



# Allotments (Scotland) Act 1892

1892 CHAPTER 54 55 and 56 Vict

An Act to facilitate the provision of allotments for the labouring classes in Scotland. [28th June 1892]

## Modifications etc. (not altering text)

- C1 Act applied by [Agricultural Land \(Utilisation\) Act 1931 \(c. 41\), ss. 13, 19, 24\(c\)](#); excluded by [Acquisition of Land \(Authorisation Procedure\) \(Scotland\) Act 1947 \(c. 42\), s. 1\(4\)](#); restricted by [Allotments \(Scotland\) Act 1950 \(c. 38\), s. 9](#)
- C2 Certain provisions of this Act as to compensation excluded by [Opencast Coal Act 1958 \(c. 69\), s. 41, Sch. 8 paras. 3\(1\), 10\(b\)](#)
- C3 The expression "allotment" explained by [Allotments \(Scotland\) Act 1922 \(c. 52\), s. 19](#)
- C4 Functions of certain parish councils under this Act now exercisable by district councils: [Local Government \(Scotland\) Act 1929 \(c. 25\), s. 1\(2\)\(c\)](#)
- C5 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C6 Functions of local authorities under this Act exercisable by islands and district councils; [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\), s. 140](#)

## Commencement Information

- I1 Act wholly in force at Royal Assent

## 1 Short title.

This Act may be cited as the Allotments (Scotland) Act, 1892.

## 2 Duty of local authority to acquire land for allotments.

- (1) On a representation in writing to the local authority . . . <sup>F1</sup>by any six registered parliamentary electors or ratepayers resident, in [<sup>F2</sup>their area], that the circumstances of [<sup>F2</sup>the area] are such that it is the duty of the local authority to take proceedings under this Act therein, the local authority shall take such representation into consideration.

If the local authority . . . <sup>F1</sup> are of opinion, either after inquiry made in consequence of such representation or otherwise, that there is a demand for allotments . . . <sup>F3</sup>in [<sup>F2</sup>their area] . . . <sup>F4</sup> the local authority, subject to the provisions of this Act, shall by

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purchase or leasing acquire any suitable land which may be available, whether within or without [<sup>F2</sup>their area], adequate to provide a sufficient number of allotments, and shall let such land in allotments to persons . . . <sup>F3</sup> resident in [<sup>F2</sup>their area]and desiring to take the same.

(2) . . . . . <sup>F5</sup>

#### Textual Amendments

- F1** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 237(1), **Sch. 29**
- F2** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:1\)](#), s. 214(2), **Sch. 27 Pt. II para. 16**
- F3** Words repealed by [Land Settlement \(Scotland\) Act 1919 \(c. 97\)](#), **Sch. 4**
- F4** Words repealed by [Allotments \(Scotland\) Act 1922 \(c. 52\)](#), **Sch. 1**
- F5** [Ss. 2\(2\), 7\(1\)](#), and 12 repealed by [Allotments \(Scotland\) Act 1922 \(c. 52\)](#), **Sch. 1**

### 3 Acquisition of land for purposes of Act.

(1) . . . . . <sup>F6</sup>

(2) . . . . . <sup>F7</sup>

(5) Where land is purchased by a local authority under this Act otherwise than by agreement, the following provisions shall apply:

- (a) The [<sup>F8</sup>Board of Agriculture for Scotland] shall not make [<sup>F8</sup>an order] for purchasing any park, garden, pleasure-ground, or other land required for the amenity or convenience of any dwelling-house, or any land the property of a railway or canal company which is or may be required for the purposes of their undertaking:
- (b) The [<sup>F8</sup>Board of Agriculture for Scotland] shall, in making [<sup>F8</sup>an order] for purchasing land, have regard to the extent of land held in the neighbourhood by any owner and to the convenience of other property belonging to the same owner, and shall so far as is practicable avoid taking an undue or inconvenient quantity of land from any one owner.

(6) For the purpose of the letting of land by a local authority for allotments, any person or body of persons or body corporate authorised to sell land to the local authority for the purposes of this Act may, without prejudice to any other power of leasing, lease land to the local authority, for a term not exceeding thirty-five years.

(7) The [<sup>F8</sup>Board of Agriculture for Scotland] shall not make [<sup>F8</sup>an order] for purchasing any right to coal or metalliferous ore.

#### Textual Amendments

- F6** [Ss. 3\(1\), 11](#) repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), **Sch. 14**
- F7** [Ss. 3\(2\)–\(4\), 4, 7\(2\), 10](#), and 13 repealed by [Land Settlement \(Scotland\) Act 1919 \(c. 97\)](#), **Sch. 4**
- F8** Words substituted by [Land Settlement \(Scotland\) Act 1919 \(c. 97\)](#), **Sch. 3**

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**Modifications etc. (not altering text)**

- C7 Functions of Board of Agriculture for Scotland now exercisable by Secretary of State: [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. I](#) and [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\), s. I](#)

4 ..... F9

**Textual Amendments**

- F9 Ss. 3(2)–(4), 4, 7(2), 10, and 13 repealed by [Land Settlement \(Scotland\) Act 1919 \(c. 97\), Sch. 4](#)

**5 Improvement and adaptation of land for allotments.**

The local authority may improve any land acquired by them under this Act, and adapt the same for letting in allotments, by draining, fencing, and dividing the same, acquiring approaches, making roads, and otherwise, as they think fit, and may from time to time do such things as may be necessary for maintaining such drains, fences, approaches, and roads, or otherwise for maintaining the allotments in a proper condition.

**6 Management of allotments.**

- (1) Subject to the provisions of this Act, the local authority may from time to time make, revoke, and vary such regulations as appear to be necessary or proper for regulating the letting of allotments under this Act, and for preventing any undue preference in the letting thereof, and generally for carrying the provisions of this Act into effect; and such regulations may define the persons eligible to be tenants of such allotments, and the notices to be given for the letting thereof, and the size of the allotments, and the conditions under which they are to be cultivated, and the rent to be paid for them. Provided that all such regulations shall make provision for reasonable notice to be given to a tenant of any allotment of the determination of his tenancy. Provided also, that all regulations made under this section shall not be of any force unless and until they have been confirmed by the Secretary for Scotland, after such publication and inquiry, and with such modifications (if any) as the said Secretary shall determine.
- (2) All regulations for the time being in force under this section shall be binding on all persons whatsoever; and the local authority shall cause them to be from time to time made known, in such manner as the local authority think fit, to all persons interested, and shall cause a copy thereof to be given gratis to any inhabitant of <sup>F10</sup>their area]demanding the same.
- (3) Subject to the provisions of this Act, the local authority may from time to time appoint, and when appointed remove, allotment managers of land acquired under this Act for allotments, and such allotment managers shall consist either partly of members of such authority and partly of other persons, or wholly of other persons, so that in either case such other persons be persons residing in the locality and contributing to the rate or assessment out of which the expenses under this Act are paid.
- (4) The proceedings and powers of allotment managers shall be such as, subject to the provisions of this Act, may be prescribed from time to time by the local authority;

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the allotment managers may be empowered by the local authority to do anything in relation to the management of such allotments which the local authority are authorised to do, and to incur expenses to such amount as the local authority prescribe, and any expenses properly so incurred shall be deemed to be expenses of the local authority under this Act.

#### Textual Amendments

**F10** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 214(2), **Sch. 27 Pt. II para. 17**

#### Modifications etc. (not altering text)

**C8** Functions of Secretary for Scotland now exercisable by Secretary of State: [Secretaries of State Act 1926 \(c. 18\)](#), s. 1

## 7 Provisions as to letting and use of allotments.

- (1) ..... **F11**
- (2) ..... **F12**
- (3) One person shall not hold any allotment or allotments acquired under this Act exceeding one acre, and an allotment shall not be sub-let.
- (4) Provided that if at any time any allotment cannot be let in accordance with the provisions of this Act and the regulations, the same may be let to any person whatever at the best annual rent which can be obtained for the same, and on such terms as may enable the local authority to resume possession thereof within a period not exceeding twelve months if it should at any time be required to be let under the provisions aforesaid.
- (5) No building other than a toolhouse, shed, greenhouse, fowlhouse, or pigsty shall be erected on any part of any allotment and if any building other than as aforesaid is so erected, the local authority shall forthwith pull down such building and sell and dispose of the materials thereof, and the proceeds of the sale shall be applicable in like manner as the rent of the allotment. If any building so allowed to be erected is erected upon an allotment, then at the end of the tenancy neither the local authority nor the incoming tenant shall be bound to take any such building or pay any compensation therefor, but the outgoing tenant shall be at liberty, before the expiration of his tenancy, to remove the same, and, if he fails so to do, the local authority may, after such expiration, pull down the building and dispose of the materials, and apply the proceeds in like manner as if it were a building prohibited to be erected.
- (6) A tenant of an allotment may, before the expiration of his tenancy, remove any fruit and other trees and bushes planted or acquired by him, for which he has no claim for compensation.

#### Textual Amendments

**F11** Ss. 2(2), 7(1), and 12 repealed by [Allotments \(Scotland\) Act 1922 \(c. 52\)](#), **Sch. 1**

**F12** Ss. 3(2)–(4), 4, 7(2), 10, and 13 repealed by [Land Settlement \(Scotland\) Act 1919 \(c. 97\)](#), **Sch. 4**

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**Modifications etc. (not altering text)**

- C9** S. 7(3) amended by Allotments (Scotland) Act 1922 (c. 52), ss. 6(1)(a), 19(2)
- C10** S. 7(5) amended by Allotments (Scotland) Act 1922 (c. 52), s. 6(1)(b)

**8 Recovery of rent and possession of allotments.**

- (1) The rent for an allotment let in pursuance of this Act, and the possession of such allotment in the case of any warning to remove, or failure to deliver up possession of the same as required by law, may be recovered by the local authority as landlords, in the like manner as in any other case of landlord and tenant.
- (2) If the rent for any allotment is in arrear for not less than forty days, or if it appears to the local authority that the tenant of an allotment not less than three months after the commencement of the tenancy thereof has not duly observed the regulations affecting such allotment made by or in pursuance of this Act, or is resident more than one mile out of [<sup>F13</sup>their area], the local authority may serve upon the tenant, or if he is residing out of [<sup>F13</sup>their area], leave at his last known place of abode in [<sup>F13</sup>their area], or fix in some conspicuous manner on the allotment, a written notice determining the tenancy at the expiration of one month after the notice has been so served or affixed, and thereupon such tenancy shall be determined accordingly: Provided that in every such case the local authority in default of agreement between the incoming and outgoing tenant shall on demand pay to the tenant whose tenancy is so determined any compensation due to him as an outgoing tenant; and such compensation shall be assessed by an arbiter appointed by the local authority, or, if the tenant so elect, by a reference under the <sup>M1</sup>Agricultural Holdings (Scotland) Act, 1883.
- (3) Upon the ejectment of any tenant from an allotment, the court ordering the ejectment may stay proceedings until payment of the compensation, if any, due to the outgoing tenant has been made or secured to the satisfaction of the court.

**Textual Amendments**

- F13** Words substituted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), s. 214(2), Sch. 27 Pt. II para. 18

**Marginal Citations**

- M1** 1883 c. 62.

9 ..... F14

**Textual Amendments**

- F14** S. 9 repealed by Local Government (Scotland) Act 1894 (c. 58), Sch. 1

10 ..... F15

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**Textual Amendments**

**F15** Ss. 3(2)–(4), 4, 7(2), 10, and 13 repealed by [Land Settlement \(Scotland\) Act 1919 \(c. 97\)](#), **Sch. 4**

**11** ..... **F16**

**Textual Amendments**

**F16** Ss. 3(1), 11 repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), **Sch. 14**

**12** ..... **F17**

**Textual Amendments**

**F17** Ss. 2(2), 7(1), and 12 repealed by [Allotments \(Scotland\) Act 1922 \(c. 52\)](#), **Sch. 1**

**13** ..... **F18**

**Textual Amendments**

**F18** Ss. 3(2)–(4), 4, 7(2), 10, and 13 repealed by [Land Settlement \(Scotland\) Act 1919 \(c. 97\)](#), **Sch. 4**

**14 Register of tenancies.**

The local authority shall cause a register to be kept showing the particulars of the tenancy, acreage, and rent of every allotment let, and of the unlet allotments, and such register shall be open to the examination of ratepayers in [<sup>F19</sup>their area], as the case may be, in such manner as may be prescribed by the regulations made under this Act by the local authority, and any ratepayer of [<sup>F19</sup>such area], without paying any fee, may take copies of or extracts from such register, and within one month after the fifteenth day of May in every year the local authority shall cause an annual statement showing their receipts and expenditure under this Act in respect of the year ending on that day, and their liabilities outstanding on that day, to be deposited at some convenient place in the [<sup>F19</sup>area] to which the statement relates, and any ratepayer may without fee inspect and take copies of such statement.

**Textual Amendments**

**F19** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 214(2), **Sch. 27 Pt. II para. 19**

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**15 Use of schoolroom, &c. free of charge.**

Any room in a school receiving a grant out of moneys provided by Parliament may, except during ordinary school hours, and any room the expense of maintaining which is payable out of any rate or assessment . . . <sup>F20</sup>other than the school rate may, be used free of charge for the purpose of an election of allotment managers or an inquiry under this Act, or for the purposes of this Act by the local authority or any committee thereof, or, in the case of a school as aforesaid, with the consent of any two members of the school board or managers, as the case may be, for the purpose of holding public meetings to discuss any question relating to allotments under this Act, but any damage done to the room and any expense incurred by the person or persons having control over the room on account of its being so used shall be paid by the local authority or by the persons calling the meeting, as the case may be.

Nothing in this section shall give any right to hold a public meeting in a schoolroom (a) unless not less than six days before the meeting a notice of the intention to hold the meeting on the day and at the time specified in the notice, signed by the persons calling the meeting, being not less than six in number, and being persons qualified to make a representation to the local authority under this Act, has been given, if the school is under a school board, to the clerk of the board, and in any other case to one of the managers of the school; nor (b) if the use of the schoolroom on the said day and at the said time has previously to the receipt of the notice of the meeting been granted for some other purpose; but in the last mentioned case the clerk or manager, or some one on his behalf, shall forthwith after the receipt of the notice, inform in writing one of the persons signing it that the use of the school has been so granted for some other purpose, and name some other day on which the schoolroom can be used for the meeting.

If the persons calling the meeting fail to obtain the use of a schoolroom under this section, they may appeal to the local authority under this Act, and the local authority shall forthwith decide the appeal and make such order respecting the use of the room as seems just.

**Textual Amendments**

**F20** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 237(1), [Sch. 29](#)

**16 Definitions.**

In this Act, unless the context otherwise requires—

The expression “local authority” shall mean, [<sup>F21</sup>an islands or a district council]:

- ..... <sup>F22</sup>
- ..... <sup>F23</sup>
- ..... <sup>F23</sup>

The expression “land” includes pasture, arable, and other land, and any right of way or servitude.

The expression “Public Health (Scotland) Acts” means the <sup>M2</sup>Public Health (Scotland) Act, 1867, and any Act amending the same.

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#### **Textual Amendments**

- F21** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 214(2), **Sch. 27 Pt. II para. 20**
- F22** Definition of “allotment” repealed by [Allotments \(Scotland\) Act 1922 \(c. 52\)](#), **Sch. 1**
- F23** Definitions of “burgh”, “county”, “county elector”, “district” and “district committee” repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 237(1), **Sch. 29**

#### **Modifications etc. (not altering text)**

- C11** Functions of commissioners under [Burgh Police \(Scotland\) Act 1892 \(c. 55\)](#) now exercisable by town council, [Town Councils \(Scotland\) Act 1900 \(c. 49\)](#), **s. 8**

#### **Marginal Citations**

- M2** [1867 c. 101](#).

## **17 Extent of Act.**

This Act shall apply to Scotland only.



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