

Allotments Bill

FINANCIAL MEMORANDUM

1. Among the provisions of the Bill which (by virtue of clause 7, applying section 7 of the Allotments Act, 1922) are made applicable to Crown lands are those provisions removing restrictions on the right of tenants of allotment gardens to compensation for crops and manure (clause 2), conferring in certain cases on tenants of allotment gardens the right to compensation for disturbance (clause 3) and conferring on landlords of allotment gardens the right to compensation for deterioration of the land (clause 4).

2. The precise number of allotment gardens let by Government Departments is not known but it is probably not more than a thousand. It is not possible to form an estimate of the additional expenditure which may be incurred under the Bill, or of receipts which may accrue to the Exchequer, by reason of the provisions above referred to, but it is unlikely that the expenditure will exceed £100 in the financial year 1950-51.

3. All the above-mentioned provisions are applicable also to allotment gardens let by Local Authorities, and in addition clause 10 gives greater power to Local Authorities in the matter of incurring expenditure on the provision of allotments. Any additional expenditure of Local Authorities under this or the other provisions of the Bill may entail an increase in Exchequer Equalisation Grants under the Local Government Act, 1948. It is, however, impossible to form any estimate of the amount likely to be involved, as there are no means of predicting the extent to which Local Authorities may take advantage of the provisions of clause 10.

4. The provisions referred to in paragraph 1 above will also apply to any allotment gardens let on behalf of the Minister of Agriculture and Fisheries by the Agricultural Land Commission, whose expenses are, under the Agriculture Act, 1947, defrayed by the Minister. No increase, however, in the administrative expenses of the Minister of Agriculture and Fisheries is expected to be caused by the Bill.

Allotments Bill

ARRANGEMENT OF CLAUSES

Allotments

Clause.

1. Extension of length of notices to quit allotment gardens.
2. Cesser of restrictions on right of tenant of an allotment garden to compensation for crops and manure.
3. Compensation to tenant of an allotment garden for disturbance.
4. Right of landlord of an allotment garden to compensation for deterioration.
5. Set-off of compensation against rent, &c.
6. Exclusion of land let under emergency powers, &c.
7. Application of provisions of the Allotments Act, 1922, for purposes of preceding sections.
8. Restriction of obligations of local authorities to provide allotments.
9. Rents to be charged for allotments let by local authorities.
10. Expenditure by local authorities on allotments.

Abolition of contractual restrictions on keeping hens and rabbits

11. Abolition of contractual restrictions on keeping hens and rabbits.

Supplementary

12. Expenses and receipts.
13. Interpretation.
14. Short title, citation, extent and repeal.

SCHEDULE.—Enactments Repealed.

A
B I L L

TO

Amend the law relating to allotments and to abolish A.D. 1950
restrictions on the keeping of hens and rabbits.

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:—

5 *Allotments*

1.—(1) Paragraph (a) of subsection (1) of section one of the Allotments Act, 1922 (which specifies, as the only kind of notice to quit that may be given by a landlord in respect of land let on a tenancy for use by the tenant as an allotment garden or let to a local authority or association for the purpose of being sub-let for such use, a six months' or longer notice expiring on or before the sixth day of April or on or after the twenty-ninth day of September in any year) shall have effect with the substitution, for the reference to six months, of a reference to twelve months.

Extension of length of notices to quit allotment gardens.

15 (2) This section shall not affect the operation of a notice to quit given before the passing of this Act.

2.—(1) For subsection (2) of section two of the Allotments Act, 1922 (which restricts the right conferred by that section on the tenant of an allotment garden to recover compensation from his landlord on the termination of the tenancy to a case where the tenancy is terminated by the landlord and is so terminated between the sixth day of April and the twenty-ninth day of September or by re-entry at any time under paragraph (b), (c)

Cesser of restrictions on right of tenant of an allotment garden to compensation for crops and manure,

[Bill 24]

A.D. 1950 or (d) of subsection (1) of section one of that Act) there shall be substituted the following subsection:—

“ (2) Subject to the provisions of this section, compensation shall be recoverable under this section only if the tenancy is terminated by the landlord by notice to quit 5 or by re-entry under paragraph (b), (c) or (d) of subsection (1) of the last preceding section ”.

(2) This section shall not have effect in relation to a tenancy terminated by virtue of a notice to quit given before the passing 10 of this Act.

Compensation to tenant of an allotment garden for disturbance.

3.—(1) Where a tenancy under which land let, whether before or after the passing of this Act, for use by the tenant as an allotment garden or to a local authority or association for the purpose of being sub-let for such use is terminated, as to the whole or any part of the land comprised in the tenancy,— 15

(a) by re-entry under paragraph (b), (c) or (d) of subsection (1) of section one of the Allotments Act, 1922 ; or

(b) where the landlord is himself a tenant, by the termination of his tenancy ; or

(c) where the landlord is a local authority who have let the 20 land under section ten of the Allotments Act, 1922, by the termination of the right of occupation of the authority ;

the tenant shall, notwithstanding any agreement to the contrary, be entitled, on quitting the land or that part thereof, as the case 25 may be, to recover from the landlord compensation for the disturbance of an amount determined in accordance with subsection (2) of this section.

(2) The amount of any compensation recoverable under this section shall be— 30

(a) where the tenancy terminates as to the whole of the land, an amount equal to one year's rent of the land at the rate at which rent was payable immediately before the termination of the tenancy ;

(b) where the tenancy terminates as to part of the land, 35 an amount bearing to the amount mentioned in the foregoing paragraph the same proportion that the area of that part bears to the area of the whole of the land.

(3) Compensation under this section shall be in addition to any compensation to which the tenant may be entitled under 40 the Allotments Act, 1922.

(4) Subsection (2) of section four of the Allotments Act, 1922 (which enables the tenant of an allotment garden to recover compensation from a mortgagee who deprives him of possession) shall apply to compensation under this section as it applies to 45 compensation under that Act.

0

(5) This section shall not have effect in relation to a tenancy which has terminated before the date of the passing of this Act or terminates after that date in consequence of a notice given or of legal proceedings commenced before that date. A.D. 1950

5 4.—(1) Where the tenant of land let, whether before or after the passing of this Act, on a tenancy for use by the tenant as an allotment garden quits the land on the termination of the tenancy, the landlord shall, notwithstanding any agreement to the contrary, be entitled to recover from the tenant compensation for deterioration in respect of any deterioration of the land caused by failure of the tenant to maintain it clean and in a good state of cultivation and fertility. Right of landlord of an allotment garden to compensation for deterioration.

(2) The amount of any compensation recoverable under this section shall be the cost, as at the date of the tenant's quitting the land, of making good the deterioration. 15

(3) Where the tenant of land let on a tenancy for use by him as an allotment garden has remained therein during two or more tenancies, his landlord shall not be deprived of his right to compensation under this section in respect of deterioration of the land by reason only that the tenancy during which an act or omission occurred which in whole or in part caused the deterioration was a tenancy other than the tenancy at the termination of which the tenant quits the land. 20

(4) This section shall not have effect in relation to a tenancy which has terminated before the date of the passing of this Act or terminates after that date in consequence of a notice given or of legal proceedings commenced before that date. 25

5.—(1) Out of any money payable to a tenant by way of compensation under section two of the Allotments Act, 1922, or section three of this Act, the landlord shall be entitled to deduct any sum due to him from the tenant under or in respect of the tenancy (including any sum due by way of compensation under section four of this Act). Set-off of compensation against rent, &c. 30

(2) Out of any money due to the landlord from the tenant under or in respect of the tenancy (including any money due by way of compensation under section four of this Act), the tenant shall be entitled to deduct any sum payable to him by the landlord by way of compensation under section two of the Allotments Act, 1922, or section three of this Act. 35

40 6. The foregoing provisions of this Act shall not apply to land let by a local authority under Regulation sixty-two A of the Defence (General) Regulations, 1939, or to any parcel of land attached to a cottage. Exclusion of land let under emergency powers, &c.

A.D. 1950
Application of provisions of the Allotments Act, 1922, for purposes of preceding sections.

7. Section six of the Allotments Act, 1922 (which relates to the determination and recovery of compensation under the foregoing provisions of that Act) and section seven of that Act (which provides for the application of those provisions to Crown lands) shall have effect as if the references to those provisions included references to the foregoing provisions of this Act, and subsection (4) of section twenty-two of that Act (which provides, amongst other things, that, for the purposes of that Act, where land is used by the tenant thereof as an allotment garden, it shall, unless the contrary is proved, be deemed to have been let to him to be used as an allotment garden) shall have effect as if the reference to that Act included a reference to this Act.

Restriction of obligations of local authorities to provide allotments.

8. The obligation under the Allotments Acts, 1908 to 1931, of the council of a borough, urban district or parish and of the parish meeting of a rural parish not having a parish council to provide allotments shall—

(a) except in the case of the council of a borough or urban district the population whereof is, according to the last published census for the time being, ten thousand or upwards, be limited to the provision of allotment gardens ; and

(b) in the said excepted case, be limited to the provision of allotment gardens not exceeding twenty poles in extent.

Rents to be charged for allotments let by local authorities.

9.—(1) Land let by a council under the Allotments Acts, 1908 to 1931, for use as an allotment shall be let at such rent as a tenant may reasonably be expected to pay for the land if let for such use on the terms (other than terms as to rent) on which it is in fact let :

Provided that land may be let by a council as aforesaid to a person at a less rent if the council are satisfied that there exist special circumstances affecting that person which render it proper for them to let the land to him at a less rent.

(2) Not more than a quarter's rent for land let by a council as mentioned in subsection (1) of this section shall be required to be paid in advance :

Provided that this subsection shall not apply where the yearly rent is twenty shillings or less.

(3) In this section the references to a council shall be construed as including references to the parish meeting of a rural parish not having a parish council.

Expenditure by local authorities on allotments.

10.—(1) In subsection (1) of section sixteen of the Allotments Act, 1922 (which prohibits a council from taking proceedings under the provisions of the Allotments Acts unless in the opinion

of the council their expenses under those provisions may reasonably be expected to be defrayed out of their receipts under those provisions) for the words "to be defrayed out of the receipts of the council under those provisions", there shall be substituted
 5 the words "to exceed the receipts of the council under those provisions by no greater amount than would be produced by a rate of one and two-thirds pence in the pound"; and section
 seventy-five of the Local Government Act, 1929 (which increases
 such statutory limits upon local authorities' expenditure as are
 10 imposed by reference to specified rate poundages) shall not apply to the said section sixteen as amended by this subsection.

A.D. 1950

(2) Any expenditure incurred under the Allotments Acts, 1908 to 1931, or this Act by a parish council or the parish meeting of a rural parish not having a parish council shall be
 15 left out of account for the purposes of subsections (3) and (5) of section one hundred and ninety-three of the Local Government Act, 1933 (which subsections limit the sums which may be required to be raised in any financial year to meet the expenses of parish councils and meetings).

20 *Abolition of contractual restrictions on keeping hens and rabbits*

11.—(1) Notwithstanding any provision to the contrary in any lease or tenancy or in any covenant, contract or undertaking relating to the use to be made of any land, it shall be lawful for the occupier of any land to keep, otherwise than by way of trade
 25 or business, hens or rabbits in any place on the land and to erect or place and maintain such buildings or structures on the land as are reasonably necessary for that purpose:

Abolition of contractual restrictions on keeping hens and rabbits.

Provided that nothing in this subsection shall authorise any hens or rabbits to be kept in such a place or in such a manner as
 30 to be prejudicial to health or a nuisance or affect the operation of any enactment.

(2) This section shall have effect as from the time when Regulation sixty-two B of the Defence (General) Regulations, 1939, ceases to have effect as respects England and Wales.

35

Supplementary

12.—(1) Any expenses incurred by a Minister of the Crown or by any government department (other than the Commissioners of Crown Lands) in paying compensation under this Act shall be defrayed out of moneys provided by Parliament and any
 40 sums received by a Minister of the Crown or by any government department (other than the Commissioners of Crown Lands) by way of compensation under this Act shall be paid into the Exchequer.

Expenses and receipts.

A.D. 1950 (2) *Any increase attributable to the passing of this Act in the sums which, under any other enactment, are payable out of moneys provided by Parliament shall be defrayed out of moneys so provided.*

Interpretation. 13.—(1) In this Act the expressions “ allotment garden ” and “ landlord ” have the same meanings as they have for the purposes of the Allotments Act, 1922, and the provisions of subsection (1) of section twenty-two of that Act relating to the continued application to parties of the designations of landlord and tenant shall apply for the purposes of this Act as they apply for the purposes of that Act. 5 10

(2) References in this Act to any other enactment shall be construed as references to that enactment as amended by any subsequent enactment including, unless the context otherwise requires, this Act. 15

Short title, citation, extent and repeal.

14.—(1) This Act may be cited as the Allotments Act, 1950, and the Allotments Acts, 1908 to 1931, and this Act may be cited together as the Allotments Acts, 1908 to 1950.

(2) This Act shall not extend to Scotland or Northern Ireland. 20

(3) The enactments mentioned in the first and second columns of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULE

A.D. 1950

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
5 8 Edw. 7. c. 36	The Small Holdings and Allotments Act, 1908.	In section twenty-three, subsection (4).
12 & 13 Geo. 5. c. 51.	The Allotments Act, 1922.	In section two, subsection (5). Section thirteen.
10		In section sixteen, subsection (3).
15 & 16 Geo. 5. c. 61.	The Allotments Act, 1925.	Section four.

Allotments

A

B I L L

To amend the law relating to allotments
and to abolish restrictions on the
keeping of hens and rabbits.

*Presented by Mr. Thomas Williams
supported by
Mr. Webb and Mr. George Brown*

*Ordered, by The House of Commons,
to be Printed, 11 May 1950*

LONDON
PRINTED AND PUBLISHED BY
HIS MAJESTY'S STATIONERY OFFICE
To be purchased directly from
H.M. Stationery Office at the following addresses:
York House, Kingsway, London, W.C.2; 13a Castle
Street, Edinburgh, 2; 39 King Street, Manchester, 2;
2 Edmund Street, Birmingham, 3; 1 St. Andrew's
Crescent, Cardiff; Tower Lane, Bristol, 1; 80 Chichester
Street, Belfast
OR THROUGH ANY BOOKSELLER

Price 4d. net

[Bill 24]

(74613)