

Edlington Town Council



ALLOTMENT RULES – RELATING TO THE ALLOTMENTS OF EDLINGTON

Small Holdings & Allotments Act 1908-1919 (and subsequent Allotment Acts 1922, 1925 and 1950)

RULES

Made by the Town Council with respect to allotments for the Parish of Edlington.

Interpretation of Terms.

1. Throughout these rules the expression "the Council" means the Town Council of Edlington and includes any Committee of the Council and expression "the Parish" means the Parish of Edlington.

Definition of the persons eligible to be tenants of the Allotments.

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

Division of land in to Allotments

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

Notices to be given for the letting of the Allotments.

4. The Council shall give public notice by bills or placards, posted in a conspicuous place in the Parish otherwise exhibited therein, setting forth particulars as to any allotments which they propose to let, except where there are sufficient applicants already recorded on the register of applications.

Such notices shall specify the allotments to be let and the size thereof, rent to be paid for the same, the name and address of the Clerk to the Council which

applications for the hiring of an allotment or for forms of application are to be sent, and the last day for receiving an application for an allotment.

If any special condition is to apply to the allotments, or any of them, the notice shall specify such conditions, or state where copies of the Form of Agreement for Letting for such allotments may be seen.

If the tenant is to pay for tenant-right of compensation for improvements, this fact and the amount, if then ascertained, shall be stated in the notice.

Rules as to the letting of the Allotments and for preventing any undue preferences in the letting thereof.

5. The Council shall not let any allotment unless and until notice that they propose to let the same has been duly given in pursuance of the Rule in that behalf at least two weeks before the last day for receiving an application for such allotment.

Every application for an allotment shall be in the form appended to these Rules, and shall be sent or delivered to the Clerk to the Council or other duly authorised person.

In letting an allotment for which there are two or more applicants eligible to become tenants and likely to keep the allotment in a proper state of cultivation, preference shall be given to an applicant who does not hold an allotment 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 allotments shall be let to the applicants in the order of application, which shall be the order in which their names are entered in the register of applications, but the Council reserve the right to decide by the drawing of lots, any dispute as to priority, or any case in which the described method of letting appears to act unfairly. A quitting tenant of land shall for the purposes of this Rule shall be treated as not holding that land.

Agreements for letting Allotments

6. An agreement to let an allotment to an applicant may be signed by the Clerk to 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 Allotments are to be cultivated.

7. The tenant of an allotment shall comply with the following conditions:-
 - (1) S/He shall keep the allotment clean and in a state of good cultivation, fertility and in good condition. If s/he fails to keep the allotment in a good condition after he has been given a due warning and no improvement has resulted, he shall be given one months' notice to quit.
 - (2) S/He shall not cause any nuisance or annoyance to the occupier of other allotments, or obstruct any path set out by the Council for use of the occupiers of the allotments.
 - (3) S/He shall not underlet, assign or part with the possession of the allotment or any part of it without the written consent of the Council.

- (4) S/He shall not without the written consent of the Council cut or prune any timber or other trees, or take, sell or carry away any minerals, gravel, sand or clay.
- (5) S/He shall keep every hedge that that forms part of the allotment properly cut and trimmed, keep all ditches properly cleansed and shall maintain and keep in repair any other fences and any gates on the allotment.
- (6) S/He shall not without the written consent of the Council erect any building on the allotment.
- (7) He shall not without the written consent of the Council break up any pasture.
- (8) S/He shall not use barbed wire for a fence adjoining any path set out by the Council for the use of occupiers of the allotments.
- (9) S/He shall, as regards the allotment, observe and perform all conditions and covenants contained in the lease under which the Council hold the land.
- (10) S/He shall observe and perform any other special condition which the Council consider necessary to preserve the allotment from deterioration, and of which notice to applicants for the allotment is given In accordance with these Rules.
- (11) The amount of cultivation of his plot shall be less than two-thirds of the plot.

Special Rule as to Market Garden Improvements.

8. Except where it is otherwise expressly agreed in writing, an allotment is to be held subject to the following conditions which shall be endorsed on the agreement for letting the allotment :-

- (1) The allotment shall not be or treated as a market garden, but if the tenant executes any of the following improvements viz:-
 - (a) planting of standard or other fruit trees permanently set out:
 - (b) planting of fruit bushes permanently set out:
 - (c) planting of strawberry plants
 - (d) planting of asparagus, rhubarb and other vegetable crops which continue productive for two or more years:

S/He shall on the determination of the tenancy be not entitled to receive from the Council any compensation in respect of the increase in value (if any) in the value of the allotment to the Council due to these involvements.

- (2) The tenant may remove any fruit or other trees or bushes planted or acquired by him/her before the determination of the tenancy, levelling the surface of the land and restoring the same to a proper state and condition and making good any damage caused by the removal.
- (3) For the purpose of protecting the Council from claims for compensation for under the above mentioned improvements, the following improvements will be allowed however tenants carrying out such improvements do so in the full knowledge that no compensation will be paid to the tenant on the determination of the tenancy viz:-
 - (a) planting of standard or fruit trees permanently set out:
 - (b) planting of fruit bushes permanently set out:

- (c) planting of strawberry plants:
- (d) planting of asparagus , rhubarb and other vegetable crops which continue productive for two or more years.

Payment of Rent.

9. The rent of an allotment shall, unless otherwise agreed in writing, be paid on the 2nd February in each year.

Power to inspect Allotments.

10. Any Member or Officer of the Council shall be entitled at any time when directed by the Council to enter and inspect an allotment.

Determination of tenancy of an Allotment.

11. The tenancy of an allotment shall, unless otherwise agreed in writing, determine on the yearly rent day next after the death of the tenant and shall also determine when the tenancy of the Council determines.

The tenancy may also be determined by one month's notice in writing by the Council under Section 30 of The Small Holdings and Allotments ACT 1908

- (1) If the rent is in arrear for not less than 40 days after demand made for its' payment: or
- (2) If the Council is satisfied that, not less than three months' after commencement of the tenancy:-
 - (a) The tenant is not keeping the allotment clean in a good state of cultivation and fertility and in a good condition; or
 - (b) The tenant has failed to comply within reasonable time with any notice in writing by the Council served on the tenant requiring him/her to remedy any breach of or failure to comply with these rules.

The tenancy may also be determined by the Council or the tenant at the end of any year of the tenancy by twelve months' notice in writing.

Application of these Rules

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

At a meeting of the Town Council of Edlington, held on 13th December 2016 , foregoing Rules were hereby made by the Said Council.

Town Clerk

Town Council of Edlington

ALLOTMENT APPLICATION

Group 1	Group 2/3	Group 4	Group 5

Name of Applicant	Address inc. post code	Telephone

Allotment garden number(s)	
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Date application approved by Committee	Signature of Secretary

Date application approved by Allotment Officer	Signature of Officer

Allotment Committees should not notify individuals that their application has been accepted until this form has been duly signed as approved by the Allotment Officer (Town Council Clerk).