



# Small Holdings and Allotments Act 1908

1908 CHAPTER 36 8 Edw 7

## PART III

### GENERAL

#### *Acquisition of Land*

#### **38 Purchase of land by agreement.**

For the purpose of the purchase of land by agreement under this Act by a council, [<sup>F1</sup>the provisions of Part I of the <sup>M1</sup>Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10, subsections (1) to (5) of section 23, and section 31, shall apply] and section one hundred and seventy-eight of the <sup>M2</sup>Public Health Act, 1875, shall apply as if the council were referred to therein.

#### **Textual Amendments**

**F1** Words substituted by [Compulsory Purchase Act 1965 \(c. 56\), s. 38\(2\), Sch. 6](#)

#### **Marginal Citations**

**M1** [1965 c. 56.](#)

**M2** [1875 c. 55.](#)

#### **39 Procedure for compulsory acquisition of land.**

- (1) Where a council propose to purchase land compulsorily under this Act, the council may [<sup>F2</sup>be authorised so to do by the Minister of Agriculture and Fisheries].
- (2) Where a council propose to hire land compulsorily, the council may submit to the Board an order for the compulsory hiring of the land specified in the order for a period not less than fourteen nor more than thirty-five years, and the provisions of Part I. of the First Schedule to this Act shall apply to the order in like manner as it applies to an

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order for compulsory purchase, with the substitution of “hiring” for “purchase”, and with the modifications set out in Part II. of that Schedule.

- (3) An order under [F<sup>2</sup>the last foregoing subsection] shall be of no force unless and until it is confirmed by the Board, and the Board may, subject to the provisions of the First Schedule to this Act, confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall become final . . . F<sup>3</sup>; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.
- (4) An order [F<sup>2</sup>for the compulsory purchase or hiring of land under this Act] may provide for the continuance of any existing easement or the creation of any new easement over the land authorised to be acquired, and every such order shall, if so required by the owner of the land to be acquired, provide for the creation of such new easements as are reasonably necessary to secure the continued use and enjoyment by such owner and his tenants of all means of access, drainage, water supply, and other similar conveniences theretofore used or enjoyed by them over the land to be acquired: Provided that, notwithstanding anything contained in this subsection, no new easement created by or in pursuance of the order over land hired by a council shall continue beyond the determination of such hiring.
- (5) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase or hiring being compulsory.
- (6) Where land authorised to be compulsorily hired by an order under this section is subject to a mortgage, any lease made in pursuance of the order by the mortgagor or mortgagee in possession shall have the like effect as if it were a lease authorised by section eighteen of the <sup>M3</sup>Conveyancing and Law of Property Act, 1881.
- (7) Where the council proposing to acquire land compulsorily is a parish council, the council shall, instead of themselves making and submitting to the Board the order, represent the case to the [F<sup>4</sup>district]council, and thereupon the [F<sup>4</sup>district]council may, on behalf of the parish council, exercise the powers in relation to compulsory purchase or hiring conferred on councils by this Act, and the order shall be carried into effect by the [F<sup>4</sup>district]council, but the land shall be assured or demised to the parish council, and all expenses incurred by the [F<sup>4</sup>district]council shall be paid by the parish council:
- Provided that, if the parish council are aggrieved by the refusal of the [F<sup>4</sup>district]council to proceed under this section, the parish council may petition the Board, and thereupon the Board, after such inquiry as they think fit, may make such an order as the [F<sup>4</sup>district]council might have made, and this subsection shall apply as if the order had been made by the [F<sup>4</sup>district]council.
- (8) If, after the determination of the amount of the compensation (including in the case of land hired compulsorily the rent) to be paid to any person in respect of his interest in the land proposed to be compulsorily acquired, it appears to the council that the land cannot be let for small holdings or allotments, as the case may be, at such a rent as will secure the council from loss, the council may at any time within six weeks after the determination of the amount by notice in writing withdraw any notice to treat served on that person or on any other person interested in the land, and in such case any person on whom such a notice of withdrawal has been served 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 treat and of the notice

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of withdrawal, and the amount of such compensation shall in default of agreement, be determined by arbitration: . . . . .<sup>F5</sup>

**Textual Amendments**

- F2** Words substituted by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), **Sch. 4**
- F3** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. XII**
- F4** Word substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), s. 251(2), **Sch. 29 para. 9(4)**
- F5** Proviso repealed by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), Sch. 2

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

- C1** Style and title of Minister of Agriculture and Fisheries now changed to Minister of Agriculture, Fisheries and Food by [S.I. 1955/554](#) (1955 I, p. 1200) and functions of that Minister as to allotments now exercisable by Secretary of State: [S.I. 1965/143](#), 1967/156 and 1970/1681
- C2** [S. 39\(8\)](#) excluded by [Land Settlement \(Facilities\) Act 1919 \(c. 59\)](#), **s. 2(1)**

**Marginal Citations**

- M3** [1881 c. 41](#).

**40 †Powers of certain limited owners to sell and lease land for small holdings or allotments.**

- (1) Any person having power to lease land for agricultural purposes for a limited term, whether subject to any consent or conditions or not, may, subject to the like consent and conditions (if any), lease land to a council for the purposes of . . .<sup>F6</sup> allotments for a term not exceeding thirty-five years, either with or without such right of renewal as is conferred by this Act in the case of land hired compulsorily for those purposes.
- (2) The like powers of leasing may be exercised . . .<sup>F7</sup> in the case of land forming part of the possessions of . . .<sup>F8</sup> the Duchy of Cornwall, by the Duke of Cornwall or other the persons for the time being having power to dispose of land belonging to that Duchy.
- (3) The like powers of leasing may be exercised in the case of glebe land or other land belonging to an ecclesiastical benefice by the incumbent thereof with the consent of the Ecclesiastical Commissioners alone upon such terms and conditions and in such manner as the Ecclesiastical Commissioners may approve.
- (4) . . . . .<sup>F9</sup>
- (5) . . . . .<sup>F9</sup>

**Textual Amendments**

- F6** Words repealed by [Agriculture Act 1970 \(c. 40\)](#), s. 65(1), **Sch. 5 Pt. III**
- F7** Words repealed by [Crown Estate Act 1961 \(c. 55\)](#), **Sch. 3 Pt. II**
- F8** Words repealed by [Duchy of Lancaster Act 1988 \(c. 10, SIF 29:10\)](#), s. 1(4), **Sch.**
- F9** [Ss. 40\(4\)\(5\)](#) repealed by [Settled Land Act 1925 \(c. 18\)](#), **Sch. 5**

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

- C3** A dagger appended to a marginal note means that it is no longer accurate
- C4** [S. 40](#) saved by [Law of Property Act 1922 \(c. 16\)](#), s. 145, **Sch. 15 para. 9**

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#### 41 Restrictions on the acquisition of land.

- (1) No land shall be authorised by an order under this Act to be acquired compulsorily which at the date of the order forms part of any park, garden, or pleasure ground, or forms part of the home farm attached to and usually occupied with a mansion house, or is otherwise required for the amenity or convenience of any dwelling-house, or which is woodland not wholly surrounded by or adjacent to land acquired by a council under this Act . . . <sup>F10</sup>
- (2) A council in making, and the Board in confirming, an order for the compulsory acquisition of land shall have regard to the extent of land held or occupied in the locality by any owner or tenant and to the convenience of other property belonging to or occupied by the same owner or tenant, and shall, so far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner or tenant, and for that purpose, where part only of a holding is taken, shall take into consideration the size and character of the existing agricultural buildings not proposed to be taken which were used in connection with the holding, and the quantity and nature of the land available for occupation therewith, and shall also, so far as practicable, avoid displacing any considerable number of agricultural labourers or others employed on or about the land.
- (3) . . . . . <sup>F11</sup>

##### Textual Amendments

**F10** Words repealed by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), **Sch. 6**

**F11** [Ss. 23\(3\), 27\(2\), 31, 32\(3\), 41\(3\)](#) repealed by [Land Settlement \(Facilities\) Act 1919 \(c. 59\)](#), **Sch. 3**

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

**C5** [S. 41](#) by [Land Settlement \(Facilities\) Act 1919 \(c. 59\)](#), **s. 16** and [Allotments Act 1922 \(c. 51\)](#), **s. 8(2)**

#### 42 Grazing rights, &c., to be attached to small holdings or allotments.

- (1) The powers of a council to acquire land for small holdings or allotments shall, subject to the restrictions by this Act imposed, include power to acquire land for the purpose of [<sup>F12</sup>letting to tenants of small holdings and allotments] rights of grazing and other similar rights over the land so acquired, and to acquire for that purpose stints and other alienable common rights of grazing.
- (2) Any rights created or acquired by the council under this section shall be [<sup>F12</sup>let to tenants of] small holdings or allotments in such manner and subject to such regulations as the council think expedient.
- (3) Where any right of grazing, sheepwalk, or other similar right is attached to land acquired by a county council for the purposes of small holdings, the council may attach any share of the right to any small holding in such manner and subject to such regulations as they think expedient.

##### Textual Amendments

**F12** Words substituted by [Land Settlement \(Facilities\) Act 1919 \(c. 59\)](#), **Sch. 2**

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#### **43 Compensation for loss of employment by labourers.**

Where a labourer, who has been regularly employed on any land acquired by a county council for small holdings, proves to the satisfaction of the county council that the effect of the acquisition was to deprive him of his employment, and that there was no employment of an equally beneficial character available to him in the same locality, the county council [<sup>F13</sup>shall] pay to him such compensation as they think just for his loss of employment or for his expenses in moving to another locality, and any sum so paid shall be treated as part of the expenses of the acquisition of the land.

##### **Textual Amendments**

**F13** Words substituted by [Land Settlement \(Facilities\) Act 1919 \(c. 59\), Sch. 2](#)

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

**C6** [S. 43](#) excluded by [Agricultural Land \(Utilisation\) Act 1931 \(c. 41\), s. 21\(2\)](#)

#### *Provisions affecting Land acquired*

#### **44 Power of council to renew tenancy of land compulsorily hired.**

- (1) Where a council has hired land compulsorily for small holdings or allotments, the council may, by giving to the landlord not more than two years nor less than one year before the expiration of the tenancy notice in writing, renew the tenancy for such term, not being less than fourteen nor more than thirty-five years, as may be specified in the notice, and at such rent as, in default of agreement, may be determined by valuation by a valuer appointed by the Board, but otherwise on the same terms and conditions as the original lease, and so from time to time:

Provided that, if on any such notice being given, the landlord proves to the satisfaction of the Board that any land included in the tenancy is required for the amenity or convenience of any dwelling-house, then such land shall be excluded from the renewed tenancy.

- (2) In assessing the rent to be paid under this section the valuer shall not take into account any increase in the value of the holding—
- (a) due to improvements in respect of which the council would have been entitled to compensation, if instead of renewing the tenancy the council had quitted the land on the determination of the tenancy; or
  - (b) due to any use to which the land might otherwise be put during the renewed term, being a use in respect of which the landlord is entitled to resume possession of the land under this Act; or
  - (c) due to the establishment by the council of other small holdings or allotments in the neighbourhood,

or any depreciation in the value of the land in respect of which the landlord would have been entitled to compensation if the council had so quitted the land as aforesaid.

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

**C7** [S. 44](#) saved by [Law of Property Act 1922 \(c. 16\), Sch. 15, para. 9](#); amended by [Small Holdings and Allotments Act 1926 \(c. 52\), s. 18\(1\)](#)

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**45 Interchange of land for small holdings and allotments.**

A county council may sell or let to a borough, urban district, or parish council for the purpose of allotments any land acquired by them for small holdings, and a borough, urban district, or parish council may sell or let to the county council for the purpose of small holdings any land acquired by them for allotments . . . . .<sup>F14</sup>

**Textual Amendments**  
**F14** Words repealed by Land Settlement(Facilities) Act 1919 (c. 59), Sch.3

**46 Power to resume possession of land hired compulsorily.**

(1) Where land has been hired by a council compulsorily for small holdings or allotments, and the land or any part thereof at any time during the tenancy thereof by the council is shown to the satisfaction of the Board to be required by the landlord to be used for building, mining, or other industrial purposes, or for roads necessary therefor, it shall be lawful for the landlord to resume possession of the land or part thereof upon giving to the council twelve months’ previous notice in writing of his intention so to do [<sup>F15</sup>or such shorter notice as may be required by the order for the compulsory hiring of the land]; and, if a part only of the land is resumed, the rent payable by the council shall as from the date of resumption be reduced by such sum as in default of agreement may be determined by valuation by a valuer appointed by the Board.

(2) . . . . .<sup>F16</sup>

**Textual Amendments**  
**F15** Words inserted by Land Settlement(Facilities) Act 1919 (c. 59), Sch.2  
**F16** Ss. 1–22, 46(2), 55, 56, 58(2) repealed by Small Holdings and Allotments Act 1926 (c. 52), Sch. 2

**Modifications etc. (not altering text)**  
**C8** S. 46 amended by Small Holdings and Allotments Act 1926 (c. 52), s. 18(2)

**47 Compensation for improvements.**

(1) Where a council has let a small holding or allotment to any tenant, the tenant shall as against the council have the same rights with respect to compensation for the improvements mentioned in Part I. of the Second Schedule to this Act as he would have had if the holding had been a holding to which [<sup>F17</sup>subsections (2) to (5) of section 79 of the Agricultural Holdings Act 1986], applied:

Provided that the tenant shall not be entitled to compensation in respect of any such improvement if executed contrary to an express prohibition in writing by the council affecting either the whole or any part of the holding or allotment; . . .<sup>F18</sup>

(2) Where land has been hired by a council for small holdings or allotments, the council shall (subject [<sup>F19F20</sup>to any provision to the contrary in the agreement or order for hiring]) be entitled at the determination of the tenancy on quitting the land to compensation under the [<sup>F21</sup>Agricultural Holdings Act 1986], for any improvement mentioned in Part I. of the Second Schedule to this Act, and for any improvement mentioned in Part II. of that Schedule which was necessary or proper to adapt

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the land for small holdings or allotments, as if the land were a holding to which [F<sup>21</sup>subsections (2) to (5) of section 79 of the Agricultural Holdings Act 1986], applied, and the improvements mentioned in Part II. of the said Schedule were improvements mentioned in [F<sup>21</sup>Schedule 8 to the Agricultural Holdings Act 1986]:

Provided that, in the case of land hired compulsorily, the amount of the compensation payable to the council for those improvements shall be such sum as fairly represents the increase (if any) in the value to the landlord and his successors in title of the holding due to those improvements.

- (3) The tenant of an allotment to which Part II. of this Act applies may, if he so elects, claim compensation for improvements under the <sup>M4</sup>Allotments and Cottage Gardens Compensation for Crops Act, 1887, instead of under the [F<sup>22</sup>Agricultural Holdings Act 1986], as amended by this section, notwithstanding that the allotment exceeds two acres in extent.
- (4) A tenant of any small holding or 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, and may remove any toolhouse, shed, greenhouse, fowl-house, or pigsty built or acquired by him for which he has no claim for compensation.

#### Textual Amendments

- F17** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 1(1)(2)**
- F18** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), ss. 1(5), 194, **Sch. 5 para. 1(c)**, Sch. 34 Pt. V
- F19** Words repealed by [Land Settlement\(Facilities\) Act 1919 \(c. 59\)](#), Sch.3
- F20** Words inserted by [Land Settlement\(Facilities\) Act 1919 \(c. 59\)](#), Sch.2
- F21** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 1(3)**
- F22** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 1(4)**

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

- C9** [S. 47](#) applied by [Opencast Coal Act 1958 \(c. 69\)](#), s. 41, **Sch. 8 para. 3(2)-(4)** (4)

#### Marginal Citations

- M4** [1887 c. 26](#).

## 48 Provisions as to glebe lands.

In the case of glebe land or other land belonging to an ecclesiastical benefice hired by a council for the purposes of . . . <sup>F23</sup> allotments—

- (1) The provisions of the <sup>M5</sup>Ecclesiastical Dilapidations Act, 1871, shall not during the continuance of the tenancy be applicable to the buildings upon the land:
- (2) At the determination of the tenancy, on the council quitting the land, or at any time within twelve months thereafter, the incumbent of the benefice to which the land belongs may apply to the Ecclesiastical Commissioners for their consent to the removal of any buildings which have been erected on the land for the purpose of

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adapting the land for . . . . .<sup>F23</sup> allotments, and, on proof to the satisfaction of the Commissioners that any such buildings are useless, and that it is to the interest of the benefice that they should be removed, the incumbent may, with the consent of the Commissioners, and subject to such directions as they may give, pull down any such buildings and dispose of the materials thereof, and any proceeds shall be paid to the Commissioners to be by them applied to the improvement of the benefice in such manner as the Commissioners may direct.

#### Textual Amendments

**F23** Words repealed with saving as to cottage holdings by [Agriculture Act 1970 \(c. 40\)](#), s. 65(1), Sch. 3 para. 5, **Sch. 5 Pt. III**

#### Marginal Citations

**M5** 1871 c. 43.

*Co-Societies, &c. Societies,&c.*

## 49 Co-operative societies, &c.

- (1) A county [<sup>F24</sup>or borough or urban district] council may promote the formation or extension of, and may, subject to the provisions of this section, assist, societies on a co-operative basis, having for their object, or one of their objects, the provision or the profitable working of small holdings or allotments, whether in relation to the purchase of requisites, the sale of produce, credit banking, or insurance, or otherwise, and may employ as their agents for the purpose any such society as is mentioned in subsection (4) of this section.
- (2) The county [<sup>F24</sup>or borough or urban district] council, . . .<sup>F25</sup> may for the purpose of assisting a society make grants or advances to the society, or guarantee advances made to the society, upon such terms and conditions as to rate of interest and repayment or otherwise, and on such security, as the council think fit. [<sup>F26</sup>The council may also let to the society accommodation for the storage or sale of goods.]
- (3) Where the Board themselves provide small holdings . . .<sup>F27</sup> they may, with respect to any such society carrying on business or intending to carry on business in the neighbourhood of those small holdings, exercise the powers of a county council under this section, and the provisions of this section shall apply accordingly, except that references to the Treasury shall be substituted for references to the Local Government Board, and that the expenses and receipts of the Board under this section shall be paid out of and into the Small Holdings Account.
- (4) The Board with the consent of the Treasury may out of the Small Holdings Account make grants, upon such terms as the Board may determine, to any society having as its object or one of its objects the promotion of co-operation in connection with the cultivation of small holdings or allotments.

#### Textual Amendments

**F24** Words inserted by [Land Settlement\(Facilities\) Act 1919 \(c. 59\)](#), Sch.2

**F25** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), ss. 1(5), 194, Sch. 5 para. 1(d), **Sch. 34 Pt. V**



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- F26** Words added by [Small Holdings and Allotments Act 1926 \(c. 52\), Sch. 1](#)
- F27** Words repealed by [Land Settlement\(Facilities\) Act 1919 \(c. 59\), Sch.3](#)

### *Small Holdings and Allotments Committees*

**50** ..... **F28**

#### **Textual Amendments**

- F28** S. 50 repealed by [Agriculture Act 1947 \(c. 48\), Sch. 13](#)

### *Expenses and Borrowing*

**51** ..... **F29**

#### **Textual Amendments**

- F29** S. 51 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), s. 1\(1\), Sch. 1 Pt. VIII](#)

### **52 Borrowing powers and expenses.**

(1) A county council may borrow money for the purposes of the provisions of this Act relating to small holdings and for the purpose of making grants or advances to co-operative societies . . . . <sup>F30</sup>

(2) ..... **F31**

(3) ..... **F32**

(4) ..... **F33**

#### **Textual Amendments**

- F30** Words repealed by [Local Government Act 1929 \(c. 17\), Sch. 12 Pt. V](#); [Local Government Act 1933 \(c. 51\), s. 307, Sch. 11 Pt. IV](#) and [S.I. 1970/211](#)
- F31** S. 52(2), 53(5) repealed by [National Loans Act 1968 \(c. 13\), Sch. 6 Pt. II](#)
- F32** S. 52(3) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s. 194, Sch. 11 para. 2, Sch. 12](#)
- F33** Ss. 35(4), 52(4) repealed by [Local Government Act 1933 \(c. 51\), s. 307, Sch. 11 Pt. IV](#)

### **53 Expenses and borrowing.**

(1) ..... **F34**

(2) ..... **F35**

(4) The council of a borough, urban district, or parish may borrow for the purposes of acquiring, improving, and adapting land for allotments [<sup>F36</sup> and the council of a borough

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or urban district may borrow for the purpose of grants or advances to a co-operative society]—

- (a) ..... F34
- (b) ..... F34

(5) ..... F37

**Textual Amendments**

- F34** Ss. 53(1), 53(4)(a)(b) repealed by Local Government Act 1933 (c. 51), s. 307, **Sch. 11 Pt. IV** and S.I. 1970/211
- F35** S. 53(2) repealed by Local Government Act 1972 (c. 70, SIF 81:1), ss. 272(1), 273(1), **Sch. 30**
- F36** Words inserted by Land Settlement(Facilities) Act 1919 (c. 59), Sch.2
- F37** S. 52(2), 53(5) repealed by National Loans Act 1968 (c. 13), **Sch. 6 Pt. II**

54 ..... F38

**Textual Amendments**

- F38** S. 54 repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1), ss. 1(5), 194, Sch. 5 para. 2, **Sch. 34 Pt. V**

*Supplemental*

55, 56. .... F39

**Textual Amendments**

- F39** Ss. 1–22, 46(2), 55, 56, 58(2) repealed by Small Holdings and Allotments Act 1926 (c. 52), **Sch. 2**

**57 Local inquiries.**

(1) The Board . . . <sup>F40</sup> and . . . <sup>F40</sup> officers of the Board shall have for the purpose of an inquiry in pursuance of this Act the same powers as the Local Government Board and their inspectors respectively have for the purpose of an inquiry under the Public Health Acts.

(2) Notices of the inquiries shall be given and published in accordance with such general or special directions as the Board may give.

(3) ..... F41

**Textual Amendments**

- F40** Words repealed by Small Holdings and Allotments Act 1926 (c. 52), **Sch. 2**
- F41** S. 57(3) repealed by Local Government Act 1972 (c. 70, SIF 81:1), ss. 272(1), 273(1), **Sch. 30**

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**58 Arbitrations and valuations.**

- (1) All questions which under this Act are referred to arbitration shall, unless otherwise expressly provided by this Act, be determined by a single arbitrator in accordance with the [<sup>F42</sup>Agricultural Holdings Act 1986]
- (2) ..... <sup>F43</sup>
- (3) The remuneration of an arbitrator or valuer appointed under this Act shall be fixed by the Board.

**Textual Amendments**

**F42** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 2**

**F43** Ss. 1–22, 46(2), 55, 56, 58(2) repealed by [Small Holdings and Allotments Act 1926 \(c. 52\)](#), **Sch. 2**

**59** ..... <sup>F44</sup>

**Textual Amendments**

**F44** [S. 59](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), ss. 1(5), 194, Sch. 5 para. 2, **Sch. 34 Pt. V**

**60 Saving for existing tenancies.**

Nothing in this Act shall affect the rights and obligations under any tenancy created under any enactment repealed by this Act.

**61 Interpretation.**

- (1) For the purposes of this Act—

The expression “small holding” means an agricultural holding which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres, is at the date of sale or letting of an annual value for the purposes of income tax not exceeding [<sup>F45</sup>one hundred pounds]:

The expression “allotment” includes a field garden;

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 livestock, poultry, or bees, and the growth of fruit, vegetables, and the like:

..... <sup>F46</sup>

..... <sup>F47</sup>

The expression “prescribed” means prescribed by regulations made by the Board:

The expression “landlord,” in relation to any land compulsorily hired by a council, means the person for the time being entitled to receive the rent of the land from the council.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Small Holdings and Allotments Act 1908, Part III. (See end of Document for details)*

- (2) In this Act and in the enactments incorporated with this Act the expression “land” shall include any right or easement in or over land.
- (3) For the purposes of this Act, any expenses incurred by a council in the enfranchisement of any land acquired by them for small holdings or allotments, or in the purchase or redemption or . . . <sup>F48</sup> any quit rent, chief rent, tithe, or other rentcharge, or other perpetual annual sum issuing out of land so acquired, shall be deemed to have been incurred in the purchase of the land.
- (4) In this Act references to a parish council shall, in the case of a rural parish not having a parish council, include references to the parish meeting.
- (5) Any notice required by this Act to be served or given may be sent by registered post.

**Textual Amendments**

- F45** Words substituted by [Small Holdings and Allotments Act 1926 \(c. 52\), s. 16](#)
- F46** Definition of “county” repealed by [Local Government Act 1985 \(c. 51, SIF 81\), s. 102, Sch. 17](#)
- F47** Definition of “county council” repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\), ss. 272\(1\), 273\(1\), Sch. 30](#)
- F48** Words repealed by [Statute Law Revision Act 1964 \(c. 79\)](#)

**62 Repeal.**

F49

- (a) nothing in this Act shall affect any order, scheme, draft scheme, rules, regulations, report, petition, notice, or other document made, prepared, submitted, served, or given under any enactment so repealed, but every such document shall have effect as if made, prepared, submitted, served, or given under this Act; and
- (b) references in any conveyance, lease, or other document to any enactment so repealed shall have effect as if they had been references to the corresponding provisions of this Act; and
- (c) if any question arises as to whether any power of the Local Government Board under the enactments relating to allotments hereby repealed was thereby transferred to the Board of Agriculture and Fisheries, the question shall be determined by the Local Government Board, whose decision shall be final.

**Textual Amendments**

- F49** Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

**63 †Short title, commencement and extent.**

- (1) This Act may be cited as the Small Holdings and Allotments Act, 1908.
- (2) . . . . . <sup>F50</sup>
- (3) This Act shall not extend to Scotland or Ireland.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Small Holdings and Allotments Act 1908, Part III. (See end of Document for details)*

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**Textual Amendments**

**F50** [S. 63\(2\), Sch. 3](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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

**C10** A dagger appended to a marginal note means that it is no longer accurate

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Small Holdings and Allotments Act 1908, Part III.