Small Holdings and Allotments Act 1908

1908 CHAPTER 36 8 Edw 7

PART III

GENERAL

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)

C1 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)**

Changes to legislation:
There are currently no known outstanding effects for the Small Holdings and Allotments Act 1908, Section 44.