

**ALLOTMENTS ACTS
1908 – 1950
Rules as to Allotment
Gardens.**



**MADE BY THE COUNCIL OF THE CITY AND DISTRICT OF ST. ALBANS
WITH RESPECT TO ALLOTMENT GARDENS FOR THE DISTRICT.**

INTERPRETATION OF TERMS

1. Throughout these rules the expression "the Council" means the Council of the City and District of St. Albans and includes any committee of the Council or any allotment managers appointed by the Council under the Allotments Act 1908 to 1950.

**DEFINITION OF PERSONS ELIGIBLE
TO BE TENANTS OF THE ALLOTMENT
GARDENS**

2. Any man or woman, who at the time of application to the Council for an allotment garden, is resident in the District shall be eligible to become a tenant of an allotment garden subject to the statutory provisions that one person shall not hold allotments acquired under the above-mentioned Acts exceeding 5 acres.

**DIVISION OF THE LAND INTO
ALLOTMENT GARDENS**

3. The Council, before giving notice of their intention to let any land for allotment gardens, shall divide the land, and shall cause a plan to be prepared showing each allotment garden, and distinguishing it by a separate number.

**NOTICES TO BE GIVEN FOR THE
LETTING OF ALLOTMENT GARDENS**

4. The Council shall give public notice by bills or placards, posted in some conspicuous places in the District or otherwise exhibited therein, setting forth

The particulars as to any allotment gardens which they propose to let.

Such notice shall specify the allotment gardens to be let, the rent to be paid for the same, and the name and address of the Director of Housing and Corporate Policies of the Council to whom applications for the hiring of an allotment garden are to be sent.

If any special condition is to apply to the allotment gardens, or any of them, the notice shall specify such conditions or state where copies of the form of agreement for letting of such allotment gardens may be seen. If the tenant is to pay for tenant right or compensation for improvements, this fact and the amount, if then ascertained, shall be stated in the notice.

**RULES AS TO LETTING OF
ALLOTMENT GARDENS AND FOR
PREVENTING ANY UNDUE
PREFERENCE IN SUCH LETTING**

5. Every application for an allotment garden shall be in the form appended to these rules, and shall be sent or delivered to the Director of Housing and Corporate Policies, who shall enter particulars of the application in a register to be provided for the purpose.

In letting an allotment garden for which there are two or more applicants eligible to become tenants and likely to keep the allotment garden in a proper state of cultivation, preference shall be given to an applicant who does not hold an allotment garden or agricultural land (other than a garden of 20 poles or less attached to his residence) either from the

Council or otherwise over an applicant who does hold such land, but, subject to such preference, the allotment garden shall be let to the applicant whose name appears first on the list in the Council's register. A quitting tenant of land shall for the purposes of this Rule be treated as not holding that land.

AGREEMENTS FOR LETTING ALLOTMENT GARDENS

6. An agreement to let an allotment garden to an applicant may be signed by the Director of Housing and Corporate Policies of the Council on behalf of the Council and may be in the form set out in the schedule to these rules.

GENERAL CONDITIONS UNDER WHICH THE ALLOTMENT GARDENS ARE TO BE CULTIVATED

7. The tenant of an allotment garden shall comply with the following conditions:-
 - 7.1 The tenant shall keep the allotment garden clean, free from weeds and well manured and otherwise maintain it in a good state of cultivation and fertility and in good condition, and shall keep any pathway or accessway included therein or abutting thereon, or, in the case of any pathway or accessway abutting on the allotment garden and any other allotment garden or allotment gardens, the half width of it, reasonably free from weeds.
 - 7.2 The tenant shall not cause any nuisance or annoyance to the occupier of any other allotment garden, or obstruct any path set out by the Council for the use of the occupiers of the allotment gardens.
 - 7.3 The tenant shall not underlet, assign or part with the possession of the allotment garden or any part of it, without the written consent of the Council.
 - 7.4 The tenant shall not, without the written consent of the Council, cut or prune any timber or other trees, or take, sell, or carry away any mineral, gravel, sand or clay.

- 7.5 The tenant shall keep every hedge that forms part of the allotment garden properly cut and trimmed, keep all ditches properly cleansed, and maintain and keep in repair any other fence and any gates on the allotment garden.
- 7.6 The tenant shall not without the written consent of the Council, erect any building on the allotment garden, provided that consent shall not be refused under this sub-paragraph to the erection of any building reasonably necessary for the purpose of keeping hens or rabbits.
- 7.7 The tenant shall not use barbed wire for a fence adjoining any path set out by the Council for the use of the occupiers of the allotment gardens.
- 7.8 The tenant shall not, without the written consent of the Council, plant any trees or fruit bushes or any crops which require more than 12 months to mature.
- 7.9 The tenant shall not deposit or allow other persons to deposit on the allotment garden any refuse, or place any matter in the hedges, ditches, or dykes situated in the allotment field of which the allotment garden forms part, or on the adjoining land.
- 7.10 The tenant shall not bring or cause to be brought into the allotment field of which the allotment garden forms part any dog.
- 7.11 The tenant shall not light or cause to be lit any bonfire which shall cause any nuisance or annoyance to the occupier of any other allotment garden or to the occupier of any land in the vicinity.
- 7.12 The tenant shall, as regards the allotment garden, observe and perform all conditions and covenants contained in the lease (if any) under which the Council holds the land.
- 7.13 The tenant shall observe and perform any other special condition which the Council consider necessary to preserve the allotment garden from deterioration, and of which notice to applicants for the allotment garden is given in accordance

with these rules, provided that no special condition made under this paragraph shall have the effect of prohibiting or restricting the keeping of hens or rabbits.

PAYMENT OF RENT

8. The rent of an allotment garden shall, unless otherwise agreed in writing, be paid yearly on 1st April in each year.

POWER TO INSPECT ALLOTMENT GARDENS

9. Any member or officer of the Council shall be entitled at any time when directed by the Council to enter and inspect any allotment garden.

TERMINATION OF A TENANCY OF AN ALLOTMENT GARDEN

10. The tenancy of an allotment garden shall, unless otherwise agreed in writing, terminate on the rent day next after the death of the tenant, and shall also terminate whenever the tenancy or right of occupation of the Council terminates.

It may also be terminated by the Council by re-entry after one month's notice:

- 10.1 if the rent is in arrears for not less than 40 days; or
- 10.2 if the tenant is not duly observing the rules affecting the allotment garden, or any other term or condition of his/her tenancy, or if the tenant becomes bankrupt or compounds with his/her creditors.

The tenancy may also be terminated by the Council or tenant by 12 months' notice in writing expiring on or before 6 April or on or after 29 September in any year.

The tenancy may also be terminated by the Council by re-entry after three months notice in writing on account of the allotment garden being required:-

- 10.2.1 for any purpose (not being the use of the same for agriculture) for which it was acquired by the Council or has been appropriated under any statutory provision or

- 10.2.2 for building, mining or any other industrial purpose or for roads or sewers necessary in connection with any of these purposes.

EXEMPTION OF CERTAIN LETTINGS FROM THESE RULES

11. These rules shall not apply to any land let to an association, or to any allotment garden which the Council under special circumstances, to be recorded in their minutes, may exempt from these rules, but shall apply, except as aforesaid, to an allotment garden though held under a tenancy made before these rules come into operation, but not so as to affect any right to compensation for an improvement executed before these rules come into operation.

SERVICE OF NOTICES

12. Any notice may be served on a tenant either personally or by leaving it at his/her last known place of abode, or by registered letter addressed to him/her there, or by fixing the same in some conspicuous manner on the allotment garden.