



# Small Holdings and Allotments Act 1908

1908 CHAPTER 36 8 Edw 7

## PART III

### GENERAL

#### *Provisions affecting Land acquired*

#### **47 Compensation for improvements.**

- (1) Where a council has let a small holding or allotment to any tenant [<sup>F1</sup>otherwise than under a farm business tenancy], 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>F2</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>F3</sup>

- (2) Where land has been hired by a council for small holdings or allotments [<sup>F4</sup>otherwise than under a farm business tenancy], the council shall (subject [<sup>F5F6</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>F7</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 the land for small holdings or allotments, as if the land were a holding to which [<sup>F7</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 [<sup>F7</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

*Changes to legislation: There are currently no known outstanding effects for the Small Holdings and Allotments Act 1908, Section 47. (See end of Document for details)*

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 <sup>F8</sup>he is not a tenant under a farm business tenancy and <sup>F9</sup>he so elects, claim compensation for improvements under <sup>F9</sup>section 3 of the Allotments Act 1922], instead of under the <sup>F10</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 <sup>F11</sup>who is not a tenant under a farm business tenancy]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.
- <sup>F12</sup>(5) In this section, “farm business tenancy” has the same meaning as in the Agricultural Tenancies Act 1995.]

#### Textual Amendments

- F1** Words in s. 47(1) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 1(2)** (with s. 37).
- F2** 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)**
- F3** 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
- F4** Words in s. 47(2) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 1(3)** (with s. 37).
- F5** Words repealed by [Land Settlement\(Facilities\) Act 1919](#) (c. 59), Sch.3
- F6** Words inserted by [Land Settlement\(Facilities\) Act 1919](#) (c. 59), Sch.2
- F7** Words substituted by [Agricultural Holdings Act 1986](#) (c. 5, SIF 2:3), ss. 99, 100, **Sch. 13 para. 3, Sch. 14 para. 1(3)**
- F8** Words in s. 47(3) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 1(4)** (with s. 37).
- F9** Words in s. 47(3) substituted (5.11.1993) by 1993 c. 50, s. 1(2), **Sch. 2 Pt. II para. 19**
- F10** Words substituted by [Agricultural Holdings Act 1986](#) (c. 5, SIF 2:3), ss. 99, 100, **Sch. 13 para. 3, Sch. 14 para. 1(4)**
- F11** Words in s. 47(4) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 1(5)** (with s. 37).
- F12** S. 47(5) inserted (1.9.1995) by 1995 c. 8, ss. 40, 41(2), **Sch. para. 1(6)** (with s. 37).

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

- C1** S. 47 applied by [Opencast Coal Act 1958](#) (c. 69), s. 41, **Sch. 8 para. 3(2)-(4)** (4)

**Changes to legislation:**

There are currently no known outstanding effects for the Small Holdings and Allotments Act 1908, Section 47.