

Precedent : Provision and Letting of Allotments (England & Wales)

Pursuant to the provisions of **section 23 subsection (1) Small Holdings and Allotments Act 1908 (n1)** a Municipal authority in England & Wales * is under two Statutory and hence **mandatory** obligations, in respect of demand for allotments (**n2**) :

- (i) to provide a sufficient number of allotments ; and
- (ii) to let these to folk who wish to take them.

The obligations imposed by **s. 23 (1)** are **absolute** : they admit of neither challenge, argument, nor yet defence.

Authority for this statement is to be found in the provisions of **section 25 Small Holdings and Allotments Act 1908** which confers powers of compulsory acquisition of land for allotments on a Municipal authority. Compulsory purchase is, of course an option, but not one favoured by NSALG.

Where land for allotments is to be acquired compulsorily, NSALG prefers that the compulsory hiring, provided for in **section 39 subsection (2) Small Holdings and Allotments Act 1908**, be resorted to. This provides for a compulsory hiring of land for allotments, for a minimum of 14 years and a maximum of 35 years, on first hiring. Any such hiring would be at an agricultural rent, currently £65 - £85 per acre per year. In any such hiring, the Landlord Paramount (landowner) retains the reversionary interest in the land.

*'municipal authority' : parish Council, district council (**n3**), borough council, city council, county borough council, county council.

n1 demand for allotments is probably best evidenced according to the provisions of **section 23 subsection (2) Small Holdings and Allotments Act 1908**

: where six or more Parliamentary electors make written representations to the appropriate Municipal authority that allotments are wanted in that area, the said Council is then obliged to become pro-active in seeking land for allotments. It is not enough for a Municipal authority merely to 'consider' provision. There must be action on the part of the authority which evidences active seeking of land for provision and letting in accordance with **s. 23 (1)**.

n2 The **Small Holdings and Allotments Act 1908** is the principal Statute on allotments for the Jurisdiction of England & Wales. Later Statutes amend it, if at all.

please see over

n3 In a given Municipal area, where there obtains a district council and a parish council, the district council is precluded from exercising any function whatever which is connected with allotments : **paragraph 9 sub-paragraph (1) of Schedule 29** to the **Local Government Act 1972**.

Form of Application for an Allotment

To the Clerk of Parish***Town*****Borough***

District***County** Council :

I***We*** the undersigned, hereby make application for an allotment*

allotments*at the allotment site

provided by the Council. This application is made pursuant to the provisions of

section 23 subsection (2) Small Holdings and Allotments Act 1908.

Name :

Residence

Length of Time in Residence

When this application is granted I hereby agree to abide by any and all Rules of

Letting imposed by the Council.

Signed :

Date :