

# OFFICIAL PETITION

TO ..... (*..... Council*)

C/o The Council Clerk (*or specific local council department dealing with allotments*)

*Council Offices Address:*

Dated:

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**As constituency members of . . . . .**

We the undersigned ask that . . . . . Council fulfil its statutory duty under the provisions of the **Small Holdings and Allotments Act 1908** (including all subsequent additions and amendments), to provide land for allotment garden usage in our community. There is a demand for use of apace for crop growing by the local community to grow fruit, vegetables and any other food for personal consumption on a non commercial basis.

## ***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 local residents 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 where no other land is available. Compulsory purchase is also an option.

Where land for allotments is to be acquired compulsorily, We prefer 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 a current average agricultural rent, for the area 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.

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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.

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**.

If there is a demand for allotments the Council has a statutory duty to provide them. It has a further duty to consider the overall health, leisure and social needs of all sectors of the community.

We the signatories shown on the attached sheet therefore respectfully demand that you action our request forthwith.

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TO ..... (*..... Council*)

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*Council Offices Address:*

**Dated:**

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PETITIONER	Address & Post Code	Signature	Date
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