

# Revised Statute from The UK Statute Law Database

## Allotments Act (Northern Ireland) 1932 (Chapter 17)

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## Allotments Act (Northern Ireland) 1932 F1

### 1932 CHAPTER 17

An Act to enable certain local authorities to provide allotments of land, and for other purposes incidental thereto.

[7th June 1932]

#### Annotations:

**F1** Functions transf. by SRO (NI) 1944/43, 61 (pp.90,96); 1964/205; 1973/504; 1976 NI 6; 1972 c.9 (NI)

#### 1 Power of local authority to take on lease and use land for provision of allotments

(1) The council of a . . . **F1** district (in this Act referred to as “the local authority” ) may, if they think fit, provide allotments under and subject to the provisions of this Act for persons resident in the . . . **F1** district of the local authority.

(2) For the purpose of providing allotments under this Act the local authority may, . . . **F1**

(a) [**F2** acquire by agreement or take on lease] land whether situate within or without their . . . **F1** district; and

(b) use any land acquired by them and not for the time being required for the purpose for which such land has been acquired.

(3) The local authority may adapt for letting in allotments any land [**F2** which they have acquired or taken on lease] or are authorised to use, for the purpose aforesaid, by draining, fencing and dividing the land, making approaches thereto and erecting temporary storehouses thereon, or in such other way as [**F1 they think fit**], and may from time to time do such things as may be necessary for maintaining the drains, fences, approaches and storehouses or otherwise necessary for maintaining the allotments in a proper condition.

#### Annotations:

**F1** 1985 NI 15

**F2** 1949 c.21 (NI)

#### 2 Provisions as to letting of allotments

(1) [**F2** Any land acquired or taken on lease] or authorised to be used, for the purpose of providing allotments shall, subject to the provisions of this Act, be let by the local authority in accordance with the following conditions:—

(a) No allotment shall exceed one-eighth of an acre, statute measure, in extent;

(b) No person shall become the tenant of more than one allotment under this Act, nor shall any allotment be let to a person who is apart from the provisions of this Act in occupation of land to the extent of one-eighth of an acre, statute measure, or to any greater extent;

(c) In the selection of tenants the local authority shall, as between tenants who are otherwise equally suitable, give preference to applicants who, by reason of unemployment or the number of persons depending upon them, or for other reasons, are in poor circumstances;

- (d) The allotments shall be allocated by lot amongst the applicants selected by the local authority;
- (e) a person shall not, except with the consent in writing of the local authority, assign, sub-let or part with the possession of an allotment.
- (2) The allotments, . . . **F1**, shall be let at rents of such amounts as may reasonably be expected to defray the expenses of the local authority in connection with the allotments.
- (3) Every tenant shall be required to enter into an agreement in the prescribed form, undertaking to cultivate his allotment in accordance with the prescribed regulations, and pay in advance, by weekly or other instalments, the rent fixed by the local authority in respect of his allotment.
- (4) If at any time an allotment cannot be let in accordance with the foregoing provisions of this Act, the same may be let to any person whomsoever at the best annual rent which can be obtained for the same, without any premium or fine, and on such terms as may enable possession thereof to be resumed within a period not exceeding twelve months, should the allotment at any time be required to be let in accordance with the said provisions.

#### **Annotations:**

**F1** 1985 NI 15

**F2** 1949 c.21 (NI)

### **3 Conditions applying to tenants of allotments**

(1) Every tenant who—

- (a) within three weeks after an allotment has been allocated to him has not made such progress in the cultivation of the allotment as the local authority consider reasonable; or
- (b) has not properly cultivated his allotment within such period as the local authority consider reasonable; or
- (c) disobeys any provisions of this Act or of the prescribed regulations applying to his allotment; or
- (d) has failed to pay the rent of his allotment for a period of four consecutive weeks;

shall forfeit his allotment, and the local authority shall thereupon be entitled to take and recover possession thereof:

Provided that an allotment shall not be forfeited under this section except after one week's previous notice sent by post to, or delivered at, the usual or last known address of the tenant, to the effect that the allotment will be forfeited for the reasons specified in such notice.

(2) A tenant who has forfeited an allotment under this section shall, after such forfeiture, be disqualified from obtaining an allotment under the provisions of this Act:

Provided that this sub-section shall be deemed not to apply in any case where amends for the default causing the said forfeiture have been made to the satisfaction of the local authority.

### **4 Supply of manures, seeds and agricultural implements**

(1) The local authority may purchase manures, seeds and agricultural implements and may, in accordance with the prescribed regulations, supply any tenant of an allotment with agricultural implements and manure, and, if satisfied that the allotment has been properly prepared for the sowing of seeds, with seeds in such quantities as the local authority consider reasonable.

(2) Within six months after any manures, seeds or agricultural implements have been supplied under this section, the local authority shall take proceedings to recover any sums due in respect of such supply.

### **5 Duty of local authority to make regulations**

(1) The local authority shall make regulations—

- (a) for the cultivation of allotments provided by them;
- (b) for the preservation of good order in such allotments;
- (c) for prohibiting the keeping of live animals on such allotments;
- (d) for prescribing anything which is required by this Act to be prescribed by the local authority; and
- (e) generally, for carrying the provisions of this Act into effect in relation to allotments provided by the local authority.

*Subs. (2) rep. by 1985 NI 15*

(3) Copies of any regulations made and approved under this section shall be exhibited in some conspicuous place or places.

## 6 Recovery of possession and sums due

(1) Section fifteen **F2** of the Summary Jurisdiction (Ireland) Act, 1851 **M1**, shall apply for the purpose of the recovery by the local authority of possession of any allotment let by them under this Act, . . . **F3**.

(2) Any sum of money due to the local authority by any person in respect of the rent of an allotment, or the supply of manures, seeds or agricultural implements, or otherwise, shall, without prejudice to any other means of recovery, be recoverable in a summary manner as a small debt . . . **F1**.

### Annotations:

**F1** 1985 NI 15

**F2** 1935 c.13 (NI), see now 1981 NI 26

**M1** 1851 c. 92

**F3** 1997 NI 8

## 7 Power of local authority to assist associations in provision of allotments

(1) The local authority may make grants or loans for the purpose of assisting any approved association to provide allotments for persons qualified to be tenants of allotments under this Act. Any expenses incurred by the local authority for the said purpose shall be defrayed as expenses incurred by them in carrying the provisions of this Act into effect.

(2) The local authority may, . . . **F1**, let to an approved association [**F2** any land acquired or taken on lease] or authorised to be used by the local authority for the purpose of providing allotments under this Act, but so that the approved association shall not use such land except in order to provide allotments in accordance with this Act for persons qualified thereunder to be tenants of such allotments.

(3) In this section the expression "approved association" means any association of persons (not trading for profit) approved by the [**F1** local authority], and being an association whose objects include the provision of allotments for persons qualified to be tenants of allotments under this Act.

### Annotations:

**F1** 1985 NI 15

**F2** 1949 c.21 (NI)

*Ss. 8-10 rep. by 1985 NI 15*

## 11 Penalty for damage to an allotment

Any person who, by any act done without lawful authority or by negligence, causes damage to any allotment, or any crops or fences or buildings thereon, shall be liable on summary conviction to a penalty not exceeding [**F1** level 1 on the standard scale]; but this provision shall not apply unless notice thereof is conspicuously displayed on or near the allotment.

### Annotations:

**F1** 1984 NI 3

*S. 12 rep. by SLR (NI) 1952*

## 13 Short title

(1) This Act may be cited as the Allotments Act (Northern Ireland), 1932.

*Subs. (2) rep. by 1954 c. 33 (NI)*

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