



Smallholdings & Allotments Act(s) Legislation for the Period 1908 to 1950

The table below provides some detail on the development of legislation affecting allotments during the first half of the 20th century. Between 1908 and 1950, the legislation for small agricultural holdings and allotments was intertwined. During this period, only the Allotments Acts of 1922 and 1925 dealt solely with allotments. The Agriculture Act 1947 separated out the legislation for small holdings and they have been dealt with separately since that date.

The table details only legislation which focuses primarily on allotments. Although the last such Act was introduced in 1950, many of the provisions made by the various Acts up to and including the Allotments Act 1950 have been affected by more recent pieces of legislation. For instance, the Local Government Act 1972 amended the allotments legislation in a number of matters of detail, for example, removing the requirement upon local authorities to establish allotments committees (contained in Section 12 of the Allotments Act 1925). Similarly, the Local Government, Planning and Land Act 1980 abolished a number of minor Ministerial controls over a local authority's administration of allotments. Other Acts which have impacted upon allotments include the Town and Country Planning Act 1971, the Local Government and Planning (Amendment) Act 1981 and the Acquisition of Land Act 1981. More recently, the Statute Law (Repeals) Act 1993 repealed various parts of the allotments legislation.

Allotments Legislation for the Period 1908 to 1950

Act and Date	Description and notes on most important Sections
Small Holdings and Allotments Act 1908	<p>Repealed and consolidated previous legislation and established the framework for the modern allotments system.</p> <p>Section 23 provides that if allotment authorities 'are of the opinion that there is a demand for allotments...in the borough, district or parish the council shall provide a sufficient number of allotments to persons...resident in the borough district or parish and desiring the same'. In determining demand an authority must take into consideration 'a representation in writing by any six registered parliamentary electors or rate payers'.</p> <p>Section 25 gives a local authority the power to compulsorily purchase land for allotments if land cannot be acquired by private agreement.</p> <p>Section 26 provides that an allotments authority 'may' make improvements to allotment land such as drainage, paths and hut construction.</p> <p>Section 32 deals with the 'Sale of superfluous or unsuitable land' and permits local authorities to sell land if they are 'of opinion that any land ... is not needed for the purpose of allotments'. However, Section 8 of the Allotments Act 1925 (see below) places restrictions on this process.</p> <p>Section 47 deals with compensation for allotment holders who are required to leave the site. These provisions were amended by the Allotments Act 1922.</p>
Land Settlement Facilities Act 1919	<p>This Act was mainly to assist returning servicemen and opened up allotments to all, not just 'the labouring population'.</p> <p>Made metropolitan borough councils allotment authorities for the first time.</p> <p>Section 22 enables an allotment authority to appropriate for allotments any land held for other purposes.</p>
Allotments Act	<p>This Act was established to provide allotment tenants with some security</p>

1922	<p>of tenure, laying down specific periods of notice and compelling most allotment authorities to appoint allotment committees, and provided tenants with greater compensation at the termination of their tenancy.</p> <p>Section 1 provides that an allotment garden tenancy may be determined by the landlord by notice to quit only if a six months or longer notice is given. This provision was amended by Section 1 of the Allotments Act 1950.</p> <p>Section 2 provides for compensation on being forced to quit an allotment, based on the value of the crops.</p> <p>Section 16 required allotments authorities to exact a 'full fair rent' for allotments. This provision was repealed by Section 10 of the Allotments Act 1950.</p> <p>Section 22 defines 'allotment gardens' as 'an allotment not exceeding forty poles in extent which is mainly cultivated by the occupier for the production of vegetables and fruit crops for consumption by himself or his family'.</p>
Allotments Act 1925	<p>This Act was intended to facilitate the acquisition and maintenance of allotments, and to make further provision for the security of tenure of tenants of allotments.</p> <p>Section 3 specifies that when a local authority is preparing a town-planning scheme, it must 'consider what provisions ought to be included therein for the reservation of land for allotments.' This provision was repealed by the Town and Country Planning Act 1947.</p> <p>Section 8 specifies that land purchased or appropriated by local authorities for use as allotments must not be disposed of without Ministerial consent. The Secretary of State must be 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'.</p> <p>Section 12 provided that a local authority with a population of over 10,000 should appoint an allotments committee which is responsible for all allotment matters with the exception of financial issues. This provision was repealed by the Local Government Act 1972.</p>
Small Holdings and Allotments Act 1926	<p>Made minor amendments to previous Acts but was mostly concerned with small holdings.</p> <p>Repealed sections 1-22 of Small Holdings and Allotments Act 1908 which related to small holdings.</p>
Agricultural Land (Utilisation) Act 1931	<p>Temporary measure passed at time of economic depression to assist the unemployed.</p> <p>Section 13 permitted the seizure of land for allotments and gave the Minister of Agriculture authority to provide allotments for the unemployed. This provision expired in 1939 under Section 19.</p>
Town and Country Planning Act 1947	<p>Made no specific reference to allotments but removed requirement made in 1925 Act for town planning authorities to consider allotment provision within town planning schemes.</p>
Allotments Act 1950	<p>Followed on from the Allotments Advisory Committee report of 1949. Made provision for better compensation following termination of tenancies, and clarified the systems for collecting rent.</p> <p>Section 1 increases the period of notice to be supplied to allotment holders to 12 months and this must expire during the winter months.</p> <p>Sections 2 to 6 deal with the compensation which should be payable to an allotment</p>

holder according to the season his tenancy terminates. Also, allotment holders who have allowed their plots to deteriorate through neglect are liable to pay for compensation for dilapidations on quitting.

Section 9 confines local authorities' obligation to 'allotment gardens'- in effect, making 'farm allotments' no longer statutory.

Section 10 amends the rent collection systems and allotments authorities may charge such rent "... as a tenant may reasonably be expected to pay for the land". This section also makes provision for the allotments authority to let land "... to a person at a less rent, if the Council are satisfied that there exist special circumstances affecting the person which render it proper for them to let the land at a less rent".

Section 12 allows certain forms of livestock (hens and rabbits) to be kept although this is, in some cases, restricted by local bye-laws.

Note: Allotment authorities in England and Wales are the district councils and, in Wales, community councils or, in England, London Boroughs and parish councils. County councils have very few responsibilities with regard to allotments, particularly after the Local Government Act 1972.

Note: The Department now having supervisory powers over allotments authorities in England is the Department of Environment, Transport and the Regions. Formerly, allotments were the responsibility of the Ministry of Agriculture, Fisheries and Food. The functions were transferred by S.I. 1970, No. 1681. The Scottish Parliament, the Welsh Parliament and the Northern Ireland Assembly have supervisory powers for the other parts of the United Kingdom.