

PROVISION OF ALLOTMENT GARDENS

By Section 23 of the Small Holdings and Allotments Act of 1908 is made the express duty of every Local Authority, except County Councils, who are of the opinion that there is a demand for allotments in their area, to provide a sufficient number of them and then to let them to persons resident in the area.

By way of providing a democratic means of bringing to the notice of the council (the Allotment Authority) a need for allotment gardens that may be considered to exist the Act further requires that the Authority must take into consideration any representations in writing made to them by any six registered parliamentary electors or ratepayers resident in the area, to the effect that the circumstances of the area are such that it is the duty of the Allotment Authority to provide allotment gardens.

Where allotment gardens are provided on land owned by the council, on a vote taken by the full council, such allotment gardens are deemed to be Statutory Allotments having ministerial protection, since such allotment land cannot be disposed of or appropriated without the consent of the Secretary of State for the Environment (now ODPM) in accordance with Section 8 of the Allotments Act 1925. He is precluded from giving consent to the disposal of the land purchased for allotments unless he is satisfied that adequate alternative provision will be made for the plot holders to be displaced or that such provision is unnecessary or not reasonably practicable. Such adequate alternative land should have been purchased or appropriated (not leased) for allotments and therefore subject thereafter to the protection of Section 8.

The general powers of the Allotment Authority to acquire land by agreement for allotment purposes (either by purchase or lease) is contained in Section 25 of the Allotment Act of 1908, which states that the District or Parish Council may, for the purpose of providing allotments, by agreement purchase or take on lease land, whether situate within or without their area.

Under Section 33 of the 1908 Act, the Allotment Authority are also empowered to accept the management of any land appropriated for allotments for the labouring poor of any place, from local wardens appointed under the Inclosure Acts 1845 – 1882, without purchasing the land. On such transfer the land will vest in the Allotment Authority.

By Section 40(1) of the 1908 Act any person having power to lease land for agricultural purposes for a limited time, whether or not subject to any consents or conditions, may, subject to such consents or conditions, lease land to a council for to purpose of allotments for a term not exceeding 35 years.

Section 120 of the Local Government Act, 1972 now gives Local Authorities general power to "acquire land within their area in advance of actual requirements, whilst Section 122 (in respect of District Councils) and Section 126 (in respect of Parish Councils) provides that any land belonging to a Local Authority, which is no longer required for the purpose for which it is held, may be appropriated for other purposes, which Includes allotment gardens.

A District Council (not a Parish Council) who is unable to acquire land by agreement by Section 25 of the 1908 Act may compulsorily purchase land for the purpose of allotments.

The powers of a council to acquire for allotments also include the powers under Section 42 of the 1908 Act to acquire land for the purpose of letting to allotment holders to rights of grazing



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