

Allotments Act, 1925.

[15 & 16 GEO. 5. CH. 61.]



ARRANGEMENT OF SECTIONS.

A.D. 1925.

Section.

1. Interpretation.
2. Loans by Commissioners to allotment societies.
3. Provision for allotments in town-planning schemes.
4. Limit of expenditure on provision of allotments.
5. Acquisition of land for future allotments.
6. Amendment of section ten (3) of Act of 1922.
7. Amendment of section ten (4) of Act of 1922.
8. Sale, &c., of lands used as allotments.
9. Amendment of section eleven of the Act of 1922.
10. Rating of new allotments.
11. Amendment of section seventeen of the Act of 1922.
12. Allotment committees of urban authorities.
13. Records of purchase price, rent, and rateable value of land acquired.
14. Short title.



CHAPTER 61.

An Act to facilitate the acquisition and main-
tenance of allotments, and to make further
provision for the security of tenure of tenants
of allotments. [7th August 1925.]

A.D. 1925.

BE it enacted by the King's most Excellent Majesty,
by and with the advice and consent of the Lords
Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the authority of the same,
as follows :—

1. In this Act, unless the context otherwise re-
quires,—

Interpreta-
tion.

“ Allotment ” means an allotment garden as defined
by the Allotments Act, 1922, or any parcel of
land not more than five acres in extent culti-
vated or intended to be cultivated as a garden
or farm, or partly as a garden and partly as a
farm;

12 & 13
Geo. 5. c. 51.

“ Commissioners ” means the Public Works Loans
Commissioners;

“ The Act of 1922 ” means the Allotments Act, 1922.

2.—(1) Subject to such conditions and during such
period as the Treasury may prescribe, and up to an
aggregate amount approved by the Treasury, the Com-
missioners may, in manner provided by the Public Works
Loans Act, 1875, as amended by this section, lend to any
approved society money required for the purpose of
purchasing land to be used as allotments.]

Loans by
Commis-
sioners to
allotment
societies.
38 & 39 Vict.
c. 89.

A.D. 1925.

(2) Any loan made under the powers of this section shall be secured by mortgage or charge on the lands in respect of which the loan is made, and such other land or property (if any) as the society is willing to mortgage or charge with repayment of the loan.

(3) Lands purchased by an approved society, and in respect of which a loan is made by the Commissioners, shall thereafter, while owned by such society, be let to members of such society or others and used as allotments, provided that it shall be competent for the society to dispose of the land or any part thereof if so authorised by a resolution passed by two-thirds at least of the members present at a meeting of the society convened for this purpose by a notice stating the proposal for sale, and if the consent of the Minister of Agriculture and Fisheries is obtained :

Provided also that, if at the time of such sale any part of a loan made under this section remains unpaid, the sale shall also be subject to the consent of the Commissioners.

Nothing in this subsection shall affect or apply to the use or disposal of any such land by the Commissioners or any persons deriving title under them in such manner as they may think fit.

(4) The Commissioners shall not under this section advance a sum in excess of two-thirds of the value, as ascertained to the satisfaction of the Commissioners, of the land proposed to be acquired or make any advance to a society except where it is shown to the satisfaction of the Commissioners that an amount equal to one-third of the value of the land to be purchased has been provided from other sources in a manner approved by the Commissioners and has been, or will be, expended in part payment of the purchase price of the land to be mortgaged to the Commissioners.

(5) The rate of interest payable on the mortgage shall be such rate as the Treasury shall from time to time prescribe.

(6) The amount secured by the mortgage or charge, with interest thereon, shall be repayable within a period not exceeding thirty-five years by equal yearly or half-yearly instalments of principal and interest combined.

(7) The land comprised in the mortgage or charge must be freehold or copyhold land free from any mortgage or other charge affecting it in priority to the mortgage or charge of the Commissioners. A.D. 1925.
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(8) For the purposes of this Act “approved society” means—

(a) a society registered under the Industrial and Provident Societies Acts, 1893 to 1923, or the Friendly Societies Acts, 1896 to 1924, one of whose objects is the provision of allotments, and which, by its constitution or otherwise, is restricted in relation to the rate of interest on share and loan capital and the distribution of profits amongst its members so as to comply with regulations made in that behalf by the Treasury; or

(b) a company registered under the Companies Acts, 1908 to 1918, which does not trade for profit, or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury.

(9) The powers conferred by this section on the Commissioners are in addition to and not in derogation of any powers conferred on them by any other enactment.

3.—(1) Every local authority or joint committee of local authorities preparing a town-planning scheme in pursuance of the Town Planning Act, 1925, shall, in preparing such scheme, consider what provision ought to be included therein for the reservation of land for allotments. Provision for allotments in town-planning schemes. 15 Geo. 5. c. 16.

Before determining whether provision shall be included as aforesaid, the local authority or joint committee shall consult the council of any borough or urban district any part of whose district is within the area of the proposed scheme, and consider any recommendations which the council of the borough or urban district make.

Every local authority or joint committee submitting a town-planning scheme to the Minister of Health for his approval shall furnish therewith a statement under the hand of their clerk or other competent officer

A.D. 1925. — certifying that the requirements of this subsection have been complied with.

(2) The Minister of Health shall notify the Minister of Agriculture and Fisheries of any resolution passed by a local authority or joint committee deciding to prepare a town-planning scheme in pursuance of the Town Planning Act, 1925.

(3) The council of every borough or urban district, any part of whose district is within the area of a town-planning scheme, shall take into consideration from time to time, but at least once in every year, the question whether any and, if so, what lands within the area of the scheme are needed for allotments, whether reserved for the purpose or not, and ought to be acquired under and in accordance with the provisions of the Allotments Acts, 1908 to 1922, as amended by this Act.

(4) In the case of any borough or urban district for which an allotments committee is appointed under the Act of 1922, as amended by this Act, the council of the borough or urban district shall refer to their allotment committee any matter which they are required to consider under subsections (1) and (3) of this section, or which is referred to them for their consideration by any other local authority under subsection (1) of this section, and shall consider the report of the allotments committee thereon.

Limit of expenditure on provision of allotments.

4. Notwithstanding the provisions of section sixteen of the Act of 1922, the council of any borough or urban district may take proceedings under the provisions of the Allotments Acts, 1908 to 1922, relating to allotments if, in the opinion of the council, the expenses referred to in such section may reasonably be expected, after the proceedings are taken, to exceed the receipts of the council under those provisions by no greater amount than would be produced by a rate of one penny in the pound.

Acquisition of land for future allotments.

5. The council of a borough or urban district may acquire land for allotments, notwithstanding that the land or any part of it cannot immediately be let in allotments, provided that the Minister of Health is satisfied, after consultation with the Minister of Agriculture and Fisheries, that there is a reasonable expectation that the land will eventually be required for allotments.

6. Section ten of the Act of 1922 is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:—

A.D. 1925.
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Amendment
of section
ten (3) of
Act of 1922.

(b) by not less than three months' notice in writing given by the owner to the council in any case where the land is required for any purpose other than the use of the land for agriculture, sport, or recreation, and by not less than six months' notice in writing so given and expiring on or before the sixth day of April, or on or after the twenty-ninth day of September, where the land is required for use for sport or recreation.

7. The right of a tenant to claim compensation under subsection (4) of section ten of the Act of 1922 shall be exercisable notwithstanding that it is otherwise agreed in the contract of tenancy in any case where the rent payable by the tenant under his contract of tenancy for the land exceeds threepence per pole, unless, in the case of a tenancy existing at the passing of this Act, the council within three months after the passing of this Act gives notice in writing to the tenant that the rent of the land is as from the last preceding date for payment of rent reduced to a rent of threepence per pole or less.

Amendment
of section
ten (4) of
Act of 1922;

8. Where a local authority has purchased land for use as allotments the local authority shall not sell, appropriate, use, or dispose of the land for any purpose other than use for allotments without the consent of the Minister of Agriculture and Fisheries after consultation with the Minister of Health, and such consent shall not be given unless the Minister is satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority or that such provision is unnecessary or not reasonably practicable, and where such consent is obtained the sanction of the county council under section thirty-two of the Small Holdings and Allotments Act, 1908, shall not be required.

Sale, &c., of
land used as
allotments.

8 Edw. 7.
c. 36.

9. Section eleven of the Act of 1922 shall be read as if the period of twenty-one days were substituted therein for the period of ten days as the period within which a notice may be served on the person requiring possession.

Amendment
of s. 11 of
the Act of
1922.

A.D. 1925.

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Rating of
new allot-
ments.

10. Where after the date of this Act coming into operation land which is not used for allotments commences to be so used, the gross value, or the gross estimated rental, for the purposes of any enactment relating to rating, at which the land is assessed immediately before such user shall not be increased during the first three years of such user, and where the land so used was immediately before such user included with other land in one assessment in the valuation list in force, the gross value or gross estimated rental of the land included in that assessment shall for the purposes of this section be apportioned according to acreage as between the land used for allotments and the other land :

Provided that, if on the application of any person interested, or without any such application, it appears to the assessment committee that apportionment according to acreage would work an injustice, the gross value or gross estimated rental shall be apportioned in such manner as the assessment committee may determine.

Amendment
of section
seventeen of
the Act of
1922.

11. The provisions of subsection (1) of section seventeen of the Act of 1922, relating to the assessment of a council to rates shall apply to an approved society providing land for allotments in the same manner as it applies to a council, and subsection (2) of that section is hereby repealed.

Allotment
committees
of urban
authorities.

12.—(1) Subsection (1) of section fourteen of the Act of 1922 shall apply in any case where the total number of allotments provided by the council of a borough or urban district exceeds the number of four hundred, notwithstanding that the population of the borough or urban district is less than ten thousand.

(2) In section fourteen subsection (2) of the Act of 1922 the words “ be not more than one-third of the total
“ number of the members of the committee or be less
“ than two or one-fifth of such total number whichever
“ be the larger number ” are hereby repealed, and the following words shall be and are hereby substituted therefor “ be as near as may be one-third of the total
“ number of the members of the committee, and in no
“ case shall the number of representative members be
“ less than two.”

(3) This section shall not come into operation until the first day of November, nineteen hundred and twenty-five. A.D. 1925. —

13. Where land is purchased or leased by a local authority under the Allotments Acts, 1908 to 1922, or this Act, the local authority shall record the purchase price or rent agreed to be paid for the land, and the gross value or gross estimated rental at which the land is assessed for rating purposes at the date of its acquisition, where it is separately so assessed, or the apportioned part thereof as estimated by the local authority, where it is not so separately so assessed, and the particulars so recorded shall be included by each local authority in their annual report to the Minister of Agriculture and Fisheries under section fifty-nine of the Small Holdings and Allotments Act, 1908. Records of purchase price, rent, and rateable value of land acquired.

14.—(1) This Act may be cited as the Allotments Act, 1925, and the Allotments Acts, 1908 to 1922, and this Act may be cited together as the Allotments Acts, 1908 to 1925. Short title.

(2) This Act shall not apply to Scotland or Northern Ireland.

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