

Any further communications should be addressed, not to any individual by name, but to—

"THE SECRETARY,

BOARD OF AGRICULTURE FOR SCOTLAND,
29 ST. ANDREW SQUARE,
EDINBURGH."

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29 ST. ANDREW SQUARE,
EDINBURGH.

Correspondents are requested:—

1. To quote the Number, Date, and Heading of each letter to which they reply; and
2. To let communications on different subjects form separate letters.

No. 31955.

Telegraphic Address—"BOAS, EDINBURGH."

23rd February, 1920.

Enclosure.

SIR,

ALLOTMENTS.

I am directed by the Board of Agriculture for Scotland to call the special attention of your Council to the amendments of the law relating to allotments which are contained in the Land Settlement (Scotland) Act, 1919, which came into operation on 1st January 1920.

1. NEW POWERS.

Under Part III. of this Act certain new powers and duties are imposed on Town Councils, and these are to be exercised as if they had been imposed by the Allotments (Scotland) Act, 1892, as amended by the new Act.

2. LEASING OF LAND BY AGREEMENT.

The procedure to be adopted by Town Councils for the leasing of land for allotments by agreement remains unaltered by the new statute, but certain important amendments are introduced where the Local Authorities find themselves unable to adjust a scheme amicably with the proprietor of the land which is required to meet the demand for allotments within the burgh.

3. COMPULSORY ACQUISITION.

If a Town Council is unable to acquire by agreement, by purchase or leasing land suitable for allotments, at a reasonable price or rent, and subject to reasonable conditions, the Council may, in terms of Section 20 of the Act of 1919, apply to the Board of Agriculture for Scotland for an order for the compulsory acquisition by purchase or leasing.

(a) *By Purchase.*—In the case of compulsory purchase, for the procedure contained in Section 3, Sub-Sections 2, 3, and 4 of the

The Town Clerk,

Act of 1892, there is substituted the simpler and quicker procedure in Section 20 of the Land Settlement (Scotland) Act, 1919. The Board are now empowered to issue the Order necessary for the carrying out of the Town Council's Scheme, and this Order does not require to be confirmed by Parliament. The Order shall incorporate the Lands Clauses Acts, with any necessary adaptations, and Sections 70 to 78 of the Railways Clauses Consolidation (Scotland) Act, 1845. The general effect of these sections, as read with Section 3 (7) of the Act of 1892, is that a Council is not entitled to the minerals under any land purchased by them compulsorily, and that if a Council wish to prevent the owner or lessee of such minerals from working them the Council must compensate the owner or lessee.

(b) *By Leasing*.—With regard to compulsory leasing, the Order to be issued by the Board will be subject generally to the provisions of Section 26 of the Local Government (Scotland) Act, 1894, which, as modified by the new Act, now enables a Town Council to apply to the Board for an Order authorising the Council to take on lease, compulsorily for allotments or common pasture, for a period of not less than ten, and not more than thirty-five years, such land in or near the burgh as is specified in the Order.

(c) A memorandum explanatory of the procedure to be adopted in the assessment of compensation in compulsory cases is enclosed herewith.

4. AVAILABLE LAND.

Section 26 (8) of the Act of 1894 prohibits the compulsory leasing of any mines or minerals on a Small Holding within the meaning of the Small Holdings Act, 1892, or the Land Settlement (Scotland) Acts, 1886-1919. Under Section 21 of the Act of 1919 a Town Council may, with the consent of the Secretary for Scotland, make available for allotments any land belonging to the Council that is not immediately required for the purpose for which it was acquired.

5. WHO MAY OBTAIN ALLOTMENTS.

In the Act of 1892 the obligation on Town Councils was confined to the provision of allotments for the labouring population, but this limitation has been removed by the new Act, and consequently applications for allotments from any class of qualified residents may be entertained.

6. COMPENSATION ON QUITTING.

Section 26 (6) of the Act of 1894 provides for the appointment of an arbiter to determine the compensation payable to or by a landlord on the quitting by a Town Council of land leased compulsorily.

7. CONTINUANCE OF EXISTING ALLOTMENTS PROVIDED UNDER DEFENCE OF THE REALM REGULATION 2 L.

Section 30 of the Land Settlement (Scotland) Act, 1919, declares that Section 1 of the Defence of the Realm (Acquisition of Land) Act, 1916, applies to land taken by the Board under Regulation 2 L., and that

the Board are entitled whilst in possession by themselves, or by any person deriving title under them, to continue in possession for a period not exceeding two years after the termination of the war.

8. ALLOTMENTS ON PARKS AND OPEN SPACES.

Section 30 (2) provides that where at the termination of the present war a Town Council is exercising powers under which they are owners or occupiers, Regulation 2 L. in respect of land of which they are owners or occupiers, the Council may continue to exercise these powers for two years after the termination of the present war.

9. PROVISIONS REGARDING THE LETTING, SIZE, ETC.

The powers contained in the following provisions to Section 26 (b) of the Local Government (Scotland) Act, 1894, now apply to allotments created on land taken on lease compulsorily, and are additional to any powers already held by the Council. The provisions of Section 7 (1), (3), (4), (5), and (6) of the Act of 1892 still, however, apply without any modification to allotments created on land purchased or leased by agreement or purchased by compulsion. The Board think the attention of all your officials dealing with the question of allotments should be particularly drawn to the different procedures governing the various types of cases.

Provisions referred to.

(a) May let to one person an allotment or allotments exceeding one acre, but, either not exceeding in the whole four acres of pasture or one acre of arable and three acres of pasture, or not exceeding four pounds in annual value; and

(b) may permit to be erected, on the allotment, any stable, byre, or barn; provided that such stable, byre, or barn shall not, unless erected with the assent in writing of the landlord, be the subject of compensation, but may be removed by the tenant on the determination of the tenancy; and

(c) shall not break up, or permit to be broken up, any permanent pasture, without the assent in writing of the landlord.

10. ASSISTANCE TO ALLOTMENT-HOLDERS.

A Town Council may, under Section 22 (1) of the Act of 1919, purchase implements and materials for re-sale to or use by allotment-holders where the Council are of opinion that the facilities for the purchase or hire of such implements, etc., from a Co-operative Society are inadequate.

11. DAMAGE TO ALLOTMENT CROPS.

Any person who, without lawful authority, causes damage to any crops growing on an allotment cultivated as a garden, is liable on summary conviction to a penalty not exceeding five pounds.

12. STAMP DUTY ON AGREEMENTS FOR LETTING ALLOTMENTS.

Section 22 (3) of the Act of 1919 provides that no stamp duty shall be payable on any agreement for the letting of any allotment or garden, whether provided by a Town Council or otherwise, or any duplicate of such agreement where the rent does not exceed ten shillings per annum, and no consideration other than rent is paid.

13. RESUMPTION BY LANDLORD.

The proprietor of land taken on lease under Section 26 of the Act of 1894 may resume possession of such land subject to the conditions specified in Section 26 (9) of the Act.

14. FINANCIAL CONDITIONS.

Section 18 (2) provides that all expenses incurred by the Town Council under the Act of 1892 shall be defrayed out of the public health general assessment, or out of moneys borrowed on the security of that assessment, subject to the provisions of the Public Health (Scotland) Act, 1897.

15. CONSULTATIVE COMMITTEES.

In Section 19 authority is given to the Secretary for Scotland to require Town Councils to appoint annually a Committee to consult with the Council on matters relating to allotments. Membership of this Committee is not restricted to Town Councillors.

16. REGULATION 2 L.

In view of the powers of compulsory acquisition conferred on the Board by the Act of 1919, I am directed to say that as from the date hereof, the powers delegated to Councils under the Cultivation of Lands Orders made under Defence of the Realm Regulation 2 L. as regards entry on unoccupied land for the purpose of allotments, *shall no longer be exercised without the previous consent of the Board*, which in the case of occupied as well as unoccupied lands will be given only in very exceptional circumstances.

In conclusion I am to ask that this letter may be brought to the notice of your Council at an early date, and that they will consider without delay what steps should be taken to provide allotments wherever there is an unsatisfied demand, or where existing allotment-holders are likely to be dispossessed.

I am,

SIR,

Your obedient Servant,

CHAS. WEATHERILL,
Secretary.