



Small Holdings Act 1892

1892 CHAPTER 31

PART III

SUPPLEMENTAL

18 Restrictions on powers of council

- (1) A county council shall not acquire land under this Act save at such price that, in the opinion of the council, all expenses incurred by the council in relation to the land will be recouped out of the purchase money for the land sold by the council, or in the case of land let out of the rent, and shall fix the purchase money or rent at such reasonable amount as will, in their opinion, guard them against loss.
- (2) A county council shall not take any proceedings under this Act whereby the charge for the time being on the county rate, for the purposes of this Act, including the annual payments in respect of the loans raised for those purposes, is, in the opinion of the council, likely to exceed in any one year the amount produced by a rate of a penny in the pound, and, where the said charge at any time is equal or nearly equal to that amount, no further land shall be purchased in pursuance of this Act, until the charge has been decreased so as to admit of the further purchase without the charge exceeding the said amount.

19 Borrowing powers and expenses

- (1) A county council may borrow money for the purposes of this Act in accordance with the Local Government Act, 1888, or, if the council of a county borough, with the Public Health Act, 1875, except that any money so borrowed shall, notwithstanding anything in either of those Acts, be repaid within such period not exceeding fifty years, as the council, with the consent of the Local Government Board, determine in each case. Provided that money borrowed under this Act shall not be reckoned as part of the total debt of a county for the purpose of section sixty-nine, sub-section two, of the Local Government Act, 1888.

Status: This is the original version (as it was originally enacted).

- (2) The Public Works Loan Commissioners may, in manner provided by the Public Works Loans Act, 1875, lend any money which may be borrowed by a county council for the purposes of this Act.
- (3) Every loan by the Public Works Loan Commissioners in pursuance of this Act shall bear such rate of interest not less than three pounds two shillings and sixpence per cent. per annum, as the Treasury may authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer.
- (4) Any capital money received by a county council in payment or discharge of purchase money for land sold by them, or in repayment of an advance made by them, shall be applied, with the sanction of the Local Government Board, either in repayment of debt or for any other purpose for which capital money may be applied.
- (5) The expenses incurred by the council of a county borough under this Act shall be defrayed out of the borough fund or borough rate, and any money borrowed by such a council shall be borrowed on the security of the borough fund or borough rate.

20 Definitions

For the purposes of this Act—

The expressions "agriculture" and "cultivation" shall include horticulture and the use of land for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry or bees, and the growth of fruit, vegetables, and the like :

The expression "county" shall mean the area under the authority of a county council:

The expression "county council" shall include the council of a county borough, and the expression "electoral division" in its application to a county borough divided into wards shall mean ward, and in its application to a county borough the expression "county rate" shall mean the borough rate or borough fund:

The expression "county elector" shall include "burgess."

In this Act, and in the enactments incorporated with this Act, the expression "land" shall include any right or easement in or over land.

21 Modifications of Act and application to Scotland

In the application of this Act to Scotland—

- (1) A reference to any sections of the Lands Clauses Consolidation Act, 1845, shall be construed as a reference to the corresponding sections of the Lands Clauses Consolidation (Scotland) Act, 1845 :
- (2) A reference to the Local Government Act, 1888, shall be construed as a reference to the Local Government (Scotland) Act, 1889:
- (3) The Secretary for Scotland shall be substituted for the Local Government Board:
- (4) The expression "county rate" shall mean the general purposes rate leviable by a county council:
- (5) The expression "devise" shall mean mortis causa disposition:

- (6) The expression " easement" shall mean servitude:
- (7) The references to county boroughs shall not apply :
- (8) The expression " county elector" shall have the same meaning as in the Local Government (Scotland) Act, 1889.

22 Modifications with respect to regulations as to purchase money in Scotland

With respect to the unpaid purchase money for a small holding under this Act, the following provisions shall have effect in Scotland in lieu of sub-sections four and five of section six of this Act:—

- (1) A portion, representing not more than one fourth of the purchase money, may, if the county council think fit, be converted into a perpetual rentcharge which shall be a real burden affecting the holding, redeemable at any time at the option of the purchaser in accordance with tables fixed by the county council, and the certificate of the county clerk that the redemption money has been paid shall, without any other instrument, operate as an extinction of the rentcharge, and the registration of such certificate in the register of sasines shall be equivalent to the registration of a discharge of the said rentcharge:
- (2) The residue (if any) of the purchase money shall be secured by a bond which shall be a charge on the holding in favour of the county council, and shall either be repaid by half-yearly instalments of principal with such interest and within such term not exceeding fifty years from the date of the sale as may be agreed on with the council, or shall, if the purchaser so requires, be repaid with such interest and within such term by a terminable annuity payable by half-yearly instalments. The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed in accordance with tables fixed by the county council. A certificate by the county clerk that the whole of the said residue has been paid, or that such terminable annuity has been redeemed, shall, without any other instrument, operate as a discharge of the said residue and extinction of the said terminable annuity, as the case may be, and the registration of such certificate in the register of sasines shall be equivalent to the registration of a discharge of the said bond.

23 Modifications as to preparation, &c. of titles, &c. connected with small holdings in Scotland

In Scotland the county council shall cause to be prepared and duly registered all deeds, writs, and instruments, necessary for completing the title of the purchaser of a small holding, and for securing the payment of any unpaid purchase money, and shall include in the purchase money the cost so incurred, or to be incurred, according to scales set forth in tables fixed by the county council.

Provided that—

- (1) the county council, if they think fit, may appoint a person duly qualified (in the opinion of the sheriff) to carry out the provisions of this section, and shall assign to him such salary or other remuneration as they may determine; and
- (2) the county council shall not be liable for any expenses incurred by the purchaser of a small holding for legal or other advice or assistance rendered to him on his own employment.

Sections ten, twelve, and thirteen of this Act shall not apply to Scotland.

24 Modifications as regards management of holdings in Scotland

A committee of a county council appointed under this Act with respect to the adaptation of land for small holdings, and the sale, letting, and management of the holdings, shall, in Scotland, consist of—

The county councillor representing the electoral division in which the holdings are situate; and

Two other members of the county council ; and

Two persons elected triennially by the county electors in the electoral division aforesaid, in accordance with such regulations as the Secretary for Scotland may from time to time prescribe, whether preliminary or incidental to such election, and for applying to such election any enactments as to offences at the election of county councillors, and for supplying casual vacancies on the committee; or

If the holdings are situate within the limits of any burgh, then, instead of the persons elected as aforesaid, two town councillors or commissioners, as the case may be, to be appointed for that purpose by the town council or commissioners of such burgh.

25 Extent of Act

This Act shall not apply to Ireland.

26 Commencement of Act

This Act shall come into operation on the first day of October, one thousand eight hundred and ninety-two.

27 Short title

This Act may be cited as the Small Holdings Act, 1892.