

EAST HERTFORDSHIRE DISTRICT COUNCIL

RULES AS TO NON-STATUTORY ALLOTMENT GARDENS

Made by the EAST HERTFORDSHIRE DISTRICT COUNCIL with respect to Non-Statutory Allotment Gardens for the said district

INTERPRETATION OF TERMS

1. Throughout these rules the expression “the Council” means the Council for the District of East Hertfordshire and includes any Committee of the Council or any allotment garden managers appointed by the Council or any Officers duly authorised by the Director of Environmental Services of the said Council.

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

2. Any man or women, 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 provision that one person shall not hold allotments exceeding 500 square metres.

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 THE 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 land which the Council has acquired for other statutory purposes but which the Council determines shall be used temporarily for the purposes of non-statutory allotment gardens.

Such notice shall specify the allotment gardens to be let, the rent to be paid for the same, the name and address of the Director of Environmental Services of the Council to whom applications for the hiring of an allotment garden are to be sent, and the last day for receiving applications.

If any special condition is to apply to the allotment garden, or any of them, the notice shall specify such condition or state where copies of the form of agreement for letting of such allotment gardens may be seen.

RULES AS TO THE LETTING OF THE ALLOTMENT GARDENS
AND FOR PREVENTING ANY UNDUE PREFERENCE
IN THE LETTING THEREOF

5. The Council shall not let any allotment garden 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 garden.

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 Environmental Services, 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 500 square metres (20 square poles approximately) 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 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 Environmental Services of the Council on behalf of the Council and may be in the form set out in the schedule of the 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:
- (1) He 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 cart track included therein or abutting thereon, or in the case of any pathway or cart-track abutting on the allotment garden and any other allotment garden or allotment gardens, the half-width thereof reasonably free from weeds.
 - (2) He 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.
 - (3) He shall not underlet, assign, or part with the possession of the allotment garden or any part of it.

- (4) 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 mineral, gravel, sand or clay.
- (5) He shall keep every hedge that forms part of the allotment properly cut and trimmed, keep all ditches properly cleansed, and maintain and keep in repair any other fences and any gates on the allotment garden.
- (6) He shall not without written consent of the Council erect any building on the allotment garden.
- (7) He shall not use any barbed wire for a fence adjoining any path set out by the Council for the use of the occupiers of the allotment gardens.
- (8) He shall not, without the written consent of the Council plant any trees or fruit bushes or any crops which require more than twelve months to mature.
- (9) He 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 fields of which the allotment garden forms part, or on the adjoining land.
- (10) He shall not bring, or cause to be brought into the allotment field of which the allotment garden forms part of any dog unless the dog is held on a leash.
- (11) He shall not keep or rear any livestock whatsoever either permanently or temporarily on the allotment garden.
- (12) He 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.

PAYMENT OF RENT

8. The rent of an allotment garden shall, unless otherwise agreed in writing, be paid in advance on the 1st day of April in each year and shall be of such amount as the Council may from time to time direct.

POWER TO INSPECT ALLOTMENT GARDENS

9. Any member or duly authorised Officer of the Council shall be entitled at any time to enter and inspect any allotment garden.

TERMINATION OF A TENANCY OF AN ALLOTMENT GARDEN

10. (1) The tenancy of an allotment garden shall, unless otherwise agreed in writing, terminate on the yearly rent day next after the death of the tenant, and shall also terminate whenever the tenancy or right of occupation of the Council terminates.
- (2) It may also be terminated by the Council by re-entry after one month's notice in writing:
 - (1) If the rent is in arrears for not less than 28 days.
 - (2) If the tenant is not duly observing the rules affecting the allotment garden, or any other term or condition of his tenancy, or if the tenant becomes bankrupt or compounds with his creditors.
- (3) The tenancy may also be terminated by the Council or tenant by twelve months notice in writing expiring on or before 6th April or on or after 29th September in any year.
- (4) 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:
 - (1) For any purpose (not being the use of the same for agriculture) for which it was acquired by the Council.
 - (2) For building, mining or any other industrial purpose or for roads or sewers necessary in connection with any of these purposes.
- (5) Nothing in these rules and conditions shall entitle the tenant to claim compensation from the Council in respect of the loss of his allotment or improvements thereto as a result of the Council retaking possession of his allotment garden(s) under the terms contained herein.

EXEMPTION OF CERTAIN LETTING 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 part or all of these rules, but shall apply, except as foresaid, to an allotment garden though held under a tenancy made before these rules came into operation, but not so as to affect any right to compensation for an improvement executed before these rules came into operation.

SERVICE OF NOTICE

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

If the Council desires to alter the rules, regulations and conditions herein either by addition, deletion or amendment, then the Council may do so by serving notices in writing specifying the alterations on all tenants concerned such notices to take effect from the deemed date of service.