), shall cease to have effect.
- (3) The provisions of the Lands Clauses (Consolidation) Act, 1845, with respect to the sale of superfluous land, shall not apply to land acquired by a council under the principal Act.

## **13 Removal of necessity, for consent of Board after a certain period**

Notwithstanding any provision in the principal Act, the consent of the Board of Agriculture and Fisheries shall not, after the thirty-first day of March, nineteen hundred and twenty-six, be required for the acquisition, sale, mortgage exchange, letting, improvement, or management of land by a county council under the principal Act, except in cases where such consent is required by some enactment other than the principal Act.

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

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#### **14 Extension of term of loans**

- (1) The Public Works Loan Commissioners may lend to a county council any money which the council are authorised to borrow under the principal Act on such terms and conditions as the Treasury may prescribe.
- (2) During the period from the commencement of this section to the expiration of two years after the passing of this Act, the Treasury may issue to the Commissioners out of the Consolidated Fund of the United Kingdom or the growing produce thereof, sums not exceeding in the aggregate twenty million pounds, and the loans made by the Commissioners may be met out of the moneys so issued instead of out of the Local Loans Fund.
- (3) After the expiration of the said two years any loans so-made by the Public Works Loan Commissioners shall be made from the Local Loans Fund in manner provided by the Public Works Loans Act, 1875, as modified by subsection (2) of section fifty-two of the principal Act, except that proviso (a) of that subsection shall not apply, when the loan is made in respect of the acquisition or adaptation of land acquired before the first day of April, nineteen hundred and twenty-six.
- (4) For the purposes of any borrowing under the principal Act by a county council for the erection of buildings, or any loan under this section by the Public Works Loan Commissioners to a county council for that purpose, for the period of fifty years mentioned in section fifty-two of the principal Act there shall be substituted the period of sixty years.
- (5) This section shall be deemed to have had effect as from the first day of April, nineteen hundred and nineteen.

#### **15 Consent of Board to period of borrowing by county councils**

A determination by a county council as to the period-within which any money borrowed for the purpose of the exercise of their powers under this Act shall be repaid shall, if the money is borrowed after the passing of this Act and before the thirty-first day of March, nineteen hundred and twenty-six, be subject to the approval of the Board of Agriculture and Fisheries.

#### **16 Amendment of section 41 of principal Act**

- (1) An order under the principal Act may, notwithstanding anything in section forty-one thereof, authorise the compulsory acquisition—
  - (a) of any land which at the date of the order forms part of any park or of any home farm attached to and usually occupied with a mansion house, if the land is not required for the amenity or convenience of the mansion house ; or
  - (b) of a holding of fifty acres or less in extent or any part of such a holding.
- (2) Where it is proposed to acquire any land forming part of a park or any such home farm, or, except where required for purposes of allotments, a holding of fifty acres or less in extent or of an annual value not exceeding fifty pounds for the purposes of income tax, or any part of such a holding, the order authorising the acquisition of the land shall not be valid unless confirmed or made by the Board of Agriculture and Fisheries.
- (3) A holding to which the preceding subsection applies shall not in whole or in part be compulsorily acquired under the principal Act by the Board or a council where it is

shown to the satisfaction of the Board or the council, as the case may be, that the holding is the principal means of livelihood of the occupier thereof, except where the occupier is a tenant and consents to the acquisition.

**17 Power of county council to acquire land for letting to parish council for allotments**

A county council may acquire land for the purpose of leasing it to the council of a parish within the county for the provision of allotments, and the provisions of the principal Act relating to the acquisition, and to proceedings in relation to the acquisition, of land for the purpose of providing small holdings shall apply to such acquisition as if the land were to be acquired for the provision of small holdings.

**18 Power to advance money to certain tenants of small holdings for purchase of stock, &c**

- (1) Subject to the provisions of any regulations made by the Treasury, a county council may make or guarantee, or undertake to make or guarantee, an advance by way of loan to any tenant or prospective tenant of a small holding provided by the council under the principal Act, of such sums as they think necessary for the purchase of live stock, fruit trees, seeds, fertilisers, and implements required for the purposes of the holding, and the making of such advances shall be included amongst the purposes for which the council may borrow under section fifty-two of the principal Act.
- (2) The Board of Agriculture and Fisheries may make or guarantee, or undertake to make or guarantee, similar advances to tenants of small holdings provided by the Board.
- (3) The powers conferred by this section shall be exercise-able by the council or the Board only where, in the opinion of the council or the Board, as the case may be, the facilities for obtaining advances from a society on a co-operative basis are inadequate.

**19 Power of entry to inspect land**

A council, with a view to ascertaining whether any land is suitable for any purpose for which the council has power to acquire land under the principal Act, may by writing in that behalf authorise any person (upon production, if so required, of his authority), to enter and inspect the land specified in the authority, and anyone who obstructs or impedes any person acting under and in accordance with any such authority shall be liable on summary conviction to a fine not exceeding twenty pounds. .

**20 Provisions as to small holdings of less than one acre**

- (1) Subject to the provisions of this section, a county council may provide a holding of less than one acre if it is not less than half an acre and has a cottage erected thereon, and such a holding shall be deemed to be a small holding for the purposes of the principal Act.
- (2) As respects holdings to which this section relates provided by a county council during such period after the passing of this Act as may be specified by the Board of Agriculture and Fisheries with the consent of the Treasury, the county council shall keep separate accounts of all receipts and expenditure in respect thereof, and at the end of each financial year ending on the thirty-first day of March the excess of the expenditure over the receipts or of the receipts over the expenditure during that year

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shall be paid to the county council by the local authority, for the purposes of Part III. of the Housing of the Working Classes Act, 1890, of the district in which the holdings are situate, or to that authority by the county council, as the case may be, and any amount so paid or received by the local authority shall be treated as if it was expenditure or receipts of the authority in carrying out a scheme for the exercise of their powers under that Part approved by the Local Government Board.

- (3) As respects holdings to which this section relates provided by a county council after the expiration of the period so specified, the local authority, for the purposes of Part III. of the Housing of the Working Classes Act, 1890, of the district" in which the holdings are situate may contribute or agree to contribute to the expenses of providing such holdings, and any sums so payable to the county council by the local authority shall be treated as expenses of the local authority under Part III. of that Act.
- (4) Any question as to the amount payable to or by a local authority under this section may be determined by the Local Government Board.
- (5) Any receipts and expenditure of the council of a county borough in respect of the provision of holdings to which this section relates shall be treated as if they were receipts and expenditure of the council in carrying out such a scheme as aforesaid.

## **21 Provisions as to allotments**

- (1) The council of any borough, urban district or parish may purchase any fruit trees, seeds, plants, fertilizers or implements required for the purposes of allotments cultivated as gardens, whether provided by the council or otherwise, and sell any article so purchased to the cultivators, or, in the case of implements, allow their use, at a price or charge sufficient to cover the cost of purchase.
- (2) The powers conferred by the preceding subsection shall be exercisable by a council only where in the opinion of the council the facilities for the purchase or hire of the articles therein referred to from a society on a co-operative basis are inadequate.
- (3) Rules made by a council under section twenty-eight of the principal Act, shall, unless otherwise expressly provided, apply to an allotment, though held under a tenancy made before the rules come into operation.
- (4) Any person who by any act done without lawful authority or by negligence causes damage to any crops growing on an allotment cultivated as a garden, shall be liable on summary conviction to a penalty not exceeding five pounds, but this provision shall not apply unless notice of the provision is conspicuously displayed on or near the allotment.
- (5) Stamp duty shall not be payable on any lease or agreement for the letting of any allotment or garden, whether provided under the principal Act or otherwise, or on any duplicate or counterpart of any such lease or agreement where the rent does not exceed ten shillings per annum and no premium is paid.

## **22 Power of appropriation of land**

- (1) A council of a borough, urban district, or parish may, in a case where no power of appropriation is otherwise provided, with the consent of the Board of Agriculture and Fisheries and the Local Government Board, and subject to such conditions as to the repayment of any loan obtained for the purpose of the acquisition of land or otherwise as the last-mentioned Board may impose,—

- (a) appropriate for the purpose of allotments any land held by the council for other purposes of the council; or
  - (b) appropriate for other purposes of the council land acquired by the council for allotments.
- (2) This section shall apply, in the county of London, to the council of the county and to any metropolitan borough council.

### **23 Agreements as to compensation where land is let for provision of allotments**

Where land is let for the provision of allotments either to a council under the principal Act or to an association formed for the purpose of creating or promoting the creation of allotments, the right of the council or association to claim compensation from the landlord on the determination of the tenancy shall be subject to the terms of the contract of tenancy, notwithstanding the provision of any Act to the contrary:

Provided that this section shall not prejudice or affect any right on the part of a person holding under a tenancy granted by the council or association to claim compensation from the council or association on the determination of his tenancy.

### **24 Power of metropolitan boroughs as to allotments**

The powers as to allotments conferred on borough councils by the principal Act may be exercised by a metropolitan borough council, and the expenses so incurred by a council shall be defrayed, and money for such purpose may be borrowed, under and in accordance with the provisions of the Public Health (London) Act, 1891, as if such expenses were incurred by the council under that Act.

### **25 Minor amendments of principal Act**

- (1) The provisions of the principal Act specified in the first column of the Second Schedule to this Act shall be amended in the manner specified in the second column of that schedule.
- (2) Subsection (2) of section twenty-seven of the principal Act is hereby repealed.